

# IN THE SUPREME COURT OF THE STATE OF NEVADA

MOHAMED ABDELLA MAHMOUD,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Mar 31 2022 02:08 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: C-18-334567-1

Docket No: 84408

# RECORD ON APPEAL VOLUME 1

**ATTORNEY FOR APPELLANT**  
MOHAMED MAHMOUD # 1222377,  
PROPER PERSON  
P.O BOX 208  
INDIAN SPRINGS, NV 89070

**ATTORNEY FOR RESPONDENT**  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89155-2212

**I N D E X**

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**ORIGINAL**

**FILED IN OPEN COURT**  
STEVEN D. GRIERSON  
CLERK OF THE COURT

**AUG 31 2018**

BY:   
KIMBERLY ESTALA, DEPUTY

1 **IND**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 DAVID L. STANTON  
6 Chief Deputy District Attorney  
7 Nevada Bar #003202  
8 SHANON CLOWERS  
9 Chief Deputy District Attorney  
10 Nevada Bar #010008  
11 200 Lewis Avenue  
12 Las Vegas, Nevada 89155-2212  
13 (702) 671-2500  
14 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-18-334567-1  
IND  
Indictment  
4776009



THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-18-334567-1

-vs-

DEPT NO: XXX

MOHAMED ABDALLA MAHMOUD,  
#6093907

Defendant.

**INDICTMENT**

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

The Defendant above named, MOHAMED ABDALLA MAHMOUD, accused by the Clark County Grand Jury of the crime(s) of ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE (Category B Felony - NRS 202.287 - NOC 51445), committed at and within the County of Clark, State of Nevada, on or about the 11th day of August, 2018, as follows:

1 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill B.  
3 BUNITSKY, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at  
4 the said B. BUNITSKY with a firearm.

5 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill A.  
7 BACA, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at the said  
8 A. BACA with a firearm.

9 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
11 JOSE TREJO, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at  
12 the said JOSE TREJO with firearm.

13 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

14 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
15 PATRICK FRISBY, a human being, with use of a deadly weapon, to wit: a firearm, by  
16 shooting at the said PATRICK FRISBY with a firearm.

17 COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

18 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
19 AMANDA DAVIS, a human being, with use of a deadly weapon, to wit: a firearm, by  
20 shooting at the said AMANDA DAVIS with a firearm.

21 COUNT 6 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

22 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
23 VICTOR HERNANDEZ, a human being, with use of a deadly weapon, to wit: a firearm, by  
24 shooting at the said VICTOR HERNANDEZ with a firearm.

25 COUNT 7 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY  
26 WEAPON

27 did willfully, unlawfully, feloniously and intentionally place another person in  
28 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully

attempt to use physical force against another person, to wit: B. BUNITSKY, a protected person employed as a Las Vegas Metropolitan Police Department Officer, while B. BUNITSKY was performing his duties as a Las Vegas Metropolitan Police Department Officer, which Defendant knew, or should have known, that B. BUNITSKY was a Las Vegas Metropolitan Police Department Officer, with use of a deadly weapon, to wit: a firearm, by shooting at the said Officer B. BUNITSKY with a firearm.

COUNT 8 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: A. BACA, a protected person employed as a Las Vegas Metropolitan Police Department Officer, while A. BACA was performing his duties as a Las Vegas Metropolitan Police Department Officer, which Defendant knew, or should have known, that A. BACA was a Las Vegas Metropolitan Police Department Officer, with use of a deadly weapon, to wit: a firearm, by shooting at the said Officer A. BACA with a firearm.

COUNT 9 - ASSAULT WITH A DEADLY WEAPON

did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: JOSE TREJO, with use of a deadly weapon, to wit: a firearm, by shooting at the said JOSE TREJO with a firearm.

COUNT 10 - ASSAULT WITH A DEADLY WEAPON

did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: PATRICK FRISBY, with use of a deadly weapon, to wit: a firearm, by shooting at the said PATRICK FRISBY with a firearm.

//

//

1 COUNT 11 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in  
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
4 attempt to use physical force against another person, to wit: AMANDA DAVIS, with use of a  
5 deadly weapon, to wit: a firearm, by shooting at the said AMANDA DAVIS with a firearm.

6 COUNT 12 - ASSAULT WITH A DEADLY WEAPON

7 did willfully, unlawfully, feloniously and intentionally place another person in  
8 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
9 attempt to use physical force against another person, to wit: VICTOR HERNANDEZ, with  
10 use of a deadly weapon, to wit: a firearm, by shooting at the said VICTOR HERNANDEZ  
11 with a firearm.

12 COUNT 13 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

13 did willfully, unlawfully, and feloniously enter ROSS, located at 4000 Blue Diamond  
14 Road, Las Vegas, Clark County, Nevada, with intent to commit Attempt Murder and/or  
15 Assault with a Deadly Weapon, while in possession of a firearm.

16 COUNT 14 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

17 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
18 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge  
19 a firearm within or from the structure, while being within an area designated by a City or  
20 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

21 COUNT 15 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

22 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
23 structure, located at 4000 Blue Diamond Road, Las Vegas Clark County, Nevada, discharge a  
24 firearm within or from the structure, while being within an area designated by a City or County  
25 Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

26 COUNT 16 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

27 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
28 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge

1 a firearm within or from the structure, while being within an area designated by a City or  
2 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

3 COUNT 17 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

4 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
5 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge  
6 a firearm within or from the structure, while being within an area designated by a City or  
7 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.


8 COUNT 18 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

9 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
10 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge  
11 a firearm within or from the structure, while being within an area designated by a City or  
12 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

13 DATED this 30 day of August, 2018.

14 STEVEN B. WOLFSON  
15 Clark County District Attorney  
16 Nevada Bar #001565

17 BY

18   
19 DAVID L. STANTON  
20 Chief Deputy District Attorney  
21 Nevada Bar #003202

22 ENDORSEMENT: A True Bill

23 

24 Foreperson, Clark County Grand Jury  
25  
26  
27  
28

Names of Witnesses and testifying before the Grand Jury:

BUNITSKY, BRYON - LVMPD

DAVIS, AMANDA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

FRISBY, PATRICK – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

HERNANDEZ, VICTOR – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

PATTON, JOSEPH – LVMPD #8289

TREJO, JOSE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

Additional Witnesses known to the District Attorney at time of filing the Indictment:

BACA, AARON – LVMPD #8754

CRUZ, BRIAN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

REED, CIENNA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SANCHEZ, VICTOR - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SNOW, CHERYL – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

THOMPSON, JOSEPH – LVMPD #6451

17CGJ110X/18F14914X/ed-GJ  
LVMPD EV# 1808112712  
(TK2)

WARR

**ORIGINAL**  
DISTRICT COURT  
CLARK COUNTY, NEVADA

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

AUG 31 2018

BY,   
KIMBERLY ESTALA, DEPUTY

THE STATE OF NEVADA,

Plaintiff,

-VS-

MOHAMED ABDALLA MAHMOUD  
ID#6093907

Defendant.

CASE NO: C-18-334567-1

DEPT NO: XXX

**WARRANT FOR ARREST**

C-18-334567-1  
WARR  
Warrant  
4776010



**INDICTMENT WARRANT**

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 31st day of August, 2018, in the above entitled Court, charging Defendant MOHAMED ABDALLA MAHMOUD, above named, with the crime(s) of: (6) CTS - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); (2) CTS - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); (4) CTS - ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); (1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and (5) CTS - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE (Category B Felony - NRS 202.287 - NOC 51445).

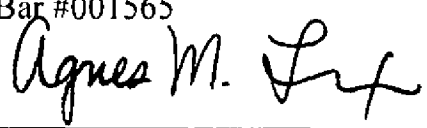
**YOU ARE, THEREFORE, COMMANDED** forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ 500,000 w/ H.A. Source hearing and surrender passport

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night.

GIVEN under my hand this 31st day of August, 2018.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY

  
DAVID STANTON  
Chief Deputy District Attorney  
Nevada Bar #003202

  
DISTRICT JUDGE  
LINDA BELL  
BAIL \$ 500,000.00 with house arrest,  
Source hearing and surrender  
Passport

DA# 17CGJ110X/18F14914X/ed  
LVMPD EV#1808112712  
6/26/1981; UMA; 766-57-5504;  
(TK2)

**RET**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
DAVID STANTON  
Chief Deputy District Attorney  
Nevada Bar #003202  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,  
  
-vs-  
  
MOHAMED ABDALLA MAHMOUD,  
ID#6093907  
  
Defendant.

CASE NO: C-18-3334567-1  
DEPT NO: XXX

**INDICTMENT WARRANT RETURN**

An Indictment having heretofore been found on the 31st day of August, 2018, in the above entitled Court, charging Defendant MOHAMED ABDALLA MAHMOUD, above named, with the crime(s) of: (6) CTS - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); (2) CTS - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); (4) CTS - ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 0201); (1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony NRS 205.060 - NOC 50426) and (5) CTS - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE (Category B Felony - NRS 202.287 - NOC 51445), and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the \_\_\_\_ day of \_\_\_\_\_ 2018.

JOSEPH LOMBARDO  
Sheriff, Clark County, Nevada

BY: \_\_\_\_\_  
Deputy

**THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
9 - 13  
WILL FOLLOW VIA  
U.S. MAIL**

RET  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
DAVID STANTON  
Chief Deputy District Attorney  
Nevada Bar #003202  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

Electronically Filed  
09/04/2018

  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MOHAMED ABDALLA MAHMOUD,  
ID#6093907

CASE NO: C-18-3334567-1  
DEPT NO: XXX

Defendant.

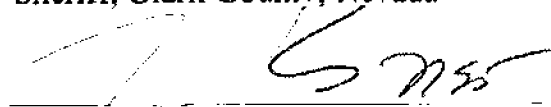
**INDICTMENT WARRANT RETURN**

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I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the 1<sup>st</sup> day of September 2018.

JOSEPH LOMBARDO  
Sheriff, Clark County, Nevada

BY:

  
Deputy

WARR

DISTRICT COURT  
CLARK COUNTY, NEVADA

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

AUG 31 2018

THE STATE OF NEVADA,

Plaintiff,

-vs-

MOHAMED ABDALLA MAHMOUD  
ID#6093907

Defendant.

BY, KIMBERLY ESTALA, DEPUTY

CASE NO: C-18-334567-1

DEPT NO: XXX

WARRANT FOR ARREST

INDICTMENT WARRANT

THE STATE OF NEVADA,

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An Indictment having been found on the 31st day of August, 2018, in the above entitled Court, charging Defendant MOHAMED ABDALLA MAHMOUD, above named, with the crime(s) of: (6) CTS - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); (2) CTS - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); (4) CTS - ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); (1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and (5) CTS - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE (Category B Felony - NRS 202.287 - NOC 51445).

**YOU ARE, THEREFORE, COMMANDED** forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ 500,000.

I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night.

GIVEN under my hand this 31st day of August, 2018.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY

David Stanton  
DAVID STANTON  
Chief Deputy District Attorney  
Nevada Bar #003202

Linda Bell  
DISTRICT JUDGE  
LINDA BELL  
BAIL \$ 500,000

11th Aug 2018  
Surf. in passport  
IED COPY

DA# 17CGJ110X/18F14914X/ed  
LVMPD EV#1808112712  
6/26/1981; UMA; 766-57-5504;  
(TK2)

LEAD TO #807-00P

INTEAKE NAME (AKA, ALIAS, ETC.) LAST FIRST MAHAMED MOHAMED  
HOME ADDRESS (STREET # AND STREET NAME) 4160 MCCRAW BLDG/APT. # 416 CITY PAHRUMP STATE NV ZIP 89061 PLACE OF BIRTH CAIRO, EGYPT  
DATE OF BIRTH U RACE HISP ETHN M SEX 6'02" WEIGHT 240 HAIR BLK EYES BRO \*SOCIAL SECURITY # \*CITIZENSHIP EGYPT \*ALIEN REGISTRATION #  
\*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) CC CC LV \*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP) CCDC LAS VEGAS, NV 89101

*ARR ** TYPE	*COURT JURIS	*WARRANT # / CASE #	*# CNTS	*NOC CODE	*M GM F	*CHARGE LITERAL	*ORD / NRS	*BAIL	*EVENT# / NIC#
GJI	DC	C-18-334567-1	1	50031	<input checked="" type="checkbox"/>	ATT MURDER, E/DW	200.010	\$100000	1808112712
GJI	DC	C-18-334567-1	1	50031	<input checked="" type="checkbox"/>	ATT MURDER, E/DW	200.010	TB	
GJI	DC	C-18-334567-1	1	50031	<input checked="" type="checkbox"/>	ATT MURDER, E/DW	200.010	TB	
GJI	DC	C-18-334567-1	1	50031	<input checked="" type="checkbox"/>	ATT MURDER, E/DW	200.010	TB	
GJI	DC	C-18-334567-1	1	50031	<input checked="" type="checkbox"/>	ATT MURDER, E/DW	200.010	TB	
GJI	DC	C-18-334567-1	1	50031	<input checked="" type="checkbox"/>	ATT MURDER, E/DW	200.010	TB	
GJI	DC	C-18-334567-1	1	50031	<input checked="" type="checkbox"/>	ATT MURDER, E/DW	200.010	TB	

\*OTHER JURISDICTION: PC - PROBABLE CAUSE BS - BOWSMAN SURRENDER BW - BENCH WARRANT AW - ARREST WARRANT RM - REMAND GJI - GRAND JURY INDICTMENT  
TIME STAMP AT BOOKING 8/31/2018 4:14 PM  
ARRESTING OFFICER SIGNATURE  
PRINTED NAME  
OT  
FIRST APP DATE: TIME STAMP AT RELEASING

TRANSPORTING OFFICER SIGNATURE  
PRINTED NAME  
AGENCY  
AREA CMD  
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☒ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ NDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ MIV ☐ COURTESY HND ☐ DETAINER☒ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ NDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ MIV ☐ COURTESY HND ☐ DETAINER

INTAKE NAME (AKA, ALIAS, ETC.)	LAST	FIRST	MIDDLE	TRUE NAME	LAST	FIRST	MIDDLE

MAHAMED	ABDALLA	MAHMOUD	MOHAMED	ABDALLA
MOHAMED				

*HOME ADDRESS (STREET # AND STREET NAME)	BLDG./APT. #	*CITY	*STATE	*ZIP	*PLACE OF BIRTH
4160 MCGRAW	416	PAHRUMP	NV	89461	CAIRO EGYPT

*DATE OF BIRTH	*RACE	*ETHNICITY	*SEX	*HEIGHT	*WEIGHT	*HAIR	*EYES	*SOCIAL SECURITY #	*CITIZENSHIP	*ALIEN REGISTRATION #	<input type="checkbox"/> US VETERAN
11			M	5'00"	140	BLK	BRN				

* LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP)				* LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP)			
0	IN	802	240	BLN	BRD		EGYP1
<input checked="" type="checkbox"/> CC <input type="checkbox"/> LV							
				<input type="checkbox"/> CITIZEN'S ARREST			
				<input type="checkbox"/> ACTIVE MILITARY			

WARD #	3 Count	NA	Zone			
WARRANT LAS VEGAS, NV 89101				CCDC LAS VEGAS, NV 89101		
				<input checked="" type="checkbox"/> SPEAKS ENGLISH		

DATE TYPE	COURT JURIS	*WARRANT # / CASE #	# CNTS	DOC CODE	M GM	F	*CHARGE LITERAL	*ORD / MRS	*BAIL	*EVENT# / INC
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GJI	DC	C-18-334567-1	1	50205	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	ASSAULT ON PROTECTED PERS. W/DW	200.471.2C	TB
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GUL	DC	C-18-334567-1	1	50205	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	ASSAULT ON PROTECTED PERS, WIDW	200.471.2C	TB
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601	DC	C-18-334567-1	1	50201	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	ASSAULT, WIDOW	200.471.2B	TR
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61	DC	C-18334867-1	1	50201	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ASSAULT, W/DW	200.471.2B	TB
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DC	C-18-334567-1	1	50201	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	ASSAULT, W/DW	200.471.2B	TB
GMI							

*OTHER JURISDICTION*		**ADJEST TYPE*						
GU	LC	C-18-33436/-1	1	50201	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	ASSAULT, WIDW	200.471.2B	TB

PC - PROBABLE CAUSE	BS - BONDSMAN SURRENDER	BM - BENCH WARRANT	AW - ARREST WARRANT	RM - REMAND	GJ - GRAND JURY INDICTMENT

1700

<b>TIME STAMP AT BOOKING</b>	<b>HANDS OFFICER'S SIGNATURE</b>	<b>SOLDIER'S NAME</b>	<b>RTM</b>	<b>LOCATION</b>	<b>INCIDENT NUMBER</b>	<b>OT</b>	<b>FIRST APP DATE:</b>
	<i>[Signature]</i>	<i>Camp</i>	<i>7795</i>	<i>12.MOV</i>			
<b>TIME STAMP AT RECEIVING</b>							

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COUNTRY	ASFA OWN	DATE	PRINTED NAME	TRANSPORTING OFFICER SIGNATURE
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FEDERAL BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	
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*RELATIONSHIP	NAME
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☐ DC

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RT LT RI LI SCORE:

CLARK COUNTY, NEVADA

DISTRICT COURT

Defendant.

DC Case No. C334567

3:14 p.m.

Reported by: Donna J. McCord, C.C.R. No. 337

1 GRAND JURORS PRESENT ON AUGUST 30, 2018:

2

3 KEITH NELSON, Foreperson

4 TAMA CLARK, Deputy Foreperson

5 JODI SHERROD, Secretary

6 GAIL ALCALAY, Assistant Secretary

7 MYRL-LEE BOYDEN

8 STEVEN BROWN

9 ARTHUR ELLIOTT

10 CARLTON FOGG

11 TIM GRISWOLD

12 VERNA HALL

13 MARCUS KNICKERBOCKER

14 OLGA LYLES

15 SHELLEY MYSZ

16 SHIRLEY RITZ

17 JOANN RODRIGUEZ

18 SCOTT SEXTON

19 TAY TOLLEFSEN

20

21 Also present at the request of the Grand Jury:

22 David Stanton,

23 Shanon Clowers

24 Chief Deputy District Attorneys

25

26

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1 LAS VEGAS, NEVADA, AUGUST 30, 2018

2 \* \* \* \* \*

3  
4 DONNA J. McCORD,

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

9 MR. STANTON: Good afternoon, ladies and  
10 gentlemen. My name is David Stanton. Along with Shanon  
11 Clowers we will be presenting the next case to you.  
12 This is a proposed Indictment involving a target by the  
13 name of Mohamed Abdalla Mahmoud.

14 Ladies and gentlemen, there is a number of  
15 different offenses. The elements are all outlined in  
16 each of the counts before you. Most of them are  
17 repetitive in nature in that they have the same  
18 elements, but the individual who is the victim or the  
19 location is slightly different, or they're repetitive in  
20 the sense of discharging a firearm because there's  
21 multiple rounds that you're going to hear.

22 So what I'm going to do as you've heard me  
23 present cases to you in the past is I'm going to read  
24 the elements of the offenses, and then in order not to  
25 be repetitive or to insult your intelligence, I'll just

1 describe to you the difference between the elements of  
2 the counts which will expedite the process.

3           So ladies and gentlemen, this presentation  
4 is going to involve the events that took place on the  
5 11th of August, 2018, here in Clark County.

6           Beginning on page 2, line 1, Count 1,  
7 attempted murder with use of a deadly weapon, the  
8 elements of that offense are that the target of this  
9 Indictment willfully, unlawfully, feloniously and with  
10 malice aforethought attempted to kill B. Bunitsky, a  
11 human being, with use of a deadly weapon, to-wit: a  
12 firearm, by shooting at the said Bunitsky with a  
13 firearm.

14           Bunitsky is not listed here but you will  
15 find out he's an officer with the Las Vegas Metropolitan  
16 Police Department.

17           Count 2, same elements, and that is attempt  
18 to kill A., initial A, Baca, B-A-C-A, and once again  
19 you'll hear testimony that is a Las Vegas Metropolitan  
20 police officer.

21           Count 3, the target or the victim of that  
22 offense listed on lines 10 and 11 is Jose Trejo,  
23 T-R-E-J-O, and that all of these are attempted murder  
24 with use a deadly weapon and in all counts the deadly  
25 weapon is a firearm.

1 Count 4, the victim there is Patrick  
2 Frisby.

3 Count 5, the victim is Amanda Davis.

4 Count 6, it's Victor Hernandez.

5 Then shifting to Count 7, that is assault  
6 on a protected person with use of a deadly weapon. The  
7 elements of that offense, page 2, line 27, that the  
8 target willfully, unlawfully, feloniously and  
9 intentionally placed another person in reasonable  
10 apprehension of immediate bodily harm and/or did  
11 willfully and unlawfully attempt to use physical force  
12 against another person, to-wit: B. Bunitsky, a  
13 protected person employed as a Las Vegas Metropolitan  
14 police officer, while Officer Bunitsky was performing  
15 his duty as a police officer which the defendant knew or  
16 should have known that he was a police officer and that  
17 he used a deadly weapon, to-wit: a firearm, by shooting  
18 at Officer Bunitsky with that weapon.

19 Count 8 is the same offense with the same  
20 elements except for the victim there, page 2 or page 3,  
21 line 11, is Officer Baca, B-A-C-A, and that he is at the  
22 time of these events a Metropolitan police officer and  
23 that it was known or reasonably should have been known  
24 by the target that he was a police officer.

25 Then we have a series of offenses beginning

1 on page 3, line 17, Count 9, assault with a deadly  
2 weapon; did willfully, unlawfully, feloniously and  
3 intentionally place another person in reasonable  
4 apprehension of immediate bodily harm and/or did  
5 willfully and unlawfully attempt to use physical force  
6 against another, to-wit: Jose Trejo, with use of a  
7 deadly weapon, to-wit: a firearm, by shooting at the  
8 said Jose Trejo with a firearm.

9 Count 10 is the same elements, assault with  
10 a deadly weapon. The victim there is Patrick Frisby.

11 Now shifting to page 4, Count 11, same  
12 elements, assault with a deadly weapon, victim is Amanda  
13 Davis.

14 Count 12, assault with a deadly weapon,  
15 victim Victor Hernandez.

16 And now Count 13 is burglary while in  
17 possession of a deadly weapon, that the target  
18 willfully, unlawfully and feloniously entered Ross,  
19 which is the business establishment Ross, located at  
20 4000 Blue Diamond Road in Clark County with the intent  
21 to commit attempted murder and/or assault with a deadly  
22 weapon while in possession of a firearm.

23 And then, ladies and gentlemen, you will  
24 see Counts 14 through 18 are all discharging of a  
25 firearm from or within a structure. The elements of

1 that offense are that the target willfully, unlawfully,  
2 maliciously and feloniously while in, on or under a  
3 structure located at 4000 Blue Diamond Road, discharged  
4 a firearm within or from the structure, while being  
5 within an area designated by a city or county ordinance  
6 as a populated area for the purpose of prohibiting the  
7 discharge of weapons.

8 Ladies and gentlemen, there are a number of  
9 counts, 14 through 18, that are all the same elements.  
10 They will be described by evidence and testimony to you  
11 and by some crime scene documents depicting separate and  
12 distinct shots fired during this event and thus leading  
13 to those number of counts.

14 Those are the elements of the offenses that  
15 will be presented to you this afternoon. Does any  
16 member of the Grand Jury have any questions about the  
17 elements of the offenses I just read? For the record no  
18 member of the Grand Jury has any questions.

19 Mr. Foreperson, we're prepared to call our  
20 first witness. Is the Grand Jury ready to take that  
21 testimony?

22 THE FOREPERSON: Yes, we are.

23 MR. STANTON: Just remain right there,  
24 raise your right and be sworn.

25 THE FOREPERSON: You do solemnly swear that

1 the testimony that you're about to give upon the  
2 investigation now pending before this Grand Jury shall  
3 be the truth, the whole truth, and nothing but the  
4 truth, so help you God?

5 THE WITNESS: So help me God.

6 THE FOREPERSON: Please be seated.

7 THE WITNESS: Thank you.

8 THE FOREPERSON: You are advised that you  
9 are here today to give testimony in the investigation  
10 pertaining to the offenses of attempt murder with use of  
11 a deadly weapon, assault on a protected person with use  
12 of a deadly weapon, assault with a deadly weapon,  
13 burglary while in possession of a deadly weapon and  
14 discharge of firearm from or within a structure  
15 involving Mohamed Mahmoud.

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 slowly for the record.

20 THE WITNESS: Patrick Frisby, Jr.

21 THE FOREPERSON: And can you spell it,  
22 please?

23 THE WITNESS: P-A-T-R-I-C-K. My last  
24 name's Frisby, F-R-I-S-B-Y, Jr.

25 MR. STANTON: May I proceed?

1 THE FOREPERSON: Yes.

2  
3 PATRICK FRISBY, JR.,

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

7  
8 EXAMINATION

9 BY MR. STANTON:

10 Q Sir, I want to direct your attention to  
11 August 11th of this year. Sir, were you working that  
12 day?

13 A Yes, sir.

14 Q Where were you working?

15 A Ross Dress-for-Less.

16 Q And what do you do there, sir?

17 A I recently got promoted to head security  
18 there.

19 Q And how long had you been working at that  
20 store?

21 A At that location I've been working there  
22 since January 8th of this year.

23 Q And you said that you've now been recently  
24 promoted to the supervisor of security at that store?

25 A Yes, sir.

1 Q Is it a large store?

2 A Yeah.

3 Q And on this day it was rather crowded kind  
4 of leading up to the opening day of school?

5 A Yes, sir.

6 Q And what are your general responsibilities  
7 as the security guard at that store?

8 A Well, basically what we do is we basically  
9 call out any suspicious indicators, make sure there's no  
10 defeated hard tags or any stashed merchandise inside the  
11 store.

12 Q So it's kind of loss prevention in part?

13 A Yes, sir.

14 Q And how many folks work with you?

15 A In my security team?

16 Q Yes.

17 A Well, I have Paul, Arnold. I have Will and  
18 Dayki (phonetic) at that time and Mohamed.

19 Q Okay. I'm going to show you on this big  
20 T.V. screen over here Grand Jury Exhibit 42. Do you  
21 recognize who that is?

22 A Yes, sir.

23 Q Who is that?

24 A That is Mohamed.

25 Q And Mohamed on this day was a member of

1 your security team?

2 A Yes, sir.

3 Q And did he have kind of the same general  
4 responsibilities as you did as far as loss prevention as  
5 you described but he wasn't a supervisor?

6 A Yes, sir.

7 Q Now, at some part of that day did there  
8 come a time where you became aware of a problem that  
9 Mohamed was having with another employee inside the  
10 store?

11 A Yes, sir.

12 Q Can you describe what it is that you first  
13 saw or heard regarding this conflict?

14 A Well, at the time of the conflict I was  
15 doing a walk because, like I said, I recently got  
16 promoted to the disposition I received. I was doing my  
17 walk and basically I heard on my earpiece there's a 911  
18 up by the front. Usually —

19 Q Let me just stop you there. Are you and  
20 members of the security team at Ross armed?

21 A No, sir.

22 Q You have walkie-talkies?

23 A Yes, sir.

24 Q And that's to communicate with other  
25 members of your team within the store?

1           A       Yes, sir.

2           Q       And you mentioned an earpiece. Is that  
3 something where kind of in a nonobvious way you can hear  
4 radio communication?

5           A       Yes, sir.

6           Q       And you said that you heard something  
7 that's called a 911. What does that mean to you when  
8 you hear somebody within the Ross employees using that  
9 walkie-talkie, what does 911 mean to you?

10          A       It's an emergency.

11          Q       And who did you hear pronounce that there  
12 was an emergency?

13          A       My manager Amanda.

14          Q       And you've known Amanda for some period of  
15 time?

16          A       Yes, sir.

17          Q       And it was easily recognizable to you the  
18 voice that you heard as being Amanda's?

19          A       Yes, sir.

20          Q       After you heard that 911 request from  
21 Amanda, where did you go?

22          A       I didn't think nothing of it because, like  
23 I said, a 911 is an emergency and usually when a 911  
24 happens it's someone walking out without purchasing  
25 items, so I thought at that time since Mohamed's up

1 there he can handle the situation.

2 Q And you believe that at that time Mohamed  
3 was in the front of the store where the cashiers are and  
4 where patrons would exit the store?

5 A Yes, sir.

6 Q Did you then make your way towards the  
7 front after you heard that?

8 A No, I did not.

9 Q Okay. How long did it take you before you  
10 went to the front?

11 A I heard another associate call out we have  
12 a 911 up at the front.

13 Q So someone other than the manager Amanda  
14 called out 911 and then you knew something was probably  
15 requiring your attention?

16 A Yes, sir.

17 Q Did you go to the front of the store?

18 A Yes, sir.

19 Q Could you tell the ladies and gentlemen of  
20 this Grand Jury what you observed regarding Mohamed and  
21 Amanda when you arrived to the front of the store?

22 A So as I was walking down the main aisle I  
23 could hear and I could see Mohamed yelling and, well,  
24 he's telling Amanda, he was like F you, F you.

25 Q Go ahead. In this room, I appreciate your

1 editing, but let the fur fly exactly the way it was  
2 said.

3 A All right.

4 Q I appreciate you wanting to be sensitive,  
5 I'll just tell you we're all adults here and they've  
6 heard a lot of stuff in this room so go ahead, verbatim.

7 A So the man had said fuck you, fuck this to  
8 Amanda. And so when I seen that I was walking up. When  
9 I was walking up also another manager at the time was  
10 there at the front. Her name is Jennifer. So as I'm  
11 walking up to the front he's already angry I guess over  
12 a cart. And so I was walking up to the front and I  
13 remember him using those profanity words against Amanda.  
14 I went up to him and I was like you got to calm down, my  
15 man, like this is not a place to do this, it's  
16 unprofessional basically. And what he told me was don't  
17 tell me what to do. I simply turned around, shrugged my  
18 shoulders, I was like this guy like. And like he came  
19 up to me after that and was like what, motherfucker,  
20 what, what did you say. And at that time I was getting  
21 angry because the man was in my personal space so I had  
22 taken (sic) off my vest. And when Amanda seen that she  
23 like lightly pushed me and she said walk. So I backed  
24 off and that's when he said I'm gonna come back and I'm  
25 gonna kill both of you motherfuckers.

1 Q And did he, meaning Mohamed, then take off  
2 his vest?

3 A Yes, sir. He took off his vest and the  
4 radio and the headset, he rolled it up like in a ball  
5 and threw it at Amanda.

6 Q And then he leaves the store?

7 A Yes, sir.

8 Q And he went to his car?

9 A Yes, sir.

10 Q Did you know his car to be a Scion?

11 A Yes, sir.

12 Q And did you see him go to his car?

13 A I seen him leave the store. I didn't see  
14 him go to his car.

15 Q Okay.

16 A But I was putting on my vest at that time.

17 Q And did he then, meaning Mohamed, reenter  
18 the store shortly thereafter?

19 A Yes, I want to say at least like a minute  
20 and a half later.

21 Q Did he have anything with him when he  
22 walked back into the store?

23 A Yes, sir, he had a black pistol with him.

24 Q And can you tell me what he did or said  
25 when you saw him come back into the store with a weapon?

1           A       So he's walking from the parking lot and he  
2 has the pistol in his hand and that's when I yelled out  
3 he has a gun, he has a gun in his hand, and that's when  
4 I turned to everybody he has a gun. That's when I just  
5 ran and I heard shots.

6           Q       Okay. Did you see him shoot that weapon  
7 outside the store before he came in?

8           A       No.

9           Q       Okay. When he came in you said you began  
10 to run and proclaimed out loud, I would presume, that he  
11 has a weapon and then you began to run from the front  
12 part of the store. Did you hear any gunshots after you  
13 began to run when Mohamed entered the store?

14          A       Yes.

15          Q       How many times do you think he shot, if you  
16 can recall?

17          A       I want to say at least like three or four  
18 shots.

19          Q       And where did you go?

20          A       So when that happened I ran all the way to  
21 the back. I didn't want to run into the break room  
22 because he knew the break room code. So right next to  
23 our break room there's an emergency exit door. Four  
24 customers and myself tried to exit through there. It  
25 would not open. So at that moment I literally thought

1 this was my last -- I remember taking off my vest  
2 because he knew exactly what I was wearing so I remember  
3 taking off my vest, threw it on the ground and then I  
4 remember ducking from all the way from the back to like  
5 kind of close to the front. And when I saw that the  
6 coast was clear I just started running.

7 Q And where did you run to?

8 A I ran to the front doors.

9 Q Okay. And at any point did you encounter  
10 Mohamed when you were running towards the front of the  
11 store?

12 A No, I didn't encounter with him but I do  
13 remember shots were being fired at me.

14 Q And you described to investigating  
15 detectives that you felt a certain number of shots were  
16 fired in your direction. How many did you think were  
17 fired in your direction?

18 A About like four.

19 Q And did you have a sensation of one of  
20 those rounds, that it came close to you?

21 A Yes, sir, I remember it gliding by my ear.

22 Q And then you ran out of the store and then  
23 you got some assistance from some other people and then  
24 a large police presence occurred?

25 A Yes, sir.

1 MR. STANTON: I have no further questions  
2 of this witness, ask if any member of the Grand Jury has  
3 any questions.

4 There being no questions, if you can just  
5 pay attention once again to the Foreperson and then you  
6 will be excused.

7 THE FOREPERSON: By law these proceedings  
8 are secret and you are prohibited from disclosing to  
9 anyone anything that transpired before us including any  
10 evidence presented to the Grand Jury, any event  
11 occurring or a statement made in the presence of the  
12 Grand Jury or any information obtained by the Grand  
13 Jury.

14 Failure to comply with this admonition is a  
15 gross misdemeanor punishable up to 364 days in the Clark  
16 County Detention Center and a \$2,000 fine. In addition  
17 you may be held in contempt of court punishable by an  
18 additional \$500 fine and 25 days in the Clark County  
19 Detention Center.

20 Do you understand this admonition?

21 THE WITNESS: Yes, sir.

22 THE FOREPERSON: Thank you. You're  
23 excused.

24 MS. CLOWERS: Amanda Davis.

25 THE WITNESS: Thank you, everybody. You

1 guys have a good day.

2 A JUROR: Thank you.

3 MR. STANTON: Come on in, stand next to  
4 table, remain standing and raise your right hand for me.

5 THE FOREPERSON: You do solemnly swear that  
6 the testimony that you're about to give upon the  
7 investigation now pending before this Grand Jury shall  
8 be the truth, the whole truth, and nothing but the  
9 truth, so help you God?

10 THE WITNESS: I do.

11 THE FOREPERSON: Please be seated.

12 THE WITNESS: Okay.

13 THE FOREPERSON: You are advised that you  
14 are here today to give testimony in the investigation  
15 pertaining to the offenses of attempt murder with use of  
16 a deadly weapon, assault on a protected person with use  
17 of a deadly weapon, assault with a deadly weapon,  
18 burglary while in possession of a deadly weapon,  
19 discharge of firearm from or within a structure  
20 involving Mohamed Mahmoud.

21 Do you understand this advisement?

22 THE WITNESS: Yes, I do.

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

25 THE WITNESS: Amanda Davis.

1 MR. STANTON: Spell your first and last.

2 THE WITNESS: Oh, I'm sorry, Amanda,

3 A-M-A-N-D-A, Davis, D-A-V-I-S.

4 MS. CLOWERS: May I proceed?

5 THE FOREPERSON: Could you speak a little  
6 closer to the mic?

7 MR. STANTON: Amanda, you have a very soft  
8 voice.

9 THE WITNESS: Okay.

10 MR. STANTON: So just if you need to even  
11 use it like a karaoke, feel free to do that, but you  
12 need to keep your voice up so everybody in this room can  
13 hear you, okay?

14 THE WITNESS: Okay.

15 MR. STANTON: Now direct your attention to  
16 Miss Clowers. She has a couple questions for you.

17

18 AMANDA DAVIS,

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

23 EXAMINATION

24 BY MS. CLOWERS:

25 Q I'm going to direct your attention to

1 August 11th of this year. Where were you working?

2 A I was working at Ross at 4000 Blue Diamond  
3 Road.

4 Q And that's in Clark County?

5 A Yes.

6 Q What position did you hold for Ross?

7 A I was an area supervisor.

8 Q And what kind of responsibilities do you  
9 have being an area supervisor?

10 A Technically me being in the store I am the  
11 manager of the store on duty so I'm in charge of all  
12 associates, customers, returns, et cetera.

13 Q And the store that you worked in, did it  
14 have surveillance cameras?

15 A Yes, it did.

16 Q And did those record?

17 A Yes, they did.

18 Q Did you work with on that particular day  
19 Patrick?

20 A Yes, I did.

21 Q And what about Mohamed?

22 A Yes, I did.

23 Q There's a Grand Jury exhibit up behind you  
24 on that T.V. screen. Do you recognize that person?

25 A Yes, I do.

1 Q And for the record it's Grand Jury Exhibit  
2 Number 42. Who are we looking at in that photograph?

3 A That is Mohamed.

4 Q How long had Mohamed worked at Ross?

5 A To my recollection three weeks.

6 Q And what position did he hold?

7 A He was an SPS.

8 Q And what is SPS?

9 A SPS is our loss prevention in our store and  
10 that's what prevents crime and theft.

11 Q And do they wear security vests?

12 A Yes, they do. They're supposed to be in  
13 vest in class meaning having black pants, black shirt  
14 that is creased with a vest as well.

15 Q As well as a walkie-talkie?

16 A Correct.

17 Q In an ability to communicate with you; is  
18 that correct?

19 A Yes.

20 Q Okay. At some point in time on that day  
21 was there a confrontation between you and Mohamed?

22 A Mohamed arrived at 3:30. He came into the  
23 store upset. The day before we had conversations with  
24 him with my manager. He didn't seem very happy about  
25 that conversation so I kind of figured that it kind of

1 rolled over to the next day on the 11th.

2 Q Did you participate in the conversation the  
3 day before?

4 A Yes, I did.

5 Q Okay. And so the next day you indicated  
6 that he appeared to be upset to you?

7 A Correct.

8 Q Is that from his mannerisms or a  
9 conversation you had with him?

10 A Mannerisms and a conversation, yes.

11 Q So what happened that day, August 11th?

12 A I was standing on register five at the  
13 time. I was about to take my break, my first 15, before  
14 my AS was about to leave which was Jennifer. I stepped  
15 outside and I seen him pull up as I was sitting on the  
16 bench and he came into the store before his shift and  
17 then he ended up walking out back to his car and came  
18 back in. As I came back into the store I was told by  
19 Patrick that he would need his walkie and he would also  
20 need his vest to start. Patrick was mobile. He was  
21 roaming the floor. So I went ahead to the office, I got  
22 him a walkie, I got him an earpiece and I got his vest  
23 and I got back on register five because it was before  
24 back to school started.

25 Q So were you busy?

1           A       We were very busy. We had a long line of  
2 kids and men and children and women all the way back to  
3 carpets so that's pretty much half of our store.

4           Q       So it's about 4:00 o'clock on Saturday; is  
5 that correct?

6           A       He clocked in at 3:30.

7           Q       Okay. So let me fast forward a little bit  
8 to a point where I believe there was a woman who made a  
9 large purchase; is that correct?

10          A       My customer, yes.

11          Q       And she wanted to go get her car and pull  
12 it to the front of the store so she could put her items  
13 in there?

14          A       Yes.

15          Q       And are you allowed to take the carts out  
16 of Ross?

17          A       No, you are not. Our policy, we have poles  
18 on our carts so because we have poles on our carts we  
19 allow the customers to pull their car up to the front  
20 and they can load their items that way.

21          Q       And did that somehow instigate an argument  
22 or confrontation between you and Mohamed?

23          A       Yes, it did.

24          Q       And what happened?

25          A       I said onto the walkie that a customer was

1 going to leave her items up in the front of the door and  
2 to keep an eye onto the items as well as to greet the  
3 customers coming in. He did not respond to what I said  
4 so I kind of figured that he didn't hear me or he was  
5 just trying to ignore me because I seen he was agitated  
6 when he first came in. I went ahead and continued on  
7 with the next customer and he called out, after the  
8 customer pushed the cart up to the front of the door,  
9 that she left her items in the front.

10 Q Mohamed?

11 A Yes.

12 Q Okay. And then what happens after that?

13 A I reminded him that I had already said on  
14 the walkie that she was going to leave her items in  
15 front of the store and she was going to bring up her car  
16 and was going to load her items that way. And I even  
17 asked him in a nice way do you remember.

18 Q Okay.

19 A Then I told him I know that the line is  
20 long but if you can keep your eye on her purchase, you  
21 know, it would be appreciated so --

22 Q And at what point did he become upset?

23 A Right after I said that.

24 Q What did he say?

25 A He walked around -- well, my area

1 supervisor like me, she was on register three across  
2 from me, she went to the back of the store because we  
3 had shipment coming in, and as soon as she walked away  
4 from her register he walked around to me in front of my  
5 customers and in front of the customer I was ringing up  
6 and started yelling at me that I am not to talk to him  
7 that way, I am to respect him. He started using  
8 profanity.

9 Q What type of profanity? And like I said  
10 earlier, it's okay to --

11 A Say it, okay. I was standing there, he  
12 came around and I told him, I said, Mohamed, you can't  
13 talk like this on the sales floor, we have customers.  
14 If you want to speak with me I can talk to you in the  
15 lunchroom if you want to go back there and wait for me  
16 but you cannot do this because it's unprofessional. He  
17 got upset; I'm not going anywhere, don't tell me where  
18 to go, don't tell me what to do, you will respect me, my  
19 name is da, da, da, da, da, and I told him that's fine  
20 but like I said you either go to the lunchroom or you  
21 can leave for the day because you can't do this today.  
22 And he got mad and stood back and pointed his hand and  
23 extended his finger at me in front of the customers and  
24 my customer I was ringing up and said fuck you and then  
25 yelled it really loud.

1           Q     Okay. Is there a point in time where you  
2 feel that this escalated to the point where you go over  
3 the walkie-talkie and announce an emergency?

4           A     Yes, because by that time --

5           Q     And to do that -- I'm sorry.

6           A     I'm sorry.

7           Q     It's okay. You said something to the  
8 effect of 911?

9           A     I told Jennifer on the walkie-talkie that I  
10 need her to come up to the front, I had a situation. He  
11 continued to cuss, scream and yell and --

12          Q     At you?

13          A     At me.

14          Q     Okay.

15          A     And I kept telling him he needs to go to  
16 the back of the store and wait. He didn't want to  
17 listen. So I looked at my associate who was on register  
18 seven, her name is Stephanie, I looked at her and I said  
19 I need Jennifer. So she got on the radio and said  
20 Jennifer, 911.

21          Q     At some point in time Patrick comes to your  
22 aid; is that correct?

23          A     Correct, because he heard that there was an  
24 emergency in the front.

25          Q     And does he try to intervene with Mohamed?

1           A       Yes, he does.

2           Q       Okay. And that doesn't play out well  
3 either, does it?

4           A       No, ma'am, it does not.

5           Q       Does Mohamed get even more angry at that  
6 point?

7           A       He does.

8           Q       Okay. Is there a point in time where he  
9 actually takes his vest off?

10          A       Patrick.

11          Q       Okay. Patrick takes his vest off?

12          A       Jennifer was on her way up and as soon as  
13 Jennifer was coming up the aisle Mohamed seen her  
14 coming, he walked away from my register and went back to  
15 the door.

16          Q       What happens after that?

17          A       She walked over to him. I explained to her  
18 what was going on on the walkie-talkie. He still had  
19 his walkie in his ear so I let her know there was a  
20 situation. I guess he was offended by the way I told  
21 him a customer was going to pull up their car.

22          Q       What does Mohamed do next?

23          A       Jennifer walks away because there's no  
24 calming him down because he's that riled up. So Patrick  
25 tries. He walks over to him but then he tries to get

1 aggressive with Patrick and that's when I said enough is  
2 enough. I left the register, I looked at my customer, I  
3 said I am sorry, because I had customers looking at me  
4 like —

5 Q Okay. You don't have to worry about that.  
6 Just tell me what you did with Mohamed.

7 A I told the customer I'm sorry, I closed the  
8 door and I looked at Mohamed and said you will not do  
9 this, you will not do this here. And I looked at  
10 Patrick, I moved my hand and I said, Patrick, you need  
11 to move back. I told him, I said you do not move, you  
12 stay in camera view, because we had a monitor right in  
13 front of the door. So I moved over a little bit so that  
14 I can see myself and see him and he just stood there  
15 talking. And then I told him, I said since you do not  
16 want to listen and you do not want to go to the  
17 lunchroom you can leave for the day.

18 Q Okay. And what happened?

19 A He took off his vest, he took it and threw  
20 it at me, slung my phone out of my hand and put his  
21 finger in my face and looked at me dead in my face and  
22 he said I will fucking kill you.

23 Q Is Patrick standing right there as well?

24 A Yes, and he said I will kill you both.

25 Q So after this he leaves and goes out into

1 the parking lot; is that correct?

2 A After that he leaves, goes to the parking  
3 lot. I see him walk out. I get on the phone with my  
4 manager. I'm walking to the back of the store and as I  
5 hit the back door it doesn't shut all the way, and I  
6 have customers running in on me and they're yelling and  
7 screaming, I have kids screaming, crying, and they're  
8 saying he has a gun and he's coming in to kill you.

9 Q Okay. You hear gunshots before that?

10 A I heard three gunshots, yes.

11 Q And after you hear the three gunshots  
12 that's when people started running towards you in the  
13 area you were?

14 A They ran to the back of the store near the  
15 office and lunchroom.

16 Q And that's directly in back of the store;  
17 is that correct?

18 A Yes, it is.

19 Q And what do you do after that? Do you come  
20 out of there?

21 A I run out because I ran -- I had a video  
22 that I seen the day before about how to handle  
23 situations like this and we have to make sure customers  
24 are safe and secured.

25 Q So you came out of that area and you go

1 back into the store area?

2           A       I walk out of the door after telling my  
3 manager and call 911. I walk out of the door and as I  
4 turn the corner Mohamed is walking like he's just on a  
5 stroll in a park, just walking with the gun in his right  
6 hand next to his right leg. And I look up and I could  
7 see through the gate, and when I see him he gave this  
8 evil look and I ran. And as soon as I ran and I turned  
9 the corner he shot. And I had to run from automotive  
10 all the way through lingerie, juniors to the front door  
11 because every time I --

12           Q       Do you know whether or not he was behind  
13 you while you were running?

14           A       He didn't chase me. I'm running this way,  
15 he's walking this way.

16           Q       Okay. So you're indicating you went to  
17 your right and he went to the left?

18           A       He went forward, yes.

19           Q       Straight down?

20           A       The whole time I'm running this way he's  
21 just shooting.

22           Q       So let me describe this a little bit.  
23 You're indicating that from the back of the store you  
24 ran to your right and Mohamed went straight ahead which  
25 is down the center aisle?

1           A       Yes, ma'am.

2           Q       And as he's doing that he's firing the gun?

3           A       Yes.

4           Q       Okay. How many times do you believe he  
5 fired the gun?

6           A       Four times.

7           Q       And where did you end up running to?

8           A       I had to run over to Target in their  
9 stockroom.

10          Q       And after that did you speak with police  
11 officers?

12          A       Yes, I did.

13          Q       And the video from the incident was  
14 provided to the police as well; is that correct?

15          A       Yes, it was.

16          Q       Okay.

17                   I have no further questions, ladies and  
18 gentlemen.

19 BY A JUROR:

20          Q       One thing, after the situation with your  
21 security, didn't your other security personnel assist  
22 you by getting the store empty or they basically said  
23 you go yourself?

24                   MS. CLOWERS: Wait, that question is not  
25 relevant but I appreciate it so thank you.

1 BY MR. STANTON:

2 Q And additionally for the record you may not  
3 have been aware of all the things that took place  
4 involving security and the disposition of customers in  
5 your store; is that correct?

6 A Can you explain that to me? I'm sorry.

7 Q What happens after the shots are fired, the  
8 Grand Juror asked you a question that you may have not  
9 known the answer because you didn't see it yourself.

10 A Correct, yes.

11 Q Okay.

12 MR. STANTON: Any other questions?

13 THE FOREPERSON: By law these proceedings  
14 are secret and you are prohibited from disclosing to  
15 anyone anything that transpired before us including any  
16 evidence presented to the Grand Jury, any event  
17 occurring or a statement made in the presence of the  
18 Grand Jury or any information obtained by the Grand  
19 Jury.

20 Failure to comply with this admonition is a  
21 gross misdemeanor punishable up to 364 days in the Clark  
22 County Detention Center and a \$2,000 fine. In addition  
23 you may be held in contempt of court punishable by an  
24 additional \$500 fine and 25 days in the Clark County  
25 Detention Center.

1 Do you understand this admonition?

2 THE WITNESS: Yes, I do.

3 THE FOREPERSON: Thank you. You're  
4 excused.

5 THE WITNESS: Thank you.

6 MR. STANTON: Stand right there by that  
7 table and raise your right hand.

8 THE FOREPERSON: Please raise your right  
9 hand.

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

14 THE WITNESS: Yes.

15 THE FOREPERSON: Please be seated.

16 You are advised that you are here today to  
17 give testimony in the investigation pertaining to the  
18 offenses of attempt murder with use of a deadly weapon,  
19 assault on a protected person with use of a deadly  
20 weapon, assault with a deadly weapon, burglary while in  
21 possession of a deadly weapon, discharge of firearm from  
22 or within a structure involving Mohamed Mahmoud.

23 Do you understand this advisement?

24 THE WITNESS: Yes.

25 THE FOREPERSON: Please state your first

1 and last name and spell both slowly for the record.

2 THE WITNESS: Jose Trejo.

3 THE FOREPERSON: Can you please spell it?

4 THE WITNESS: T-R-E-J-O J-O-S-E.

5 THE FOREPERSON: Thank you.

6 THE WITNESS: You're welcome.

7 MS. CLOWERS: Can we get the interpreter's  
8 name for the record?

9 THE INTERPRETER: Maria Peralta de Gomez.

10 MS. CLOWERS: Thank you. May I proceed?

11 THE FOREPERSON: Yes.

12

13 JOSE TREJO,

14 having been first duly sworn by the Foreperson of the  
15 Grand Jury to testify to the truth, the whole truth  
16 and nothing but the truth, testified as follows:

17

18 EXAMINATION

19 BY MS. CLOWERS:

20 Q Jose, you speak English pretty well; is  
21 that correct?

22 A Just a little.

23 Q Okay. You spoke to police in English?

24 A No, with the detective I did.

25 Q And today we're going to use an interpreter

1     though, correct?

2             A       Yeah.

3             Q       You've got to answer out loud.

4             A       Okay.

5             Q       So on August 11th of 2018, you were  
6 shopping with your family at the Ross off of Blue  
7 Diamond; is that correct?

8             A       Yes.

9             Q       Your two little boys and your wife; is that  
10 correct?

11            A       Yeah, correct.

12            Q       And there was a point in time where you  
13 were in the checkout line and you were paying for all  
14 the items?

15            A       Yeah.

16            Q       And there was an argument between a woman  
17 and what appeared to be the security at Ross?

18            A       Correct, yeah.

19            Q       There was also a point where you and your  
20 family exited the store?

21            A       Yes.

22            Q       And where you saw the security guard coming  
23 back into the store; is that right?

24            A       That's correct, yes.

25            Q       And did your sons point out the fact that

1 the security guard was going back into the store?

2 A Yes.

3 Q What did they say?

4 A As we were leaving my wife and my children  
5 saw him and they yelled at me, Dad, here he comes and he  
6 has a gun.

7 Q Okay. And in response to that did you look  
8 at the man?

9 A At that point I turned and I saw him  
10 coming.

11 Q Okay. Was he in the parking lot still near  
12 the cars?

13 A No, I just turn. At that point he was  
14 already coming with the gun.

15 Q Across the, I guess we'll call it the  
16 driveway area?

17 A No, he was coming directly --

18 Q Okay.

19 A -- toward the door, the entrance door at  
20 Ross.

21 Q Was there a point in time where your family  
22 then attempted to leave the area and go towards Target?

23 A They just yell at me and I yell at them and  
24 at that point I ran and I saw that he had a gun.

25 Q Okay. And you and your family tried to run

1 towards the Target; is that right?

2 A We ran towards Target. I told them run.

3 Q And there was a point where your wife and  
4 your two children enter into the Halloween store which  
5 was near the Ross between the Target?

6 A Yes, that's correct.

7 Q And you were still outside; is that  
8 correct?

9 A I just turned to look and see where he was  
10 going.

11 Q Okay.

12 A But before he went in he shot like two  
13 times.

14 Q And I'm going to back up just a little bit.  
15 So your family has gone into the Halloween store, you  
16 turn to look to see where the man with the gun is,  
17 correct?

18 A Yes. We were supposed to be all together  
19 because I said let's go, let's run.

20 Q That's okay.

21 A But at that point I stopped and I saw him  
22 going into Ross.

23 Q Okay. And --

24 A And that's when I started recording him.

25 Q Okay. On your phone?

1           A       Yes. And my family was next to me but  
2 that's when the lady from the other store pulled them  
3 in.

4           Q       From the Halloween store?

5           A       Correct.

6           Q       And that's the point in time where you look  
7 at the suspect and he points the gun at you; is that  
8 right?

9           A       Well, at that moment when I started  
10 recording he was inside and he started firing some  
11 shots. And I honestly thought he had hurt someone, the  
12 guy and the young woman. So at that point I started to  
13 walk backwards and he came out and he turned to look at  
14 me when I was recording him and at that point he said  
15 something but I didn't manage to understand what he was  
16 saying. And then when I was turning he said something  
17 and he showed me the gun and at that moment I turn and I  
18 started running.

19          Q       Okay. And when you turned and started  
20 running after he pointed the gun did you hear anything?

21          A       No, I just ran and I turn and I saw that he  
22 was coming. He was like following me. He almost got to  
23 the entrance of Target and there he went back. So he  
24 went back and he went to sit at the chair that's right  
25 outside of the store, the Ross.

1           Q       So after he pointed the gun at you and you  
2 said you turned to run, did you hear any gunshots?

3           A       Yes.

4           Q       How many?

5           A       Two or three, something like that.

6           Q       And that was when you were between the Ross  
7 and the Target?

8           A       Correct.

9                   MS. CLOWERS: I have no further questions,  
10 ladies and gentlemen.

11 BY A JUROR:

12           Q       So did you -- okay, sorry. Did the man  
13 ever shoot at you?

14           A       At that point when he comes out and he  
15 looks at me, he tells me something but I couldn't manage  
16 to hear what he said but he goes like this and he points  
17 at me. So I quickly turn around and started running but  
18 at that moment he fired shots. I don't know if he shot  
19 at me or upwards or what.

20           Q       Okay. Thank you.

21 BY A JUROR:

22           Q       So you said two or three shots you heard.  
23 You're referring to the shots outside, not inside the  
24 store?

25           A       No, that's apart from that, uh-huh.

1           Q       I'm sorry, it's apart -- where were those  
2 shots, outside the store?

3           A       When he came out.

4           Q       When he came out he fired two or three  
5 shots?

6           A       Yes.

7 BY A JUROR:

8           Q       Where was your wife and children at the  
9 time he was chasing you? Were they being shot at as  
10 well?

11          A       No, because at that moment when I started  
12 recording I turn and they were no longer behind me so I  
13 kept on walking backwards. When he came out he point at  
14 me and he fired the shots and I started running. And I  
15 ran and I hid myself in between the parking spaces. And  
16 at that point I realized that my family was no longer  
17 with me so I started looking for them.

18                 MR. STANTON: Did that answer your  
19 question?

20                 A JUROR: Thank you.

21                 MR. STANTON: Any other questions?

22                 There being no further questions, please  
23 direct your attention to the Foreperson.

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

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

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7 gross misdemeanor punishable up to 364 days in the Clark  
8 County Detention Center and a \$2,000 fine. In addition  
9 you may be held in contempt of court punishable by an  
10 additional \$500 fine and 25 days in the Clark County  
11 Detention Center.

12 Do you understand this admonition?

13 THE WITNESS: Yes, of course.

14 THE FOREPERSON: Thank you. You're  
15 excused.

16 THE WITNESS: Thank you.

17 MR. STANTON: Stand right here, raise your  
18 right hand and direct your attention to the Foreperson.

19 THE FOREPERSON: You do solemnly swear that  
20 the testimony that you're about to give upon the  
21 investigation now pending before this Grand Jury shall  
22 be the truth, the whole truth, and nothing but the  
23 truth, so help you God?

24 THE WITNESS: I do.

25 THE FOREPERSON: Please be seated.

1           You are advised that you are here today to  
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4 assault on a protected person with use of a deadly  
5 weapon, assault with a deadly weapon, burglary while in  
6 possession of a deadly weapon, discharge of firearm from  
7 or within a structure involving Mohamed Mahmoud.

8           Do you understand this advisement?

9           THE WITNESS: Yes.

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

12          THE WITNESS: Victor Hernandez,  
13 V-I-C-T-O-R, Hernandez, H-E-R-N-A-N-D-E-Z.

14          THE FOREPERSON: Thank you.

15

16                               **VICTOR HERNANDEZ,**

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

20

21                               EXAMINATION

22 BY MR. STANTON:

23           Q       Sir, how are you employed?

24           A       I'm employed with the Las Vegas  
25 Metropolitan Police Department.

1           Q     And how long have you been a police  
2 officer?

3           A     Going on four years now.

4           Q     And I want to direct your attention to  
5 August 11th, 2018. Sir, were you working that day?

6           A     I was not.

7           Q     Where were you with your family on that day  
8 in the afternoon?

9           A     I was inside the Target located on Blue  
10 Diamond. I was there with the family shopping.

11          Q     And what was the first time that you heard  
12 or saw something that you thought was out of the normal  
13 while you were shopping with your family?

14          A     As soon as people started stampeding  
15 towards the rear of the building, that's when I started  
16 hearing people saying there's a guy out there shooting,  
17 a couple screamed active shooter, and then at that point  
18 my main concern was my family and their safety.

19          Q     So let me just ask a couple questions.

20          A     Yes.

21          Q     You're with your wife?

22          A     Yes.

23          Q     And how many children do you have?

24          A     I have four.

25          Q     And what were their age ranges?

1           A       From eight to one.

2           Q       So your first reaction is to secure your  
3 family and how did you secure your family?

4           A       I pretty much just loaded all my kids into  
5 the cart, we pushed them to the rear of the exit. At  
6 that point my wife took the cart, took the kids and I  
7 started heading to the front of the Target.

8           Q       And now you're inside Target and you go to  
9 the front of the Target store?

10          A       Yes.

11          Q       So now I want to kind of pause on this  
12 series of events and ask you whether or not you are  
13 armed?

14          A       I was, yes.

15          Q       And can you describe how you carried your  
16 weapon and what kind of weapon did you have on your  
17 person?

18          A       It's concealed and it's an XD(M).

19          Q       And is that a semiautomatic handgun?

20          A       Yes, it is.

21          Q       And is that kind of normal for you when  
22 you're off duty to wear a weapon concealed on your  
23 person?

24          A       Of course, all the time.

25          Q       Okay. And so you're in plain clothes,

1 you're not in a uniform?

2 A Yes.

3 Q And you go outside of Target. What do you  
4 see?

5 A Well, I slowly start going to the front of  
6 the Target just to make sure if what they are stating is  
7 true. I'm just moving to the front of Target to make  
8 sure this individual is not, you know, actively  
9 executing people, anything like that. When I move to  
10 the front one of the witnesses that witnessed the  
11 individual shooting pointed me out to the suspect and  
12 pretty much pointed at the suspect which at the time he  
13 was sitting in front of the Ross.

14 Q Okay. And how tall are you and how much do  
15 you weigh?

16 A I'm six-one and 260.

17 Q And you, prior to becoming a Metropolitan  
18 police officer, served in the military?

19 A I did.

20 Q Tell me what branch of the service you were  
21 in and what you did for the military?

22 A I did four years in Marine Corps.

23 Q And you described to me that you did not  
24 draw your weapon immediately as you just described the  
25 events as you exited or approached the egress of the

1 Target. Why didn't you, sir?

2 A Correct. That's correct. Just because at  
3 this point the only information we have is a male active  
4 shooter. The last thing I want is for me to walk out  
5 with a handgun in my hand and cause a blue on blue.

6 Q What do you mean blue on blue?

7 A What I mean is when an officer arrives in a  
8 black and white, complete uniform, if all he's getting  
9 is a male subject firing rounds, the last thing I want  
10 is for me to be a casualty.

11 Q A male subject with a firearm in their  
12 hand?

13 A Correct.

14 Q And there's another term for that in the  
15 military.

16 A Yes.

17 Q And what's the corollary to blue on blue in  
18 the military?

19 A It's friendly fire.

20 Q And so you don't draw your weapon. That  
21 was cognitively an assessment of yours to make. You get  
22 a person pointed out to you by a citizen. Did you  
23 observe that person?

24 A I did.

25 Q And where was he and what was he doing when

1 you first laid eyes on him?

2 A When I first laid eyes on him he was  
3 sitting on a bench located directly in the front of the  
4 Ross.

5 Q Did you see a weapon on his person?

6 A At that point, no, I just saw him sitting  
7 down.

8 Q And just kind of walk us through what  
9 happens as you're observing him at this juncture.

10 A Okay. So at this point I'm observing him,  
11 he's sitting down on the bench directly in front of the  
12 Ross. I tried calling 911. All I get is a busy tone.  
13 So at that point I step out of the Target to try to wave  
14 down an officer. As they approach, one of the officers  
15 that first arrived is speeding towards the Ross. Of  
16 course he's trying to help. I pull my badge out, I wave  
17 him down, I advise him of the information given to me by  
18 the witness. I gave the male description, tall male all  
19 in black clothing sitting at the bench in front of the  
20 Ross. At that point the officer pushes in a little  
21 closer to the Ross, he stops, exits the vehicle. At  
22 that point I'm walking towards the vehicle again,  
23 towards the patrol vehicle, towards the rear of the  
24 patrol vehicle. At that point I see the male subject  
25 lift his right arm in our direction with a gun in his

1 hand, a handgun.

2 Q And when you say our direction, that would  
3 mean based upon your previous testimony your direction  
4 and the direction where the arriving Metro officer is?

5 A Correct.

6 Q Did you know that officer's name?

7 A No, I did not.

8 Q And you saw that officer sitting in the  
9 waiting room this morning prior to your testimony?

10 A I did.

11 Q If I were to represent to you that that is  
12 Officer Bunitsky, and showing you in Grand Jury Exhibit  
13 Number 36, would that be officer that you ultimately --

14 A Yes, it is.

15 Q So when you said that the suspect was  
16 pointing the weapon at us, meaning you and Officer  
17 Bunitsky?

18 A Correct.

19 Q What happens next?

20 A At that point I'm off duty, I have no body  
21 armor, so my first reaction is to try and take cover as  
22 much as possible. As soon as I move towards cover, two  
23 rounds go off. I can tell it's not from the officer, I  
24 can tell it's from the subject just due to distance.  
25 Like I said, military background and all that stuff I

1 could just tell it was at a distance.

2 Q Okay.

3 A At that point I take cover behind a wall  
4 that's located just east of the main entrance to Target.  
5 I'm yelling at other people to get down, get back. At  
6 that point I look around the wall, I see the officer  
7 take cover behind a palm tree, go down to one knee and  
8 then he returns fire.

9 Q And after you saw the officer return fire  
10 did you then see the suspect go down?

11 A I did, yes.

12 Q And what did you do along with Officer  
13 Bunitsky and how did you communicate with Officer  
14 Bunitsky as you approached the subject when he went  
15 down?

16 A At that point after the subject went down,  
17 Officer Bunitsky started moving towards the subject  
18 trying to get a closer look. At that point I saw there  
19 were no other officers at the scene so he was by  
20 himself. I gave him a verbal warning to, hey, I'm  
21 coming up with you, I have your six, I'm covering you.  
22 At that point I retrieved my off-duty handgun and I  
23 approach with Officer Bunitsky.

24 Q So, Officer, when you're behind Officer  
25 Bunitsky --

1           A       Yes.

2           Q       — and you're saying I'm behind you and I  
3 have your six, that six references that you have him  
4 from behind so 6:00 o'clock on a clock?

5           A       Correct, yes, I have -- yes, I'm covering  
6 his back.

7           Q       And ultimately the person was then taken  
8 into custody with your assistance and Officer Bunitsky  
9 covering with weapons?

10          A       Correct, yes. Officer Bunitsky and myself  
11 just pretty much just covered over the subject while  
12 other officers in uniform took him into custody.

13          Q       Now, have you seen the body cam video of  
14 Officer Bunitsky?

15          A       I have, yes.

16          Q       And in that video is it obvious to you that  
17 you are in the video at least at one point with your  
18 badge showing it to Officer Bunitsky?

19          A       Yes.

20          Q       Okay. And is it fair to say that after the  
21 suspect is taken into custody there's concern by you and  
22 Officer Bunitsky that based upon the information that  
23 had been broadcast there might be another second active  
24 shooter still outstanding either in the area or in the  
25 Ross store?

1           A       Yes, just because there was multiple  
2 callers from the Target and from Ross.

3           Q       Okay. Thank you very much.

4                   No further questions of me. Do any members  
5 of the Grand Jury have any questions of this officer?

6           THE FOREPERSON: By law these proceedings  
7 are secret and you are prohibited from disclosing to  
8 anyone anything that transpired before us including any  
9 evidence presented to the Grand Jury, any event  
10 occurring or a statement made in the presence of the  
11 Grand Jury or any information obtained by the Grand  
12 Jury.

13                   Failure to comply with this admonition is a  
14 gross misdemeanor punishable up to 364 days in the Clark  
15 County Detention Center and a \$2,000 fine. In addition  
16 you may be held in contempt of court punishable by an  
17 additional \$500 fine and 25 days in the Clark County  
18 Detention Center.

19                   Do you understand this admonition?

20           THE WITNESS: Yes.

21           THE FOREPERSON: Thank you. You're  
22 excused.

23           THE WITNESS: Thank you.

24           MR. STANTON: Thank you, Officer.

25           THE WITNESS: All right. Thank you, ladies

1 and gentlemen. Have a good one.

2 MR. STANTON: Remain standing, raise your  
3 right hand to be sworn.

4 THE FOREPERSON: You do solemnly swear that  
5 the testimony that you're about to give upon the  
6 investigation now pending before this Grand Jury shall  
7 be the truth, the whole truth, and nothing but the  
8 truth, so help you God?

9 THE WITNESS: I do.

10 THE FOREPERSON: Please be seated.

11 You are advised that you are here today to  
12 give testimony in the investigation pertaining to the  
13 offenses of attempt murder with use of a deadly weapon,  
14 assault on a protected person with use of a deadly  
15 weapon, assault with a deadly weapon, burglary while in  
16 possession of a deadly weapon, discharge of firearm from  
17 or within a structure involving Mohamed Mahmoud.

18 Do you understand this advisement?

19 THE WITNESS: Yes.

20 THE FOREPERSON: Please state your first  
21 and last name and spell both slowly for the record.

22 THE WITNESS: It's Bryon Bunitsky,  
23 B-R-Y-O-N B-U-N-I-T-S-K-Y.

24 MR. STANTON: May I proceed?

25 THE FOREPERSON: Yes.

**BRYON BUNITSKY,**

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

EXAMINATION

BY MR. STANTON:

Q Sir, how are you employed?

A I'm a police officer with LVMPD, Metro Police.

Q How long have you been a police officer?

A Nineteen years.

Q And I want to direct your attention to a particular day in August, specifically the 11th day of August, 2018. Sir, were you working that day?

A Yes.

Q And what shift were you working and what area command?

A I was working swing shift at enterprise area command.

Q And would that include the area off of Blue Diamond, the 4000 block, where a Ross and Target store are located?

A It does.

Q On that day did you receive some sort of

1 dispatch communication that there was a shooter at or  
2 near the Target and Ross stores?

3 A I did.

4 Q And were you advised as you're rolling to  
5 that area how many shooters may be involved?

6 A At first it came out, they said it possibly  
7 might be two shooters.

8 Q And are you in a uniform?

9 A Yes.

10 Q In a marked unit?

11 A Yes.

12 Q Now, sir, I'm going to have played here for  
13 you Grand Jury Exhibit Number 2. And prior to your  
14 testimony today you have reviewed what is commonly  
15 referred to as your body cam video; is that correct?

16 A Yes.

17 Q Sir, I'm going to play this through in  
18 realtime and then just have a couple questions for you,  
19 okay?

20 A Okay.

21 (Video playing.)

22 BY MR. STANTON:

23 Q Now, Officer, let me ask a couple of  
24 questions. When you're arriving there appears to be  
25 somebody that is showing a badge; do you recall that?

1           A       Yes.

2           Q       And what did that mean to you, the  
3 communication via the badge and that person?

4           A       That it was an off-duty police officer  
5 telling me, giving me information reference where the  
6 shooter was.

7           Q       Now, at that point had any other officers  
8 to your knowledge arrived at the scene?

9           A       Officer Baca who was 3 ocean 45 arrived  
10 first.

11          Q       And when you say 3 ocean 45, for those that  
12 aren't familiar with the lexicon of Metro, what did that  
13 mean to you?

14          A       That's his call sign, 3 ocean 45.

15          Q       He works in your area command?

16          A       Yes.

17          Q       And you know him well?

18          A       Yes.

19          Q       He was also on duty in that area and you  
20 heard some communications over dispatch that he had  
21 arrived at that location just ahead of you?

22          A       Correct.

23          Q       So the off-duty officer shows you his badge  
24 and then you ask him some questions and he gives you  
25 some directions about where the person is?

1           A       Correct.

2           Q       You indicated that, or at least in the  
3 video, as you were opening the door did you have eyes on  
4 the suspect?

5           A       I did.

6           Q       Can you tell the ladies and gentlemen of  
7 the Grand Jury what you observed him doing as you were  
8 exiting your patrol vehicle?

9           A       He was sitting on the bench in front of the  
10 Ross and he had the gun like this.

11          Q       For the record you're demonstrating down on  
12 kind of his lap area?

13          A       Kind of his lap and when I showed up he  
14 looked at me and he went like this.

15          Q       And for the record you're now sitting down  
16 extending the weapon off to his right and directly  
17 towards you?

18          A       Correct.

19          Q       And then what did you see him do?

20          A       Then he, as I was getting out of the car,  
21 he fired two shots at me and that's when I got behind  
22 the tree.

23          Q       And after you -- is that kind of a cover  
24 position that you're trained to do in situations like  
25 this?

1           A       Right. When he said he was, the officer  
2       said he's got a gun, he's going to shoot at you and he  
3       had already fired inside the Ross, fired at the officer,  
4       Officer Baca when he got there, I pulled up just so I  
5       could get out of the car and get to that tree.

6           Q       How did you know that shots had been fired  
7       at Officer Baca?

8           A       Officer Baca came on the radio probably  
9       about a minute and a half before I got there and said he  
10      was taking rounds.

11          Q       And did you know Officer Baca on that shift  
12      to be, once again like you were, in uniform and driving  
13      a marked Metropolitan patrol vehicle?

14          A       He was.

15          Q       Now, as you return fire do you remember how  
16      many shots you fired at the suspect?

17          A       Five.

18          Q       And at some point you saw him go down; is  
19      that correct?

20          A       Yes.

21          Q       As you approached was it still a concern to  
22      you that you had potentially another active shooter on  
23      site?

24          A       It was.

25          Q       There was some communication between you

1 and the officer that was in plain clothes?

2 A There was.

3 Q And as far as you know, now it's just you,  
4 this off-duty officer and maybe Officer Baca somewhere  
5 in the area?

6 A Correct.

7 Q You never saw Officer Baca as you're  
8 conducting this kind of activity we see on your body  
9 cam?

10 A I didn't, no.

11 Q At some point you take the person into  
12 custody?

13 A Yes.

14 Q And was a protective sweep done of the  
15 various stores there by you and arriving officers?

16 A It was.

17 Q Would it be fair to say that based upon the  
18 shots fired a lot of police officers were responding  
19 code to this location?

20 A They are.

21 Q Okay. And so it's not just you at this  
22 juncture but a multitude of uniformed officers then  
23 doing a protective sweep of very large stores?

24 A Correct, yeah, the world is coming,  
25 everyone's coming.

1 MR. STANTON: I have no further questions  
2 of this officer and ask if any member of the Grand Jury  
3 has any questions?

4 BY A JUROR:

5 Q What did you -- I heard on the radio  
6 traffic crossfire. Was that you or somebody else said  
7 crossfire?

8 A I didn't yell that.

9 A JUROR: Did somebody else hear that?

10 A JUROR: I heard it.

11 THE WITNESS: I heard it, I didn't yell it.

12 BY MR. STANTON:

13 Q You didn't yell it so let me back up to  
14 kind of maybe square away for the record what the Grand  
15 Juror's question is. If you didn't yell it, did the  
16 term crossfire and the concerns about crossfire, does  
17 that mean something to you under these circumstances?

18 A It does.

19 Q Can you describe that?

20 A Crossfire means that somebody could be in  
21 the line of fire so, you know, you have to have target  
22 identification, your backdrop which means make sure, you  
23 know, if you're shooting at somebody what's behind them  
24 in case you miss. So the officer -- one of the plain  
25 clothes guys yelled it. Me personally, I wasn't sure

1 exactly why he yelled it. Sometimes that phrase is  
2 thrown around too easily. If there was another suspect,  
3 obviously he wasn't outside shooting at us. He was  
4 probably, if there was one I assumed he was probably  
5 still inside the store hiding and/or trying to get  
6 through the store. There was an officer arriving from  
7 the east coming west which is why he yelled crossfire,  
8 but at the time which is why I didn't yell it because I  
9 didn't see any crossfire threat, the suspect was down in  
10 front of us, we weren't going to shoot again unless we  
11 had to. So to me I think it was a little premature but  
12 he was just addressing, letting everybody know that the  
13 officer arriving on our east, just to let -- give him a  
14 heads up that the suspect's down and we're pointing our  
15 firearms that way.

16 MR. STANTON: And did that answer the Grand  
17 Juror's question?

18 A JUROR: Yes.

19 MR. STANTON: Are there any other  
20 questions?

21 BY A JUROR:

22 Q You mentioned that you had fired five shots  
23 and that the suspect went down. Did you hit him and  
24 wound him or did he give up and go down?

25 A I hit him and wounded him.

1 BY MR. STANTON:

2 Q And just to close the loop on that, you  
3 went up to him and -- well, first of all, during the  
4 firing you actually saw him go down in reaction to one  
5 of your shots?

6 A I heard him -- when I hit him with the  
7 bullet, my last shot, my fourth or fifth shot hit him  
8 and I heard him go ugh and turn and fall.

9 Q When you went up to him did you see any  
10 injury on his person consistent with a gunshot wound to  
11 his body?

12 A He was bleeding from -- I couldn't see any  
13 because he was laying on his stomach and I hit him in  
14 the gut so I couldn't -- all I could see was some blood  
15 coming out so I didn't see any exit wound on his back  
16 but I knew I hit him in the front.

17 MR. STANTON: Does that answer your  
18 question?

19 A JUROR: Yes.

20 MR. STANTON: Any other questions?

21 THE FOREPERSON: By law these proceedings  
22 are secret and you are prohibited from disclosing to  
23 anyone anything that transpired before us including any  
24 evidence presented to the Grand Jury, any event  
25 occurring or a statement made in the presence of the

1 Grand Jury or any information obtained by the Grand  
2 Jury.

3 Failure to comply with this admonition is a  
4 gross misdemeanor punishable up to 364 days in the Clark  
5 County Detention Center and a \$2,000 fine. In addition  
6 you may be held in contempt of court punishable by an  
7 additional \$500 fine and 25 days in the Clark County  
8 Detention Center.

9 Do you understand this admonition?

10 THE WITNESS: Yes.

11 THE FOREPERSON: Thank you. You're  
12 excused.

13 MS. CLOWERS: Joe Patton.

14 THE FOREPERSON: Please raise your right  
15 hand.

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

20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 THE WITNESS: Thank you.

23 THE FOREPERSON: You are advised that you  
24 are here today to give testimony in the investigation  
25 pertaining to the offenses of attempt murder with use of

1 a deadly weapon, assault on a protected person with use  
2 of a deadly weapon, assault with a deadly weapon,  
3 burglary while in possession of a deadly weapon,  
4 discharge of firearm from or within a structure  
5 involving Mohamed Mahmoud.

6 Do you understand this advisement?

7 THE WITNESS: Yes, sir.

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

10 THE WITNESS: Joe Patton, J-O-E  
11 P-A-T-T-O-N.

12 THE FOREPERSON: Thank you.

13 MS. CLOWERS: May I proceed?

14 THE FOREPERSON: Yes, ma'am.

15 MS. CLOWERS: Thank you.

16

17 JOE PATTON,

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 BY MS. CLOWERS:

24 Q Where do you work?

25 A I'm a detective with the Las Vegas

1 Metropolitan Police Department force investigation team.

2 Q And how long have you been a police  
3 officer?

4 A Fourteen and a half years.

5 Q What does the force investigation team  
6 investigate?

7 A We conduct the criminal investigation into  
8 officer-involved shootings. That's the main thing that  
9 we investigate. We also investigate on the criminal  
10 side when officers are victims of felony crimes or  
11 in-custody deaths.

12 Q And you have specialized training in  
13 regards to officer-involved shootings; is that correct?

14 A Yes, ma'am.

15 Q You have a lot of training; is that right?

16 A Yes, ma'am.

17 Q You also have training in regards to  
18 firearms; is that correct?

19 A Yes.

20 Q You were dispatched on August 11th of 2018  
21 to the Ross on Blue Diamond, correct?

22 A I was called out to that scene, yes.

23 Q When you arrived at the scene what were  
24 some of the first things that you did?

25 A The first thing that I did, because I was

1 the up detective meaning that I would be the case agent  
2 or the lead detective for this particular case, one of  
3 the first things I did, I was one of the first  
4 detectives from our team to arrive so I placed up red  
5 tape which is different crime scene tape. You know,  
6 police officers standard, they put up yellow crime scene  
7 tape. When we arrive we will determine kind of the  
8 inner scene, you know, kind of the more -- we kind of  
9 tighten it down a little bit and we use red tape and  
10 that indicates to everyone they are not allowed to go  
11 across that unless they have our permission or the crime  
12 scene investigator's permission to go into that  
13 particular scene. So I kind of got a quick layout of  
14 the scene. I then waited for the briefing. The rest of  
15 our team arrived. Briefing was conducted and once the  
16 briefing concluded of the initial, just some information  
17 from the initial event, I then started to divvy out  
18 assignments to my team and who would handle interviews  
19 and who would work the scene with me and things of that  
20 nature.

21 Q Okay. So another one of the things that  
22 would have been done during this investigation would be  
23 to watch video from the businesses that are involved?

24 A That's correct, yes.

25 Q Including Target and Ross; is that correct?

1           A       Yes, ma'am.

2           Q       And you actually provided those videos to  
3 us and we watched them together; is that correct?

4           A       That's correct.

5           Q       And I put them on a disc and they're marked  
6 as Grand Jury Exhibit Number 2, one of which is a Ross  
7 video that was spliced together to show the events that  
8 took place as Amanda and Patrick were in the store; is  
9 that correct?

10          A       That's correct. We called out our, we have  
11 specialists in the computer forensic lab, they're  
12 detectives who specialize in capturing video, they came  
13 out that night and responded to the scene and they  
14 captured the video for us. There's a lot of video from  
15 inside the Ross. There's numerous cameras. And so what  
16 we did was kind of trim the video to show all of the  
17 movements kind of in a sequential order.

18          Q       You also watched the Target video; is that  
19 correct?

20          A       That's correct.

21          Q       The video from Target is a moveable camera  
22 that a security guard was controlling during the  
23 incident?

24          A       That's correct. A security officer from  
25 inside the Target had control of that camera.

1           Q     Now, you can see from watching that video  
2 that that was the same scene that you responded to on  
3 that day?

4           A     Yes, ma'am.

5           Q     Was there a point in time on that video  
6 where you saw a police officer arriving in a black and  
7 white SUV?

8           A     Yes. The first officer arrives in the  
9 video approximately, I believe on the video it's 16, or  
10 let me see, yeah, 1616 and some change, you know, some  
11 seconds, right in that area.

12          Q     And what happens when you watch that  
13 vehicle on the video?

14          A     What happens to -- what is depicted in the  
15 video?

16          Q     Yes.

17          A     The officer arrives. The officer is in the  
18 parking lot and he's initially arriving into the parking  
19 lot with his lights on. He turns his lights off and  
20 then he is traveling from the east to the west so  
21 towards the Ross.

22          Q     Now I'm showing you Grand Jury Exhibit  
23 Number 6 up here. Can you see on this particular  
24 exhibit where his vehicle would have been driving in  
25 that video?

1 A Yes, ma'am.

2 Q Okay. And can you --

3 A Would you like me to stand up?

4 Q Just point on there, how does that sound?

5 A I'm sorry?

6 Q This.

7 A So this is a -- sorry, let me get my  
8 bearing. This is a cell phone tower and this is the  
9 street that I was describing in the parking lot. So the  
10 officer would have traveled from the east here to the  
11 west. And when he got into this particular area here --

12 Q Near the cell phone tower?

13 A Yes, ma'am. The suspect exited from  
14 underneath the canopy of the Ross and fired rounds in  
15 the direction -- sorry, I'm losing my bearings here.

16 Q It's okay.

17 A Right in this area.

18 Q Towards the cell tower?

19 A That's correct. And that's in the same  
20 direction that the officer turned down towards.

21 Q Okay. And then the officer drove out of  
22 that area; is that correct?

23 A That's correct.

24 Q Now, what we just looked at is Grand Jury  
25 Exhibit Number 6. That's a diagram drawn of the area;

1 is that correct?

2 A Yes, ma'am, that would have been created by  
3 the crime scene analysts.

4 Q And you saw all of that information as you  
5 were at the scene. Is it correctly depicted in the  
6 diagram?

7 A Yes, it is.

8 Q Showing you Grand Jury Exhibits 10, 11 and  
9 12, do you recognize these?

10 A Yes, I do.

11 Q Okay. In Number 10 we're looking at the  
12 area of that cell phone tower; is that correct?

13 A That's correct. So this picture is  
14 standing from the west looking east and that is a  
15 driveway or part of the parking lot that would go from  
16 north to south.

17 Q And Grand Jury Exhibit Number 11, what are  
18 we looking at here?

19 A That is one of the impact bullet strikes  
20 into the fencing area. That's the cover, the mesh cover  
21 that covers the fence and protects the cell phone tower.

22 Q Were you able to track that further beyond  
23 just the fencing?

24 A Yes, ma'am. This actually -- this  
25 particular round, we made our way into the cell phone

1 tower area, this round goes into the fence and it  
2 strikes a post, like a metal post connecting the fence  
3 together, and then it ricochets off and we were unable  
4 to find that particular bullet.

5 Q Which is not unusual; is that correct?

6 A Not unusual at all.

7 Q Showing you Grand Jury Exhibit Number 12,  
8 is this another impact?

9 A Yes, ma'am, this was the second impact.  
10 This was further to the south. This one was a little  
11 bit lower. In this particular round, this strike, the  
12 bullet, continues through striking a piece of the fence  
13 and then again we were unable to find the bullet.  
14 Inside of this area as you can kind of see as is  
15 depicted by the fence, on the bottom of the fence there  
16 is rocks, it's gravel, and it goes all the way around it  
17 so it's almost impossible to find a bullet laying in  
18 there.

19 Q So it would have been from the Ross, those  
20 bullet strikes would have been right here on the  
21 northwest side of that tower fencing; is that correct?

22 A That's correct.

23 Q Okay. And that would have been in the  
24 direction of the police car that you observed in the  
25 video?

1           A       Yes, ma'am.

2           Q       Okay. Did you also go inside the Ross?

3           A       Yes, I did.

4           Q       Showing you Grand Jury Exhibit Number 8, is  
5 this a diagram of the crime scene inside of Ross?

6           A       Yes, it is.

7           Q       And does it fairly depict what you observed  
8 on that day?

9           A       Yes.

10          Q       Now, I'm just going to focus mostly on the  
11 cartridge casings that were located. There were eight  
12 separate cartridge casings; is that right?

13          A       That's correct.

14          Q       And presumably based upon that how many  
15 shots did you feel that were fired inside of there?

16          A       Eight.

17          Q       Okay. Showing you Grand Jury Exhibit  
18 Number 41 here in a second is going to be a still photo  
19 from the body cam from Officer Bunitsky. You've  
20 observed that as well; is that correct?

21          A       Yes, I have.

22          Q       You've basically looked at all of the video  
23 in this case; is that right?

24          A       That's correct.

25          Q       Either reviewed or listened to most of the

1 statements in the case?

2 A Yes.

3 Q As well as all of the dispatch calls?

4 A Yes, ma'am.

5 Q And the radio traffic as well?

6 A Yes.

7 Q Okay. Have you also looked at the dispatch  
8 logs?

9 A Yes, I have.

10 Q Okay. Showing you Grand Jury Exhibit  
11 Number 41, there's a firearm laying on the ground there;  
12 is that correct?

13 A That's correct.

14 Q When you arrived at the scene was that  
15 firearm there?

16 A Yes, it was.

17 Q And you can actually see a person laying on  
18 the ground; is that correct?

19 A That's correct.

20 Q And that was the suspect?

21 A Yes, it is.

22 Q And that firearm basically was the  
23 suspect's, correct?

24 A That is the suspect's firearm.

25 Q Was a magazine also located there?

1           A       Yes, there was an empty magazine. It was a  
2 15-round capacity that was laying, it's hard to see in  
3 that particular photo, but it was right next to the  
4 weapon. And then the weapon itself, the firearm, was  
5 loaded with another magazine that had a 15-round  
6 capacity. When we recovered that firearm and downloaded  
7 that weapon there were eight rounds in the magazine and  
8 one round in the chamber so nine total rounds left in  
9 the firearm.

10          Q       And then back to the exterior crime scene  
11 in Grand Jury Exhibit Number 6, how many cartridge cases  
12 were you able to locate from the area in which the  
13 suspect was?

14          A       We were able to locate eight.

15          Q       Okay. So how many shots approximately do  
16 you believe were fired by the suspect in this case?

17          A       I believe there was a minimum of 16 based  
18 on the evidence that we located.

19 BY MR. STANTON:

20          Q       Based upon, Detective, in your review of  
21 the videotape and your observation of the patrol unit  
22 and your review of the communication logs, were you able  
23 to determine who the officer operating the first  
24 arriving patrol unit to the scene was?

25          A       Yes, it was Officer Baca.

1 Q And his first initial is A?

2 A Yes.

3 Q And that would be the vehicle you see  
4 driving past the cell phone tower at the time shots were  
5 fired in his direction?

6 A That's correct.

7 MR. STANTON: Shanon, I don't have anything  
8 else.

9 MS. CLOWERS: I have nothing further,  
10 ladies and gentlemen.

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

18 Failure to comply with this admonition is a  
19 gross misdemeanor punishable up to 364 days 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, sir.

1 THE FOREPERSON: Thank you. You're  
2 excused.

3 THE WITNESS: Thank you.

4 MR. STANTON: Ladies and gentlemen, that  
5 will conclude our presentation today. As is my habit  
6 and custom, if at any time the Grand Jury would request  
7 additional evidence be presented to you either in the  
8 form of testimonial evidence or documentary evidence, we  
9 would appreciate knowing that request prior to your  
10 formal vote on the matter. We are going to be  
11 withdrawing several exhibits.

12 Miss Clowers, do you have the numbers?

13 MS. CLOWERS: I'm going to take them with  
14 me so they cannot use them during their deliberation and  
15 when we come back I will provide the numbers for the  
16 record.

17 MR. STANTON: Ladies and gentlemen, I also  
18 have the computer up here with the various different  
19 security videos for you to watch and the body cam. So  
20 all the videos that you heard referenced today will be  
21 available for your review.

22 Yes, ma'am.

23 A JUROR: Count 13 you have burglary while  
24 in possession of a deadly weapon.

25 MR. STANTON: Yes.

1 A JUROR: It's at the Ross store?

2 MR. STANTON: Yes, ma'am.

3 A JUROR: And then it goes on to say with  
4 intent to attempted murder and assault with a deadly  
5 weapon.

6 MR. STANTON: Correct.

7 A JUROR: So burglary, as far as going into  
8 the Ross store —

9 MR. STANTON: As it's alleged, if you enter  
10 a dwelling or structure with the intent to commit a  
11 felony therein, that's the element of the burglary.  
12 Does that make sense?

13 A JUROR: Yes.

14 MR. STANTON: Okay. Yes, sir.

15 A JUROR: The last five charges are all the  
16 same. Can you explain again why the same charges are  
17 there five times? Is that for each individual?

18 MR. STANTON: It's for the number of shots  
19 that we believe, at least in part the evidence shows,  
20 were fired inside the structure.

21 A JUROR: Five different instances.

22 MR. STANTON: Correct. They're not —  
23 they're all tied to the same incident but each time the  
24 gun is fired it's alleged as a separate count. Did that  
25 answer the Grand Juror's question?

1 A JUROR: Yes. Thank you.

2 MR. STANTON: Okay. Any other questions?

3 Yes, sir.

4 A JUROR: Okay. So we've got a lot of by  
5 shooting at the said and a person.

6 MR. STANTON: Okay.

7 A JUROR: All right. Do we have to know  
8 for sure that the person has been fired at or they just  
9 think they've been fired at?

10 MR. STANTON: That's up for the Grand Jury  
11 to determine. The elements are that the gun, the weapon  
12 was fired at them. So that is a question for you as the  
13 Grand Jury to address.

14 A JUROR: Okay.

15 MR. STANTON: Any other questions? There  
16 being no further questions we'll be pending the call of  
17 the Clark County Grand Jury. Thank you.

18 (At this time, all persons, except the  
19 members of the Grand Jury, exited the room at 4:35 and  
20 returned at 4:45.)

21 THE FOREPERSON: Mr. District Attorney, by  
22 a vote of 12 or more Grand Jurors a true bill has been  
23 returned against defendant Mohamed Mahmoud charging the  
24 crimes of attempt murder with use of a deadly weapon,  
25 assault on a protected person with use of a deadly

1 weapon, assault with a deadly weapon, burglary while in  
2 possession of a deadly weapon, discharge of firearm from  
3 or within a structure in Grand Jury case number  
4 17CGJ110X.

5 We instruct you to prepare an Indictment in  
6 conformance with the proposed Indictment previously  
7 submitted to us.

8 MR. STANTON: Thank you, ladies and  
9 gentlemen. I'll sign the Indictment now. Thank you for  
10 your time and attention in this matter.

11 MS. CLOWERS: Do you want me to put on the  
12 record the exhibits?

13 MR. STANTON: Oh, yes, I'm sorry.

14 MS. CLOWERS: And for the record we  
15 withdrew quite a few exhibits based upon the testimony  
16 and so the only exhibits you're going to receive are  
17 Exhibits 1, 2, 6, 8, 10, 11, 12, 36, 41 and 42. Thank  
18 you.

19 (Proceedings concluded.)

20 --oo0oo--  
21  
22  
23  
24  
25

**REPORTER'S CERTIFICATE**

**STATE OF NEVADA            )**  
  **:**    **ss**  
**COUNTY OF CLARK            )**

I, Donna J. McCord, C.C.R. 337, 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,  
September 10, 2018.

/S/DONNA J. MCCORD  
Donna J. McCord, CCR 337

## 1 AFFIRMATION

2 Pursuant to NRS 239B.030

3  
4 The undersigned does hereby affirm that the preceding  
5 TRANSCRIPT filed in GRAND JURY CASE NUMBER 17CGJ110X:6  
7  
8 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-wit:  
14 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/DONNA J. MCCORD  
SignatureSeptember 10, 2018  
Date20 Donna J. McCord  
Print Name21  
22 Official Court Reporter  
Title

<p><b>A JUROR:</b> [17] 21/1 43/19 62/8 62/9 63/17 64/18 78/22 78/25 79/2 79/6 79/12 79/14 79/20 79/25 80/3 80/6 80/13</p> <p><b>BY A JUROR:</b> [6] 34/18 42/10 42/20 43/6 62/3 63/20</p> <p><b>BY MR. STANTON:</b> [8] 11/8 34/25 45/21 56/6 57/21 62/11 63/25 76/18</p> <p><b>BY MS. CLOWERS:</b> [3] 22/23 37/18 66/22</p> <p><b>MR. STANTON:</b> [38] 5/7 9/22 10/24 19/25 21/2 21/25 22/6 22/9 22/14 35/11 36/5 43/17 43/20 44/16 54/23 55/1 55/23 61/25 63/15 63/18 64/16 64/19 77/6 78/3 78/16 78/24 79/1 79/5 79/8 79/13 79/17 79/21 80/1 80/5 80/9 80/14 81/7 81/12</p> <p><b>MS. CLOWERS:</b> [13] 20/23 22/3 34/23 37/6 37/9 42/8 65/12 66/12 66/14 77/8 78/12 81/10 81/13</p> <p><b>THE FOREPERSON:</b> [45] 9/21 9/24 10/5 10/7 10/17 10/20 10/25 20/6 20/21 21/4 21/10 21/12 21/22 22/4 35/12 36/2 36/7 36/14 36/24 37/2 37/4 37/10 43/23 44/13 44/18 44/24 45/9 45/13 54/5 54/20 55/3 55/9 55/19 55/24 64/20 65/10 65/13 65/20 65/22 66/7 66/11 66/13 77/10 77/25 80/20</p> <p><b>THE INTERPRETER:</b> [1] 37/8</p> <p><b>THE WITNESS:</b> [40] 10/4 10/6 10/16 10/19 10/22 20/20 20/24 21/9 21/11 21/21 21/24 22/1 22/8 22/13 36/1 36/4 36/13 36/23 37/1 37/3 37/5 44/12 44/15 44/23 45/8 45/11 54/19 54/22 54/24 55/8 55/18 55/21 62/10 65/9 65/19 65/21 66/6 66/9 77/24 78/2</p> <p><b>\$</b></p> <p><b>\$2,000</b> [6] 20/16 35/22 44/8 54/15 65/5 77/20</p> <p><b>\$500</b> [6] 20/18 35/24 44/10 54/17 65/7 77/22</p> <p>-</p> <p><b>--oo0oo</b> [1] 81/20</p> <p><b>-OR</b> [2] 83/10 83/14</p>	<p><b>/</b></p> <p><b>/S/DONNA</b> [2] 82/17 83/18</p> <p><b>1</b></p> <p><b>10</b> [8] 4/8 6/22 8/9 72/8 72/11 81/17 82/15 83/18</p> <p><b>11</b> [8] 3/3 4/9 6/22 7/21 8/11 72/8 72/17 81/17</p> <p><b>11th</b> [9] 6/5 11/11 23/1 25/1 25/11 38/5 46/5 56/14 67/20</p> <p><b>12</b> [7] 4/10 4/13 8/14 72/9 73/7 80/22 81/17</p> <p><b>13</b> [2] 8/16 78/23</p> <p><b>14</b> [2] 8/24 9/9</p> <p><b>15</b> [1] 25/13</p> <p><b>15-round</b> [2] 76/2 76/5</p> <p><b>16</b> [2] 70/9 76/17</p> <p><b>1616</b> [1] 70/10</p> <p><b>17</b> [1] 8/1</p> <p><b>17CGJ110X</b> [3] 1/9 81/4 83/5</p> <p><b>18</b> [2] 8/24 9/9</p> <p><b>2</b></p> <p><b>2018</b> [10] 1/15 2/1 5/1 6/5 38/5 46/5 56/15 67/20 82/15 83/18</p> <p><b>22</b> [1] 3/4</p> <p><b>239B.030</b> [1] 83/2</p> <p><b>25</b> [6] 20/18 35/24 44/10 54/17 65/7 77/22</p> <p><b>260</b> [1] 48/16</p> <p><b>27</b> [1] 7/7</p> <p><b>3</b></p> <p><b>30</b> [3] 1/15 2/1 5/1</p> <p><b>337</b> [3] 1/25 82/6 82/18</p> <p><b>36</b> [3] 4/11 51/13 81/17</p> <p><b>364</b> [6] 20/15 35/21 44/7 54/14 65/4 77/19</p> <p><b>37</b> [1] 3/5</p> <p><b>3:14</b> [1] 1/16</p> <p><b>3:30</b> [2] 24/22 26/6</p> <p><b>4</b></p> <p><b>4000</b> [4] 8/20 9/3 23/2 56/22</p> <p><b>41</b> [4] 4/12 74/18 75/11 81/17</p> <p><b>42</b> [4] 4/13 12/20 24/2 81/17</p> <p><b>45</b> [4] 3/6 58/9 58/11 58/14</p> <p><b>4:00</b> [1] 26/4</p> <p><b>4:35</b> [1] 80/19</p> <p><b>4:45</b> [1] 80/20</p> <p><b>5</b></p> <p><b>51</b> [1] 4/11</p> <p><b>56</b> [1] 3/7</p> <p><b>57</b> [1] 4/5</p> <p><b>6</b></p> <p><b>656.250</b> [1] 83/13</p> <p><b>66</b> [1] 3/8</p>	<p><b>6:00</b> [1] 53/4</p> <p><b>7</b></p> <p><b>70</b> [1] 4/6</p> <p><b>72</b> [3] 4/8 4/9 4/10</p> <p><b>74</b> [2] 4/7 4/12</p> <p><b>8</b></p> <p><b>8th</b> [1] 11/22</p> <p><b>9</b></p> <p><b>911</b> [12] 13/17 14/7 14/9 14/20 14/23 14/23 15/12 15/14 29/8 29/20 33/3 50/12</p> <p><b>A</b></p> <p><b>A-M-A-N-D-A</b> [1] 22/3</p> <p><b>ABDALLA</b> [2] 1/10 5/13</p> <p><b>ability</b> [2] 5/7 24/17</p> <p><b>able</b> [4] 72/22 76/12 76/14 76/22</p> <p><b>about</b> [18] 9/16 10/1 19/18 21/6 23/21 24/24 25/13 25/14 26/4 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	<b>your [84]</b>
	<b>yours [1]</b> 49/21
	<b>yourself [2]</b> 34/23 35/9

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9/20/2018 3:36 PM  
Steven D. Grierson  
CLERK OF THE COURT



RECEIVED

SEP 05 2018

**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

DISTRICT COURT ADMIN  
State of Nevada

PLAINTIFF

-VS-

MOHAMED ABDALLA MAHMOUD

DEFENDANT

CASE NO: C-18-334567-1

DEPT. NO: 30

**MEDIA REQUEST AND ORDER ALLOWING  
CAMERA ACCESS TO COURT PROCEEDINGS**

\* Please fax to (702) 671-4548 to ensure that  
the request will be processed as quickly as possible.

Phillip Moyer (name), of KSNV-TV (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

Dept. No. 30, the Honorable Judge Jerry A. Weise Presiding, on the 11 day of  
September, 2018

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-246, inclusive. If this request is being submitted less than twenty-four (24) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 04 day of September, 2018

SIGNATURE: \_\_\_\_\_

PHONE: 702-657-3150

\*\*\*\*\*

**IT IS HEREBY ORDERED THAT:**

[ ] The media request is **denied** because it was submitted less than 24 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.

[ ] The media request is **denied** for the following reasons: \_\_\_\_\_

[ ] The media request is **granted**. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.

[ ] **OTHER:** \_\_\_\_\_

**IT IS FURTHER ORDERED** that this document shall be made a part of the record of the proceedings in this case.

Dated this 5th day of September, 2018

  
DISTRICT COURT JUDGE

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

State of Nevada

**PLAINTIFF**

**-VS-**

Mohamed Abdalla Mahmoud

**DEFENDANT**

**CASE NO:** C-18-334567-1

**DEPT. NO:** 30

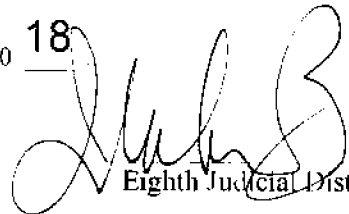
**NOTIFICATION OF  
MEDIA REQUEST**

**TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:**

You are hereby notified pursuant to Supreme Court Rules 229-246, inclusive, that media representatives from KSNV have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be filed at least 24 hours prior to the subject hearing.

DATED this 5th day of September

, 20 18

  
Eighth Judicial District Court

**CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION**

I hereby certify that on the 5th day of September, 2018, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff

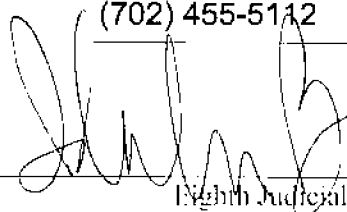
District Attorney

(702) 455-2294

Defendant

Public Defender

(702) 455-5112

  
Eighth Judicial District Court

**ORIGINAL**

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

NOV 08 2018

BY, *Natalie Ortega*  
NATALIE ORTEGA, DEPUTY

C-18-334567-1  
STIP  
Stipulation  
4795206



STIP  
PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
ZOHRA BAKHTARY, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 12324  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Zohra.Bakhtary@clarkcountynv.gov  
*Attorneys for Defendant*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MOHAMED ABDALLA MAHMOUD, )  
 )  
Defendant, )  
\_\_\_\_\_ )

CASE NO. C-18-334567-1

DEPT. NO. XXX

**STIPULATION TO CONTINUE TRIAL DATE**

The Defendant, MOHAMED ABDALLA MAHMOUD, by and through his attorney, ZOHRA BAKHTARY, and the Plaintiff, STATE OF NEVADA, by and through its counsel, DAVID STANTON, Chief Deputy District Attorney, hereby stipulate and agree to the following:

- That this case is currently set for jury trial on November 13, 2018;
- That this is the first trial setting and first request for continuance;
- That this case has extensive and voluminous discovery; and
- That both parties stipulate to continue the jury trial to February 19, 2019.

Submitted by

By */s/Zohra Bakhtary*  
ZOHRA BAKHTARY, #12324  
Chief Deputy Public Defender

By */s/David Stanton*  
DAVID STANTON, #3202  
Chief Deputy District Attorney

1 ORDR  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR NO. 0556  
4 ZOHRA BAKHTARY, DEPUTY PUBLIC DEFENDER  
5 NEVADA BAR NO. 12324  
6 **PUBLIC DEFENDERS OFFICE**  
7 309 South Third Street, Suite 226  
8 Las Vegas, Nevada 89155  
9 Telephone: (702) 455-4685  
10 Facsimile: (702) 455-5112  
11 Zohra.Bakhtary@clarkcountynv.gov  
12 *Attorneys for Defendant*

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA, )  
10 )  
11 Plaintiff, )  
12 )  
13 vi. )  
14 MOHAMED ABDALLA MAHMOUD, )  
15 Defendant, )

CASE NO. C-18-334567-1

DEPT. NO. XXX

14 **ORDER**

15 THIS MATTER having come before the Court on November 8, 2018, and good  
16 cause appearing therefor,

17 IT IS HEREBY ORDERED that the trial date, currently set for November 13,  
18 2018, along with the calendar call, currently set for November 8, 2018, hereby be vacated.

19 IT IS FURTHER ORDERED that the jury trial be reset to February 19, 2019,  
20 with calendar call date of February 12, 2019.

21 DATED 8th day of November, 2018.

22   
23 \_\_\_\_\_  
24 DISTRICT COURT JUDGE

24 Submitted by:

25 PHILIP J. KOHN  
26 CLARK COUNTY PUBLIC DEFENDER

27 By /s/Zohra Bakhtary  
28 ZOHRA BAKHTARY, #12324  
Chief Deputy Public Defender



PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-18-334567-1
	)	
v.	)	DEPT. NO. XXX
	)	
MOHAMED ABDALLA MAHMOUD,	)	DATE: December 27, 2018
	)	
Defendant.	)	TIME: 8:30 a.m.

**MOTION TO CONTINUE TRIAL**

COMES NOW, the Defendant, MOHAMED ABDALLA MAHMOUD, by and through ZOHRA BAKHTARY, Chief Deputy Public Defender and hereby continue the trial set in this matter onto the court's next available stack, or ordinary course.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 10<sup>th</sup> day of December, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Zohra Bakhtary  
ZOHRA BAKHTARY, #12324  
Deputy Public Defender

## DECLARATION

ZOHRA BAKHTARY makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

2. The jury trial in the present case is set for February 19, 2019. This is second trial setting in the present case.

3. Defendant is charged with:

- Count 1: Attempt Murder With Use of a Deadly Weapon
- Count 2: Attempt Murder With Use of a Deadly Weapon
- Count 3: Attempt Murder With Use of a Deadly Weapon
- Count 4: Attempt Murder With Use of a Deadly Weapon
- Count 5: Attempt Murder With Use of a Deadly Weapon
- Count 6: Attempt Murder With Use of a Deadly Weapon
- Count 7: Assault on a Protected Person with Use of a Deadly Weapon
- Count 8: Assault on a Protected Person with Use of a Deadly Weapon
- Count 9: Assault with a Deadly Weapon
- Count 10: Assault with a Deadly Weapon.
- Count 11: Assault with A Deadly Weapon
- Count 12: Assault with A Deadly Weapon
- Count 13: Burglary while in Possession of a Deadly Weapon
- Count 14: Discharging of Firearm from or within a Structure
- Count 15: Discharging of Firearm from or within a Structure
- Count 16: Discharging of Firearm from or within a Structure

- Count 17: Discharging of Firearm from or within a Structure
- Count 18: Discharging of Firearm from or within a Structure

3. The original jury trial was scheduled for November 13, 2018. Counsel previously filed a 'Stip and Order' requesting that the November jury trial date be vacated as Counsel needed additional time to review discovery. The jury trial was rescheduled to February 19, 2018.

4. Upon reviewing the discovery counsel has learned that a three month continuance was not enough, as this case is an officer involved shooting case, which has extensive discovery.

5. Additionally, Counsel has **four jury trials** scheduled between January 14, 2019 and February 19, 2019 in departments 30 and 23.

6. For the foregoing reasons, Counsel respectfully requests that this Honorable Court continue the jury trial in the present case to June 19, 2019.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 10<sup>th</sup> day of December, 2018.

/s/ Zohra Bakhtary

ZOHRA BAKHTARY

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**NOTICE OF MOTION**

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion to Continue the Trial Date on for hearing before the Court on the 27th day of December, 2018, at 8:30 a.m. in Department XXX of the Eighth Judicial District Court.

DATED this 10<sup>th</sup> day of December, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Zohra Bakhtary  
ZOHRA BAKHTARY, #12324  
Deputy Public Defender

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that service of the above and foregoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office at [motions@clarkcountyda.com](mailto:motions@clarkcountyda.com) on this 10<sup>th</sup> day of December, 2018.

By: /s/ Kristina Byrd  
Employee of the Public Defender's Office



1 EXPR  
2 DARIN F. IMLAY, PUBLIC DEFENDER  
3 NEVADA BAR NO. 5674  
4 ZOHRA BAKHTARY, DEPUTY PUBLIC DEFENDER  
5 NEVADA BAR NO. 12345  
6 **PUBLIC DEFENDERS OFFICE**  
7 309 South Third Street, Suite 226  
8 Las Vegas, Nevada 89155  
9 Telephone: (702) 455-4685  
10 Facsimile: (702) 455-5112  
11 Zohra.Bakhtary@clarkcountynv.gov  
12 *Attorneys for Defendant*

13  
14  
15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 THE STATE OF NEVADA,	)	
	)	
18 Plaintiff,	)	CASE NO. C-18-334567-1
	)	
19 v.	)	DEPT. NO. XXX
	)	
20 MOHAMED ABDALLA MAHMOUD,	)	
	)	
21 Defendant,	)	
	)	

22 **EX PARTE ORDER FOR TRANSPORT**

23 Upon the ex parte application of the above-named Defendant, by and through  
24 ZOHRA BAKHTARY, Clark County Public Defender, and good cause appearing therefor,

25 IT IS HEREBY ORDERED that the Clark County Detention Center transport the  
26 Defendant, **MOHAMED ABDALLA MAHMOUD, I.D. No. 06093907**, to the Clark County  
27 Public Defender's Office, 309 S. Third Street, 2<sup>nd</sup> Floor, on **Tuesday, April 2, 2019 at 12:00**  
28 **noon to no later than 4:00 p.m.**, for the purpose of reviewing Audio/Video discovery for trial  
preparation. That the Public Defender's Office has already arranged the date and time with the  
Clark County Detention Center and it does not present an undue burden to them.

///

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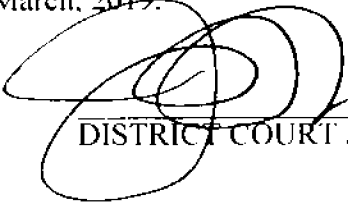
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1 IT IS FURTHER ORDERED that all the Detention Center rules, regulations and protocol  
2 will be followed in regards to the number of transport officers and the presence of the officers  
3 directly outside the secured room used for the meeting. The secured room will be inspected and  
4 approved by corrections officers. The officers shall approve and follow their protocol of  
5 securing the inmate at all times both during transportation to ensure the safety of civilians  
6 present at the office during the time of the appointment.

7  
8 DATED this 28 day of March, 2019.

9  
10   
DISTRICT COURT JUDGE

11 Submitted by:

12 DARIN F. IMLAY  
13 CLARK COUNTY PUBLIC DEFENDER

14 By 

15 ZOHRA BAKHTARY, #12345  
16 Deputy Public Defender  
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**CERTIFICATE OF FACSIMILE**

A COPY of the above and foregoing ORDER FOR TRANSPORT was sent via  
facsimile to the Clark County Detention Center at fax number (702) 671-3763 on this 28<sup>th</sup> day  
of March, 2019.



AFFT  
DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
ZOHRA BAKHTARY, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 12345  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Zohra.Bakhtary@clarkcountynv.gov  
*Attorneys for Defendant*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-18-334567-1
	)	
v.	)	
	)	DEPT. NO. XXX
MOHAMED ABDALLA MAHMOUD,	)	
	)	
Defendant,	)	

**AFFIDAVIT IN SUPPORT OF EX PARTE ORDER FOR TRANSPORT**

STATE OF NEVADA       )  
                                  )  
COUNTY OF CLARK     )       ss:

ZOHRA BAKHTARY, being first duly sworn, deposes and says:

1. That Affiant is an attorney duly licensed to practice law in the State of Nevada
2. That Mohamed Mahmoud (hereinafter "Mr. Mahmoud") is set for trial on June 24, 2019.
3. Mr. Mahmoud is charged with 18 counts of felony charges including several counts of Attempt Murder with Use of a Deadly Weapon of police officers. This is an officer involved shooting case. There is extensive discovery including hours of audio and video discovery, which need to be reviewed with Mr. Mahmoud prior to trial. It would be extremely difficult to review all of the video discovery with Mr. Mahmoud at the Clark County Detention Center.
4. That a defense counsel must go over pretrial discovery including audio and video in order to prepare for trial.

1 5. That defense counsel consulting with CCDC transport to select the dates and times that best  
2 fit both the jail schedule.

3 6. That defense counsel is requesting that the court sign the attached order to allow Mr.  
4 Mahmoud to be transported to the Office of the Public Defender in order to allow defense counsel  
5 to prepare for trial.

6 DATED this 28 day of March, 2019.

7 Submitted by:

8 DARIN F. IMLAY  
9 CLARK COUNTY PUBLIC DEFENDER

10 By 

11 ZOHRA BAKHTARY, #12345  
12 Deputy Public Defender  
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MOT  
DARIN IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
ZOHRA BAKHTARY, CHIEF DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 12324  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Zohra.Bakhtary@clarkcountynv.gov  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

v.

MOHAMED A. MAHMOUD,

Defendant,

CASE NO. C-18-334567-1

DEPT. NO. XXX

DATE: May 28, 2019  
TIME: 8:30 AM

**DEFENDANT'S MOTION TO DISMISS COUNT II AND COUNT VIII**

Defendant, MOHAMED A. MAHMOUD, through counsel, ZOHRA BAKHTARY, Chief Deputy Public Defender, hereby submits Defendant's Motion to Dismiss Count II and Count VIII.

This Motion is made and based upon all the papers and pleadings on file herein and Memorandum of Points and Authorities, and oral argument at the time set for hearing this Motion.

DATED this 16<sup>th</sup> day of May, 2019.

DARIN IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Zohra Bakhtary  
ZOHRA BAKHTARY, #12324  
Deputy Public Defender

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1. I am an attorney licensed to practice law in the State of Nevada and I am a  
 e Defender for the Clark County Public Defender's Office, counsel of record for  
 OHAMED A. MAHMOUD, in the present matter;

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

/s/ Zohra Bakhtary  
ZOHRA BAKHTARY

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **PROCEDURAL HISTORY**

3 Defendant, MOHAMED A. MAHMOUD (hereinafter "Mr. Mahmoud"), is charged, by  
4 way of Indictment with 18 counts, including,

5 Count II: Attempt Murder with Use of a Deadly Weapon, did willfully,  
6 unlawfully, feloniously and with malice aforethought attempt to kill A. Baca, a  
7 human being, with use of a deadly weapon, to wit: a firearm, by shooting at the  
8 said A. Baca with a firearm.

9 Count VIII: Assault on a Protected Person with Use of a Deadly Weapon, did  
10 willfully feloniously and intentionally place another person in reasonable  
11 apprehension of immediate bodily harm and/or did willfully and unlawfully  
12 attempt to use physical force against another person, to wit: A. Baca, a protected  
13 person employed as a Las Vegas Metropolitan Police Department Officer, while  
14 A. Baca was performing his duties as a Las Vegas Metropolitan Police  
15 Department Officer, which Defendant knew, or should have known, that A. Baca  
16 was a Las Vegas Metropolitan Police Department Officer, with use of a deadly  
17 weapon, to wit: a firearm, by shooting at the said Officer A. Baca with a firearm.

18 See Exhibit A – Indictment.

19 **STATEMENT OF FACTS**

20 At the grand jury hearing, Officer Bryon Bunitsky (hereinafter "Officer Bunitsky")  
21 testified that he has been employed as a police officer at the Las Vegas Metropolitan Police  
22 Department for nineteen years. See Exhibit B – Grand Jury Transcript ("GJT") pg. 56, line 12.  
23 On August 11, 2018, he received dispatch communication that there was a shooter at or near  
24 Target and Ross. GJT pg. 57, line 1. He testified that Officer Baca was already at the scene when  
25 he arrived. GJT pg. 58, line 9. He testified that he was aware that shots had been fired at Officer  
26 Baca. See GJT pg. 60, line 6:

27 Q: How did you know that shots had been fired at Officer Baca?

28 A: Officer Baca came on the radio probably about a minute and a half before I got  
there and said he was taking rounds.

Q: And did you know Officer Baca on that shift to be, once again like you were,  
in uniform and driving a marked Metropolitan patrol vehicle?

A: He was.

Officer A. Baca never testified to confirm or deny the above statements.

## ARGUMENT

### **I. Count II and Count VIII must be dismissed because the State presented inadmissible, hearsay evidence in support of said counts.**

NRS 174.105, states:

1. Defenses and objections **based on defects in the institution of the prosecution**, other than insufficiency of the evidence to warrant an indictment, or in the indictment, information or complaint, other than that it fails to show jurisdiction in the court or to charge an offense, may be raised only by motion before trial. The motion shall include all such defenses and objections then available to the defendant.

2. Failure to present any such defense or objection as herein provided constitutes a waiver thereof, but the court for cause shown may grant relief from the waiver.

3. Lack of jurisdiction or the failure of the indictment, information or complaint to charge an offense shall be noticed by the court at any time during the pendency of the proceeding.

In Franklin v. State, 89 Nev. 382, 387, 513 P.2d 1252, 1256 (1973) the Nevada Supreme Court held that a challenge to the validity of the grand jury proceedings (introduction of illegally obtained evidence) is properly made by motion under NRS 174.105(1). Id. citing Cook v. State, 85 Nev. 692, 462 P.2d 523 (1969); Turpin v. Sheriff, 87 Nev. 236, 484 P.2d 1083 (1971). See also, Vincze v. State, 86 Nev. 546, 548, 472 P.2d 936, 937 (1970) (holding that the evidence presented by the prosecutor to the grand jury should have been challenged by way of motion under NRS 174.105(1)). See also State v. Beaudion, 131 Nev. Adv. Op. 48, 352 P.3d 39, 42 (2015) (holding that procedural defects in the indictment are to be challenged by way of motion to dismiss under NRS 174.105).

NRS 172.135(2) states, **the grand jury can receive none but legal evidence, and the best evidence in degree, to the exclusion of hearsay or secondary evidence.** (Emphasis added.) Hearsay is an out of court statement offered as evidence to prove the truth of the matter asserted. NRS 51.035

In Sheriff v. Clark County v. Frank, 103 Nev. 160, 165-66 (1987), the Nevada Supreme Court held that the district attorney erred by presenting substantial body of inadmissible

1 evidence, among other violations, Id. citing United States v. Gold, 470 F.Supp. at 1353; Gibbons  
2 v. State, 97 Nev. 299 (1981) (judgment of conviction reversed where jury's deliberations at trial  
3 were unduly prejudiced and influenced by admission of improper evidence.)

4 In the present case, in support of count II and count VIII, the State presented Officer  
5 Bunitsky's testimony that one and a half minutes before his arrival he heard a 'statement' over  
6 the broadcast from Officer Baca, that "he was taking rounds." This is a hearsay statement offered  
7 to prove that Mr. Mahmoud was attempting kill Officer Baca and/or that he committing assault  
8 with a deadly weapon. This statement was simply illegal and inadmissible. The State has a duty  
9 to present legal, competent evidence. This statutory duty is heightened at a proceeding where the  
10 defense does not have the ability to cross-examine the witnesses, such as a grand jury  
11 proceeding. This rule is not one that should be taken lightly. It is simply the law, as required by  
12 NRS 172.135(2) (the grand jury can receive none but legal evidence, and the best evidence in  
13 degree, to the exclusion of hearsay or secondary evidence.) The integrity of the indictment is not  
14 preserved if it is based on illegal evidence. The State has the burden to present legal evidence at  
15 the grand jury. By deliberately presenting hearsay evidence, which the State knew was illegal  
16 and inadmissible, the State failed to comply with its statutory duty. The institution of prosecution  
17 in the present case was flawed, which resulted in a due process violation. The procedural  
18 manner in which this indictment was returned was defective.

### 19 CONCLUSION

20 Based on the foregoing, Mr. Mahmoud, respectfully requests that this Honorable Court  
21 dismiss count II and count VIII.

22 DATED this 16<sup>th</sup> day of May, 2019.

23 DARIN IMLAY  
24 CLARK COUNTY PUBLIC DEFENDER

25 By: /s/Zohra Bakhtary  
26 ZOHRA BAKHTARY, #12324  
27 Deputy Public Defender  
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the foregoing Motion on for hearing before the Court on the 28<sup>th</sup> day of May, 2019 at 8:30 a.m.

DARIN IMLAY  
CLARK COUNTY PUBLIC DEFENDER

## CERTIFICATE OF ELECTRONIC SERVICE

By: /s/Kristina Byrd  
An employee of the  
Clark County Public Defender's Office

# EXHIBIT A

ORIGINAL

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

AUG 31 2018

BY:   
KIMBERLY ESTALA, DEPUTY

1 IND  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 DAVID L. STANTON  
6 Chief Deputy District Attorney  
7 Nevada Bar #003202  
8 SHANON CLOWERS  
9 Chief Deputy District Attorney  
10 Nevada Bar #010008  
11 200 Lewis Avenue  
12 Las Vegas, Nevada 89155-2212  
13 (702) 671-2500  
14 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-18-334567-1  
IND  
Indictment  
4778009



10 THE STATE OF NEVADA,  
11 Plaintiff,

CASE NO: C-18-334567-1

12 -vs-

DEPT NO: XXX

13 MOHAMED ABDALLA MAHMOUD,  
14 #6093907

15 Defendant.

INDICTMENT

16  
17 STATE OF NEVADA }  
18 COUNTY OF CLARK } ss.

19 The Defendant above named, MOHAMED ABDALLA MAHMOUD, accused by the  
20 Clark County Grand Jury of the crime(s) of ATTEMPT MURDER WITH USE OF A  
21 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC  
22 50031); ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON  
23 (Category B Felony - NRS 200.471 - NOC 50205); ASSAULT WITH A DEADLY WEAPON  
24 (Category B Felony - NRS 200.471 - NOC 50201); BURGLARY WHILE IN POSSESSION  
25 OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and  
26 DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE (Category B Felony -  
27 NRS 202.287 - NOC 51445), committed at and within the County of Clark, State of Nevada,  
28 on or about the 11th day of August, 2018, as follows:

1 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill B.  
3 BUNITSKY, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at  
4 the said B. BUNITSKY with a firearm.

5 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill A.  
7 BACA, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at the said  
8 A. BACA with a firearm.

9 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
11 JOSE TREJO, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at  
12 the said JOSE TREJO with firearm.

13 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

14 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
15 PATRICK FRISBY, a human being, with use of a deadly weapon, to wit: a firearm, by  
16 shooting at the said PATRICK FRISBY with a firearm.

17 COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

18 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
19 AMANDA DAVIS, a human being, with use of a deadly weapon, to wit: a firearm, by  
20 shooting at the said AMANDA DAVIS with a firearm.

21 COUNT 6 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

22 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
23 VICTOR HERNANDEZ, a human being, with use of a deadly weapon, to wit: a firearm, by  
24 shooting at the said VICTOR HERNANDEZ with a firearm.

25 COUNT 7 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY  
26 WEAPON

27 did willfully, unlawfully, feloniously and intentionally place another person in  
28 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully

1 attempt to use physical force against another person, to wit: B. BUNITSKY, a protected person  
2 employed as a Las Vegas Metropolitan Police Department Officer, while B. BUNITSKY was  
3 performing his duties as a Las Vegas Metropolitan Police Department Officer, which  
4 Defendant knew, or should have known, that B. BUNITSKY was a Las Vegas Metropolitan  
5 Police Department Officer, with use of a deadly weapon, to wit: a firearm, by shooting at the  
6 said Officer B. BUNITSKY with a firearm.

7 COUNT 8 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY  
8 WEAPON

9 did willfully, unlawfully, feloniously and intentionally place another person in  
10 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
11 attempt to use physical force against another person, to wit: A. BACA, a protected person  
12 employed as a Las Vegas Metropolitan Police Department Officer, while A. BACA was  
13 performing his duties as a Las Vegas Metropolitan Police Department Officer, which  
14 Defendant knew, or should have known, that A. BACA was a Las Vegas Metropolitan Police  
15 Department Officer, with use of a deadly weapon, to wit: a firearm, by shooting at the said  
16 Officer A. BACA with a firearm.

17 COUNT 9 - ASSAULT WITH A DEADLY WEAPON

18 did willfully, unlawfully, feloniously and intentionally place another person in  
19 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
20 attempt to use physical force against another person, to wit: JOSE TREJO, with use of a deadly  
21 weapon, to wit: a firearm, by shooting at the said JOSE TREJO with a firearm.

22 COUNT 10 - ASSAULT WITH A DEADLY WEAPON

23 did willfully, unlawfully, feloniously and intentionally place another person in  
24 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
25 attempt to use physical force against another person, to wit: PATRICK FRISBY, with use of  
26 a deadly weapon, to wit: a firearm, by shooting at the said PATRICK FRISBY with a firearm.

27 //

28 //

1 COUNT 11 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in  
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
4 attempt to use physical force against another person, to wit: AMANDA DAVIS, with use of a  
5 deadly weapon, to wit: a firearm, by shooting at the said AMANDA DAVIS with a firearm.

6 COUNT 12 - ASSAULT WITH A DEADLY WEAPON

7 did willfully, unlawfully, feloniously and intentionally place another person in  
8 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
9 attempt to use physical force against another person, to wit: VICTOR HERNANDEZ, with  
10 use of a deadly weapon, to wit: a firearm, by shooting at the said VICTOR HERNANDEZ  
11 with a firearm.

12 COUNT 13 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

13 did willfully, unlawfully, and feloniously enter ROSS, located at 4000 Blue Diamond  
14 Road, Las Vegas, Clark County, Nevada, with intent to commit Attempt Murder and/or  
15 Assault with a Deadly Weapon, while in possession of a firearm.

16 COUNT 14 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

17 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
18 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge  
19 a firearm within or from the structure, while being within an area designated by a City or  
20 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

21 COUNT 15 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

22 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
23 structure, located at 4000 Blue Diamond Road, Las Vegas Clark County, Nevada, discharge a  
24 firearm within or from the structure, while being within an area designated by a City or County  
25 Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

26 COUNT 16 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

27 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
28 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge

1 a firearm within or from the structure, while being within an area designated by a City or  
2 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

3 COUNT 17 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

4 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
5 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge  
6 a firearm within or from the structure, while being within an area designated by a City or  
7 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

8 COUNT 18 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

9 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a  
10 structure, located at 4000 Blue Diamond Road, Las Vegas, Clark County, Nevada, discharge  
11 a firearm within or from the structure, while being within an area designated by a City or  
12 County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.


13 DATED this 30 day of August, 2018.

14 STEVEN B. WOLFSON  
15 Clark County District Attorney  
16 Nevada Bar #001565

17 BY

18   
19 DAVID L. STANTON  
20 Chief Deputy District Attorney  
21 Nevada Bar #003202

22 ENDORSEMENT: A True Bill

23 

24 Foreperson, Clark County Grand Jury  
25  
26  
27  
28

1 Names of Witnesses and testifying before the Grand Jury:

2 BUNITSKY, BRYON - LVMPD

3 DAVIS, AMANDA - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

4 FRISBY, PATRICK - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

5 HERNANDEZ, VICTOR - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

6 PATTON, JOSEPH - LVMPD #8289

7 TREJO, JOSE - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

8  
9 Additional Witnesses known to the District Attorney at time of filing the Indictment:

10 BACA, AARON - LVMPD #8754

11 CRUZ, BRIAN - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

12 CUSTODIAN OF RECORDS - CCDC

13 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

14 CUSTODIAN OF RECORDS - LVMPD RECORDS

15 REED, CIENNA - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

16 SANCHEZ, VICTOR - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

17 SNOW, CHERYL - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

18 THOMPSON, JOSEPH - LVMPD #6451

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23  
24  
25  
26 17CGJ110X/18F14914X/ed-GJ

27 LVMPD EV# 1808112712

28 (TK2)

# EXHIBIT B



## EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

MOHAMED ABDALLA MAHMOUD,

Defendant.

) GJ Case No. 17CGJ110X

) DC Case No. C334567

Taken at Las Vegas, Nevada

Thursday, August 30, 2018

3:14 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Donna J. McCord, C.C.R. No. 337

1 GRAND JURORS PRESENT ON AUGUST 30, 2018:

2

3 KEITH NELSON, Foreperson

4 TAMA CLARK, Deputy Foreperson

5 JODI SHERROD, Secretary

6 GAIL ALCALAY, Assistant Secretary

7 MYRL-LEE BOYDEN

8 STEVEN BROWN

9 ARTHUR ELLIOTT

10 CARLTON FOGG

11 TIM GRISWOLD

12 VERNA HALL

13 MARCUS KNICKERBOCKER

14 OLGA LYLES

15 SHELLEY MYSZ

16 SHIRLEY RITZ

17 JOANN RODRIGUEZ

18 SCOTT SEXTON

19 TAY TOLLEFSEN

20

21 Also present at the request of the Grand Jury:

22 David Stanton,

23 Shanon Clowers

24 Chief Deputy District Attorneys

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1 LAS VEGAS, NEVADA, AUGUST 30, 2018

2 \* \* \* \* \*

3  
4 DONNA J. McCORD,

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

9 MR. STANTON: Good afternoon, ladies and  
10 gentlemen. My name is David Stanton. Along with Shanon  
11 Clowers we will be presenting the next case to you.  
12 This is a proposed Indictment involving a target by the  
13 name of Mohamed Abdalla Mahmoud.

14 Ladies and gentlemen, there is a number of  
15 different offenses. The elements are all outlined in  
16 each of the counts before you. Most of them are  
17 repetitive in nature in that they have the same  
18 elements, but the individual who is the victim or the  
19 location is slightly different, or they're repetitive in  
20 the sense of discharging a firearm because there's  
21 multiple rounds that you're going to hear.

22 So what I'm going to do as you've heard me  
23 present cases to you in the past is I'm going to read  
24 the elements of the offenses, and then in order not to  
25 be repetitive or to insult your intelligence, I'll just

1 describe to you the difference between the elements of  
2 the counts which will expedite the process.

3           So ladies and gentlemen, this presentation  
4 is going to involve the events that took place on the  
5 11th of August, 2018, here in Clark County.

6           Beginning on page 2, line 1, Count 1,  
7 attempted murder with use of a deadly weapon, the  
8 elements of that offense are that the target of this  
9 Indictment willfully, unlawfully, feloniously and with  
10 malice aforethought attempted to kill B. Bunitsky, a  
11 human being, with use of a deadly weapon, to-wit: a  
12 firearm, by shooting at the said Bunitsky with a  
13 firearm.

14           Bunitsky is not listed here but you will  
15 find out he's an officer with the Las Vegas Metropolitan  
16 Police Department.

17           Count 2, same elements, and that is attempt  
18 to kill A., initial A, Baca, B-A-C-A, and once again  
19 you'll hear testimony that is a Las Vegas Metropolitan  
20 police officer.

21           Count 3, the target or the victim of that  
22 offense listed on lines 10 and 11 is Jose Trejo,  
23 T-R-E-J-O, and that all of these are attempted murder  
24 with use a deadly weapon and in all counts the deadly  
25 weapon is a firearm.

1 Count 4, the victim there is Patrick  
2 Frisby.

3 Count 5, the victim is Amanda Davis.

4 Count 6, it's Victor Hernandez.

5 Then shifting to Count 7, that is assault  
6 on a protected person with use of a deadly weapon. The  
7 elements of that offense, page 2, line 27, that the  
8 target willfully, unlawfully, feloniously and  
9 intentionally placed another person in reasonable  
10 apprehension of immediate bodily harm and/or did  
11 willfully and unlawfully attempt to use physical force  
12 against another person, to-wit: B. Bunitsky, a  
13 protected person employed as a Las Vegas Metropolitan  
14 police officer, while Officer Bunitsky was performing  
15 his duty as a police officer which the defendant knew or  
16 should have known that he was a police officer and that  
17 he used a deadly weapon, to-wit: a firearm, by shooting  
18 at Officer Bunitsky with that weapon.

19 Count 8 is the same offense with the same  
20 elements except for the victim there, page 2 or page 3,  
21 line 11, is Officer Baca, B-A-C-A, and that he is at the  
22 time of these events a Metropolitan police officer and  
23 that it was known or reasonably should have been known  
24 by the target that he was a police officer.

25 Then we have a series of offenses beginning

1 on page 3, line 17, Count 9, assault with a deadly  
2 weapon; did willfully, unlawfully, feloniously and  
3 intentionally place another person in reasonable  
4 apprehension of immediate bodily harm and/or did  
5 willfully and unlawfully attempt to use physical force  
6 against another, to-wit: Jose Trejo, with use of a  
7 deadly weapon, to-wit: a firearm, by shooting at the  
8 said Jose Trejo with a firearm.

9 Count 10 is the same elements, assault with  
10 a deadly weapon. The victim there is Patrick Frisby.

11 Now shifting to page 4, Count 11, same  
12 elements, assault with a deadly weapon, victim is Amanda  
13 Davis.

14 Count 12, assault with a deadly weapon,  
15 victim Victor Hernandez.

16 And now Count 13 is burglary while in  
17 possession of a deadly weapon, that the target  
18 willfully, unlawfully and feloniously entered Ross,  
19 which is the business establishment Ross, located at  
20 4000 Blue Diamond Road in Clark County with the intent  
21 to commit attempted murder and/or assault with a deadly  
22 weapon while in possession of a firearm.

23 And then, ladies and gentlemen, you will  
24 see Counts 14 through 18 are all discharging of a  
25 firearm from or within a structure. The elements of

1 that offense are that the target willfully, unlawfully,  
2 maliciously and feloniously while in, on or under a  
3 structure located at 4000 Blue Diamond Road, discharged  
4 a firearm within or from the structure, while being  
5 within an area designated by a city or county ordinance  
6 as a populated area for the purpose of prohibiting the  
7 discharge of weapons.

8 Ladies and gentlemen, there are a number of  
9 counts, 14 through 18, that are all the same elements.  
10 They will be described by evidence and testimony to you  
11 and by some crime scene documents depicting separate and  
12 distinct shots fired during this event and thus leading  
13 to those number of counts.

14 Those are the elements of the offenses that  
15 will be presented to you this afternoon. Does any  
16 member of the Grand Jury have any questions about the  
17 elements of the offenses I just read? For the record no  
18 member of the Grand Jury has any questions.

19 Mr. Foreperson, we're prepared to call our  
20 first witness. Is the Grand Jury ready to take that  
21 testimony?

22 THE FOREPERSON: Yes, we are.

23 MR. STANTON: Just remain right there,  
24 raise your right and be sworn.

25 THE FOREPERSON: You do solemnly swear that

1 the testimony that you're about to give upon the  
2 investigation now pending before this Grand Jury shall  
3 be the truth, the whole truth, and nothing but the  
4 truth, so help you God?

5 THE WITNESS: So help me God.

6 THE FOREPERSON: Please be seated.

7 THE WITNESS: Thank you.

8 THE FOREPERSON: You are advised that you  
9 are here today to give testimony in the investigation  
10 pertaining to the offenses of attempt murder with use of  
11 a deadly weapon, assault on a protected person with use  
12 of a deadly weapon, assault with a deadly weapon,  
13 burglary while in possession of a deadly weapon and  
14 discharge of firearm from or within a structure  
15 involving Mohamed Mahmoud.

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 slowly for the record.

20 THE WITNESS: Patrick Frisby, Jr.

21 THE FOREPERSON: And can you spell it,  
22 please?

23 THE WITNESS: P-A-T-R-I-C-K. My last  
24 name's Frisby, F-R-I-S-B-Y, Jr.

25 MR. STANTON: May I proceed?

1 THE FOREPERSON: Yes.

2  
3 PATRICK FRISBY, JR.,

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

7  
8 EXAMINATION

9 BY MR. STANTON:

10 Q Sir, I want to direct your attention to  
11 August 11th of this year. Sir, were you working that  
12 day?

13 A Yes, sir.

14 Q Where were you working?

15 A Ross Dress-for-Less.

16 Q And what do you do there, sir?

17 A I recently got promoted to head security  
18 there.

19 Q And how long had you been working at that  
20 store?

21 A At that location I've been working there  
22 since January 8th of this year.

23 Q And you said that you've now been recently  
24 promoted to the supervisor of security at that store?

25 A Yes, sir.

1 Q Is it a large store?

2 A Yeah.

3 Q And on this day it was rather crowded kind  
4 of leading up to the opening day of school?

5 A Yes, sir.

6 Q And what are your general responsibilities  
7 as the security guard at that store?

8 A Well, basically what we do is we basically  
9 call out any suspicious indicators, make sure there's no  
10 defeated hard tags or any stashed merchandise inside the  
11 store.

12 Q So it's kind of loss prevention in part?

13 A Yes, sir.

14 Q And how many folks work with you?

15 A In my security team?

16 Q Yes.

17 A Well, I have Paul, Arnold. I have Will and  
18 Dayki (phonetic) at that time and Mohamed.

19 Q Okay. I'm going to show you on this big  
20 T.V. screen over here Grand Jury Exhibit 42. Do you  
21 recognize who that is?

22 A Yes, sir.

23 Q Who is that?

24 A That is Mohamed.

25 Q And Mohamed on this day was a member of

1 your security team?

2 A Yes, sir.

3 Q And did he have kind of the same general  
4 responsibilities as you did as far as loss prevention as  
5 you described but he wasn't a supervisor?

6 A Yes, sir.

7 Q Now, at some part of that day did there  
8 come a time where you became aware of a problem that  
9 Mohamed was having with another employee inside the  
10 store?

11 A Yes, sir.

12 Q Can you describe what it is that you first  
13 saw or heard regarding this conflict?

14 A Well, at the time of the conflict I was  
15 doing a walk because, like I said, I recently got  
16 promoted to the disposition I received. I was doing my  
17 walk and basically I heard on my earpiece there's a 911  
18 up by the front. Usually --

19 Q Let me just stop you there. Are you and  
20 members of the security team at Ross armed?

21 A No, sir.

22 Q You have walkie-talkies?

23 A Yes, sir.

24 Q And that's to communicate with other  
25 members of your team within the store?

1           A     Yes, sir.

2           Q     And you mentioned an earpiece. Is that  
3 something where kind of in a nonobvious way you can hear  
4 radio communication?

5           A     Yes, sir.

6           Q     And you said that you heard something  
7 that's called a 911. What does that mean to you when  
8 you hear somebody within the Ross employees using that  
9 walkie-talkie, what does 911 mean to you?

10          A     It's an emergency.

11          Q     And who did you hear pronounce that there  
12 was an emergency?

13          A     My manager Amanda.

14          Q     And you've known Amanda for some period of  
15 time?

16          A     Yes, sir.

17          Q     And it was easily recognizable to you the  
18 voice that you heard as being Amanda's?

19          A     Yes, sir.

20          Q     After you heard that 911 request from  
21 Amanda, where did you go?

22          A     I didn't think nothing of it because, like  
23 I said, a 911 is an emergency and usually when a 911  
24 happens it's someone walking out without purchasing  
25 items, so I thought at that time since Mohamed's up

1 there he can handle the situation.

2 Q And you believe that at that time Mohamed  
3 was in the front of the store where the cashiers are and  
4 where patrons would exit the store?

5 A Yes, sir.

6 Q Did you then make your way towards the  
7 front after you heard that?

8 A No, I did not.

9 Q Okay. How long did it take you before you  
10 went to the front?

11 A I heard another associate call out we have  
12 a 911 up at the front.

13 Q So someone other than the manager Amanda  
14 called out 911 and then you knew something was probably  
15 requiring your attention?

16 A Yes, sir.

17 Q Did you go to the front of the store?

18 A Yes, sir.

19 Q Could you tell the ladies and gentlemen of  
20 this Grand Jury what you observed regarding Mohamed and  
21 Amanda when you arrived to the front of the store?

22 A So as I was walking down the main aisle I  
23 could hear and I could see Mohamed yelling and, well,  
24 he's telling Amanda, he was like F you, F you.

25 Q Go ahead. In this room, I appreciate your

1 editing, but let the fur fly exactly the way it was  
2 said.

3 A All right.

4 Q I appreciate you wanting to be sensitive,  
5 I'll just tell you we're all adults here and they've  
6 heard a lot of stuff in this room so go ahead, verbatim.

7 A So the man had said fuck you, fuck this to  
8 Amanda. And so when I seen that I was walking up. When  
9 I was walking up also another manager at the time was  
10 there at the front. Her name is Jennifer. So as I'm  
11 walking up to the front he's already angry I guess over  
12 a cart. And so I was walking up to the front and I  
13 remember him using those profanity words against Amanda.  
14 I went up to him and I was like you got to calm down, my  
15 man, like this is not a place to do this, it's  
16 unprofessional basically. And what he told me was don't  
17 tell me what to do. I simply turned around, shrugged my  
18 shoulders, I was like this guy like. And like he came  
19 up to me after that and was like what, motherfucker,  
20 what, what did you say. And at that time I was getting  
21 angry because the man was in my personal space so I had  
22 taken (sic) off my vest. And when Amanda seen that she  
23 like lightly pushed me and she said walk. So I backed  
24 off and that's when he said I'm gonna come back and I'm  
25 gonna kill both of you motherfuckers.

1           Q     And did he, meaning Mohamed, then take off  
2 his vest?

3           A     Yes, sir. He took off his vest and the  
4 radio and the headset, he rolled it up like in a ball  
5 and threw it at Amanda.

6           Q     And then he leaves the store?

7           A     Yes, sir.

8           Q     And he went to his car?

9           A     Yes, sir.

10          Q     Did you know his car to be a Scion?

11          A     Yes, sir.

12          Q     And did you see him go to his car?

13          A     I seen him leave the store. I didn't see  
14 him go to his car.

15          Q     Okay.

16          A     But I was putting on my vest at that time.

17          Q     And did he then, meaning Mohamed, reenter  
18 the store shortly thereafter?

19          A     Yes, I want to say at least like a minute  
20 and a half later.

21          Q     Did he have anything with him when he  
22 walked back into the store?

23          A     Yes, sir, he had a black pistol with him.

24          Q     And can you tell me what he did or said  
25 when you saw him come back into the store with a weapon?

1           A       So he's walking from the parking lot and he  
2 has the pistol in his hand and that's when I yelled out  
3 he has a gun, he has a gun in his hand, and that's when  
4 I turned to everybody he has a gun. That's when I just  
5 ran and I heard shots.

6           Q       Okay. Did you see him shoot that weapon  
7 outside the store before he came in?

8           A       No.

9           Q       Okay. When he came in you said you began  
10 to run and proclaimed out loud, I would presume, that he  
11 has a weapon and then you began to run from the front  
12 part of the store. Did you hear any gunshots after you  
13 began to run when Mohamed entered the store?

14          A       Yes.

15          Q       How many times do you think he shot, if you  
16 can recall?

17          A       I want to say at least like three or four  
18 shots.

19          Q       And where did you go?

20          A       So when that happened I ran all the way to  
21 the back. I didn't want to run into the break room  
22 because he knew the break room code. So right next to  
23 our break room there's an emergency exit door. Four  
24 customers and myself tried to exit through there. It  
25 would not open. So at that moment I literally thought

1 this was my last -- I remember taking off my vest  
2 because he knew exactly what I was wearing so I remember  
3 taking off my vest, threw it on the ground and then I  
4 remember ducking from all the way from the back to like  
5 kind of close to the front. And when I saw that the  
6 coast was clear I just started running.

7 Q And where did you run to?

8 A I ran to the front doors.

9 Q Okay. And at any point did you encounter  
10 Mohamed when you were running towards the front of the  
11 store?

12 A No, I didn't encounter with him but I do  
13 remember shots were being fired at me.

14 Q And you described to investigating  
15 detectives that you felt a certain number of shots were  
16 fired in your direction. How many did you think were  
17 fired in your direction?

18 A About like four.

19 Q And did you have a sensation of one of  
20 those rounds, that it came close to you?

21 A Yes, sir, I remember it gliding by my ear.

22 Q And then you ran out of the store and then  
23 you got some assistance from some other people and then  
24 a large police presence occurred?

25 A Yes, sir.

1                   MR. STANTON: I have no further questions  
2 of this witness, ask if any member of the Grand Jury has  
3 any questions.

4                   There being no questions, if you can just  
5 pay attention once again to the Foreperson and then you  
6 will be excused.

7                   THE FOREPERSON: By law these proceedings  
8 are secret and you are prohibited from disclosing to  
9 anyone anything that transpired before us including any  
10 evidence presented to the Grand Jury, any event  
11 occurring or a statement made in the presence of the  
12 Grand Jury or any information obtained by the Grand  
13 Jury.

14                   Failure to comply with this admonition is a  
15 gross misdemeanor punishable up to 364 days in the Clark  
16 County Detention Center and a \$2,000 fine. In addition  
17 you may be held in contempt of court punishable by an  
18 additional \$500 fine and 25 days in the Clark County  
19 Detention Center.

20                   Do you understand this admonition?

21                   THE WITNESS: Yes, sir.

22                   THE FOREPERSON: Thank you. You're  
23 excused.

24                   MS. CLOWERS: Amanda Davis.

25                   THE WITNESS: Thank you, everybody. You

1 guys have a good day.

2 A JUROR: Thank you.

3 MR. STANTON: Come on in, stand next to  
4 table, remain standing and raise your right hand for me.

5 THE FOREPERSON: You do solemnly swear that  
6 the testimony that you're about to give upon the  
7 investigation now pending before this Grand Jury shall  
8 be the truth, the whole truth, and nothing but the  
9 truth, so help you God?

10 THE WITNESS: I do.

11 THE FOREPERSON: Please be seated.

12 THE WITNESS: Okay.

13 THE FOREPERSON: You are advised that you  
14 are here today to give testimony in the investigation  
15 pertaining to the offenses of attempt murder with use of  
16 a deadly weapon, assault on a protected person with use  
17 of a deadly weapon, assault with a deadly weapon,  
18 burglary while in possession of a deadly weapon,  
19 discharge of firearm from or within a structure  
20 involving Mohamed Mahmoud.

21 Do you understand this advisement?

22 THE WITNESS: Yes, I do.

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

25 THE WITNESS: Amanda Davis.

1 MR. STANTON: Spell your first and last.

2 THE WITNESS: Oh, I'm sorry, Amanda,

3 A-M-A-N-D-A, Davis, D-A-V-I-S.

4 MS. CLOWERS: May I proceed?

5 THE FOREPERSON: Could you speak a little  
6 closer to the mic?

7 MR. STANTON: Amanda, you have a very soft  
8 voice.

9 THE WITNESS: Okay.

10 MR. STANTON: So just if you need to even  
11 use it like a karaoke, feel free to do that, but you  
12 need to keep your voice up so everybody in this room can  
13 hear you, okay?

14 THE WITNESS: Okay.

15 MR. STANTON: Now direct your attention to  
16 Miss Clowers. She has a couple questions for you.

17

18 AMANDA DAVIS,

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

23 EXAMINATION

24 BY MS. CLOWERS:

25 Q I'm going to direct your attention to

1 August 11th of this year. Where were you working?

2 A I was working at Ross at 4000 Blue Diamond  
3 Road.

4 Q And that's in Clark County?

5 A Yes.

6 Q What position did you hold for Ross?

7 A I was an area supervisor.

8 Q And what kind of responsibilities do you  
9 have being an area supervisor?

10 A Technically me being in the store I am the  
11 manager of the store on duty so I'm in charge of all  
12 associates, customers, returns, et cetera.

13 Q And the store that you worked in, did it  
14 have surveillance cameras?

15 A Yes, it did.

16 Q And did those record?

17 A Yes, they did.

18 Q Did you work with on that particular day  
19 Patrick?

20 A Yes, I did.

21 Q And what about Mohamed?

22 A Yes, I did.

23 Q There's a Grand Jury exhibit up behind you  
24 on that T.V. screen. Do you recognize that person?

25 A Yes, I do.

1           Q     And for the record it's Grand Jury Exhibit  
2 Number 42. Who are we looking at in that photograph?

3           A     That is Mohamed.

4           Q     How long had Mohamed worked at Ross?

5           A     To my recollection three weeks.

6           Q     And what position did he hold?

7           A     He was an SPS.

8           Q     And what is SPS?

9           A     SPS is our loss prevention in our store and  
10 that's what prevents crime and theft.

11          Q     And do they wear security vests?

12          A     Yes, they do. They're supposed to be in  
13 vest in class meaning having black pants, black shirt  
14 that is creased with a vest as well.

15          Q     As well as a walkie-talkie?

16          A     Correct.

17          Q     In an ability to communicate with you; is  
18 that correct?

19          A     Yes.

20          Q     Okay. At some point in time on that day  
21 was there a confrontation between you and Mohamed?

22          A     Mohamed arrived at 3:30. He came into the  
23 store upset. The day before we had conversations with  
24 him with my manager. He didn't seem very happy about  
25 that conversation so I kind of figured that it kind of

1 rolled over to the next day on the 11th.

2 Q Did you participate in the conversation the  
3 day before?

4 A Yes, I did.

5 Q Okay. And so the next day you indicated  
6 that he appeared to be upset to you?

7 A Correct.

8 Q Is that from his mannerisms or a  
9 conversation you had with him?

10 A Mannerisms and a conversation, yes.

11 Q So what happened that day, August 11th?

12 A I was standing on register five at the  
13 time. I was about to take my break, my first 15, before  
14 my AS was about to leave which was Jennifer. I stepped  
15 outside and I seen him pull up as I was sitting on the  
16 bench and he came into the store before his shift and  
17 then he ended up walking out back to his car and came  
18 back in. As I came back into the store I was told by  
19 Patrick that he would need his walkie and he would also  
20 need his vest to start. Patrick was mobile. He was  
21 roaming the floor. So I went ahead to the office, I got  
22 him a walkie, I got him an earpiece and I got his vest  
23 and I got back on register five because it was before  
24 back to school started.

25 Q So were you busy?

1           A       We were very busy. We had a long line of  
2 kids and men and children and women all the way back to  
3 carpets so that's pretty much half of our store.

4           Q       So it's about 4:00 o'clock on Saturday; is  
5 that correct?

6           A       He clocked in at 3:30.

7           Q       Okay. So let me fast forward a little bit  
8 to a point where I believe there was a woman who made a  
9 large purchase; is that correct?

10          A       My customer, yes.

11          Q       And she wanted to go get her car and pull  
12 it to the front of the store so she could put her items  
13 in there?

14          A       Yes.

15          Q       And are you allowed to take the carts out  
16 of Ross?

17          A       No, you are not. Our policy, we have poles  
18 on our carts so because we have poles on our carts we  
19 allow the customers to pull their car up to the front  
20 and they can load their items that way.

21          Q       And did that somehow instigate an argument  
22 or confrontation between you and Mohamed?

23          A       Yes, it did.

24          Q       And what happened?

25          A       I said onto the walkie that a customer was

1 going to leave her items up in the front of the door and  
2 to keep an eye onto the items as well as to greet the  
3 customers coming in. He did not respond to what I said  
4 so I kind of figured that he didn't hear me or he was  
5 just trying to ignore me because I seen he was agitated  
6 when he first came in. I went ahead and continued on  
7 with the next customer and he called out, after the  
8 customer pushed the cart up to the front of the door,  
9 that she left her items in the front.

10 Q Mohamed?

11 A Yes.

12 Q Okay. And then what happens after that?

13 A I reminded him that I had already said on  
14 the walkie that she was going to leave her items in  
15 front of the store and she was going to bring up her car  
16 and was going to load her items that way. And I even  
17 asked him in a nice way do you remember.

18 Q Okay.

19 A Then I told him I know that the line is  
20 long but if you can keep your eye on her purchase, you  
21 know, it would be appreciated so --

22 Q And at what point did he become upset?

23 A Right after I said that.

24 Q What did he say?

25 A He walked around -- well, my area

1 supervisor like me, she was on register three across  
2 from me, she went to the back of the store because we  
3 had shipment coming in, and as soon as she walked away  
4 from her register he walked around to me in front of my  
5 customers and in front of the customer I was ringing up  
6 and started yelling at me that I am not to talk to him  
7 that way, I am to respect him. He started using  
8 profanity.

9 Q What type of profanity? And like I said  
10 earlier, it's okay to --

11 A Say it, okay. I was standing there, he  
12 came around and I told him, I said, Mohamed, you can't  
13 talk like this on the sales floor, we have customers.  
14 If you want to speak with me I can talk to you in the  
15 lunchroom if you want to go back there and wait for me  
16 but you cannot do this because it's unprofessional. He  
17 got upset; I'm not going anywhere, don't tell me where  
18 to go, don't tell me what to do, you will respect me, my  
19 name is da, da, da, da, da, and I told him that's fine  
20 but like I said you either go to the lunchroom or you  
21 can leave for the day because you can't do this today.  
22 And he got mad and stood back and pointed his hand and  
23 extended his finger at me in front of the customers and  
24 my customer I was ringing up and said fuck you and then  
25 yelled it really loud.

1           Q     Okay. Is there a point in time where you  
2 feel that this escalated to the point where you go over  
3 the walkie-talkie and announce an emergency?

4           A     Yes, because by that time --

5           Q     And to do that -- I'm sorry.

6           A     I'm sorry.

7           Q     It's okay. You said something to the  
8 effect of 911?

9           A     I told Jennifer on the walkie-talkie that I  
10 need her to come up to the front, I had a situation. He  
11 continued to cuss, scream and yell and --

12          Q     At you?

13          A     At me.

14          Q     Okay.

15          A     And I kept telling him he needs to go to  
16 the back of the store and wait. He didn't want to  
17 listen. So I looked at my associate who was on register  
18 seven, her name is Stephanie, I looked at her and I said  
19 I need Jennifer. So she got on the radio and said  
20 Jennifer, 911.

21          Q     At some point in time Patrick comes to your  
22 aid; is that correct?

23          A     Correct, because he heard that there was an  
24 emergency in the front.

25          Q     And does he try to intervene with Mohamed?

1           A     Yes, he does.

2           Q     Okay. And that doesn't play out well  
3 either, does it?

4           A     No, ma'am, it does not.

5           Q     Does Mohamed get even more angry at that  
6 point?

7           A     He does.

8           Q     Okay. Is there a point in time where he  
9 actually takes his vest off?

10          A     Patrick.

11          Q     Okay. Patrick takes his vest off?

12          A     Jennifer was on her way up and as soon as  
13 Jennifer was coming up the aisle Mohamed seen her  
14 coming, he walked away from my register and went back to  
15 the door.

16          Q     What happens after that?

17          A     She walked over to him. I explained to her  
18 what was going on on the walkie-talkie. He still had  
19 his walkie in his ear so I let her know there was a  
20 situation. I guess he was offended by the way I told  
21 him a customer was going to pull up their car.

22          Q     What does Mohamed do next?

23          A     Jennifer walks away because there's no  
24 calming him down because he's that riled up. So Patrick  
25 tries. He walks over to him but then he tries to get

1 aggressive with Patrick and that's when I said enough is  
2 enough. I left the register, I looked at my customer, I  
3 said I am sorry, because I had customers looking at me  
4 like --

5 Q Okay. You don't have to worry about that.  
6 Just tell me what you did with Mohamed.

7 A I told the customer I'm sorry, I closed the  
8 door and I looked at Mohamed and said you will not do  
9 this, you will not do this here. And I looked at  
10 Patrick, I moved my hand and I said, Patrick, you need  
11 to move back. I told him, I said you do not move, you  
12 stay in camera view, because we had a monitor right in  
13 front of the door. So I moved over a little bit so that  
14 I can see myself and see him and he just stood there  
15 talking. And then I told him, I said since you do not  
16 want to listen and you do not want to go to the  
17 lunchroom you can leave for the day.

18 Q Okay. And what happened?

19 A He took off his vest, he took it and threw  
20 it at me, slung my phone out of my hand and put his  
21 finger in my face and looked at me dead in my face and  
22 he said I will fucking kill you.

23 Q Is Patrick standing right there as well?

24 A Yes, and he said I will kill you both.

25 Q So after this he leaves and goes out into

1 the parking lot; is that correct?

2 A After that he leaves, goes to the parking  
3 lot. I see him walk out. I get on the phone with my  
4 manager. I'm walking to the back of the store and as I  
5 hit the back door it doesn't shut all the way, and I  
6 have customers running in on me and they're yelling and  
7 screaming, I have kids screaming, crying, and they're  
8 saying he has a gun and he's coming in to kill you.

9 Q Okay. You hear gunshots before that?

10 A I heard three gunshots, yes.

11 Q And after you hear the three gunshots  
12 that's when people started running towards you in the  
13 area you were?

14 A They ran to the back of the store near the  
15 office and lunchroom.

16 Q And that's directly in back of the store;  
17 is that correct?

18 A Yes, it is.

19 Q And what do you do after that? Do you come  
20 out of there?

21 A I run out because I ran -- I had a video  
22 that I seen the day before about how to handle  
23 situations like this and we have to make sure customers  
24 are safe and secured.

25 Q So you came out of that area and you go

1 back into the store area?

2           A       I walk out of the door after telling my  
3 manager and call 911. I walk out of the door and as I  
4 turn the corner Mohamed is walking like he's just on a  
5 stroll in a park, just walking with the gun in his right  
6 hand next to his right leg. And I look up and I could  
7 see through the gate, and when I see him he gave this  
8 evil look and I ran. And as soon as I ran and I turned  
9 the corner he shot. And I had to run from automotive  
10 all the way through lingerie, juniors to the front door  
11 because every time I --

12           Q       Do you know whether or not he was behind  
13 you while you were running?

14           A       He didn't chase me. I'm running this way,  
15 he's walking this way.

16           Q       Okay. So you're indicating you went to  
17 your right and he went to the left?

18           A       He went forward, yes.

19           Q       Straight down?

20           A       The whole time I'm running this way he's  
21 just shooting.

22           Q       So let me describe this a little bit.  
23 You're indicating that from the back of the store you  
24 ran to your right and Mohamed went straight ahead which  
25 is down the center aisle?

1           A       Yes, ma'am.

2           Q       And as he's doing that he's firing the gun?

3           A       Yes.

4           Q       Okay. How many times do you believe he  
5 fired the gun?

6           A       Four times.

7           Q       And where did you end up running to?

8           A       I had to run over to Target in their  
9 stockroom.

10          Q       And after that did you speak with police  
11 officers?

12          A       Yes, I did.

13          Q       And the video from the incident was  
14 provided to the police as well; is that correct?

15          A       Yes, it was.

16          Q       Okay.

17                   I have no further questions, ladies and  
18 gentlemen.

19 BY A JUROR:

20          Q       One thing, after the situation with your  
21 security, didn't your other security personnel assist  
22 you by getting the store empty or they basically said  
23 you go yourself?

24                   MS. CLOWERS: Wait, that question is not  
25 relevant but I appreciate it so thank you.

1 BY MR. STANTON:

2 Q And additionally for the record you may not  
3 have been aware of all the things that took place  
4 involving security and the disposition of customers in  
5 your store; is that correct?

6 A Can you explain that to me? I'm sorry.

7 Q What happens after the shots are fired, the  
8 Grand Juror asked you a question that you may have not  
9 known the answer because you didn't see it yourself.

10 A Correct, yes.

11 Q Okay.

12 MR. STANTON: Any other questions?

13 THE FOREPERSON: By law these proceedings  
14 are secret and you are prohibited from disclosing to  
15 anyone anything that transpired before us including any  
16 evidence presented to the Grand Jury, any event  
17 occurring or a statement made in the presence of the  
18 Grand Jury or any information obtained by the Grand  
19 Jury.

20 Failure to comply with this admonition is a  
21 gross misdemeanor punishable up to 364 days in the Clark  
22 County Detention Center and a \$2,000 fine. In addition  
23 you may be held in contempt of court punishable by an  
24 additional \$500 fine and 25 days in the Clark County  
25 Detention Center.

1 Do you understand this admonition?

2 THE WITNESS: Yes, I do.

3 THE FOREPERSON: Thank you. You're  
4 excused.

5 THE WITNESS: Thank you.

6 MR. STANTON: Stand right there by that  
7 table and raise your right hand.

8 THE FOREPERSON: Please raise your right  
9 hand.

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

14 THE WITNESS: Yes.

15 THE FOREPERSON: Please be seated.

16 You are advised that you are here today to  
17 give testimony in the investigation pertaining to the  
18 offenses of attempt murder with use of a deadly weapon,  
19 assault on a protected person with use of a deadly  
20 weapon, assault with a deadly weapon, burglary while in  
21 possession of a deadly weapon, discharge of firearm from  
22 or within a structure involving Mohamed Mahmoud.

23 Do you understand this advisement?

24 THE WITNESS: Yes.

25 THE FOREPERSON: Please state your first

1 and last name and spell both slowly for the record.

2 THE WITNESS: Jose Trejo.

3 THE FOREPERSON: Can you please spell it?

4 THE WITNESS: T-R-E-J-O J-O-S-E.

5 THE FOREPERSON: Thank you.

6 THE WITNESS: You're welcome.

7 MS. CLOWERS: Can we get the interpreter's  
8 name for the record?

9 THE INTERPRETER: Maria Peralta de Gomez.

10 MS. CLOWERS: Thank you. May I proceed?

11 THE FOREPERSON: Yes.

12

13 JOSE TREJO,

14 having been first duly sworn by the Foreperson of the  
15 Grand Jury to testify to the truth, the whole truth  
16 and nothing but the truth, testified as follows:

17

18 EXAMINATION

19 BY MS. CLOWERS:

20 Q Jose, you speak English pretty well; is  
21 that correct?

22 A Just a little.

23 Q Okay. You spoke to police in English?

24 A No, with the detective I did.

25 Q And today we're going to use an interpreter

1    though, correct?

2           A       Yeah.

3           Q       You've got to answer out loud.

4           A       Okay.

5           Q       So on August 11th of 2018, you were  
6   shopping with your family at the Ross off of Blue  
7   Diamond; is that correct?

8           A       Yes.

9           Q       Your two little boys and your wife; is that  
10   correct?

11          A       Yeah, correct.

12          Q       And there was a point in time where you  
13   were in the checkout line and you were paying for all  
14   the items?

15          A       Yeah.

16          Q       And there was an argument between a woman  
17   and what appeared to be the security at Ross?

18          A       Correct, yeah.

19          Q       There was also a point where you and your  
20   family exited the store?

21          A       Yes.

22          Q       And where you saw the security guard coming  
23   back into the store; is that right?

24          A       That's correct, yes.

25          Q       And did your sons point out the fact that

1 the security guard was going back into the store?

2 A Yes.

3 Q What did they say?

4 A As we were leaving my wife and my children  
5 saw him and they yelled at me, Dad, here he comes and he  
6 has a gun.

7 Q Okay. And in response to that did you look  
8 at the man?

9 A At that point I turned and I saw him  
10 coming.

11 Q Okay. Was he in the parking lot still near  
12 the cars?

13 A No, I just turn. At that point he was  
14 already coming with the gun.

15 Q Across the, I guess we'll call it the  
16 driveway area?

17 A No, he was coming directly --

18 Q Okay.

19 A -- toward the door, the entrance door at  
20 Ross.

21 Q Was there a point in time where your family  
22 then attempted to leave the area and go towards Target?

23 A They just yell at me and I yell at them and  
24 at that point I ran and I saw that he had a gun.

25 Q Okay. And you and your family tried to run

1 towards the Target; is that right?

2 A We ran towards Target. I told them run.

3 Q And there was a point where your wife and  
4 your two children enter into the Halloween store which  
5 was near the Ross between the Target?

6 A Yes, that's correct.

7 Q And you were still outside; is that  
8 correct?

9 A I just turned to look and see where he was  
10 going.

11 Q Okay.

12 A But before he went in he shot like two  
13 times.

14 Q And I'm going to back up just a little bit.  
15 So your family has gone into the Halloween store, you  
16 turn to look to see where the man with the gun is,  
17 correct?

18 A Yes. We were supposed to be all together  
19 because I said let's go, let's run.

20 Q That's okay.

21 A But at that point I stopped and I saw him  
22 going into Ross.

23 Q Okay. And —

24 A And that's when I started recording him.

25 Q Okay. On your phone?

1           A       Yes. And my family was next to me but  
2 that's when the lady from the other store pulled them  
3 in.

4           Q       From the Halloween store?

5           A       Correct.

6           Q       And that's the point in time where you look  
7 at the suspect and he points the gun at you; is that  
8 right?

9           A       Well, at that moment when I started  
10 recording he was inside and he started firing some  
11 shots. And I honestly thought he had hurt someone, the  
12 guy and the young woman. So at that point I started to  
13 walk backwards and he came out and he turned to look at  
14 me when I was recording him and at that point he said  
15 something but I didn't manage to understand what he was  
16 saying. And then when I was turning he said something  
17 and he showed me the gun and at that moment I turn and I  
18 started running.

19          Q       Okay. And when you turned and started  
20 running after he pointed the gun did you hear anything?

21          A       No, I just ran and I turn and I saw that he  
22 was coming. He was like following me. He almost got to  
23 the entrance of Target and there he went back. So he  
24 went back and he went to sit at the chair that's right  
25 outside of the store, the Ross.

1           Q       So after he pointed the gun at you and you  
2 said you turned to run, did you hear any gunshots?

3           A       Yes.

4           Q       How many?

5           A       Two or three, something like that.

6           Q       And that was when you were between the Ross  
7 and the Target?

8           A       Correct.

9                   MS. CLOWERS: I have no further questions,  
10 ladies and gentlemen.

11 BY A JUROR:

12           Q       So did you -- okay, sorry. Did the man  
13 ever shoot at you?

14           A       At that point when he comes out and he  
15 looks at me, he tells me something but I couldn't manage  
16 to hear what he said but he goes like this and he points  
17 at me. So I quickly turn around and started running but  
18 at that moment he fired shots. I don't know if he shot  
19 at me or upwards or what.

20           Q       Okay. Thank you.

21 BY A JUROR:

22           Q       So you said two or three shots you heard.  
23 You're referring to the shots outside, not inside the  
24 store?

25           A       No, that's apart from that, uh-huh.

1           Q     I'm sorry, it's apart -- where were those  
2 shots, outside the store?

3           A     When he came out.

4           Q     When he came out he fired two or three  
5 shots?

6           A     Yes.

7 BY A JUROR:

8           Q     Where was your wife and children at the  
9 time he was chasing you? Were they being shot at as  
10 well?

11          A     No, because at that moment when I started  
12 recording I turn and they were no longer behind me so I  
13 kept on walking backwards. When he came out he point at  
14 me and he fired the shots and I started running. And I  
15 ran and I hid myself in between the parking spaces. And  
16 at that point I realized that my family was no longer  
17 with me so I started looking for them.

18               MR. STANTON: Did that answer your  
19 question?

20               A JUROR: Thank you.

21               MR. STANTON: Any other questions?

22               There being no further questions, please  
23 direct your attention to the Foreperson.

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

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

6 Failure to comply with this admonition is a  
7 gross misdemeanor punishable up to 364 days in the Clark  
8 County Detention Center and a \$2,000 fine. In addition  
9 you may be held in contempt of court punishable by an  
10 additional \$500 fine and 25 days in the Clark County  
11 Detention Center.

12 Do you understand this admonition?

13 THE WITNESS: Yes, of course.

14 THE FOREPERSON: Thank you. You're  
15 excused.

16 THE WITNESS: Thank you.

17 MR. STANTON: Stand right here, raise your  
18 right hand and direct your attention to the Foreperson.

19 THE FOREPERSON: You do solemnly swear that  
20 the testimony that you're about to give upon the  
21 investigation now pending before this Grand Jury shall  
22 be the truth, the whole truth, and nothing but the  
23 truth, so help you God?

24 THE WITNESS: I do.

25 THE FOREPERSON: Please be seated.

1           You are advised that you are here today to  
2 give testimony in the investigation pertaining to the  
3 offenses of attempt murder with use of a deadly weapon,  
4 assault on a protected person with use of a deadly  
5 weapon, assault with a deadly weapon, burglary while in  
6 possession of a deadly weapon, discharge of firearm from  
7 or within a structure involving Mohamed Mahmoud.

8           Do you understand this advisement?

9           THE WITNESS: Yes.

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

12          THE WITNESS: Victor Hernandez,  
13 V-I-C-T-O-R, Hernandez, H-E-R-N-A-N-D-E-Z.

14          THE FOREPERSON: Thank you.

15

16                           VICTOR HERNANDEZ,

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

20

21                           EXAMINATION

22 BY MR. STANTON:

23           Q       Sir, how are you employed?

24           A       I'm employed with the Las Vegas  
25 Metropolitan Police Department.

1           Q     And how long have you been a police  
2 officer?

3           A     Going on four years now.

4           Q     And I want to direct your attention to  
5 August 11th, 2018. Sir, were you working that day?

6           A     I was not.

7           Q     Where were you with your family on that day  
8 in the afternoon?

9           A     I was inside the Target located on Blue  
10 Diamond. I was there with the family shopping.

11          Q     And what was the first time that you heard  
12 or saw something that you thought was out of the normal  
13 while you were shopping with your family?

14          A     As soon as people started stampeding  
15 towards the rear of the building, that's when I started  
16 hearing people saying there's a guy out there shooting,  
17 a couple screamed active shooter, and then at that point  
18 my main concern was my family and their safety.

19          Q     So let me just ask a couple questions.

20          A     Yes.

21          Q     You're with your wife?

22          A     Yes.

23          Q     And how many children do you have?

24          A     I have four.

25          Q     And what were their age ranges?

1           A       From eight to one.

2           Q       So your first reaction is to secure your  
3 family and how did you secure your family?

4           A       I pretty much just loaded all my kids into  
5 the cart, we pushed them to the rear of the exit. At  
6 that point my wife took the cart, took the kids and I  
7 started heading to the front of the Target.

8           Q       And now you're inside Target and you go to  
9 the front of the Target store?

10          A       Yes.

11          Q       So now I want to kind of pause on this  
12 series of events and ask you whether or not you are  
13 armed?

14          A       I was, yes.

15          Q       And can you describe how you carried your  
16 weapon and what kind of weapon did you have on your  
17 person?

18          A       It's concealed and it's an XD(M) .

19          Q       And is that a semiautomatic handgun?

20          A       Yes, it is.

21          Q       And is that kind of normal for you when  
22 you're off duty to wear a weapon concealed on your  
23 person?

24          A       Of course, all the time.

25          Q       Okay. And so you're in plain clothes,

1 you're not in a uniform?

2 A Yes.

3 Q And you go outside of Target. What do you  
4 see?

5 A Well, I slowly start going to the front of  
6 the Target just to make sure if what they are stating is  
7 true. I'm just moving to the front of Target to make  
8 sure this individual is not, you know, actively  
9 executing people, anything like that. When I move to  
10 the front one of the witnesses that witnessed the  
11 individual shooting pointed me out to the suspect and  
12 pretty much pointed at the suspect which at the time he  
13 was sitting in front of the Ross.

14 Q Okay. And how tall are you and how much do  
15 you weigh?

16 A I'm six-one and 260.

17 Q And you, prior to becoming a Metropolitan  
18 police officer, served in the military?

19 A I did.

20 Q Tell me what branch of the service you were  
21 in and what you did for the military?

22 A I did four years in Marine Corps.

23 Q And you described to me that you did not  
24 draw your weapon immediately as you just described the  
25 events as you exited or approached the egress of the

1 Target. Why didn't you, sir?

2 A Correct. That's correct. Just because at  
3 this point the only information we have is a male active  
4 shooter. The last thing I want is for me to walk out  
5 with a handgun in my hand and cause a blue on blue.

6 Q What do you mean blue on blue?

7 A What I mean is when an officer arrives in a  
8 black and white, complete uniform, if all he's getting  
9 is a male subject firing rounds, the last thing I want  
10 is for me to be a casualty.

11 Q A male subject with a firearm in their  
12 hand?

13 A Correct.

14 Q And there's another term for that in the  
15 military.

16 A Yes.

17 Q And what's the corollary to blue on blue in  
18 the military?

19 A It's friendly fire.

20 Q And so you don't draw your weapon. That  
21 was cognitively an assessment of yours to make. You get  
22 a person pointed out to you by a citizen. Did you  
23 observe that person?

24 A I did.

25 Q And where was he and what was he doing when

1 you first laid eyes on him?

2 A When I first laid eyes on him he was  
3 sitting on a bench located directly in the front of the  
4 Ross.

5 Q Did you see a weapon on his person?

6 A At that point, no, I just saw him sitting  
7 down.

8 Q And just kind of walk us through what  
9 happens as you're observing him at this juncture.

10 A Okay. So at this point I'm observing him,  
11 he's sitting down on the bench directly in front of the  
12 Ross. I tried calling 911. All I get is a busy tone.  
13 So at that point I step out of the Target to try to wave  
14 down an officer. As they approach, one of the officers  
15 that first arrived is speeding towards the Ross. Of  
16 course he's trying to help. I pull my badge out, I wave  
17 him down, I advise him of the information given to me by  
18 the witness. I gave the male description, tall male all  
19 in black clothing sitting at the bench in front of the  
20 Ross. At that point the officer pushes in a little  
21 closer to the Ross, he stops, exits the vehicle. At  
22 that point I'm walking towards the vehicle again,  
23 towards the patrol vehicle, towards the rear of the  
24 patrol vehicle. At that point I see the male subject  
25 lift his right arm in our direction with a gun in his

1 hand, a handgun.

2 Q And when you say our direction, that would  
3 mean based upon your previous testimony your direction  
4 and the direction where the arriving Metro officer is?

5 A Correct.

6 Q Did you know that officer's name?

7 A No, I did not.

8 Q And you saw that officer sitting in the  
9 waiting room this morning prior to your testimony?

10 A I did.

11 Q If I were to represent to you that that is  
12 Officer Bunitsky, and showing you in Grand Jury Exhibit  
13 Number 36, would that be officer that you ultimately --

14 A Yes, it is.

15 Q So when you said that the suspect was  
16 pointing the weapon at us, meaning you and Officer  
17 Bunitsky?

18 A Correct.

19 Q What happens next?

20 A At that point I'm off duty, I have no body  
21 armor, so my first reaction is to try and take cover as  
22 much as possible. As soon as I move towards cover, two  
23 rounds go off. I can tell it's not from the officer, I  
24 can tell it's from the subject just due to distance.  
25 Like I said, military background and all that stuff I

1 could just tell it was at a distance.

2 Q Okay.

3 A At that point I take cover behind a wall  
4 that's located just east of the main entrance to Target.  
5 I'm yelling at other people to get down, get back. At  
6 that point I look around the wall, I see the officer  
7 take cover behind a palm tree, go down to one knee and  
8 then he returns fire.

9 Q And after you saw the officer return fire  
10 did you then see the suspect go down?

11 A I did, yes.

12 Q And what did you do along with Officer  
13 Bunitsky and how did you communicate with Officer  
14 Bunitsky as you approached the subject when he went  
15 down?

16 A At that point after the subject went down,  
17 Officer Bunitsky started moving towards the subject  
18 trying to get a closer look. At that point I saw there  
19 were no other officers at the scene so he was by  
20 himself. I gave him a verbal warning to, hey, I'm  
21 coming up with you, I have your six, I'm covering you.  
22 At that point I retrieved my off-duty handgun and I  
23 approach with Officer Bunitsky.

24 Q So, Officer, when you're behind Officer  
25 Bunitsky —

1           A     Yes.

2           Q     -- and you're saying I'm behind you and I  
3 have your six, that six references that you have him  
4 from behind so 6:00 o'clock on a clock?

5           A     Correct, yes, I have -- yes, I'm covering  
6 his back.

7           Q     And ultimately the person was then taken  
8 into custody with your assistance and Officer Bunitsky  
9 covering with weapons?

10          A     Correct, yes. Officer Bunitsky and myself  
11 just pretty much just covered over the subject while  
12 other officers in uniform took him into custody.

13          Q     Now, have you seen the body cam video of  
14 Officer Bunitsky?

15          A     I have, yes.

16          Q     And in that video is it obvious to you that  
17 you are in the video at least at one point with your  
18 badge showing it to Officer Bunitsky?

19          A     Yes.

20          Q     Okay. And is it fair to say that after the  
21 suspect is taken into custody there's concern by you and  
22 Officer Bunitsky that based upon the information that  
23 had been broadcast there might be another second active  
24 shooter still outstanding either in the area or in the  
25 Ross store?

1           A       Yes, just because there was multiple  
2 callers from the Target and from Ross.

3           Q       Okay. Thank you very much.

4                   No further questions of me. Do any members  
5 of the Grand Jury have any questions of this officer?

6           THE FOREPERSON: By law these proceedings  
7 are secret and you are prohibited from disclosing to  
8 anyone anything that transpired before us including any  
9 evidence presented to the Grand Jury, any event  
10 occurring or a statement made in the presence of the  
11 Grand Jury or any information obtained by the Grand  
12 Jury.

13                   Failure to comply with this admonition is a  
14 gross misdemeanor punishable up to 364 days in the Clark  
15 County Detention Center and a \$2,000 fine. In addition  
16 you may be held in contempt of court punishable by an  
17 additional \$500 fine and 25 days in the Clark County  
18 Detention Center.

19                   Do you understand this admonition?

20           THE WITNESS: Yes.

21           THE FOREPERSON: Thank you. You're  
22 excused.

23           THE WITNESS: Thank you.

24           MR. STANION: Thank you, Officer.

25           THE WITNESS: All right. Thank you, ladies

1 and gentlemen. Have a good one.

2 MR. STANTON: Remain standing, raise your  
3 right hand to be sworn.

4 THE FOREPERSON: You do solemnly swear that  
5 the testimony that you're about to give upon the  
6 investigation now pending before this Grand Jury shall  
7 be the truth, the whole truth, and nothing but the  
8 truth, so help you God?

9 THE WITNESS: I do.

10 THE FOREPERSON: Please be seated.

11 You are advised that you are here today to  
12 give testimony in the investigation pertaining to the  
13 offenses of attempt murder with use of a deadly weapon,  
14 assault on a protected person with use of a deadly  
15 weapon, assault with a deadly weapon, burglary while in  
16 possession of a deadly weapon, discharge of firearm from  
17 or within a structure involving Mohamed Mahmoud.

18 Do you understand this advisement?

19 THE WITNESS: Yes.

20 THE FOREPERSON: Please state your first  
21 and last name and spell both slowly for the record.

22 THE WITNESS: It's Bryon Bunitsky,  
23 B-R-Y-O-N B-U-N-I-T-S-K-Y.

24 MR. STANTON: May I proceed?

25 THE FOREPERSON: Yes.

BRYON BUNITSKY,

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

EXAMINATION

BY MR. STANTON:

Q Sir, how are you employed?

A I'm a police officer with LVMPD, Metro Police.

Q How long have you been a police officer?

A Nineteen years.

Q And I want to direct your attention to a particular day in August, specifically the 11th day of August, 2018. Sir, were you working that day?

A Yes.

Q And what shift were you working and what area command?

A I was working swing shift at enterprise area command.

Q And would that include the area off of Blue Diamond, the 4000 block, where a Ross and Target store are located?

A It does.

Q On that day did you receive some sort of

1 dispatch communication that there was a shooter at or  
2 near the Target and Ross stores?

3 A I did.

4 Q And were you advised as you're rolling to  
5 that area how many shooters may be involved?

6 A At first it came out, they said it possibly  
7 might be two shooters.

8 Q And are you in a uniform?

9 A Yes.

10 Q In a marked unit?

11 A Yes.

12 Q Now, sir, I'm going to have played here for  
13 you Grand Jury Exhibit Number 2. And prior to your  
14 testimony today you have reviewed what is commonly  
15 referred to as your body cam video; is that correct?

16 A Yes.

17 Q Sir, I'm going to play this through in  
18 realtime and then just have a couple questions for you,  
19 okay?

20 A Okay.

21 (Video playing.)

22 BY MR. STANTON:

23 Q Now, Officer, let me ask a couple of  
24 questions. When you're arriving there appears to be  
25 somebody that is showing a badge; do you recall that?

1           A     Yes.

2           Q     And what did that mean to you, the  
3 communication via the badge and that person?

4           A     That it was an off-duty police officer  
5 telling me, giving me information reference where the  
6 shooter was.

7           Q     Now, at that point had any other officers  
8 to your knowledge arrived at the scene?

9           A     Officer Baca who was 3 ocean 45 arrived  
10 first.

11          Q     And when you say 3 ocean 45, for those that  
12 aren't familiar with the lexicon of Metro, what did that  
13 mean to you?

14          A     That's his call sign, 3 ocean 45.

15          Q     He works in your area command?

16          A     Yes.

17          Q     And you know him well?

18          A     Yes.

19          Q     He was also on duty in that area and you  
20 heard some communications over dispatch that he had  
21 arrived at that location just ahead of you?

22          A     Correct.

23          Q     So the off-duty officer shows you his badge  
24 and then you ask him some questions and he gives you  
25 some directions about where the person is?

1           A     Correct.

2           Q     You indicated that, or at least in the  
3 video, as you were opening the door did you have eyes on  
4 the suspect?

5           A     I did.

6           Q     Can you tell the ladies and gentlemen of  
7 the Grand Jury what you observed him doing as you were  
8 exiting your patrol vehicle?

9           A     He was sitting on the bench in front of the  
10 Ross and he had the gun like this.

11          Q     For the record you're demonstrating down on  
12 kind of his lap area?

13          A     Kind of his lap and when I showed up he  
14 looked at me and he went like this.

15          Q     And for the record you're now sitting down  
16 extending the weapon off to his right and directly  
17 towards you?

18          A     Correct.

19          Q     And then what did you see him do?

20          A     Then he, as I was getting out of the car,  
21 he fired two shots at me and that's when I got behind  
22 the tree.

23          Q     And after you -- is that kind of a cover  
24 position that you're trained to do in situations like  
25 this?

1           A     Right. When he said he was, the officer  
2 said he's got a gun, he's going to shoot at you and he  
3 had already fired inside the Ross, fired at the officer,  
4 Officer Baca when he got there, I pulled up just so I  
5 could get out of the car and get to that tree.

6           Q     How did you know that shots had been fired  
7 at Officer Baca?

8           A     Officer Baca came on the radio probably  
9 about a minute and a half before I got there and said he  
10 was taking rounds.

11          Q     And did you know Officer Baca on that shift  
12 to be, once again like you were, in uniform and driving  
13 a marked Metropolitan patrol vehicle?

14          A     He was.

15          Q     Now, as you return fire do you remember how  
16 many shots you fired at the suspect?

17          A     Five.

18          Q     And at some point you saw him go down; is  
19 that correct?

20          A     Yes.

21          Q     As you approached was it still a concern to  
22 you that you had potentially another active shooter on  
23 site?

24          A     It was.

25          Q     There was some communication between you

1 and the officer that was in plain clothes?

2 A There was.

3 Q And as far as you know, now it's just you,  
4 this off-duty officer and maybe Officer Baca somewhere  
5 in the area?

6 A Correct.

7 Q You never saw Officer Baca as you're  
8 conducting this kind of activity we see on your body  
9 cam?

10 A I didn't, no.

11 Q At some point you take the person into  
12 custody?

13 A Yes.

14 Q And was a protective sweep done of the  
15 various stores there by you and arriving officers?

16 A It was.

17 Q Would it be fair to say that based upon the  
18 shots fired a lot of police officers were responding  
19 code to this location?

20 A They are.

21 Q Okay. And so it's not just you at this  
22 juncture but a multitude of uniformed officers then  
23 doing a protective sweep of very large stores?

24 A Correct, yeah, the world is coming,  
25 everyone's coming.

1           MR. STANTON: I have no further questions  
2 of this officer and ask if any member of the Grand Jury  
3 has any questions?

4 BY A JUROR:

5           Q       What did you -- I heard on the radio  
6 traffic crossfire. Was that you or somebody else said  
7 crossfire?

8           A       I didn't yell that.

9           A JUROR: Did somebody else hear that?

10          A JUROR: I heard it.

11          THE WITNESS: I heard it, I didn't yell it.

12 BY MR. STANTON:

13          Q       You didn't yell it so let me back up to  
14 kind of maybe square away for the record what the Grand  
15 Juror's question is. If you didn't yell it, did the  
16 term crossfire and the concerns about crossfire, does  
17 that mean something to you under these circumstances?

18          A       It does.

19          Q       Can you describe that?

20          A       Crossfire means that somebody could be in  
21 the line of fire so, you know, you have to have target  
22 identification, your backdrop which means make sure, you  
23 know, if you're shooting at somebody what's behind them  
24 in case you miss. So the officer -- one of the plain  
25 clothes guys yelled it. Me personally, I wasn't sure

1 exactly why he yelled it. Sometimes that phrase is  
2 thrown around too easily. If there was another suspect,  
3 obviously he wasn't outside shooting at us. He was  
4 probably, if there was one I assumed he was probably  
5 still inside the store hiding and/or trying to get  
6 through the store. There was an officer arriving from  
7 the east coming west which is why he yelled crossfire,  
8 but at the time which is why I didn't yell it because I  
9 didn't see any crossfire threat, the suspect was down in  
10 front of us, we weren't going to shoot again unless we  
11 had to. So to me I think it was a little premature but  
12 he was just addressing, letting everybody know that the  
13 officer arriving on our east, just to let -- give him a  
14 heads up that the suspect's down and we're pointing our  
15 firearms that way.

16 MR. STANTON: And did that answer the Grand  
17 Juror's question?

18 A JUROR: Yes.

19 MR. STANTON: Are there any other  
20 questions?

21 BY A JUROR:

22 Q You mentioned that you had fired five shots  
23 and that the suspect went down. Did you hit him and  
24 wound him or did he give up and go down?

25 A I hit him and wounded him.

1 BY MR. STANTON:

2 Q And just to close the loop on that, you  
3 went up to him and -- well, first of all, during the  
4 firing you actually saw him go down in reaction to one  
5 of your shots?

6 A I heard him -- when I hit him with the  
7 bullet, my last shot, my fourth or fifth shot hit him  
8 and I heard him go ugh and turn and fall.

9 Q When you went up to him did you see any  
10 injury on his person consistent with a gunshot wound to  
11 his body?

12 A He was bleeding from -- I couldn't see any  
13 because he was laying on his stomach and I hit him in  
14 the gut so I couldn't -- all I could see was some blood  
15 coming out so I didn't see any exit wound on his back  
16 but I knew I hit him in the front.

17 MR. STANTON: Does that answer your  
18 question?

19 A JUROR: Yes.

20 MR. STANTON: Any other questions?

21 THE FOREPERSON: By law these proceedings  
22 are secret and you are prohibited from disclosing to  
23 anyone anything that transpired before us including any  
24 evidence presented to the Grand Jury, any event  
25 occurring or a statement made in the presence of the

1 Grand Jury or any information obtained by the Grand  
2 Jury.

3 Failure to comply with this admonition is a  
4 gross misdemeanor punishable up to 364 days in the Clark  
5 County Detention Center and a \$2,000 fine. In addition  
6 you may be held in contempt of court punishable by an  
7 additional \$500 fine and 25 days in the Clark County  
8 Detention Center.

9 Do you understand this admonition?

10 THE WITNESS: Yes.

11 THE FOREPERSON: Thank you. You're  
12 excused.

13 MS. CLOWERS: Joe Patton.

14 THE FOREPERSON: Please raise your right  
15 hand.

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

20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 THE WITNESS: Thank you.

23 THE FOREPERSON: You are advised that you  
24 are here today to give testimony in the investigation  
25 pertaining to the offenses of attempt murder with use of

1 a deadly weapon, assault on a protected person with use  
2 of a deadly weapon, assault with a deadly weapon,  
3 burglary while in possession of a deadly weapon,  
4 discharge of firearm from or within a structure  
5 involving Mohamed Mahmoud.

6 Do you understand this advisement?

7 THE WITNESS: Yes, sir.

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

10 THE WITNESS: Joe Patton, J-O-E  
11 P-A-T-T-O-N.

12 THE FOREPERSON: Thank you.

13 MS. CLOWERS: May I proceed?

14 THE FOREPERSON: Yes, ma'am.

15 MS. CLOWERS: Thank you.

16

17 JOE PATTON,

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 BY MS. CLOWERS:

24 Q Where do you work?

25 A I'm a detective with the Las Vegas

1 Metropolitan Police Department force investigation team.

2 Q And how long have you been a police  
3 officer?

4 A Fourteen and a half years.

5 Q What does the force investigation team  
6 investigate?

7 A We conduct the criminal investigation into  
8 officer-involved shootings. That's the main thing that  
9 we investigate. We also investigate on the criminal  
10 side when officers are victims of felony crimes or  
11 in-custody deaths.

12 Q And you have specialized training in  
13 regards to officer-involved shootings; is that correct?

14 A Yes, ma'am.

15 Q You have a lot of training; is that right?

16 A Yes, ma'am.

17 Q You also have training in regards to  
18 firearms; is that correct?

19 A Yes.

20 Q You were dispatched on August 11th of 2018  
21 to the Ross on Blue Diamond, correct?

22 A I was called out to that scene, yes.

23 Q When you arrived at the scene what were  
24 some of the first things that you did?

25 A The first thing that I did, because I was

1 the up detective meaning that I would be the case agent  
2 or the lead detective for this particular case, one of  
3 the first things I did, I was one of the first  
4 detectives from our team to arrive so I placed up red  
5 tape which is different crime scene tape. You know,  
6 police officers standard, they put up yellow crime scene  
7 tape. When we arrive we will determine kind of the  
8 inner scene, you know, kind of the more -- we kind of  
9 tighten it down a little bit and we use red tape and  
10 that indicates to everyone they are not allowed to go  
11 across that unless they have our permission or the crime  
12 scene investigator's permission to go into that  
13 particular scene. So I kind of got a quick layout of  
14 the scene. I then waited for the briefing. The rest of  
15 our team arrived. Briefing was conducted and once the  
16 briefing concluded of the initial, just some information  
17 from the initial event, I then started to divvy out  
18 assignments to my team and who would handle interviews  
19 and who would work the scene with me and things of that  
20 nature.

21 Q Okay. So another one of the things that  
22 would have been done during this investigation would be  
23 to watch video from the businesses that are involved?

24 A That's correct, yes.

25 Q Including Target and Ross; is that correct?

1           A     Yes, ma'am.

2           Q     And you actually provided those videos to  
3 us and we watched them together; is that correct?

4           A     That's correct.

5           Q     And I put them on a disc and they're marked  
6 as Grand Jury Exhibit Number 2, one of which is a Ross  
7 video that was spliced together to show the events that  
8 took place as Amanda and Patrick were in the store; is  
9 that correct?

10          A     That's correct. We called out our, we have  
11 specialists in the computer forensic lab, they're  
12 detectives who specialize in capturing video, they came  
13 out that night and responded to the scene and they  
14 captured the video for us. There's a lot of video from  
15 inside the Ross. There's numerous cameras. And so what  
16 we did was kind of trim the video to show all of the  
17 movements kind of in a sequential order.

18          Q     You also watched the Target video; is that  
19 correct?

20          A     That's correct.

21          Q     The video from Target is a moveable camera  
22 that a security guard was controlling during the  
23 incident?

24          A     That's correct. A security officer from  
25 inside the Target had control of that camera.

1           Q     Now, you can see from watching that video  
2 that that was the same scene that you responded to on  
3 that day?

4           A     Yes, ma'am.

5           Q     Was there a point in time on that video  
6 where you saw a police officer arriving in a black and  
7 white SUV?

8           A     Yes. The first officer arrives in the  
9 video approximately, I believe on the video it's 16, or  
10 let me see, yeah, 1616 and some change, you know, some  
11 seconds, right in that area.

12          Q     And what happens when you watch that  
13 vehicle on the video?

14          A     What happens to -- what is depicted in the  
15 video?

16          Q     Yes.

17          A     The officer arrives. The officer is in the  
18 parking lot and he's initially arriving into the parking  
19 lot with his lights on. He turns his lights off and  
20 then he is traveling from the east to the west so  
21 towards the Ross.

22          Q     Now I'm showing you Grand Jury Exhibit  
23 Number 6 up here. Can you see on this particular  
24 exhibit where his vehicle would have been driving in  
25 that video?

1           A     Yes, ma'am.

2           Q     Okay. And can you --

3           A     Would you like me to stand up?

4           Q     Just point on there, how does that sound?

5           A     I'm sorry?

6           Q     This.

7           A     So this is a -- sorry, let me get my  
8 bearing. This is a cell phone tower and this is the  
9 street that I was describing in the parking lot. So the  
10 officer would have traveled from the east here to the  
11 west. And when he got into this particular area here --

12          Q     Near the cell phone tower?

13          A     Yes, ma'am. The suspect exited from  
14 underneath the canopy of the Ross and fired rounds in  
15 the direction -- sorry, I'm losing my bearings here.

16          Q     It's okay.

17          A     Right in this area.

18          Q     Towards the cell tower?

19          A     That's correct. And that's in the same  
20 direction that the officer turned down towards.

21          Q     Okay. And then the officer drove out of  
22 that area; is that correct?

23          A     That's correct.

24          Q     Now, what we just looked at is Grand Jury  
25 Exhibit Number 6. That's a diagram drawn of the area;

1 is that correct?

2 A Yes, ma'am, that would have been created by  
3 the crime scene analysts.

4 Q And you saw all of that information as you  
5 were at the scene. Is it correctly depicted in the  
6 diagram?

7 A Yes, it is.

8 Q Showing you Grand Jury Exhibits 10, 11 and  
9 12, do you recognize these?

10 A Yes, I do.

11 Q Okay. In Number 10 we're looking at the  
12 area of that cell phone tower; is that correct?

13 A That's correct. So this picture is  
14 standing from the west looking east and that is a  
15 driveway or part of the parking lot that would go from  
16 north to south.

17 Q And Grand Jury Exhibit Number 11, what are  
18 we looking at here?

19 A That is one of the impact bullet strikes  
20 into the fencing area. That's the cover, the mesh cover  
21 that covers the fence and protects the cell phone tower.

22 Q Were you able to track that further beyond  
23 just the fencing?

24 A Yes, ma'am. This actually -- this  
25 particular round, we made our way into the cell phone

1 tower area, this round goes into the fence and it  
2 strikes a post, like a metal post connecting the fence  
3 together, and then it ricochets off and we were unable  
4 to find that particular bullet.

5 Q Which is not unusual; is that correct?

6 A Not unusual at all.

7 Q Showing you Grand Jury Exhibit Number 12,  
8 is this another impact?

9 A Yes, ma'am, this was the second impact.  
10 This was further to the south. This one was a little  
11 bit lower. In this particular round, this strike, the  
12 bullet, continues through striking a piece of the fence  
13 and then again we were unable to find the bullet.  
14 Inside of this area as you can kind of see as is  
15 depicted by the fence, on the bottom of the fence there  
16 is rocks, it's gravel, and it goes all the way around it  
17 so it's almost impossible to find a bullet laying in  
18 there.

19 Q So it would have been from the Ross, those  
20 bullet strikes would have been right here on the  
21 northwest side of that tower fencing; is that correct?

22 A That's correct.

23 Q Okay. And that would have been in the  
24 direction of the police car that you observed in the  
25 video?

1           A       Yes, ma'am.

2           Q       Okay. Did you also go inside the Ross?

3           A       Yes, I did.

4           Q       Showing you Grand Jury Exhibit Number 8, is  
5 this a diagram of the crime scene inside of Ross?

6           A       Yes, it is.

7           Q       And does it fairly depict what you observed  
8 on that day?

9           A       Yes.

10          Q       Now, I'm just going to focus mostly on the  
11 cartridge casings that were located. There were eight  
12 separate cartridge casings; is that right?

13          A       That's correct.

14          Q       And presumably based upon that how many  
15 shots did you feel that were fired inside of there?

16          A       Eight.

17          Q       Okay. Showing you Grand Jury Exhibit  
18 Number 41 here in a second is going to be a still photo  
19 from the body cam from Officer Bunitsky. You've  
20 observed that as well; is that correct?

21          A       Yes, I have.

22          Q       You've basically looked at all of the video  
23 in this case; is that right?

24          A       That's correct.

25          Q       Either reviewed or listened to most of the

1 statements in the case?

2 A Yes.

3 Q As well as all of the dispatch calls?

4 A Yes, ma'am.

5 Q And the radio traffic as well?

6 A Yes.

7 Q Okay. Have you also looked at the dispatch  
8 logs?

9 A Yes, I have.

10 Q Okay. Showing you Grand Jury Exhibit  
11 Number 41, there's a firearm laying on the ground there;  
12 is that correct?

13 A That's correct.

14 Q When you arrived at the scene was that  
15 firearm there?

16 A Yes, it was.

17 Q And you can actually see a person laying on  
18 the ground; is that correct?

19 A That's correct.

20 Q And that was the suspect?

21 A Yes, it is.

22 Q And that firearm basically was the  
23 suspect's, correct?

24 A That is the suspect's firearm.

25 Q Was a magazine also located there?

1           A       Yes, there was an empty magazine. It was a  
2 15-round capacity that was laying, it's hard to see in  
3 that particular photo, but it was right next to the  
4 weapon. And then the weapon itself, the firearm, was  
5 loaded with another magazine that had a 15-round  
6 capacity. When we recovered that firearm and downloaded  
7 that weapon there were eight rounds in the magazine and  
8 one round in the chamber so nine total rounds left in  
9 the firearm.

10          Q       And then back to the exterior crime scene  
11 in Grand Jury Exhibit Number 6, how many cartridge cases  
12 were you able to locate from the area in which the  
13 suspect was?

14          A       We were able to locate eight.

15          Q       Okay. So how many shots approximately do  
16 you believe were fired by the suspect in this case?

17          A       I believe there was a minimum of 16 based  
18 on the evidence that we located.

19 BY MR. STANTON:

20          Q       Based upon, Detective, in your review of  
21 the videotape and your observation of the patrol unit  
22 and your review of the communication logs, were you able  
23 to determine who the officer operating the first  
24 arriving patrol unit to the scene was?

25          A       Yes, it was Officer Baca.

1 Q And his first initial is A?

2 A Yes.

3 Q And that would be the vehicle you see  
4 driving past the cell phone tower at the time shots were  
5 fired in his direction?

6 A That's correct.

7 MR. STANTON: Shanon, I don't have anything  
8 else.

9 MS. CLOWERS: I have nothing further,  
10 ladies and gentlemen.

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

18 Failure to comply with this admonition is a  
19 gross misdemeanor punishable up to 364 days 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, sir.

1 THE FOREPERSON: Thank you. You're  
2 excused.

3 THE WITNESS: Thank you.

4 MR. STANTON: Ladies and gentlemen, that  
5 will conclude our presentation today. As is my habit  
6 and custom, if at any time the Grand Jury would request  
7 additional evidence be presented to you either in the  
8 form of testimonial evidence or documentary evidence, we  
9 would appreciate knowing that request prior to your  
10 formal vote on the matter. We are going to be  
11 withdrawing several exhibits.

12 Miss Clowers, do you have the numbers?

13 MS. CLOWERS: I'm going to take them with  
14 me so they cannot use them during their deliberation and  
15 when we come back I will provide the numbers for the  
16 record.

17 MR. STANTON: Ladies and gentlemen, I also  
18 have the computer up here with the various different  
19 security videos for you to watch and the body cam. So  
20 all the videos that you heard referenced today will be  
21 available for your review.

22 Yes, ma'am.

23 A JUROR: Count 13 you have burglary while  
24 in possession of a deadly weapon.

25 MR. STANTON: Yes.

1           A JUROR: It's at the Ross store?

2           MR. STANTON: Yes, ma'am.

3           A JUROR: And then it goes on to say with  
4 intent to attempted murder and assault with a deadly  
5 weapon.

6           MR. STANTON: Correct.

7           A JUROR: So burglary, as far as going into  
8 the Ross store --

9           MR. STANTON: As it's alleged, if you enter  
10 a dwelling or structure with the intent to commit a  
11 felony therein, that's the element of the burglary.  
12 Does that make sense?

13          A JUROR: Yes.

14          MR. STANTON: Okay. Yes, sir.

15          A JUROR: The last five charges are all the  
16 same. Can you explain again why the same charges are  
17 there five times? Is that for each individual?

18          MR. STANTON: It's for the number of shots  
19 that we believe, at least in part the evidence shows,  
20 were fired inside the structure.

21          A JUROR: Five different instances.

22          MR. STANTON: Correct. They're not --  
23 they're all tied to the same incident but each time the  
24 gun is fired it's alleged as a separate count. Did that  
25 answer the Grand Juror's question?

1 A JUROR: Yes. Thank you.

2 MR. STANTON: Okay. Any other questions?

3 Yes, sir.

4 A JUROR: Okay. So we've got a lot of by  
5 shooting at the said and a person.

6 MR. STANTON: Okay.

7 A JUROR: All right. Do we have to know  
8 for sure that the person has been fired at or they just  
9 think they've been fired at?

10 MR. STANTON: That's up for the Grand Jury  
11 to determine. The elements are that the gun, the weapon  
12 was fired at them. So that is a question for you as the  
13 Grand Jury to address.

14 A JUROR: Okay.

15 MR. STANTON: Any other questions? There  
16 being no further questions we'll be pending the call of  
17 the Clark County Grand Jury. Thank you.

18 (At this time, all persons, except the  
19 members of the Grand Jury, exited the room at 4:35 and  
20 returned at 4:45.)

21 THE FOREPERSON: Mr. District Attorney, by  
22 a vote of 12 or more Grand Jurors a true bill has been  
23 returned against defendant Mohamed Mahmoud charging the  
24 crimes of attempt murder with use of a deadly weapon,  
25 assault on a protected person with use of a deadly

1 weapon, assault with a deadly weapon, burglary while in  
2 possession of a deadly weapon, discharge of firearm from  
3 or within a structure in Grand Jury case number  
4 17CGJ110X.

5 We instruct you to prepare an Indictment in  
6 conformance with the proposed Indictment previously  
7 submitted to us.

8 MR. STANTON: Thank you, ladies and  
9 gentlemen. I'll sign the Indictment now. Thank you for  
10 your time and attention in this matter.

11 MS. CLOWERS: Do you want me to put on the  
12 record the exhibits?

13 MR. STANTON: Oh, yes, I'm sorry.

14 MS. CLOWERS: And for the record we  
15 withdrew quite a few exhibits based upon the testimony  
16 and so the only exhibits you're going to receive are  
17 Exhibits 1, 2, 6, 8, 10, 11, 12, 36, 41 and 42. Thank  
18 you.

19 (Proceedings concluded.)

20 --oo0oo--  
21  
22  
23  
24  
25

### REPORTER'S CERTIFICATE

STATE OF NEVADA                    )  
  :    SS  
COUNTY OF CLARK                    )

I, Donna J. McCord, C.C.R. 337, 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,  
September 10, 2018.

/S/DONNA J. MCCORD  
Donna J. McCord, CCR 337

## AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding  
TRANSCRIPT filed in GRAND JURY CASE NUMBER 17CGJ110X:

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/DONNA J. MCCORD  
Signature

September 10, 2018  
Date

Donna J. McCord  
Print Name

Official Court Reporter  
Title

<p><b>A JUROR:</b> [17] 21/1 43/19 62/8 62/9 63/17 64/18 78/22 78/25 79/2 79/6 79/12 79/14 79/20 79/25 80/3 80/6 80/13</p> <p><b>BY A JUROR:</b> [6] 34/18 42/10 42/20 43/6 62/3 63/20</p> <p><b>BY MR. STANTON:</b> [8] 11/8 34/25 45/21 56/6 57/21 62/11 63/25 76/18</p> <p><b>BY MS. CLOWERS:</b> [3] 22/23 37/18 66/22</p> <p><b>MR. STANTON:</b> [38] 5/7 9/22 10/24 19/25 21/2 21/25 22/6 22/9 22/14 35/11 36/5 43/17 43/20 44/16 54/23 55/1 55/23 61/25 63/15 63/18 64/16 64/19 77/6 78/3 78/16 78/24 79/1 79/5 79/8 79/13 79/17 79/21 80/1 80/5 80/9 80/14 81/7 81/12</p> <p><b>MS. CLOWERS:</b> [13] 20/23 22/3 34/23 37/6 37/9 42/8 65/12 66/12 66/14 77/8 78/12 81/10 81/13</p> <p><b>THE FOREPERSON:</b> [45] 9/21 9/24 10/5 10/7 10/17 10/20 10/25 20/6 20/21 21/4 21/10 21/12 21/22 22/4 35/12 36/2 36/7 36/14 36/24 37/2 37/4 37/10 43/23 44/13 44/18 44/24 45/9 45/13 54/5 54/20 55/3 55/9 55/19 55/24 64/20 65/10 65/13 65/20 65/22 66/7 66/11 66/13 77/10 77/25 80/20</p> <p><b>THE INTERPRETER:</b> [1] 37/8</p> <p><b>THE WITNESS:</b> [40] 10/4 10/6 10/16 10/19 10/22 20/20 20/24 21/9 21/11 21/21 21/24 22/1 22/8 22/13 36/1 36/4 36/13 36/23 37/1 37/3 37/5 44/12 44/15 44/23 45/8 45/11 54/19 54/22 54/24 55/8 55/18 55/21 62/10 65/9 65/19 65/21 66/6 66/9 77/24 78/2</p> <p><b>\$</b></p> <p><b>\$2,000</b> [6] 20/16 35/22 44/8 54/15 65/5 77/20</p> <p><b>\$500</b> [6] 20/18 35/24 44/10 54/17 65/7 77/22</p> <p><b>-</b></p> <p><b>--oo0oo</b> [1] 81/20</p> <p><b>-OR</b> [2] 83/10 83/14</p>	<p><b>/</b></p> <p><b>/S/DONNA</b> [2] 82/17 83/18</p> <p><b>1</b></p> <p><b>10</b> [8] 4/8 6/22 8/9 72/8 72/11 81/17 82/15 83/18</p> <p><b>11</b> [8] 3/3 4/9 6/22 7/21 8/11 72/8 72/17 81/17</p> <p><b>11th</b> [9] 6/5 11/11 23/1 25/1 25/11 38/5 46/5 56/14 67/20</p> <p><b>12</b> [7] 4/10 4/13 8/14 72/9 73/7 80/22 81/17</p> <p><b>13</b> [2] 8/16 78/23</p> <p><b>14</b> [2] 8/24 9/9</p> <p><b>15</b> [1] 25/13</p> <p><b>15-round</b> [2] 76/2 76/5</p> <p><b>16</b> [2] 70/9 76/17</p> <p><b>1616</b> [1] 70/10</p> <p><b>17</b> [1] 8/1</p> <p><b>17CGJ110X</b> [3] 1/9 81/4 83/5</p> <p><b>18</b> [2] 8/24 9/9</p> <p><b>2</b></p> <p><b>2018</b> [10] 1/15 2/1 5/1 6/5 38/5 46/5 56/15 67/20 82/15 83/18</p> <p><b>22</b> [1] 3/4</p> <p><b>239B.030</b> [1] 83/2</p> <p><b>25</b> [6] 20/18 35/24 44/10 54/17 65/7 77/22</p> <p><b>260</b> [1] 48/16</p> <p><b>27</b> [1] 7/7</p> <p><b>3</b></p> <p><b>30</b> [3] 1/15 2/1 5/1</p> <p><b>337</b> [3] 1/25 82/6 82/18</p> <p><b>36</b> [3] 4/11 51/13 81/17</p> <p><b>364</b> [6] 20/15 35/21 44/7 54/14 65/4 77/19</p> <p><b>37</b> [1] 3/5</p> <p><b>3:14</b> [1] 1/16</p> <p><b>3:30</b> [2] 24/22 26/6</p> <p><b>4</b></p> <p><b>4000</b> [4] 8/20 9/3 23/2 56/22</p> <p><b>41</b> [4] 4/12 74/18 75/11 81/17</p> <p><b>42</b> [4] 4/13 12/20 24/2 81/17</p> <p><b>45</b> [4] 3/6 58/9 58/11 58/14</p> <p><b>4:00</b> [1] 26/4</p> <p><b>4:35</b> [1] 80/19</p> <p><b>4:45</b> [1] 80/20</p> <p><b>5</b></p> <p><b>51</b> [1] 4/11</p> <p><b>56</b> [1] 3/7</p> <p><b>57</b> [1] 4/5</p> <p><b>6</b></p> <p><b>656.250</b> [1] 83/13</p> <p><b>66</b> [1] 3/8</p>	<p><b>6:00</b> [1] 53/4</p> <p><b>7</b></p> <p><b>70</b> [1] 4/6</p> <p><b>72</b> [3] 4/8 4/9 4/10</p> <p><b>74</b> [2] 4/7 4/12</p> <p><b>8</b></p> <p><b>8th</b> [1] 11/22</p> <p><b>9</b></p> <p><b>911</b> [12] 13/17 14/7 14/9 14/20 14/23 14/23 15/12 15/14 29/8 29/20 33/3 50/12</p> <p><b>A</b></p> <p><b>A-M-A-N-D-A</b> [1] 22/3</p> <p><b>ABDALLA</b> [2] 1/10 5/13</p> <p><b>ability</b> [2] 5/7 24/17</p> <p><b>able</b> [4] 72/22 76/12 76/14 76/22</p> <p><b>about</b> [18] 9/16 10/1 19/18 21/6 23/21 24/24 25/13 25/14 26/4 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27/8 27/15 28/5 28/24 29/10 30/12 30/13 30/21 30/24 33/6 34/7 35/21 40/14 44/7 52/21 54/14 59/13 60/4 62/13 63/14 63/24 64/3 64/9 65/4 68/1 68/4 68/6 70/23 71/3 77/19 78/18 80/10</p> <p><b>upon</b> [12] 10/1 21/6 36/11 44/20 51/3 53/22 55/5 61/17 65/17 74/14 76/20 81/15</p> <p><b>upset</b> [4] 24/23 25/6 27/22 28/17</p>	<p><b>upwards</b> [1] 42/19</p> <p><b>us</b> [13] 20/9 35/15 44/1 50/8 51/16 54/8 63/3 63/10 64/23 69/3 69/14 77/13 81/7</p> <p><b>use</b> [25] 6/7 6/11 6/24 7/6 7/11 8/5 8/6 10/10 10/11 21/15 21/16 22/11 36/18 36/19 37/25 45/3 45/4 55/13 55/14 65/25 66/1 68/9 78/14 80/24 80/25</p> <p><b>used</b> [1] 7/17</p> <p><b>using</b> [3] 14/8 16/13 28/7</p> <p><b>usually</b> [2] 13/18 14/23</p> <p><b>V</b></p> <p><b>V-I-C-T-O-R</b> [1] 45/13</p> <p><b>various</b> [2] 61/15 78/18</p> <p><b>Vegas</b> [8] 1/14 5/1 6/15 6/19 7/13 45/24 66/25 82/14</p> <p><b>vehicle</b> [9] 50/21 50/22 50/23 50/24 59/8 60/13 70/13 70/24 77/3</p> <p><b>verbal</b> [1] 52/20</p> <p><b>verbatim</b> [1] 16/6</p> <p><b>VERNA</b> [1] 2/12</p> <p><b>very</b> [5] 22/7 24/24 26/1 54/3 61/23</p> <p><b>vest</b> [13] 16/22 17/2 17/3 17/16 19/1 19/3 24/13 24/14 25/20 25/22 30/9 30/11 31/19</p> <p><b>vests</b> [1] 24/11</p> <p><b>via</b> [1] 58/3</p> <p><b>victim</b> [8] 5/18 6/21 7/1 7/3 7/20 8/10 8/12 8/15</p> <p><b>victims</b> [1] 67/10</p> <p><b>VICTOR</b> [5] 3/6 7/4 8/15 45/12 45/16</p> <p><b>video</b> [26] 4/5 32/21 34/13 53/13 53/16 53/17 57/15 57/21 59/3 68/23 69/7 69/12 69/14 69/14 69/16 69/18 69/21 70/1 70/5 70/9 70/9 70/13 70/15 70/25 73/25 74/22</p> <p><b>videos</b> [3] 69/2 78/19 78/20</p> <p><b>videotape</b> [1] 76/21</p> <p><b>view</b> [1] 31/12</p> <p><b>voice</b> [3] 14/18 22/8 22/12</p> <p><b>vote</b> [2] 78/10 80/22</p> <p><b>W</b></p> <p><b>wait</b> [3] 28/15 29/16 34/24</p> <p><b>waited</b> [1] 68/14</p> <p><b>waiting</b> [1] 51/9</p> <p><b>walk</b> [9] 13/15 13/17 16/23 32/3 33/2 33/3 41/13 49/4 50/8</p> <p><b>walked</b> [6] 17/22 27/25 28/3 28/4 30/14 30/17</p>	<p><b>walkie</b> [11] 13/22 14/9 24/15 25/19 25/22 26/25 27/14 29/3 29/9 30/18 30/19</p> <p><b>walkie-talkie</b> [5] 14/9 24/15 29/3 29/9 30/18</p> <p><b>walkie-talkies</b> [1] 13/22</p> <p><b>walking</b> [14] 14/24 15/22 16/8 16/9 16/11 16/12 18/1 25/17 32/4 33/4 33/5 33/15 43/13 50/22</p> <p><b>walks</b> [2] 30/23 30/25</p> <p><b>wall</b> [2] 52/3 52/6</p> <p><b>want</b> [15] 11/10 17/19 18/17 18/21 28/14 28/15 29/16 31/16 31/16 46/4 47/11 49/4 49/9 56/13 81/11</p> <p><b>wanted</b> [1] 26/11</p> <p><b>wanting</b> [1] 16/4</p> <p><b>warning</b> [1] 52/20</p> <p><b>was</b> [162]</p> <p><b>wasn't</b> [3] 13/5 62/25 63/3</p> <p><b>watch</b> [3] 68/23 70/12 78/19</p> <p><b>watched</b> [2] 69/3 69/18</p> <p><b>watching</b> [1] 70/1</p> <p><b>wave</b> [2] 50/13 50/16</p> <p><b>way</b> [20] 14/3 15/6 16/1 18/20 19/4 26/2 26/20 27/16 27/17 28/7 30/12 30/20 32/5 33/10 33/14 33/15 33/20 63/15 72/25 73/16</p> <p><b>we</b> [52] 5/11 7/25 9/22 12/8 12/8 15/11 24/2 24/23 26/1 26/1 26/17 26/18 26/18 28/2 28/13 31/12 32/23 37/7 39/4 40/2 40/18 47/5 49/3 61/8 63/10 63/10 67/7 67/9 67/9 68/7 68/7 68/8 68/9 69/3 69/10 69/10 69/16 71/24 72/18 72/25 73/3 73/13 76/6 76/14 76/18 78/8 78/10 78/15 79/19 80/7 81/5 81/14</p> <p><b>we'll</b> [2] 39/15 80/16</p> <p><b>we're</b> [5] 9/19 16/5 37/25 63/14 72/11</p> <p><b>we've</b> [1] 80/4</p> <p><b>weapon</b> [59] 6/7 6/11 6/24 6/25 7/6 7/17 7/18 8/2 8/7 8/10 8/12 8/14 8/17 8/22 10/11 10/12 10/12 10/13 17/25 18/6 18/11 21/16 21/17 21/17 21/18 36/18 36/20 36/20 36/21 45/3 45/5 45/5 45/6 47/16 47/16 47/22 48/24 49/20 50/5 51/16 55/13 55/15 55/15 55/16 59/16 66/1 66/2 66/2</p>	<p>66/3 76/4 76/4 76/7 78/24 79/5 80/11 80/24 81/1 81/1 81/2</p> <p><b>weapons</b> [2] 9/7 53/9</p> <p><b>wear</b> [2] 24/11 47/22</p> <p><b>wearing</b> [1] 19/2</p> <p><b>weeks</b> [1] 24/5</p> <p><b>weigh</b> [1] 48/15</p> <p><b>welcome</b> [1] 37/6</p> <p><b>well</b> [20] 12/8 12/17 13/14 15/23 24/14 24/15 27/2 27/25 30/2 31/23 34/14 37/20 41/9 43/10 48/5 58/17 64/3 74/20 75/3 75/5</p> <p><b>went</b> [21] 15/10 16/14 17/8 25/21 27/6 28/2 30/14 33/16 33/17 33/18 33/24 40/12 41/23 41/24 41/24 52/14 52/16 59/14 63/23 64/3 64/9</p> <p><b>were</b> [53] 11/11 11/14 19/10 19/13 19/15 19/16 23/1 25/25 26/1 32/13 33/13 38/5 38/13 38/13 39/4 40/7 40/18 42/6 43/1 43/9 43/12 46/5 46/7 46/13 46/25 48/20 51/11 52/19 56/15 56/17 57/4 59/3 59/7 60/12 61/18 67/20 67/23 69/8 72/5 72/22 73/3 73/13 74/11 74/11 74/15 76/7 76/12 76/14 76/16 76/22 77/4 79/20 82/10</p> <p><b>weren't</b> [1] 63/10</p> <p><b>west</b> [4] 63/7 70/20 71/11 72/14</p> <p><b>what</b> [72] 5/22 11/16 12/6 12/8 13/12 14/7 14/9 15/20 16/16 16/17 16/19 16/20 16/20 17/24 19/2 23/6 23/8 23/21 24/6 24/8 24/10 25/11 26/24 27/3 27/12 27/22 27/24 28/9 28/18 30/16 30/18 30/22 31/6 31/18 32/19 35/7 38/17 39/3 41/15 42/16 42/19 46/11 46/25 47/16 48/3 48/6 48/20 48/21 49/6 49/7 49/25 50/8 51/19 52/12 56/17 56/17 57/14 58/2 58/12 59/7 59/19 62/5 62/14 67/5 67/23 69/15 70/12 70/14 70/14 71/24 72/17 74/7</p> <p><b>what's</b> [2] 49/17 62/23</p> <p><b>when</b> [59] 14/7 14/23 15/21 16/8 16/8 16/22 16/24 17/21 17/25 18/2 18/3 18/4 18/9 18/13 18/20 19/5 19/10 27/6 31/1 32/12 33/7 40/24 41/2 41/9 41/14 41/16</p>
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<p><b>W</b></p> <p><b>when...</b> [33] 41/19 42/6 42/14 43/3 43/4 43/11 43/13 46/15 47/21 48/9 49/7 49/25 50/2 51/2 51/15 52/14 52/24 57/24 58/11 59/13 59/21 60/1 60/4 64/6 64/9 67/10 67/23 68/7 70/12 71/11 75/14 76/6 78/15</p> <p><b>where</b> [34] 11/14 13/8 14/3 14/21 15/3 15/4 18/19 19/7 23/1 26/8 28/17 29/1 29/2 30/8 34/7 38/12 38/19 38/22 39/21 40/3 40/9 40/16 41/6 43/1 43/8 46/7 49/25 51/4 56/22 58/5 58/25 66/24 70/6 70/24</p> <p><b>whether</b> [2] 33/12 47/12</p> <p><b>which</b> [14] 6/2 7/15 8/19 25/14 33/24 40/4 48/12 62/22 63/7 63/8 68/5 69/6 73/5 76/12</p> <p><b>while</b> [16] 7/14 8/16 8/22 9/2 9/4 10/13 21/18 33/13 36/20 45/5 46/13 53/11 55/15 66/3 78/23 81/1</p> <p><b>white</b> [2] 49/8 70/7</p> <p><b>who</b> [12] 5/18 12/21 12/23 14/11 24/2 26/8 29/17 58/9 68/18 68/19 69/12 76/23</p> <p><b>whole</b> [13] 10/3 11/5 21/8 22/20 33/20 36/13 37/15 44/22 45/18 55/7 56/3 65/19 66/19</p> <p><b>why</b> [5] 49/1 63/1 63/7 63/8 79/16</p> <p><b>wife</b> [6] 38/9 39/4 40/3 43/8 46/21 47/6</p> <p><b>will</b> [17] 5/11 6/2 6/14 8/23 9/10 9/15 12/17 20/6 28/18 31/8 31/9 31/22 31/24 68/7 78/5 78/15 78/20</p> <p><b>willfully</b> [7] 6/9 7/8 7/11 8/2 8/5 8/18 9/1</p> <p><b>wit</b> [6] 6/11 7/12 7/17 8/6 8/7 83/13</p> <p><b>withdrawing</b> [1] 78/11</p> <p><b>withdrew</b> [1] 81/15</p> <p><b>within</b> [12] 8/25 9/4 9/5 10/14 13/25 14/8 21/19 36/22 45/7 55/17 66/4 81/3</p> <p><b>without</b> [1] 14/24</p> <p><b>witness</b> [3] 9/20 20/2 50/18</p> <p><b>witnessed</b> [1] 48/10</p> <p><b>witnesses</b> [2] 3/1 48/10</p> <p><b>woman</b> [3] 26/8 38/16 41/12</p> <p><b>women</b> [1] 26/2</p>	<p><b>words</b> [1] 16/13</p> <p><b>work</b> [4] 12/14 23/18 66/24 68/19</p> <p><b>worked</b> [2] 23/13 24/4</p> <p><b>working</b> [10] 11/11 11/14 11/19 11/21 23/1 23/2 46/5 56/15 56/17 56/19</p> <p><b>works</b> [1] 58/15</p> <p><b>world</b> [1] 61/24</p> <p><b>worry</b> [1] 31/5</p> <p><b>would</b> [26] 15/4 18/10 18/25 25/19 25/19 27/21 51/2 51/13 56/21 61/17 68/1 68/18 68/19 68/22 68/22 70/24 71/3 71/10 72/2 72/15 73/19 73/20 73/23 77/3 78/6 78/9</p> <p><b>wound</b> [3] 63/24 64/10 64/15</p> <p><b>wounded</b> [1] 63/25</p> <p><b>X</b></p> <p><b>XD</b> [1] 47/18</p> <p><b>Y</b></p> <p><b>yeah</b> [7] 12/2 38/2 38/11 38/15 38/18 61/24 70/10</p> <p><b>year</b> [3] 11/11 11/22 23/1</p> <p><b>years</b> [4] 46/3 48/22 56/12 67/4</p> <p><b>yell</b> [8] 29/11 39/23 39/23 62/8 62/11 62/13 62/15 63/8</p> <p><b>yelled</b> [6] 18/2 28/25 39/5 62/25 63/1 63/7</p> <p><b>yelling</b> [4] 15/23 28/6 32/6 52/5</p> <p><b>yellow</b> [1] 68/6</p> <p><b>yes</b> [143]</p> <p><b>you</b> [434]</p> <p><b>you'll</b> [1] 6/19</p> <p><b>you're</b> [33] 5/21 10/1 20/22 21/6 33/16 33/23 36/3 36/11 37/6 42/23 44/14 44/20 46/21 47/8 47/22 47/25 48/1 50/9 52/24 53/2 54/21 55/5 57/4 57/24 59/11 59/15 59/24 61/7 62/23 65/11 65/17 78/1 81/16</p> <p><b>you've</b> [6] 5/22 11/23 14/14 38/3 74/19 74/22</p> <p><b>young</b> [1] 41/12</p> <p><b>your</b> [84]</p> <p><b>yours</b> [1] 49/21</p> <p><b>yourself</b> [2] 34/23 35/9</p>			
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ORIGINAL

AIND  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
SHANON CLOWERS  
Chief Deputy District Attorney  
Nevada Bar #10008  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAY 28 2019

BY, *Vanessa Medina*  
VANESSA MEDINA, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-18-334567-1  
AIND  
Amended Indictment  
4838661



THE STATE OF NEVADA,

Plaintiff,

-vs-

MOHAMED ABDALLA MAHMOUD,  
aka, Mohamed Abdalla Mahmoud Mahmoud,  
#6093907

Defendant.

CASE NO. C-18-334567-1

DEPT NO. XXX

AMENDED  
INDICTMENT

STATE OF NEVADA }  
COUNTY OF CLARK } ss:

The Defendant(s) above named, MOHAMED ABDALLA MAHMOUD, aka, Mohamed Abdalla Mahmoud, is accused by the Clark County Grand Jury of the crimes of ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); and ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201), committed at and within the County of Clark, State of Nevada, on or about the 11th day of August, 2018, as follows:

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///

///

1 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill B.  
3 BUNITSKY, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at  
4 the said B. BUNITSKY with a firearm.

5 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
7 AMANDA DAVIS, a human being, with use of a deadly weapon, to wit: a firearm, by  
8 shooting at the said AMANDA DAVIS with a firearm.

9 COUNT 3 - ASSAULT ON A PROTECTED PERSON WITH USE OF A  
10 DEADLY WEAPON

11 did willfully, unlawfully, feloniously and intentionally place another person in  
12 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
13 attempt to use physical force against another person, to wit: A. BACA, a protected person  
14 employed as a Las Vegas Metropolitan Police Department Officer, while A. BACA was  
15 performing his duties as a Las Vegas Metropolitan Police Department Officer, which  
16 Defendant knew, or should have known, that A. BACA was a Las Vegas Metropolitan Police  
17 Department Officer, with use of a deadly weapon, to wit: a firearm, by shooting at the said  
18 Officer A. BACA with a firearm.

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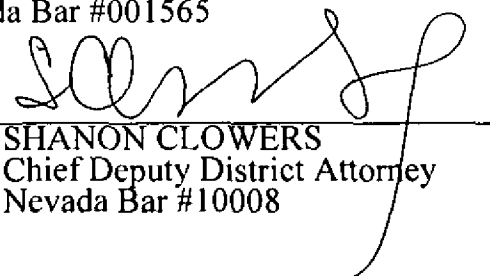
28 ///

1 COUNT 4 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in  
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
4 attempt to use physical force against another person, to wit: JOSE TREJO and/or PATRICK  
5 FRISBY, with use of a deadly weapon, to wit: a firearm, by shooting at the said JOSE TREJO  
6 and/or ~~JOSE TREJO~~ <sup>Patrick Frisby</sup> with a firearm.

7 STEVEN B. WOLFSON  
8 Clark County District Attorney  
9 Nevada Bar #001565

10 BY

  
11 SHANON CLOWERS  
12 Chief Deputy District Attorney  
13 Nevada Bar #10008  
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(TK2)

ORIGINAL

GPA

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
SHANON CLOWERS  
Chief Deputy District Attorney  
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200 Lewis Avenue  
Las Vegas, NV 89155-2212  
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Attorney for Plaintiff

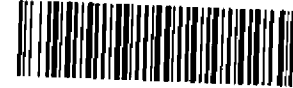
FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAY 28 2019

BY, Vanessa Medina  
VANESSA MEDINA, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-18-334567-1  
GPA  
Guilty Plea Agreement  
4838553



THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-18-334567-1

MOHAMED ABDALLA MAHMOUD,  
aka, Mohamed Abdalla Mahmoud Mahmoud,  
#6093907

DEPT NO: XXX

Defendant.

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: COUNT 1 AND 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); COUNT 3 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205); and COUNT 4 - ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201), as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

The State will retain the full right to argue.

I agree to the forfeiture of any and all weapons or any interest in any weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

///

1 I understand and agree that, if I fail to interview with the Department of Parole and  
2 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,  
3 by affidavit review, confirms probable cause against me for new criminal charges including  
4 reckless driving or DUI, but excluding minor traffic violations, the State will have the  
5 unqualified right to argue for any legal sentence and term of confinement allowable for the  
6 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have  
7 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without  
8 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite  
9 twenty-five (25) year term with the possibility of parole after ten (10) years.

10 Otherwise I am entitled to receive the benefits of these negotiations as stated in this  
11 plea agreement.

#### 12 CONSEQUENCES OF THE PLEA

13 I understand that by pleading guilty I admit the facts which support all the elements of  
14 the offense(s) to which I now plead as set forth in Exhibit "1".

15 As to Count 1, I understand that as a consequence of my plea of guilty The Court must  
16 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term  
17 of not less than TWO (2) years and a maximum term of not more than TWENTY (20) years,  
18 plus a consecutive term of ONE (1) year to twenty (20) years for the deadly weapon  
19 enhancement. The minimum term of imprisonment may not exceed forty percent (40%) of  
20 the maximum term of imprisonment. I understand that the law requires me to pay an  
21 Administrative Assessment Fee.

22 As to Count 2, I understand that as a consequence of my plea of guilty The Court must  
23 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term  
24 of not less than TWO (2) years and a maximum term of not more than TWENTY (20) years,  
25 plus a consecutive term of ONE (1) year to twenty (20) years for the deadly weapon  
26 enhancement. The minimum term of imprisonment may not exceed forty percent (40%) of  
27 the maximum term of imprisonment. I understand that the law requires me to pay an  
28 Administrative Assessment Fee.

1 As to Count 3, I understand that as a consequence of my plea of guilty The Court must  
2 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term  
3 of not less than ONE (1) year and a maximum term of not more than SIX (6) years. The  
4 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of  
5 imprisonment. I understand that I may also be fined up to \$5,000.00.

6 As to Count 4, I understand that as a consequence of my plea of guilty The Court must  
7 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term  
8 of not less than ONE (1) year and a maximum term of not more than SIX (6) years. The  
9 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of  
10 imprisonment. I understand that I may also be fined up to \$5,000.00.

11 I understand that, if appropriate, I will be ordered to make restitution to the victim of  
12 the offense(s) to which I am pleading guilty and to the victim of any related offense which is  
13 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to  
14 reimburse the State of Nevada for any expenses related to my extradition, if any.

15 As to Count 1, I understand that I am eligible for probation for the offense to which I  
16 am pleading guilty. I understand that, except as otherwise provided by statute, the question of  
17 whether I receive probation is in the discretion of the sentencing judge.

18 As to Count 2, I understand that I am eligible for probation for the offense to which I  
19 am pleading guilty. I understand that, except as otherwise provided by statute, the question of  
20 whether I receive probation is in the discretion of the sentencing judge

21 As to Count 3, I understand that I am eligible for probation for the offense to which I  
22 am pleading guilty. I understand that, except as otherwise provided by statute, the question of  
23 whether I receive probation is in the discretion of the sentencing judge.

24 As to Count 4, I understand that I am eligible for probation for the offense to which I  
25 am pleading guilty. I understand that, except as otherwise provided by statute, the question of  
26 whether I receive probation is in the discretion of the sentencing judge.

27 I understand that I must submit to blood and/or saliva tests under the Direction of the  
28 Division of Parole and Probation to determine genetic markers and/or secretor status.

1 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,  
2 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or  
3 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation  
4 and may receive a higher sentencing range.

5 I understand that if more than one sentence of imprisonment is imposed and I am  
6 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order  
7 the sentences served concurrently or consecutively.

8 I understand that information regarding charges not filed, dismissed charges, or charges  
9 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

10 I have not been promised or guaranteed any particular sentence by anyone. I know that  
11 my sentence is to be determined by the Court within the limits prescribed by statute.

12 I understand that if my attorney or the State of Nevada or both recommend any specific  
13 punishment to the Court, the Court is not obligated to accept the recommendation.

14 I understand that if the offense(s) to which I am pleading guilty was committed while I  
15 was incarcerated on another charge or while I was on probation or parole that I am not eligible  
16 for credit for time served toward the instant offense(s).

17 I understand that if I am not a United States citizen, any criminal conviction will likely  
18 result in serious negative immigration consequences including but not limited to:

- 19 1. The removal from the United States through deportation;
- 20 2. An inability to reenter the United States;
- 21 3. The inability to gain United States citizenship or legal residency;
- 22 4. An inability to renew and/or retain any legal residency status; and/or
- 23 5. An indeterminate term of confinement, with the United States Federal  
24 Government based on my conviction and immigration status.

25 Regardless of what I have been told by any attorney, no one can promise me that this  
26 conviction will not result in negative immigration consequences and/or impact my ability to  
27 become a United States citizen and/or a legal resident.

28 ///

1 I understand that the Division of Parole and Probation will prepare a report for the  
2 sentencing judge prior to sentencing. This report will include matters relevant to the issue of  
3 sentencing, including my criminal history. This report may contain hearsay information  
4 regarding my background and criminal history. My attorney and I will each have the  
5 opportunity to comment on the information contained in the report at the time of sentencing.  
6 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also  
7 comment on this report.

#### 8 WAIVER OF RIGHTS

9 By entering my plea of guilty, I understand that I am waiving and forever giving up the  
10 following rights and privileges:

- 11 1. The constitutional privilege against self-incrimination, including the right  
12 to refuse to testify at trial, in which event the prosecution would not be  
allowed to comment to the jury about my refusal to testify.
- 13 2. The constitutional right to a speedy and public trial by an impartial jury,  
14 free of excessive pretrial publicity prejudicial to the defense, at which  
trial I would be entitled to the assistance of an attorney, either appointed  
15 or retained. At trial the State would bear the burden of proving beyond  
a reasonable doubt each element of the offense(s) charged.
- 16 3. The constitutional right to confront and cross-examine any witnesses who  
17 would testify against me.
- 18 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 19 5. The constitutional right to testify in my own defense.
- 20 6. The right to appeal the conviction with the assistance of an attorney,  
21 either appointed or retained, unless specifically reserved in writing and  
agreed upon as provided in NRS 174.035(3). I understand this means I  
22 am unconditionally waiving my right to a direct appeal of this conviction,  
including any challenge based upon reasonable constitutional,  
23 jurisdictional or other grounds that challenge the legality of the  
proceedings as stated in NRS 177.015(4). However, I remain free to  
24 challenge my conviction through other post-conviction remedies  
including a habeas corpus petition pursuant to NRS Chapter 34.

#### 25 VOLUNTARINESS OF PLEA

26 I have discussed the elements of all of the original charge(s) against me with my  
27 attorney and I understand the nature of the charge(s) against me.

28 ///

1 I understand that the State would have to prove each element of the charge(s) against  
2 me at trial.

3 I have discussed with my attorney any possible defenses, defense strategies and  
4 circumstances which might be in my favor.

5 All of the foregoing elements, consequences, rights, and waiver of rights have been  
6 thoroughly explained to me by my attorney.


7 I believe that pleading guilty and accepting this plea bargain is in my best interest, and  
8 that a trial would be contrary to my best interest.

9 I am signing this agreement voluntarily, after consultation with my attorney, and I am  
10 not acting under duress or coercion or by virtue of any promises of leniency, except for those  
11 set forth in this agreement.


12 I am not now under the influence of any intoxicating liquor, a controlled substance or  
13 other drug which would in any manner impair my ability to comprehend or understand this  
14 agreement or the proceedings surrounding my entry of this plea.

15 My attorney has answered all my questions regarding this guilty plea agreement and its  
16 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

17 DATED this 28 day of May, 2019.

18  
19   
20 MOHAMED ABDALLA MAHMOUD,  
21 aka, Mohamed Abdalla Mahmoud Mahmoud  
22 Defendant

23 AGREED TO BY:

24   
25 SHANON CLOWERS  
26 Chief Deputy District Attorney  
27 Nevada Bar #10008  
28

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court  
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the  
5 charge(s) to which guilty pleas are being entered.  
6 2. I have advised the Defendant of the penalties for each charge and the restitution  
7 that the Defendant may be ordered to pay.  
8 3. I have inquired of Defendant facts concerning Defendant's immigration status  
9 and explained to Defendant that if Defendant is not a United States citizen any  
10 criminal conviction will most likely result in serious negative immigration  
11 consequences including but not limited to:  
12 a. The removal from the United States through deportation;  
13 b. An inability to reenter the United States;  
14 c. The inability to gain United States citizenship or legal residency;  
15 d. An inability to renew and/or retain any legal residency status; and/or  
16 e. An indeterminate term of confinement, by with United States Federal  
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been  
19 told by any attorney, no one can promise Defendant that this conviction will not  
20 result in negative immigration consequences and/or impact Defendant's ability  
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are  
23 consistent with the facts known to me and are made with my advice to the  
24 Defendant.  
25 5. To the best of my knowledge and belief, the Defendant:  
26 a. Is competent and understands the charges and the consequences of  
27 pleading guilty as provided in this agreement,  
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto  
voluntarily, and  
c. Was not under the influence of intoxicating liquor, a controlled  
substance or other drug at the time I consulted with the Defendant as  
certified in paragraphs 1 and 2 above.

29 Dated: This 28 day of May, 2019.

30   
31 \_\_\_\_\_  
32 DEFENSE ATTY. NAME

33 cmj/L3

1 AIND  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 SHANON CLOWERS  
6 Chief Deputy District Attorney  
7 Nevada Bar #10008  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,  
13  
14 Plaintiff,

15 -vs-

16 MOHAMED ABDALLA MAHMOUD,  
17 aka, Mohamed Abdalla Mahmoud Mahmoud,  
18 #6093907

19 Defendant.

CASE NO. C-18-334567-1

DEPT NO. XXX

AMENDED  
INDICTMENT

20 STATE OF NEVADA }  
21 COUNTY OF CLARK } ss:

22 The Defendant(s) above named, MOHAMED ABDALLA MAHMOUD, aka,  
23 Mohamed Abdalla Mahmoud, is accused by the Clark County Grand Jury of the crimes of  
24 ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS  
25 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT ON A PROTECTED  
26 PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC  
27 50205); and ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 -  
28 NOC 50201), committed at and within the County of Clark, State of Nevada, on or about the  
11th day of August, 2018, as follows:

///

///

///

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**