

# IN THE SUPREME COURT OF THE STATE OF NEVADA

NATASHA GALENN JACKSON,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Apr 26 2021 10:04 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: C-14-300032-1  
*Related Case A-20-810845-W*  
Docket No: 82727

# RECORD ON APPEAL VOLUME 1

**ATTORNEY FOR APPELLANT**  
NATASHA JACKSON # 1188581,  
PROPER PERSON  
4370 SMILEY RD.  
LAS VEGAS, NV 89115

**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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CLERK OF THE COURT

1 IND  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 PAMELA WECKERLY  
6 Chief Deputy District Attorney  
7 Nevada Bar #6163  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: C-14-300032-1

11 -vs-

DEPT NO: X

12 NATASHA GALENN JACKSON,  
13 #1921058

14 Defendant.

INDICTMENT

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss.

17 The Defendant above named, NATASHA GALENN JACKSON, accused by the Clark  
18 County Grand Jury of the crime(s) of BURGLARY WHILE IN POSSESSION OF A  
19 FIREARM (Category B Felony - NRS 205.060 - NOC 50426); ATTEMPT ROBBERY WITH  
20 USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC  
21 50145); MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS  
22 200.010, 200.030, 193.165 - NOC 50001); ATTEMPT MURDER WITH USE OF A  
23 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC  
24 50031); FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC  
25 50051); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS  
26 200.380, 193.165 - NOC 50138); BURGLARY WHILE IN POSSESSION OF A DEADLY  
27 WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and ATTEMPT INVASION  
28 OF THE HOME (Category C Felony - NRS 205.067, 193.330 - NOC 50446), committed at

1 and within the County of Clark, State of Nevada, on or about the 29th day of July, 2014, as  
2 follows:

3 COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM

4 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit  
5 larceny and/or a felony, to-wit: robbery, that certain residence occupied by RICHARD  
6 RAMOS, located at 3930 Autumn Street, Las Vegas, Clark County, Nevada, said Defendant  
7 did possess and/or gain possession of a firearm during the commission of the crime and/or  
8 before leaving the structure.

9 COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

10 did then and there wilfully, unlawfully, and feloniously attempt to take personal  
11 property, to-wit: a motor vehicle, from the person of RICHARD RAMOS, or in his presence,  
12 by means of force or violence, or fear of injury to, and without the consent and against the will  
13 of RICHARD RAMOS, by entering the said RAMOS residence in an attempt to obtain said  
14 motor vehicle, with use of a deadly weapon, to-wit: a firearm; Defendant being criminally  
15 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly  
16 committing this crime; and/or (2) by aiding or abetting with "Cody" in the commission of this  
17 crime with the intent to commit this crime, by providing counsel and/or encouragement, by  
18 the Defendant acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

19 COUNT 3 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

20 did then and there wilfully, unlawfully, and feloniously attempt to take personal  
21 property, to-wit: a motor vehicle, from the person of JULIE RAMOS, or in her presence, by  
22 means of force or violence, or fear of injury to, and without the consent and against the will of  
23 JULIE RAMOS, by entering the said RAMOS residence in an attempt to obtain said motor  
24 vehicle, with use of a deadly weapon, to-wit: a firearm; Defendant being criminally liable  
25 under one or more of the following principles of criminal liability, to-wit: (1) by directly  
26 committing this crime; and/or (2) by aiding or abetting with "Cody" in the commission of this  
27 crime with the intent to commit this crime, by providing counsel and/or encouragement, by  
28 the Defendant acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

1 COUNT 4 - MURDER WITH USE OF A DEADLY WEAPON

2 did then and there wilfully, unlawfully, feloniously, with premeditation and  
3 deliberation and/or during the perpetration or attempted perpetration of a burglary, robbery, or  
4 kidnapping, and with malice aforethought, kill RICHARD RAMOS, a human being, by  
5 shooting at and into the body of the said RICHARD RAMOS, with a deadly weapon, to-wit:  
6 a firearm; Defendant being criminally liable under one or more of the following principles of  
7 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting  
8 with "Cody" in the commission of this crime with the intent to commit this crime, by providing  
9 counsel and/or encouragement, by the Defendant acting in concert; and/or (3) pursuant to a  
10 conspiracy to commit this crime.

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

12 did then and there wilfully, unlawfully, feloniously and with malice aforethought  
13 attempt to kill JULIE RAMOS, a human being, by stabbing the said JULIE RAMOS in the  
14 back and/or body, with use of a deadly weapon, to-wit: a screwdriver.

15 COUNT 6 - FIRST DEGREE KIDNAPPING

16 did wilfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy, abduct,  
17 conceal, kidnap, or carry away SCOTT UFERT, a human being, with the intent to hold or  
18 detain the said SCOTT UFERT against his will, and without his consent, for the purpose of  
19 committing robbery.

20 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

21 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
22 keys, a cellular telephone, and/or an iPhone, from the person of SCOTT UFERT, or in his  
23 presence, by means of force or violence, or fear of injury to, and without the consent and  
24 against the will of SCOTT UFERT, with use of a deadly weapon, to-wit: a firearm and/or  
25 knife; the Defendant being criminally liable under one or more of the following principles of  
26 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting  
27 with "Cody" in the commission of this crime, with the intent that this crime be committed by  
28 entering into a course of conduct whereby co-conspirator "Cody" pointed a firearm at the said

1 SCOTT UFERT and demanded the property while the Defendant pulled out and wielded a  
2 large knife, by providing counsel and/or encouragement to one another by actions and words,  
3 and acting in concert throughout; and/or (3) pursuant to a conspiracy to commit this crime

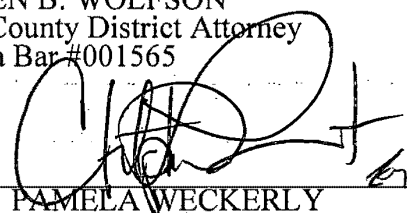
4 COUNT 8 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

5 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit  
6 assault and/or battery and/or a felony, to-wit: murder, that certain abandoned house, located at  
7 3909 Almondwood Drive, Las Vegas, Clark County, Nevada, said Defendant did possess  
8 and/or gain possession of, a firearm and/or knife, a deadly weapon, during the commission of  
9 the crime and/or before leaving the structure.


10 DATED this 1 day of August, 2014.

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

14 BY

15   
16 PAMELA WECKERLY  
17 Chief Deputy District Attorney  
18 Nevada Bar #6163

19 ENDORSEMENT: A True Bill

20   
21 Foreperson, Clark County Grand Jury  
22  
23  
24  
25  
26  
27  
28

Names of witnesses testifying before the Grand Jury:

SIMS, DR. LARY, CCME, 1704 PINTO LN., LVN

RAMOS, DOMINIC, c/o CCDA/VWAC, 200 LEWIS AVE., LVN

UFERT, SCOTT, c/o CCDA/VWAC, 200 LEWIS AVE., LVN

MOORE, WILLIAM, UNKNOWN

WILDEMAN, MARTIN, LVMPD

MCCARTHY, JASON, LVMPD

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

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD DISPATCH

CUSTODIAN OF RECORDS, LVMPD RECORDS

WILLIAMS, TOD, LVMPD P#3811

BECK, KEVIN, LVMPD P#9629

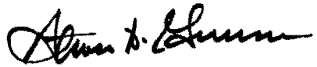
RAMOS, JULIE, c/o CCDA/VWAC, 200 LEWIS AVE., LVN

13BGJ137X/14F12024X/dd-GJ  
LVMPD EV#140729-0659  
(TK2)

WARR

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DISTRICT COURT  
CLARK COUNTY, NEVADA



CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

-vs-

NATASHA GALENN JACKSON  
ID#1921058

Defendant.

CASE NO: C-14-300032-1  
DEPT NO: X

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 8th day of August, 2014, in the above entitled Court, charging Defendant NATASHA GALENN JACKSON, above named, with the crime(s) of: (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); (2) CTS - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145); (1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); (1) CT - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); (1) CT - FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC 50051); (1) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); and (1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426).

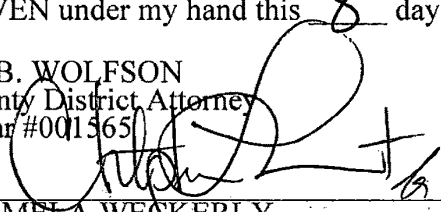
**YOU ARE, THEREFORE, COMMANDED** forthwith to arrest and bring said Defendant before the Court to answer the Indictment. If the Court is not in session, you are to deliver Defendant into the custody of the Sheriff of Clark County, or if requested by Defendant, take Defendant before any Magistrate in the County where arrested that bail may be given to answer to the Indictment. Defendant shall be admitted to bail in the sum of \$ No Bail Set in Court

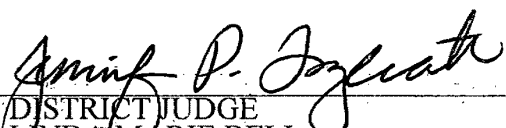
I HEREBY AUTHORIZE THE SERVICE OF THE WITHIN WARRANT BY TELETYPE, PURSUANT TO NRS 171.148. The Warrant may be served at any hour day or night

GIVEN under my hand this 8th day of August, 2014.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001365

BY

  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #6163

  
DISTRICT JUDGE  
LINDA MARIE BELL  
BAIL \$ No Bail

Set in Court

DA# 13BGJ137X/14F12024X/dd-GJ  
LVMPD EV#140729-0659  
3/21/1979; BFA; SS#:249-41-0598  
(TK2)



RET

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #6163  
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-

NATASHA GALENN JACKSON,  
ID#1921058

Defendant.

CASE NO:

C-14- 300032-1

DEPT NO:

X

#### INDICTMENT WARRANT RETURN

An Indictment having heretofore been found on the 8th day of August, 2014, in the above entitled Court, charging Defendant NATASHA GALENN JACKSON, above named, with the crime(s) of: (1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); (2) CTS - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145); (1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); (1) CT - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); (1) CT - FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC 50051); (1) CT - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); and (1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426) 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 \_\_\_\_\_ 2014.

DOUGLAS C. GILLESPIE,  
Clark County, Nevada

BY

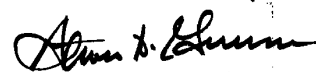
Deputy

THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
8 - 11  
WILL FOLLOW VIA  
U.S. MAIL

RECEIVED

AUG 11 2014

DISTRICT COURT ADMIN

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

CLERK OF THE COURT

State of Nevada

PLAINTIFF

-VS-

Natasha Jackson

DEFENDANT

CASE NO: C-14-300032-1

DEPT. NO: 10

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.

Larry Ish (name), of KTNV (media organization),

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

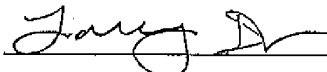
Dept. No. 10, the Honorable Judge Walsh Presiding, on the 18th day of August, 2014.

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 9th day of August, 2014.

SIGNATURE:



PHONE: (702)871-3345

\*\*\*\*\*

## 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: \_\_\_\_\_

[X] 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.

[X] OTHER: Coordinate w/ Bailiff for camera set up

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

Dated this 11th day of Aug, 2014.

  
DISTRICT COURT JUDGE

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

State of Nevada

PLAINTIFF

-VS-

Natasha Jackson

DEFENDANT

CASE NO: C-14-300032-1

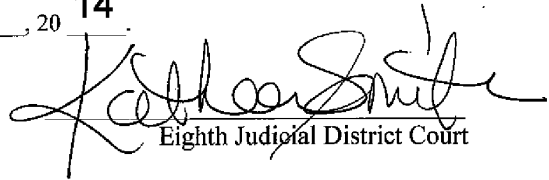
DEPT. NO: 10

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 KTNV 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 11 day of August, 2014.

  
Katherine Smith  
Eighth Judicial District Court

**CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION**

I hereby certify that on the 11 day of August, 2014, 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

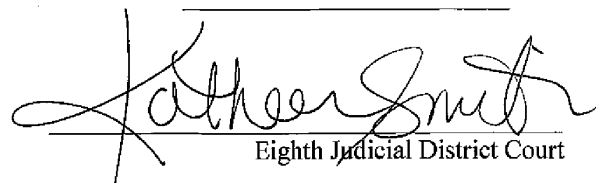
District Attorney

(702) 455-2294

Defendant

Public Defender

702-455-5112

  
Katherine Smith  
Eighth Judicial District Court

RECEIVED

RAO

AUG 11 2014

Eighth Judicial District Court  
Clark County, Nevada

DISTRICT COURT ADMIN

*Alvin D. Quinn*

CLERK OF THE COURT

State of Nevada

Plaintiff,

vs.

Natasha, Jackson

Defendant

C-14-300032-1  
Case No.: C.300032

Dept No.: 10

MEDIA REQUEST AND ORDER FOR CAMERA  
ACCESS TO COURT PROCEEDINGS

Byron Teach of KSNV-TV Ch. 3, requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in the courtroom of Dept. No. 10, the Honorable Judge Walsh, commencing on the 18 day of Aug., 2014.

I certify that I am familiar with the contents of Nevada Supreme Court Rules 229-249, inclusive, and understand this form MUST be submitted to the Court at least SEVENTY-TWO (72) hours before the proceedings commence, unless good cause can be shown. IT IS FURTHER UNDERSTOOD that approved media must arrange camera pooling prior to any hearing, without asking this Court to mediate disputes.

DATED this 8 day of Aug., 2014.

*Ble*  
Media Representative

The Court determines camera access to proceedings, in compliance with the court's policy, ☐ WOULD ☒ WOULD NOT distract participants, impair the dignity of the court or otherwise materially interfere with the achievement of a fair trial or hearing herein; Coordinate w/ Bailiff for set-up

Therefore, the Court hereby ☐ DENIES ☒ GRANTS permission for camera access to \_\_\_\_\_ of \_\_\_\_\_, as requested for each and every hearing on the above-entitled case, at the discretion of the judge, and unless otherwise notified. This Order is in accordance with Nevada Supreme Court Rules 229-249, inclusive, and is subject to reconsideration upon motion of any party to the action.

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

DATED this 11<sup>th</sup> day of Aug., 2014.

*J Walsh*  
District Court Judge

Fax Form 72 hours prior to the hearing to (702)671-4535

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

State of Nevada

PLAINTIFF

-VS-

Natasha Jackson

DEFENDANT

CASE NO: C-14-300032-1

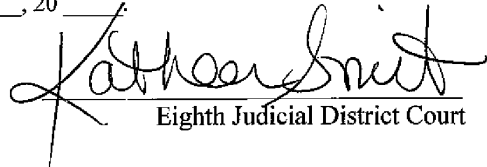
DEPT. NO: 10

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 11 day of August, 2014

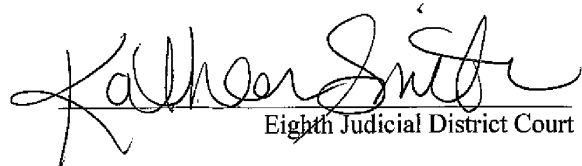
  
Eighth Judicial District Court

**CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION**

I hereby certify that on the 11 day of August, 2014, 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

Aug 17 2014 5:53PM

No. 2405 P. 2

AUG 18 2014

**EIGHTH JUDICIAL DISTRICT COURT**

Electronically Filed  
08/18/2014 09:57:44 AM

DISTRICT COURT ADMIN

CLARK COUNTY, NEVADA

State of Nevada

PLAINTIFF

-VS-

Natasha Walsh Jackson

DEFENDANT

CASE NO: 300032-1

DEPT. NO: 10

CLERK OF THE COURT

**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.

Tiffany Murphy (name), of KVVU FOX 5 (media organization),  
hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in  
Dept. No. 10, the Honorable Judge Walsh Presiding, on the 18 day of  
Aug, 20 14.

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 17 day of Aug, 20 14.

SIGNATURE: [Signature]

PHONE: 702-436-8256

\*\*\*\*\*

**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: \_\_\_\_\_

- [x] 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.

[x] OTHER: Coordinate w/ Bailiff

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

Dated this 18<sup>th</sup> day of Aug, 20 14.

Justin Walsh  
DISTRICT COURT JUDGE

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

State of Nevada

**PLAINTIFF**

**-VS-**

Natasha Walsh Jackson

**DEFENDANT**

CASE NO: C-14-300032-1

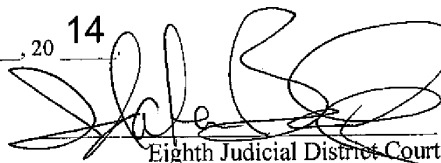
DEPT. NO: 10

**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 KVVU 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 18 day of August, 2014



Eighth Judicial District Court

**CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION**

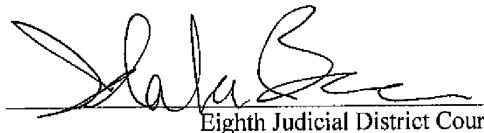
I hereby certify that on the 18 day of August, 2014, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff  
District Attorney

(702) 455-2294

Defendant  
Public Defender

(702) 455-5112



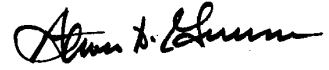
Eighth Judicial District Court



RECEIVED

AUG 12 2014

DISTRICT COURT ADMIN

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

CLERK OF THE COURT

State of Nevada

PLAINTIFF

-VS-

Natasha Jackson

DEFENDANT

CASE NO: C-14-300032-1

DEPT. NO: 10

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.

Guy DeMarco (name), of 8 News NOW (media organization),

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

Dept. No. 10, the Honorable Judge Jessie Walsh Presiding, on the 18 day of  
August, 2014.

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 12 day of August, 2014.

SIGNATURE: 

PHONE: 702-792-8870

\*\*\*\*\*

## 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: Coordinate w/ Bailiff

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

Dated this 13<sup>th</sup> day of Aug, 2014.  
DISTRICT COURT JUDGE

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

State of Nevada

PLAINTIFF

-VS-

Natasha Jackson

DEFENDANT

CASE NO: C-14-300032-1

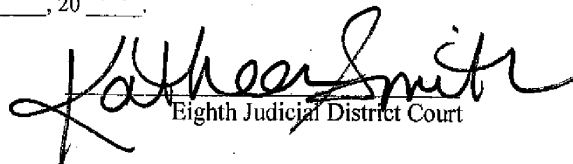
DEPT. NO: 10

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 8 News Now KLAS 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 12th day of August, 2014.

  
Eighth Judicial District Court

**CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION**

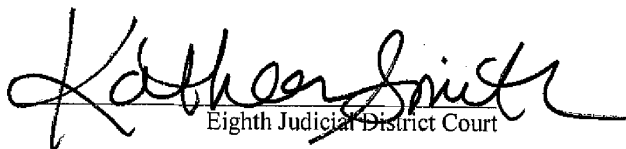
I hereby certify that on the 12th day of August, 2014, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff  
District Attorney

(702) 455-2294

Defendant  
Public Defender

(702) 455-5112

  
Eighth Judicial District Court

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EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

Electronically Filed  
08/24/2014 08:55:20 AM

  
CLERK OF THE COURT

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	GJ No. 13BGJ137X
	)	DC No. C300032
NATASHA GALENN JACKSON,	)	
	)	
Defendant.	)	
<hr/>		

Taken at Las Vegas, Nevada  
Thursday, August 7, 2014  
1:33 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

1 GRAND JURORS PRESENT ON AUGUST 7, 2014

2

3 LORNA WOJCIECHOWSKI, Foreperson

4 KATHLEEN FISCHER, Secretary

5 BARBARA GUTHO, Assistant Secretary

6 ROBERT BUNTJER

7 LAURA COLEMAN

8 KANDICE EVERS

9 TERESA FAIBVRE

10 ROGELIO GARCIA

11 JANE HEDGE

12 GENE KANOFISKY

13 CATHY LACOUR

14 PAUL MARCELLO

15 NANCY ROMERO

16 SAMUEL SMITH

17

18 Also present at the request of the Grand Jury:

19 Pamela Weckerly,  
20 Chief Deputy District Attorney

21 Michelle Fleck,  
22 Chief Deputy District Attorney

23

24

25

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INDEX OF WITNESSES

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1 LAS VEGAS, NEVADA, AUGUST 7, 2014

2 \* \* \* \* \*

3  
4 DANETTE L. ANTONACCI,

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

9 MS. WECKERLY: Good afternoon. My name is  
10 Pam Weckerly. I'm a chief deputy district attorney.  
11 With me is Michelle Fleck who is also a chief deputy  
12 district attorney. We've been assigned to prosecute the  
13 State of Nevada versus Natasha Galenn Jackson. I  
14 believe you all have a copy of the proposed Indictment  
15 which is Grand Jury Case Number 13BGJ137X. Is that  
16 correct, you all have a copy of that?

17 THE FOREPERSON: Yes.

18 MS. WECKERLY: And we'll have that as  
19 Exhibit 1.

20 I know from being here before that this  
21 Grand Jury has been instructed on the crimes that are  
22 alleged in the Indictment. Those crimes include  
23 burglary while in possession of a firearm, attempt  
24 robbery with use of a deadly weapon, murder with use of  
25 a deadly weapon, attempt murder with use of a deadly

1 weapon, first degree kidnapping, robbery with use of a  
2 deadly weapon, burglary while in possession of a deadly  
3 weapon and attempt home invasion. Although you all have  
4 been to my recollection instructed on the elements of  
5 those offenses, if you'll just bear with me I'd like to  
6 read you some instructions on the law.

7               Burglary is defined as follows: Every  
8 person who, by day or night, enters a dwelling with the  
9 intent to commit a larceny or assault is liable for  
10 burglary.

11              Robbery is the unlawful taking of personal  
12 property from the person of another, or in his presence,  
13 against his will, by means of force or violence or fear  
14 of injury to his person or property or the person or  
15 property of a member of his family or anyone in his  
16 company at the time of the robbery. Such force or fear  
17 must be used to obtain or retain possession of the  
18 property, to prevent or overcome resistance to the  
19 taking or to facilitate escape.

20              Conspiracy is an agreement or mutual  
21 understanding between two or more persons to commit a  
22 crime. To be guilty of conspiracy, a person must intend  
23 to commit or to aid in the commission of the specific  
24 crime agreed to. The crime is the agreement to do  
25 something unlawful; it does not matter whether it was



1 successful or not.

2           The elements of an attempt to commit a  
3 crime are: 1. The intent to commit the crime; 2.  
4 Performance of some act towards its commission; and 3.  
5 Failure to consummate its commission.

6           Attempted murder is the performance of an  
7 act or acts which tend, but fail, to kill a human being,  
8 when such acts are done with express malice, namely with  
9 the deliberate intention unlawfully to kill.

10           Murder is the unlawful killing of a human  
11 being with malice aforethought, either express or  
12 implied. Malice aforethought means the intentional  
13 doing of a wrongful act without legal cause or excuse or  
14 what the law considers adequate provocation. It is the  
15 condition of the mind, or the condition of the mind  
16 described as malice aforethought may arise not alone  
17 from anger, hatred, revenge or from particular ill will,  
18 spite or grudge toward the person killed, but may result  
19 from any unjustifiable or unlawful motive or purpose to  
20 injure another which proceeds from a heart fatally bent  
21 on mischief or with reckless disregard of consequences  
22 and social duty.

23           A murder which is perpetrated or which is  
24 committed during the perpetration or attempted  
25 perpetration of a robbery or a burglary or a home

1 invasion is murder of the first degree whether the  
2 killing was intentional, unintentional or accidental.

3 Premeditated, willful and deliberate murder  
4 is another form of first degree murder. That murder  
5 includes, or that form of murder includes all three  
6 elements -- willfulness, deliberation and premeditation.

7 Willfulness is the intent to kill.

8 Deliberation is the process of determining  
9 upon a course of action to kill as the result of thought  
10 including weighing the reasons for and against the  
11 action and considering the consequences of the action.

12 Premeditation is a design, a determination  
13 to kill, distinctly formed in the mind by the time of  
14 the killing.

15 A deadly weapon is defined as any  
16 instrument which, if used in the ordinary manner  
17 contemplated by its design and construction, will or is  
18 likely to cause substantial bodily harm or death; or a  
19 weapon, device, instrument, material or substance which,  
20 under the circumstances in which it is used, attempted  
21 to be used or threatened to be used, is readily capable  
22 of causing substantial bodily harm or death.

23 Every person who willfully seizes,  
24 confines, inveigles, entices, decoys, or abducts a  
25 person by any means whatsoever with the intent to hold

1 or detain, or who holds or detains the person for  
2 ransom, for the purpose of committing a robbery, is  
3 liable for kidnapping in the first degree.

4 Any person who, by day or night, forcibly  
5 enters an inhabited dwelling without permission of the  
6 owner, resident or lawful occupant, whether or not the  
7 person is present at the time of entry, is liable for  
8 invasion of the home.

9 A person is not guilty of a crime if the  
10 person participated in the crime under duress. The  
11 defense of duress is available only to a defendant who  
12 in good faith reasonably believes that he or she would  
13 suffer immediate and serious injury or death if she did  
14 not participate; and 2. That he or she had no  
15 opportunity to escape such serious and immediate injury  
16 or death unless he or she participated.

17 The case that you are going to hear  
18 evidence on shortly has received some media attention.  
19 In your consideration of the charges and the evidence  
20 that we present to you this afternoon we ask that your  
21 deliberations be only confined to the witness testimony  
22 and the exhibits that are presented to the Grand Jury  
23 and ask that you disregard anything that you heard  
24 outside of the Grand Jury room in the media or from any  
25 other source other than what's presented in this room.

1 Is there anyone who feels they cannot abide by that  
2 admonition to decide the case based on what you hear  
3 this afternoon?

4 Okay. Thank you very much. Does anyone  
5 have any questions about the elements of the offenses?  
6 Yes, sir.

7 A JUROR: I notice in a couple of the  
8 charges is the word in quotes Cody.

9 MS. WECKERLY: Correct.

10 A JUROR: Will that be explained?

11 MS. WECKERLY: That will be explained, yes,  
12 sir. Any other questions?

13 Okay. I'm not seeing any hands so we will  
14 proceed with our first witness. Thank you.

15 MS. FLECK: Good afternoon. And our first  
16 witness will be Dr. Lary Simms.

17 THE FOREPERSON: Please raise your right  
18 hand.

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

23 THE WITNESS: I do.

24 THE FOREPERSON: Please be seated.

25 You are advised that you are here today to

1 give testimony in the investigation pertaining to the  
2 offenses of burglary while in possession of a firearm,  
3 attempt robbery with use of a deadly weapon, murder with  
4 use of a deadly weapon, attempt murder with use of a  
5 deadly weapon, first degree kidnapping, robbery with use  
6 of a deadly weapon, burglary while in possession of a  
7 deadly weapon, and attempt invasion of the home,  
8 involving Natasha Jackson.

9 Do you understand this advisement?

10 THE WITNESS: Yes.

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

13 THE WITNESS: My name is Lary Simms.  
14 Spelled L-A-R-Y, S-I-M-M-S.

15 THE FOREPERSON: Thank you.

16 MS. FLECK: Thank you.

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

21

22 EXAMINATION

23

24 BY MS. FLECK:

25 Q. Good afternoon, Doctor. How are you

1 employed?

2 A. I'm a forensic pathologist at the Clark  
3 County Coroner's Office.

4 Q. How long have you been a forensic  
5 pathologist?

6 A. Well, I started doing forensic cases about  
7 21 years ago. I've been working at the coroner's office  
8 for almost 16 years.

9 Q. And ultimately, kind of in layman's terms,  
10 what you do on a daily basis is autopsies on bodies; is  
11 that correct?

12 A. Correct.

13 Q. What kind of training and experience do you  
14 have that allows you to do autopsies?

15 A. Well, I'm a physician. I'm a licensed  
16 physician in Nevada. I've been in medicine about 35  
17 years. I went through pathology training at Michigan  
18 State University. I did a fellowship in forensic  
19 pathology at the Cook County Medical Examiner's Office.  
20 I'm board certified in anatomic pathology, clinical  
21 pathology and forensic pathology by the American Board  
22 of Pathology. I've done about 10,000 cases.

23 Q. I'd like to direct your attention then to  
24 July 30th of 2014. Were you working that day at the  
25 Clark County Coroner's Office?

1           A.     Yes.

2           Q.     And that day did you also have an  
3 opportunity to perform an autopsy on decedent Richard  
4 Ramos?

5           A.     Yes.

6           Q.     How was it that you first came to examine  
7 Mr. Ramos?

8           A.     Well, after the police got through  
9 processing him I examined him.

10          Q.     And so he was brought to the coroner's  
11 office then for you to conduct your examination?

12          A.     Correct.

13          Q.     What's the first thing that you did to  
14 perform your examination?

15          A.     An external examination of the skin  
16 surfaces.

17          Q.     What if any significant findings did you  
18 see on Mr. Ramos' body when you did your external  
19 examination?

20          A.     Well, the main thing I could find is he had  
21 a gunshot wound on the back of the right shoulder.

22          Q.     Anything else when you did your external  
23 examination that you remember as significant?

24          A.     Not right offhand, no.

25          Q.     Maybe we should lay a little foundation

1 actually as to Mr. Ramos. Can you just describe what  
2 kind of, he's obviously a man. Describe anything else  
3 about him, any physical descriptors.

4 A. He was Hispanic and a fairly stocky person.

5 Q. After you did your external examination did  
6 you do an internal examination of the body?

7 A. Yes.

8 Q. What if anything did you find?

9 A. That bullet came in the shoulder and went  
10 down through the body and of course through the internal  
11 organs and there was a large amount of blood loss  
12 internally.

13 Q. Did that bullet then transect through  
14 certain organs of Mr. Ramos' body?

15 A. I believe it went through the lung. It  
16 definitely, or I believe it went through the liver also  
17 and also through the right kidney I believe.

18 Q. What based upon those injuries would be the  
19 mechanism of death in this case?

20 A. He would have lost a large amount of blood.  
21 That's called exsanguination.

22 Q. And just for the ladies and gentlemen of  
23 the Grand Jury, when I say mechanism of death, what does  
24 that mean to you?

25 A. Just the abnormal events that led to his



1 death.

2 Q. So kind of what his body went through in  
3 order to expire which was loss of blood?

4 A. Yes.

5 Q. When you did your internal examination was  
6 that consistent with that external wound that you saw on  
7 the back shoulder, back right shoulder of Mr. Ramos?

8 A. Yes.

9 Q. At the end of your autopsy did you draw a  
10 conclusion as to the cause of death in this case?

11 A. Yes.

12 Q. What was it?

13 A. Gunshot wound of the back of the right  
14 shoulder.

15 Q. Did you also draw a conclusion as to the  
16 manner of death?

17 A. Yes.

18 Q. What was that?

19 A. Homicide.

20 MS. FLECK: Nothing further. Thank you.

21 THE FOREPERSON: Any questions from the  
22 Grand Jury?

23 By law, these proceedings are secret and  
24 you are prohibited from disclosing to anyone anything  
25 that has transpired before us, including evidence and

1 statements presented to the Grand Jury, any event  
2 occurring or statement made in the presence of the Grand  
3 Jury, and information obtained by the Grand Jury.

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

10 Do you understand this admonition?

11 THE WITNESS: I do.

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

14 MS. FLECK: And the next witness will be  
15 Dominic Ramos.

16 THE FOREPERSON: Please raise your right  
17 hand.

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

22 THE WITNESS: I do.

23 THE FOREPERSON: Thank you.

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

1 offenses of burglary while in possession of a firearm,  
2 attempt robbery with use of a deadly weapon, murder with  
3 use of a deadly weapon, attempt murder with use of a  
4 deadly weapon, first degree kidnapping, robbery with use  
5 of a deadly weapon, burglary while in possession of a  
6 deadly weapon, and attempt invasion of the home,  
7 involving Natasha Jackson.

8 Do you understand this advisement?

9 THE WITNESS: Yes.

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

12 THE WITNESS: My name is Dominic Ramos.

13 First name D-O-M-I-N-I-C, Ramos, R-A-M-O-S.

14 THE FOREPERSON: Thank you.

15 MS. FLECK: Thank you.

16 DOMINIC RAMOS,  
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

23 BY MS. FLECK:

24 Q. Good afternoon Dominic.

25 A. Good afternoon.

1 Q. Dominic, where do you live?

2 A. I live on 3930 Autumn Street, Las Vegas,  
3 Nevada, 89120.

4 Q. And that's here in Clark County?

5 A. Yes.

6 Q. Who do you live on Autumn Street with?

7 A. I live with my mom, my dad -- well, my  
8 dad -- and my little sister and little brother.

9 Q. What's your mom's name?

10 A. My mom's name is Julie Ramos. Do you want  
11 me to spell that?

12 Q. I think we're okay with Julie Ramos.

13 A. Okay.

14 Q. You mentioned a sister. What's her name?

15 A. Jasmine Ramos.

16 Q. And your other brother, your little  
17 brother?

18 A. My little brother, Michael Ramos.

19 Q. And then you mentioned your father. What  
20 was his name?

21 A. Richard Ramos.

22 Q. I want to direct your attention back to  
23 July 29th of this year 2014. Early morning hours around  
24 6:30 in the morning, were you and all of the people that  
25 you just mentioned, being your mom, your dad, your

1 sister and your little brother, all home at the Autumn  
2 house?

3 A. Yes.

4 Q. Were you sleeping?

5 A. I was sleeping, yes.

6 Q. How was it that you woke up that morning?

7 A. I woke up to my mom yelling my name.

8 Q. What, besides your name, what else do you  
9 remember her saying?

10 A. She just said "help, Dominic, help."

11 Q. What did you do then based upon hearing  
12 that?

13 A. I came out of my room and my sister came  
14 out of the room at the same time and we went into the  
15 living room where we saw these people, my dad on top of  
16 the guy and my mom getting her hair pulled by that lady.

17 Q. Describe your house to us. When you say  
18 that you and your sister each came out of your room,  
19 does that mean the two of you had separate rooms?

20 A. Yeah. I have my room where, you know where  
21 we came out the window, and then my sister and my little  
22 brother sleep in the room right next to me. So when we  
23 came out we meet each other like this.

24 Q. You're kind of motioning with your two  
25 hands together. So you two both come out of the room at

1 the same time --

2 A. Yeah.

3 Q. -- and you meet up in the hallway?

4 A. Yes.

5 Q. Is this a single story home or a double  
6 story home?

7 A. Single.

8 Q. So when you both meet up in the hallway  
9 what did you do?

10 A. We look at each other like what's happening  
11 and then we just go into the hallway and we peek out and  
12 we see these people.

13 Q. Once you get out of that hallway what is it  
14 that you're looking into, what room do you face?

15 A. My living room where all the couches and TV  
16 and stuff are and, just that, yeah.

17 Q. Besides your mom yelling for help was  
18 anyone else saying anything?

19 A. Not at that exact moment, no.

20 Q. Now you say that you saw a man and a woman;  
21 is that right?

22 A. Yes.

23 Q. Had you ever seen either of those people  
24 before?

25 A. Never.

1 Q. Describe what the man looked like.

2 A. The man was tall and he had white skin.

3 Like pretty much I think a shaved head, like if you

4 could see any hairs like little blond I guess or, I

5 don't know, it was just a shaved head. I believe he had

6 tattoos on his neck or maybe leg. And then the lady,

7 she was short, African American lady, had black hair

8 coming down maybe to her shoulders. And I don't

9 remember what they were wearing. I think he was wearing

10 like a black shirt and shorts.

11 Q. What was the man doing?

12 A. When I first got out there?

13 Q. Yeah.

14 A. He was on the ground and my dad was pinned

15 on top of him so he wasn't really doing anything. My

16 dad was just I think, I don't know what he's doing,

17 banging his head, I don't know, fighting over the gun,

18 and then, yeah.

19 Q. So you said fighting. Did the two of them

20 appear to be in a struggle?

21 A. They were both in a struggle the whole time

22 for that gun.

23 Q. When you say gun, where did you first see

24 it?

25 A. I saw it on the floor like a little bit

1 further away from him where he couldn't reach it, but  
2 like my dad was pretty much, was able to grab the gun  
3 and then be able to hold it the whole time.

4 Q. So was this the floor of the living room?

5 A. Yes.

6 Q. And your dad was on his back?

7 A. He was on, in the beginning he was on top  
8 of the guy and then afterwards he was able to get the  
9 gun, he was on his stomach.

10 Q. Okay. I'm sorry. So when you first came  
11 out your dad was on top of the man, he was on his back,  
12 and the gun was to the side of them?

13 A. Yes.

14 Q. Tell me what happened then throughout their  
15 struggle?

16 A. Throughout their struggle, my dad was able  
17 to get the gun and he was on his stomach, and then those  
18 two were fighting it out and then I don't really know  
19 from there, I was trying to help my mom out.

20 Q. So as your dad and the man struggled with  
21 each other and for the gun, what was going on with your  
22 mom?

23 A. My mom, she was getting her hair pulled and  
24 then she was stabbing my, that lady was stabbing my mom  
25 with the yellow screwdriver on her back.



1           Q.     So when you first saw the two of them, tell  
2 me the position of your mom.

3           A.     My mom was like, her hair was getting  
4 pulled like, you know, so she was having to go backwards  
5 because her hair was getting pulled and then that lady  
6 was stabbing her like that.

7           Q.     Was the woman standing behind your mom  
8 pulling her hair from behind?

9           A.     From where I saw yeah. This is in the  
10 beginning.

11          Q.     And then as she was pulling her hair was  
12 she stabbing her with the screwdriver?

13          A.     Yes.

14          Q.     And you said, what color did you say the  
15 screwdriver was?

16          A.     Yellow.

17          Q.     At that point in time do you remember  
18 anyone saying anything?

19          A.     All I know is when she told me to get her  
20 off of her I did. I got her off her and then my mom  
21 said "They're going to kill us. They're going to kill  
22 us." And then the black lady said "We won't, we  
23 promise." And then that's all I remember hearing her  
24 say.

25          Q.     When you say when she told me to get her

1 off of her, who was telling you to get --

2 A. My mom told me.

3 Q. Your mom was saying "get her off of me,"  
4 meaning the woman?

5 A. Yes.

6 Q. You said the woman was saying "we're not  
7 going to kill you." Was she asking for anything or  
8 demanding anything while she was there?

9 A. No. Like I was wondering why they're in  
10 our house in the first place, what do they want.

11 Q. Did she ever ask for any property from your  
12 home?

13 A. No.

14 Q. So then what happens after you get the  
15 woman off of your mom?

16 A. I had to hold her for a sec because I'm  
17 trying to make sure my mom gets away and my mom runs  
18 away and goes to check on the other kids.

19 Q. So you mentioned that your sister was there  
20 and that your little brother was there. During all of  
21 this struggle where was your sister?

22 A. She was in the hallway. No, first she saw,  
23 she came with me to see but she didn't really get  
24 herself seen by then. So she went back to my dad's  
25 office with my little brother. They picked up the house

1 phone, called 911. So they were out of the way the  
2 whole picture like. Which I'm glad, they weren't in  
3 where we were.

4 Q. Then at some point you said that your mom  
5 leaves?

6 A. My mom leaves, yes.

7 Q. Now you mentioned that your dad got control  
8 of that firearm at some point in time?

9 A. Yes.

10 Q. Do you remember a shot ever going off?

11 A. Yes. There was a shot that went off in the  
12 same room I was in, that living room, and I told  
13 yesterday I don't know who shot the gun, it could have  
14 been my dad trying to shot it or it could have been the  
15 guy on top of him trying to. I don't know who pulled  
16 the trigger or not but it went off in the room.

17 Q. How many shots did you hear?

18 A. Just one.

19 Q. Did you ever see your dad indicate that he  
20 had been shot or as you were in the house that day did  
21 you know whether or not he'd been shot?

22 A. I had no idea. I didn't hear him talk that  
23 whole day.

24 Q. You said that your mom left?

25 A. Yes.

1 Q. Where did she go?

2 A. With, I know she, what she did was she got  
3 Michael, went out, opened my room, my bedroom, went out  
4 the bedroom window and then went across the street with  
5 Michael.

6 Q. Your bedroom window, was it able to just be  
7 opened up?

8 A. It's able to just slide across.

9 Q. And if you were to go out that bedroom  
10 window what would you go onto; a street, the backyard,  
11 the side yard? What's outside that --

12 A. You would see like, there's like we have  
13 this, like our side yard, it has dirt everywhere. We  
14 were going to plant grass and stuff but we never had the  
15 chance. But they were laying on top of there and then  
16 jumped down the wall that we have on our house and then  
17 go across the street to the neighbor's house.

18 Q. Once they left was your sister still in the  
19 house?

20 A. Yes. She was still in like the hallway I  
21 think.

22 Q. Were you there when she called 911 or did  
23 you just know of that later?

24 A. She told me that later.

25 Q. So then once your siblings and your mom had

1 left the house, were you still inside?

2 A. Once my mom -- oh yeah, I was still inside,  
3 yeah.

4 Q. At that point in time were the man and the  
5 woman or did they ask you for anything at that point in  
6 time?

7 A. No. Oh, just to get the gun back from my  
8 dad and then they would leave.

9 Q. They were demanding that back?

10 A. They wouldn't leave without it.

11 Q. Do you know how they got to your house that  
12 day?

13 A. What I've been told that --

14 Q. Well, yeah and let's not -- just going back  
15 to kind of relying on what you knew at that particular  
16 time.

17 A. Oh, what I knew at that time?

18 Q. Yeah.

19 A. No, I had no idea.

20 Q. You had no idea how they got there?

21 A. Yeah.

22 Q. At that time did you know how it was that  
23 they intended to leave just based on anything that they  
24 said?

25 A. They wanted, at that point in time no I

1 didn't know what they wanted. I didn't know how they  
2 were going to leave until later when they wanted the car  
3 keys from me after picking up the gun.

4 Q. Okay. So you said that they first were  
5 demanding the gun back?

6 A. Yeah.

7 Q. And then at some point after that they were  
8 demanding car keys?

9 A. Yeah. This is after when he was able to  
10 get the gun back and pointed it at me and say "car  
11 keys."

12 Q. So tell us then what happens after your mom  
13 and your siblings leave, your dad and the man are still  
14 in a struggle. What happened?

15 A. After I see, you know the guy hurting my  
16 dad, I'm still holding that girl. So I have to push her  
17 off of me and then from there on I really don't notice  
18 her, I'm just watching this guy stab my dad with the  
19 screwdriver that, I was able to throw that screwdriver  
20 out of her hand in the beginning but he was able to pick  
21 it up and started hitting my dad in the back with it.  
22 And I saw it go all the way through his back.

23 Q. You said that you saw the woman stabbing  
24 your mom in the back. Did you ever see the woman do  
25 anything to your father?

1           A.     No, I didn't see it. Only my mom would  
2 know.

3           Q.     And how about the man, was his attention on  
4 your dad or did he ever do anything to your mom?

5           A.     The guy was mainly attacking my dad. He  
6 didn't do anything to my mom. Which I don't think so.

7           Q.     So then what happened?

8           A.     After I saw him stabbing my dad?

9           Q.     Yes.

10          A.     Yeah, he was stabbing my dad. He did about  
11 two, three times. I think I'd say three. Like two of  
12 them actually went through his back. And then he was  
13 able to get the gun from my dad because he must have  
14 been unconscious or something because he finally just  
15 was able to pull it out. So he pulled it up, aimed it  
16 at me, because after I was pushing him too many times he  
17 aimed it at me and said "All right, give me the car  
18 keys." And where the car keys would usually be, I  
19 turned to the right, there's no keys, not one key's  
20 there. So he told me, I said I can't find them, so he  
21 tells me to find them, you know, yelling at me. So I go  
22 looking through my house, because I think my mom's still  
23 there at the time. So I look calling my mom and I see  
24 her across the street from my dad's office so I'm  
25 thinking to myself I'm going to die or something. And I

1 see my sister right there too thinking why didn't she go  
2 with her. But then I see my bedroom door wide open with  
3 the window wide open too so that's our chance to run out  
4 because we're not going to go back and tell him we can't  
5 find the keys.

6 Q. When you said that he pointed something at  
7 you, was that the firearm?

8 A. That was the gun, yes.

9 Q. When he was stabbing your dad in the back,  
10 what was that with?

11 A. The screwdriver.

12 Q. The same screwdriver that the woman was  
13 using to stab your mom?

14 A. Yes.

15 Q. After you looked through the house for the  
16 keys and you saw that window was open, what did you do?

17 A. My sister and I, we jumped out that window.  
18 I went out first and then she followed. She was able to  
19 lock the door first and then she followed me. We jumped  
20 out that wall, you know, it's just a little wall, and  
21 then we ran behind our house, it's a street called  
22 Almondwood and there's a lot of other houses back there  
23 too. Yeah, we hid behind that RV.

24 Q. Before you went through the house to look  
25 for the keys, kind of the last time you saw your dad,



1    how was he positioned?

2           A.     He was on his stomach right, like right in  
3   the beginning of when you enter my house there's carpet  
4   and then there's the hard floor. He was like right on  
5   the line of where you separate from your carpet and the  
6   hard floor. So I saw him there on his stomach. That's  
7   what I saw.

8           Q.     Once you and Jasmine got to Almondwood what  
9   did you do?

10          A.     We, I told her follow me, we went, there  
11   was this RV that I've seen there so many times from  
12   walking my dog. So we, I told her we're hiding behind  
13   there. We hid pretty much underneath that RV. And she  
14   was panicking, I told her stop, stop talking, you know,  
15   they could be coming after us.

16          Q.     And so what did you do then?

17          A.     We hid there for about maybe four to five  
18   minutes.

19          Q.     And so you hid under the RV for about four  
20   to five minutes?

21          A.     Yeah.

22          Q.     And what caused you to come out of the RV?

23          A.     We heard that guy's voice. He was like  
24   calling, I guess what was her name, and I panicked, I  
25   don't know, if he was behind us. Cause I couldn't tell

1 where his voice was coming from, if he was in another  
2 person's house or if he was following us.

3 Q. Same voice that you heard in your house?

4 A. Yes.

5 Q. And you said that he was calling her name?  
6 Yes?

7 A. Yes.

8 Q. Based upon what he was saying, did it  
9 appear to you that they were not together?

10 A. Yes, that's what it appeared like.

11 Q. That he was searching out for her  
12 someplace?

13 A. Yes.

14 Q. So what did you do?

15 A. I went out to check to see if he was  
16 coming. I went out like a little bit down where we  
17 first came back to like our house, down that street  
18 again, Almondwood, and I went to go see if he was coming  
19 but I saw that lady coming instead, whatever her name  
20 was, the black lady.

21 Q. The same woman who had been in your house?

22 A. Yes.

23 Q. Was she alone or was she with the man?

24 A. She was alone.

25 Q. Did you ever see him?

1           A.     No, not after the house.

2           Q.     Was Jasmine with you or had she stayed  
3 under the RV?

4           A.     She stayed under the RV.

5           Q.     Where did you go?

6           A.     I went to check to make sure he wasn't  
7 coming. I kind of ignored the woman coming through  
8 because she didn't seem threatening at the time.

9           Q.     Did you say anything to her?

10          A.     I told her "Where's my mom?" And then she  
11 said "I don't know. I don't know." And kept walking.

12          Q.     Did you go back to the house or did you go  
13 back to the RV?

14          A.     I went back, Jasmine came following behind  
15 me and then we went back to the house.

16          Q.     Once you got back to the house what did you  
17 do?

18          A.     We -- the cops were there so they were just  
19 coming into our house and they asked us if there's  
20 anyone inside and I said "just my dad."

21          Q.     Okay. You then met with police officers  
22 there?

23          A.     Yes.

24          Q.     And then did you locate Michael and your  
25 mom?

1           A.     Yeah. I actually went inside my house  
2 again to see, because I didn't know where Michael was, I  
3 thought maybe he was hiding underneath a bed so I went  
4 to go check.

5           Q.     Now eventually you had an opportunity to go  
6 back into your house; is that right?

7           A.     Yes.

8           Q.     And what if anything did you see there that  
9 weren't there before the man and the woman had arrived?

10          A.     I went back to go check to go get our dog  
11 later on, they let us, thank God they let us. So I went  
12 back, looked in my room, and then on top of my bed I see  
13 these bolt cutters and then I see this pocket knife in  
14 like a little gray case I believe it was. And those  
15 aren't mine so, you know.

16          Q.     So bolt cutters and a knife in like a  
17 sheath or a case?

18          A.     Yeah, that's exactly what it was.

19          Q.     Was there a car parked outside of your  
20 house at that morning?

21          A.     At that time?

22          Q.     Yeah.

23          A.     When we went back in? Just a bunch of cop  
24 cars.

25          Q.     Sorry, that was poorly worded.

1                   That morning around 6:30 when the man and  
2 the woman first arrived at your house --

3           A.     Oh.

4           Q.     -- was there a car parked outside of your  
5 home, one of your family's cars?

6           A.     No. Just the cars that we drive in. I  
7 didn't really look out the window when they first came  
8 so I don't know if there was a car or not.

9           Q.     But your family's cars were there?

10          A.     Yeah.

11          Q.     Do you have a garage at the house?

12          A.     We do have a garage.

13          Q.     But do you normally park your cars outside  
14 the garage?

15          A.     Yes, we park them outside. We have too  
16 much stuff in our garage.

17          Q.     Most people do?

18          A.     We're hoarders, yeah.

19          Q.     How many cars outside the house?

20          A.     Two.

21          Q.     Two cars. In the driveway or in front of  
22 the house on the curb?

23          A.     They're, they're usually in the driveway.  
24 We would only park them on the curb if I wanted to play  
25 basketball or something. But yeah, they're in our

1 driveway.

2 Q. Two cars right in the driveway?

3 A. Yes.

4 Q. Whose cars are they?

5 A. They're both of my parents. My mom usually  
6 takes the white, sorry, like the Honda Civic I believe,  
7 I don't even know anymore. And then the black one is a  
8 Toyota that my dad drives mainly more. It's our back-up  
9 car.

10 Q. Now after you were able to go back in the  
11 house and get the dog, that kind of thing, did you have  
12 an opportunity then to speak with detectives in this  
13 case?

14 A. Yes, we talked to the detectives. We were  
15 hanging out across the street and they would come to us  
16 saying, you know, we need to ask you some questions.  
17 There was a lady that took our photos to make sure if we  
18 have anything on our skin that they can use. They  
19 wanted to take my shirt but I wasn't wearing a shirt the  
20 whole time that happened. I was able to get one when I  
21 went back in.

22 Q. At some point did you actually sit down and  
23 do an interview with the detectives, tell them  
24 everything that happened?

25 A. Yeah, we did it in his car.

1           Q.     During that time did they present a photo  
2 line-up to you and ask you if you could identify anyone  
3 that had been in your home?

4           A.     Yes, they did.

5           Q.     And I'm showing you what has been marked as  
6 Grand Jury Exhibit Number 8. Do you recognize this?

7           A.     Yes, I signed that.

8           Q.     So this is writing and your signature?

9           A.     Yes.

10          Q.     What does this appear to be?

11          A.     That's the photo line-up that they showed  
12 me.

13                   MS. FLECK:   Okay.   Thank you very much.

14                   And I have nothing further for this witness  
15 at this time.

16                   THE FOREPERSON:   Any questions from the  
17 Grand Jury?

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

24                   Failure to comply with this admonition is a  
25 gross misdemeanor punishable by a year in the Clark

1 County Detention Center and a \$2,000 fine. In addition,  
2 you may be held in contempt of court punishable by an  
3 additional \$500 fine and 25 days in the Clark County  
4 Detention Center.

5 Do you understand this admonition?

6 THE WITNESS: I understand.

7 THE FOREPERSON: Thank you. You're  
8 excused.

9 THE WITNESS: All right. Thank you.

10 MS. WECKERLY: Our next witness stepped out  
11 for a drink. If we could take a five minute recess.

12 (Recess.)

13 THE FOREPERSON: Please raise your right  
14 hand.

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

19 THE WITNESS: Yes.

20 THE FOREPERSON: Please be seated.

21 You are advised that you are here today to  
22 give testimony in the investigation pertaining to the  
23 offenses of burglary while in possession of a firearm,  
24 attempt robbery with use of a deadly weapon, murder with  
25 use of a deadly weapon, attempt murder with use of a



1 deadly weapon, first degree kidnapping, robbery with use  
2 of a deadly weapon, burglary while in possession of a  
3 deadly weapon, and attempt invasion of the home,  
4 involving Natasha Jackson.

5 Do you understand this advisement?

6 THE WITNESS: Yes.

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

9 THE WITNESS: Scott Ufert. S-C-O-T-T,  
10 U-F-E-R-T.

11 THE FOREPERSON: Thank you.

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

16  
17 EXAMINATION

18  
19 BY MS. WECKERLY:

20 Q. Mr. Ufert, I just ask you to keep your  
21 voice up just a little bit so we can hear you all the  
22 way at the back of the room.

23 A. Okay.

24 Q. Sir, how were you employed on July the 29th  
25 of this year, where did you work?

1           A.     I was working for NDOT for the Freeway  
2 Service Patrol.

3           Q.     And that's the Nevada Department of  
4 Transportation?

5           A.     That's correct.

6           Q.     And you said you worked as a, or in Freeway  
7 Service Patrol?

8           A.     Correct.

9           Q.     And what does that mean you do?

10          A.     Well, what we do is we assist motorists  
11 that are in need of help for flat tires, out of gas,  
12 small maintenance fixes that we can do on the side of  
13 the road within 15 to 30 minute time limit to safely get  
14 them off the freeway.

15          Q.     And do you work by yourself or do you have  
16 another co-worker who rides along with you?

17          A.     We work by ourselves.

18          Q.     And is the vehicle that you ride in, is  
19 that clearly marked as a Nevada Department of  
20 Transportation vehicle?

21          A.     Yes, it is.

22          Q.     Did you work a particular shift on that  
23 day?

24          A.     Yes, I worked my regular shift. It's  
25 4:30 a.m. to 1:30 p.m.

1 Q. And are you assigned a particular route?

2 A. Yes, I am. US 95 and Wagon Wheel to US 95  
3 and Martin Luther King Boulevard.

4 Q. And that morning did you come upon a couple  
5 that leads you to be testifying here with us this  
6 afternoon?

7 A. Yes, I did.

8 Q. What time was it approximately or to the  
9 best of your recollection that you encountered this  
10 couple?

11 A. Around 6:34 a.m. in the morning.

12 Q. And what area generally did you see them?

13 A. It was exactly one half mile south of  
14 Tropicana off-ramp on the right hand shoulder on the  
15 northbound 95.

16 Q. And why was it that you stopped for them?  
17 Did they wave you down or did you just see the car?

18 A. Basically I pulled up behind them because  
19 their flashers were on. I could not really clearly see  
20 what they were doing in the vehicle. So I pulled up  
21 behind them and was trying to depict on whether or not  
22 to call it in as an assist or to see if they were on the  
23 phone or may have dropped something to pick it up to  
24 drive away.

25 Q. And do you remember what kind of vehicle

1 they had?

2 A. It was a Nissan Altima, white in color.

3 Q. White in color. Sir, I'm showing you Grand  
4 Jury Exhibit 2. Does that car look familiar?

5 A. That's the same one.

6 Q. Okay. I'm going to put that on the  
7 overhead for the Grand Jury.

8 This is Grand Jury Exhibit 2. You said it  
9 was a white car. That's the car?

10 A. Correct.

11 Q. That we see in the photograph.

12 Is that the area where you saw them as is  
13 depicted in this photograph?

14 A. It's the exact same spot.

15 Q. When you encountered them or when you first  
16 saw them, was the trunk up on the vehicle?

17 A. No, it was not.

18 Q. So that was, the trunk was shut. Were the  
19 two people, the occupants, in the vehicle?

20 A. Yes, both occupants were in the vehicle.  
21 The male was in the driver's seat and the female was in  
22 the passenger seat.

23 Q. Now you said you pulled up behind the white  
24 car. So looking at that photograph, your truck or  
25 whatever you drive would have been how far behind the

1 white car?

2 A. About 50 yards. So 150 feet back.

3 Q. So quite a ways. And what do you do once  
4 you come to a stop?

5 A. Once I come to a stop we tend to check to  
6 see what we can, see what they're doing, maybe they're  
7 on the phone, looking at a map, looking at directions,  
8 trying to see if they actually need help or if when we  
9 call it in and get out they usually drive off. So in  
10 that case they looked like they were looking for  
11 something so I was kind of unsure so I didn't prep to  
12 start writing any information down because it looked  
13 like they were just going to drive away.

14 Q. Now when you say they looked like they were  
15 looking for something, what made you think that? What  
16 did you observe about them?

17 A. Sporadic movement in the front seats.  
18 Constant looking down, looking left to the right, up  
19 underneath the seat, center console area.

20 Q. And after you made those observations did  
21 you ever go closer to the vehicle?

22 A. No, I did not. I stayed at my location  
23 because the male occupant got out of the vehicle and  
24 walked back to my van.

25 Q. And as he approached your van, I assume you

1 were still in the driver's seat of your van?

2 A. Correct.

3 Q. Did he walk up quickly, slowly; how would  
4 you describe it?

5 A. Kind of trying to see, he was walking about  
6 normal speed trying to see who I was. I don't know what  
7 he was looking for or what he was not looking for.

8 Q. Sure. Did you unroll your window and  
9 address him at all?

10 A. Yes, I rolled down the window to address  
11 him. He stated that he was looking for a key because it  
12 was push button and stated that the vehicle shut off on  
13 him while driving so he thought maybe it fell out of his  
14 pocket and it shut the car off. I figured okay, maybe  
15 two or three minutes and we would be returning back to  
16 the freeway. So I did not call it in, I was waiting for  
17 them to find the key.

18 Q. Did you, I mean was it your understanding  
19 that the key they're looking for is inside the car or on  
20 the outside?

21 A. They did not state either one.

22 Q. Did you ever get out of your van to help  
23 them look for the key?

24 A. No, I did not.

25 Q. So you sit in your van. And what do you

1 see the male do?

2 A. He went back to the front seat and opened  
3 the door. I stayed for scene safety because when he  
4 opened the door it went past the fog line and into the  
5 lane so I felt it was unsafe so I felt that my lights  
6 were needed. At that time I started to write down the  
7 information of the vehicle and at that time the female  
8 exited the vehicle and came back to my vehicle.

9 Q. I don't think I asked you this. Just  
10 generally, what did the male look like?

11 A. Maybe 6-foot tall, lots of tattoos, big  
12 earrings.

13 Q. Any estimate as to how old he was?

14 A. Late twenties just by looks.

15 Q. So you said he is looking and the way he  
16 has his door open it's kind of going over that solid  
17 white line on the freeway?

18 A. Correct.

19 Q. And you said the woman comes out and  
20 approaches you?

21 A. Yes.

22 Q. You're still sitting in your van?

23 A. Correct.

24 Q. What does this woman look like?

25 A. She is African American. About I'd say

1 4-foot 11 inches tall. Maybe a hundred and  
2 fifteen pounds.

3 Q. And does she actually come all the way up  
4 to you and talk to you?

5 A. Yes. Yes, she did.

6 Q. What is your conversation with her?

7 A. She stated the same thing that the male  
8 stated, that she was also looking for the key. She said  
9 it may have possibly fell out at another location where  
10 they stopped, she wasn't too sure, that she had called a  
11 friend to bring them another key and that they were  
12 going to walk off the freeway.

13 Q. Did she ever say I need to get away from  
14 this guy, I need you to help me?

15 A. No, she did not.

16 Q. But she did mention that she had called a  
17 friend and the friend was going to come help them or  
18 pick them up if they walked off the freeway?

19 A. Correct. They were going to meet him at  
20 his house to pick up a key.

21 Q. Oh, I see. Okay. So they were going to  
22 walk to the friend's house?

23 A. Yes.

24 Q. Did you have any advice for them regarding  
25 that plan?



1           A.     I did advise her that it was unsafe for  
2 them to walk off the freeway and that's why I asked if  
3 she had a ETA on when that friend could come and pick  
4 them up or drop the key off to them and in which she  
5 changed the subject all together and never really  
6 answered my question.

7           Q.     Do you remember anything she said after  
8 that?

9           A.     To tell you the truth no, I don't.

10          Q.     Okay. What happened after you told her,  
11 you know, look, this idea with the friend and walking  
12 off the freeway isn't a good idea?

13          A.     She went back to the vehicle and kept  
14 looking. At that time the gentleman moved from the  
15 front door to the back door and proceeded to keep  
16 looking for the key.

17          Q.     Now when you say -- are they both looking  
18 for the key at the same time?

19          A.     Correct.

20          Q.     And are they looking inside the car?

21          A.     Yes.

22          Q.     How long do they do that?

23          A.     Maybe four minutes, five minutes.

24          Q.     What happens after that?

25          A.     The girl comes back to the van and states

1 that she has a friend on the way and that they're just  
2 going to walk off the freeway and meet up with them to  
3 pick up the key and that I was, that they didn't need my  
4 help anymore. And I advised her again that it's a half  
5 a mile to the exit itself and that it would not be safe  
6 or in their best interest to walk off the freeway.

7 Q. When she's telling you about the friend  
8 that's coming, was she crying or upset or insistent  
9 about you leaving?

10 A. No, she was not. She was not crying nor  
11 upset or anything, but she did get kind of fidgety, kind  
12 of jumpy a little bit.

13 Q. And when you say fidgety, how would you  
14 describe that, like her physical movements or her voice?

15 A. Sporadic movements.

16 Q. What happened then?

17 A. She left the van and walked back to the  
18 vehicle which then the white male walked back to my  
19 vehicle. I figured he had found the key and he was  
20 going to come tell me that he had found the key and that  
21 they were going to get going.

22 Q. And when he walks back to your vehicle,  
23 this is the second time he's coming to your vehicle,  
24 right?

25 A. Correct.

1 Q. Where is the woman?

2 A. She is back at the vehicle.

3 Q. Back at the white car?

4 A. Correct.

5 Q. So when he comes up to you what happens?

6 A. I don't remember exactly what he said to  
7 me, but at that time he did pull the gun out on me and  
8 told me to get out of the vehicle and give him my work  
9 phone and my radio, which I did, I gave him my radio and  
10 my work phone and I got out of my vehicle and I was  
11 talking to him trying to get him to calm down.

12 Q. And are you like on the side of the freeway  
13 then?

14 A. Yes.

15 Q. And he is on the side with you?

16 A. He's on the passenger side and I'm on the  
17 driver's side.

18 Q. Did you get, can you give us any  
19 description of what the gun looked like?

20 A. It is a full black 9-millimeter handgun,  
21 semi-automatic.

22 Q. Where was the woman while you're, as you  
23 put it trying to calm him down?

24 A. She was at the vehicle removing their  
25 items.

1 Q. And do you remember what those items were?

2 A. I believe a TV which was found on scene  
3 that was broken.

4 Q. Later, right?

5 A. Later, yes.

6 Q. We'll get to that.

7 A. A black bag that's normally for military.  
8 It normally doesn't come in black, it's usually in like  
9 military print.

10 Q. And you see her getting stuff out of the  
11 white car, right?

12 A. Correct.

13 Q. What is she doing with this stuff? What  
14 does she do with it?

15 A. She's putting it into my vehicle, into the  
16 back of my van.

17 Q. So she's unloading the white car and  
18 putting the TV and this black bag into your work van?

19 A. Correct.

20 Q. And at this time you're standing with the  
21 man and he's sitting in the passenger seat?

22 A. No. We were both standing on the passenger  
23 side of the van in between the jersey barrier and my  
24 van.

25 Q. What is he saying at that point?

1           A.     I don't really recall what he was saying.  
2 I was just trying to talk him to putting the gun down.

3           Q.     Sure. Did the two communicate at all that  
4 you recall?

5           A.     Not that I recall.

6           Q.     How many trips did she have to make  
7 unloading the white car?

8           A.     I believe two.

9           Q.     So like she unloads it, puts stuff in the  
10 van, goes back to the white car and then comes back  
11 again?

12          A.     Yes.

13          Q.     When she comes back that second time, what  
14 does she do?

15          A.     She loads the large TV into the back of my  
16 van and that's when the white male told me to get in the  
17 van and she got in the van as, right after I did. And  
18 then that is where I told him how the vehicle ran and  
19 functioned due to, just in case that happened.

20          Q.     Now when you guys get in the van, who is  
21 sitting where?

22          A.     I'm sitting in the driver's seat. And I  
23 told him that normally we don't give people rides so if  
24 he was sitting in the front seat it would look kind of  
25 funny because it would be against policy to give anybody

1 a ride off the freeway. So he then said "Okay, fine, I  
2 will get in the back." And then that's when I was able  
3 to talk him to point the gun away from me.

4 Q. Where is the woman?

5 A. She is behind him crouched down holding  
6 onto the work shelving that is in the back of my van.

7 Q. The work shelving, is that what you said?

8 A. Correct.

9 Q. Okay. So if I understand it, you're in the  
10 driver's seat?

11 A. Yes.

12 Q. And there's seats behind you and that's  
13 where the guy is?

14 A. No, there's no seats behind. There's a  
15 black cage that, just in case of a rollover none of the  
16 items in the back of the van come forward into the  
17 driver compartment.

18 Q. Is that where she is?

19 A. They were both behind the barrier, in  
20 between the driver's compartment and the back of the  
21 van.

22 Q. Now you mentioned just a minute ago that  
23 you had a conversation with him about the gun at that  
24 point in time.

25 A. Correct.

1 Q. Can you tell us what that was?

2 A. I told him we are on the freeway and I have  
3 to leave the shoulder to get around their vehicle so I  
4 asked him if he could put it down just in case we do get  
5 rear ended, the gun does not go off and hit anybody. He  
6 then said okay and put it down and out of the way of  
7 getting, pointing at me. At that time I turned my  
8 lights off and turned my blinker on and merged into  
9 traffic.

10 Q. Did you tell him or her anything about like  
11 tracking or GPS on your own vehicle?

12 A. Yes.

13 Q. Was it at this time or is that later?

14 A. That was directly after that time.

15 Q. So tell us about that.

16 A. As soon as I left the shoulder and entered  
17 traffic I advised them that I was not able to go any  
18 further than a mile off of the freeway, which then he  
19 said "that's fine, whatever," and I was like "if I go  
20 any further my GPS goes off and they're going to know  
21 something's up." And he said "Okay, make the first turn  
22 and then turn into the first neighborhood." Which I  
23 complied.

24 Q. From the time you leave the shoulder, you  
25 said you put your blinker on and then you make I assume

1 the first exit or turn into the neighborhood?

2 A. Correct.

3 Q. Between those two points in time does the  
4 woman say anything to you?

5 A. No, she did not.

6 Q. Does she say anything to the guy?

7 A. Not that I know of.

8 Q. Does he say anything to her?

9 A. Yes, he asked for my name and, my full  
10 name, which I gave it to him.

11 Q. He asked that from you, right?

12 A. Yes.

13 Q. Does he say anything to her?

14 A. He said "look it up on the phone." So I  
15 was not sure on what they were doing in that part.

16 Q. Was that your phone that she was looking it  
17 up on?

18 A. She was looking it up on one of their  
19 phones. As soon as they got out of the vehicle that  
20 phone was damaged due to water running in the gutter.  
21 It fell out of her hand and went into the water.

22 Q. So I just want to make sure I understand  
23 it. He asks you your full name?

24 A. Yes.

25 Q. And you tell it to him. At this point does



1 he have any of your identification or property?

2 A. No. I told him that I do not carry a  
3 wallet due to just in case this kind of thing happened.  
4 He stated "All right, I guess that could be truthful."  
5 And we carry identification on our vests which has our  
6 full name and everything on it for picture  
7 identification.

8 Q. At some point he tells the woman after you  
9 give your name to look it up on the phone?

10 A. Yes.

11 Q. Does he spell it for her or do you see her  
12 responding or doing anything with the phone?

13 A. At that time I was looking forward so I  
14 wasn't too sure on what she was doing.

15 Q. Is there any other conversation before you  
16 stop the van?

17 A. Yes. He stated if he got caught for  
18 highjacking my vehicle because I called the cops on him  
19 that he would have his friends come and kill my family  
20 as well as myself.

21 Q. Was that as you're driving to a  
22 neighborhood or was that --

23 A. Yes, that was as we were driving.

24 Q. Okay. Any other conversation that you  
25 recall?

1           A.     Other than that, that was it.

2           Q.     Now you drive them from the, you get onto  
3 the freeway, you put on your blinker, you get on the  
4 freeway. What exit do you take?

5           A.     We got off on Tropicana going northbound on  
6 95.

7           Q.     And then where do you go from there?

8           A.     We made a left going westbound on Tropicana  
9 and we made the first left into the housing unit.

10          Q.     And the conversation you recall along the  
11 way is him talking about your name and her to look it up  
12 on the phone?

13          A.     Correct.

14          Q.     And then him advising you not to report him  
15 or else he'd have friends come and get you and your  
16 family?

17          A.     Correct.

18          Q.     Is there any other thing you remember  
19 either between the two of them or to you?

20          A.     He wanted me to turn into the apartment  
21 complex on the right hand side of westbound Tropicana.  
22 I told him that I'm in the left lane, it would be unsafe  
23 for me to make that turn. I told him then I would turn  
24 into the first neighborhood on the left hand side. He  
25 said that was fine. And he told me to stop after we

1 turned onto the first street on the left at the speed  
2 limit sign which is about the length of the backyard  
3 from Tropicana.

4 Q. And she isn't saying anything during that  
5 time?

6 A. No. She's fiddling with like the bag or  
7 something like that. I'm not too sure on what she was  
8 messing with but she was rummaging in the back.

9 Q. So you stop at the speed limit sign?

10 A. Correct.

11 Q. This is like a neighborhood posted sign  
12 don't go faster than whatever?

13 A. No, it's actually a 25-mile an hour speed  
14 limit sign.

15 Q. Okay. So you stop. What happens?

16 A. I stopped. The gentleman gets out of the  
17 vehicle and the lady gets out of the vehicle and they  
18 start removing their items out of my van.

19 Q. Do both of them take stuff out of the van?

20 A. Yes, they do.

21 Q. And the items that I remember you  
22 mentioning are the TV and a backpack. Is there anything  
23 else?

24 A. I believe it was a camera bag. At that  
25 time the African American young lady asked me if I

1 wanted a camera. I told them that I did not want the  
2 camera, I did not want anything that they had. They  
3 said okay.

4 Q. And what happened then?

5 A. And then they got out of the vehicle and I  
6 got back in my vehicle and I turned the vehicle around  
7 and I left.

8 Q. Now you mentioned when you were talking  
9 about her in the van doing something with a cell phone,  
10 did you see something happen to her cell phone?

11 A. Yes. When they were getting out of the van  
12 the white gentleman took the TV and as he took the TV  
13 her phone fell out of her hand and fell into the gutter  
14 where there was water running.

15 Q. Did they pick it up or do anything with it?

16 A. They did pick it up and they tried dusting  
17 it off and seeing if it worked again.

18 Q. Do you recall which one of them picked it  
19 up?

20 A. The lady picked it up.

21 Q. And so she's kind of maybe looking up to  
22 see how damaged it is?

23 A. Yes.

24 Q. What did she do with it?

25 A. She put it into the black bag.

1 Q. Did you see anything happen to the TV?

2 A. He dropped it as he took it out of the  
3 vehicle. I did not see on how he dropped it though.

4 Q. So you don't know if that was accidental or  
5 how that happened?

6 A. Correct.

7 Q. After you saw him drop the TV what  
8 happened?

9 A. He picked the TV up and put it next to the  
10 block wall inside the residential front yard in the rock  
11 area and then stomped the TV twice.

12 Q. Like taking --

13 A. Yeah.

14 Q. -- his foot and stomping it?

15 A. Yes.

16 Q. What is the woman doing while he's stomping  
17 on the TV?

18 A. Pulling the bags out of the van.

19 Q. Other bags?

20 A. Yes.

21 Q. When they get all their property out, do  
22 they say anything to you other than what you just  
23 mentioned that the woman said do you want a camera?

24 A. Yeah. I asked if I could get my personal  
25 phone back due to I needed it for work. He stated

1 you're not getting your phone back because his just fell  
2 in the water. So I said okay. That is when he turned  
3 it off and put it in the black bag as well.

4 Q. And does she say anything then?

5 A. No.

6 Q. So you're not getting your phone back.

7 What happens after that?

8 A. I walked backwards and got into my vehicle  
9 and I left.

10 Q. When during, like when you pull up to the  
11 speed limit sign, when is it that you get out of your  
12 vehicle? How does that happen?

13 A. He said get out of the vehicle and give us  
14 a hand removing the items.

15 Q. So you helped take some of the items out?

16 A. No. I stood there because by the time I  
17 got out of the van they had already removed everything.

18 Q. And that's how you're able to see him stomp  
19 on the TV and all that?

20 A. Correct.

21 Q. So after you asked him if I can have my  
22 cell phone back, you get back in your van?

23 A. Yes.

24 Q. Do they say anything then?

25 A. No, that was it.

1           Q.     Do you ask them, like ask can I go or do  
2 you just leave?

3           A.     No, I just left.

4           Q.     You leave. And where do you go?

5           A.     I left and I was trying to call to cancel  
6 my phone to try to wipe out all the information on my  
7 phone just so if they wanted to get anymore information  
8 off of it that they could not.

9           Q.     And at some point you are contacted by the  
10 police about this incident, right?

11          A.     Correct.

12          Q.     You give an interview?

13          A.     Yes.

14          Q.     And did they also show you a photographic  
15 line-up?

16          A.     Yes.

17          Q.     Did they show you pictures of the male and  
18 the female or just the woman?

19          A.     Just the female.

20          Q.     Sir, I'm showing you Grand Jury Exhibit 7.  
21 Do you recognize this top piece of paper?

22          A.     Yes, I do.

23          Q.     And is this writing yours?

24          A.     Yes.

25          Q.     That we see in the middle of it? And I'm

1 going to put that on the overhead. This is Grand Jury  
2 Exhibit 7.

3 Were these the instructions that the  
4 detective read to you about photographic line-ups?

5 A. No, I read it off for myself.

6 Q. You read it yourself. And this on the  
7 middle of the page is, that is your own handwriting;  
8 correct?

9 A. That is my handwriting.

10 Q. Can you read it from where you are there?

11 A. It says "I am 90 percent sure. She seems  
12 younger in the line-up photo than when I seen her  
13 today."

14 Q. And who were you referring to?

15 A. The young lady that was with the white  
16 gentleman.

17 Q. Okay. And so you picked one of the  
18 photographs and then your comments were "I'm 90 percent  
19 sure but she seems younger in the photo than she does  
20 today"?

21 A. Correct.

22 Q. When you, in all your contact with these  
23 two, did you ever see any weapons other than the gun  
24 that you mentioned?

25 A. When the female got into the van after I



1 got into the van, I seen her with a large black item  
2 that looked like a, it could have been a club and/or a  
3 machete, I was not sure at the time because everything  
4 happened so fast.

5 Q. And was it covered like a sheath or was it  
6 different than that?

7 A. It looked like a machete in a sheathing for  
8 what I seen of it.

9 Q. Now you said when she got, you said you saw  
10 this when she got into the van?

11 A. Correct.

12 Q. Just to clarify. At what point is this,  
13 when you're still on the side of the freeway?

14 A. When we're still on the side of the road,  
15 yes.

16 Q. And this is after he's shown you the gun  
17 and you've had conversations about it?

18 A. Yes.

19 Q. Is it before they climb into that area  
20 behind the driver's seat?

21 A. Yes.

22 Q. Okay. And other than those two things, did  
23 you see any other weapons?

24 A. No, I did not.

25 MS. WECKERLY: Thank you, sir.

1 I have no other questions for this witness.

2 THE FOREPERSON: Any questions? Go ahead,

3 Gene.

4 BY A JUROR:

5 Q. Yes. Did you ever contact the police  
6 yourself?

7 A. Yes, I did.

8 THE FOREPERSON: Any other questions?

9 Robert.

10 BY A JUROR:

11 Q. You stated that when you left those two  
12 behind, you tried to call and have the information  
13 removed from your phone. What device were you using to  
14 communicate with?

15 A. It was my work phone.

16 Q. So you had your work phone and a personal  
17 phone with you?

18 A. Correct.

19 Q. Okay. Thank you.

20 THE FOREPERSON: Any other questions?

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

1 Jury, and information obtained by the Grand Jury.

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

8 Do you understand this admonition?

9 THE WITNESS: Yes, I do.

10 THE FOREPERSON: Thank you. You are  
11 excused.

12 Please raise your right hand.

13 You do solemnly swear the testimony you are  
14 about to give upon the investigation now pending before  
15 this Grand Jury shall be the truth, the whole truth, and  
16 nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE FOREPERSON: Please be seated.

19 You are advised that you are here today to  
20 give testimony in the investigation pertaining to the  
21 offenses of burglary while in possession of a firearm,  
22 attempt robbery with use of a deadly weapon, murder with  
23 use of a deadly weapon, attempt murder with use of a  
24 deadly weapon, first degree kidnapping, robbery with use  
25 of a deadly weapon, burglary while in possession of a

1 deadly weapon, and attempt invasion of the home,  
2 involving Natasha Jackson.

3 Do you understand this advisement?

4 THE WITNESS: I do.

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

7 THE WITNESS: First name is William,  
8 W-I-L-L-I-A-M, last name is Moore, M-O-O-R-E.

9 THE FOREPERSON: Thank you.

10 WILLIAM MOORE,  
11 having been first duly sworn by the Foreperson of the  
12 Grand Jury to testify to the truth, the whole truth,  
13 and nothing but the truth, testified as follows:

14

15 EXAMINATION

16

17 BY MS. WECKERLY:

18 Q. And sir, how are you employed?

19 A. I'm a, my classification is PO2 and I'm  
20 employed by the Las Vegas Metropolitan Police  
21 Department.

22 Q. And you are a police officer?

23 A. Correct.

24 Q. How long have you worked as a police  
25 officer?

1           A.     My hire date is January 18, 2006 so I'm  
2 about eight and a half years.

3           Q.     Were you working on July the 29th of this  
4 year?

5           A.     Correct.

6           Q.     At that time were you assigned to a  
7 particular area command?

8           A.     Yes.

9           Q.     What was that?

10          A.     Southeast Area Command.

11          Q.     And did you work a particular shift on the  
12 29th?

13          A.     Yes.

14          Q.     What are the hours of that shift?

15          A.     Graveyard shift is 2200 or 10:00 p.m. to  
16 0800 in the morning.

17          Q.     And when you were working on the 29th were  
18 you in a marked patrol car?

19          A.     Yes, ma'am.

20          Q.     And were you in a uniform?

21          A.     Yes, ma'am.

22          Q.     And did you work in your car by yourself or  
23 would you have a partner who was in the car with you?

24          A.     We were two man units so there were two of  
25 us.

1           Q.     At some point were you dispatched or did  
2 you go to an incident near Almondwood?

3           A.     Yes, ma'am.

4           Q.     How was it that you came to go to that  
5 location?

6           A.     Myself and my partner were finishing our  
7 lunch and we heard the call come over the radio and it  
8 was a burglary in progress and there was some injuries  
9 involving a firearm and I believe there were some  
10 details that said that someone, there was a person  
11 holding down the suspect in a house. So we just cleared  
12 our lunch about 10 or 15 minutes early and we headed  
13 straight to the call because it needed our attention.

14          Q.     And do they request that you respond or do  
15 you kind of assign yourself because you're in the area?

16          A.     Well, generally our policy is when there's  
17 a code red, that means that there's a critical incident  
18 going on so most officers, any officer that can clear  
19 will respond to that incident automatically to assist in  
20 anything that might be needed. So it's a pretty general  
21 response to that kind of a call.

22          Q.     And who was your partner that was with you?

23          A.     Eric Myrold, spelled M-Y-R-O-L-D, badge  
24 number 13064.

25          Q.     And sir, I'm showing you Grand Jury

1 Exhibit 2. Do you recognize that aerial area?

2 A. Yeah, that's the neighborhood.

3 Q. That you responded to on the 29th; correct?

4 A. Yes, ma'am.

5 Q. I'm going to put this on the overhead.

6 This is Grand Jury Exhibit 2. I'm going to impose on  
7 you to stand up if you can and point to how you first  
8 come into the neighborhood if you can. And you can  
9 either point there or up on the screen, wherever you're  
10 more comfortable.

11 A. Okay.

12 All right. So we were eating lunch at  
13 Flamingo and Pecos at a place called Ichabod's which is  
14 normal. I think this is Sandhill -- this is Pecos  
15 probably here. So we were coming south on Pecos and  
16 then we turned off of Tropicana. And then I think this  
17 is Rollingwood and then we came around this way. And we  
18 ended up right about here.

19 Q. Okay. So you're on sort of, just for the  
20 record, the second street down from the top of our map  
21 here?

22 A. Correct, ma'am.

23 Q. And you're at, in front of the second house  
24 or where would you --

25 A. The original call for service came out at

1 this house right here. This is where the code red  
2 happened where my co-workers were at. But by then we  
3 had some new information that the people involved were  
4 in a vacant residence, a two story vacant residence on  
5 this street, so since the suspects that we thought were  
6 in there we just responded there.

7 Q. Okay. So you and your partner stop here  
8 and what do you do as you get out of your vehicle?

9 A. I get out of my vehicle and there's some  
10 details that he had a firearm and that he was  
11 barricading himself in the residence. So there's  
12 already, as I get out of the vehicle I already see that  
13 there's a couple of officers that are placed around the  
14 front of the house. So my immediate question is hey,  
15 does anyone have the rear containment, has anyone  
16 covered that. I didn't hear anything so I took that.  
17 I've worked with most of these guys for about five or  
18 more years so that means no. So I went through this  
19 house here, the owner was out, I went through the house  
20 into this backyard here to cover the rear of the house.

21 Q. And can all the grand jurors see the map or  
22 do you want us to stand differently? You're okay?  
23 Okay.

24 Now when you say you were at this house  
25 here, we're making a written record of this. Is it the



1 one with the red roof or the next one over?

2 A. This would be the house directly east with  
3 the red roof. So it's the house directly east to the  
4 target residence.

5 Q. So you go through the red roof one and into  
6 the backyard of the target residence?

7 A. Not yet. I originally took a position in  
8 this yard here, in the back corner of the residence.

9 Q. And when -- oh, sorry. Go ahead.

10 A. So that I could see this whole back area in  
11 case the suspects attempted to leave that way.

12 Q. Now when you take that position in the  
13 backyard, are you kind of looking over a wall or a  
14 fence?

15 A. This is a cinder block wall which is about  
16 seven to eight feet tall. So I'm 5'10" so I can't cover  
17 that so I ended up scrambling to look to find a way to  
18 gain visual. I found some lawn furniture that was about  
19 three or four feet tall, a circular table, I moved it to  
20 the corner as quickly as I could and I perched in the  
21 corner on that table to see over the wall.

22 Q. What do you see as you look over?

23 A. Originally nothing. They were still on the  
24 front of the house. The details were that the suspect  
25 was on the front of the house and that he had thrown one

1 object onto this terrace here. It's like a flat, this  
2 is like an extension of the house which is a garage and  
3 that's flat. There's actually a window right over it  
4 with some burglar bars. He was at that window and he  
5 had thrown something out and he was ripping at the bars  
6 and he was putting his hands out the window according to  
7 the details. So I was just rear containment just in  
8 case. So originally nothing. Eventually he did make  
9 his way to the back and so did the second suspect.

10 Q. Okay. Now this back part of the target  
11 house, does it have windows or sliding glass doors so  
12 you're able to see inside it at all?

13 A. Yes, you can see inside it. Specifically  
14 where most of it is, towards this side of the house,  
15 there's a large picture window that you can see through  
16 into like a kitchen area. I would say it's about two to  
17 three feet high off the ground and then about five feet  
18 by five feet on both sides if I had to guess. It was  
19 huge, like you could fit through it easily.

20 Q. So you're still in your position at the  
21 house next door to the east. And what changes or what  
22 do you eventually see?

23 A. Eventually I see a white male come  
24 downstairs and he breaks that, the window that I  
25 mentioned. He breaks it out with his bare hands. He

1 starts punching through it and breaks the glass out with  
2 his bare hands. And while -- he's there by himself and  
3 I can hear, I can hear the second suspect yelling in the  
4 background "help, help, save me, save me." And  
5 eventually there's, there's some back and forth. He'll  
6 disappear, she'll show up, and then it goes back and  
7 forth. Eventually she goes to another window and I can  
8 see her look through and this -- I'm sorry, it's not  
9 actually a window, it's a door. It's a door but it's  
10 one of those doors where it's mostly glass, it's like  
11 glass in a frame. And she starts banging on it while  
12 she's at the door and she's looking at me and she's, I'm  
13 not talking to her but she's yelling at me to help her  
14 while I'm standing there.

15 Q. Now when she's banging on that glass frame  
16 door, can you see the man at all?

17 A. No.

18 Q. And were there points where you could see  
19 only the man and not this other person?

20 A. Correct. Most of the interaction was like  
21 it was one or the other. There's only a short time  
22 towards the end when they're both together in the same  
23 room that I saw.

24 Q. The first person you see is the man though  
25 breaking out the window?

1           A.     Correct.

2           Q.     What does he look like?

3           A.     He is a white male, thin build, dark hair,  
4 and he had a black shirt on and it was black pants or  
5 shorts.

6           Q.     The second person you see, what does that  
7 person look like?

8           A.     I just remember it was a small framed short  
9 black female.

10          Q.     And before you see her visually, you hear a  
11 women's voice I assume yelling for help?

12          A.     Correct. It's coming from all over. I  
13 mean downstairs, upstairs, everywhere. She's running  
14 around yelling for help.

15          Q.     But at points in time you see her on the, I  
16 assume that's a two story house?

17          A.     That is a two story house. In fact these  
18 are all one stories except for this one which made it  
19 different for us tactically.

20          Q.     So you see her on the downstairs and  
21 against that glass door looking at you asking for help,  
22 but you don't see him at all?

23          A.     No.

24          Q.     Now when your faced with that situation,  
25 are you supposed to go in and get who appears to be a

1 hostage or who appears to be a victim?

2           A.     No, it just depends on the exigency of the  
3 circumstances and then there's the totality of it. Our  
4 current policy, it's considered a barricade, which is a  
5 S.W.A.T. call out. So technically my job is to do rear  
6 containment. If they attempt to leave the residence  
7 then I'm to act on that. But unless they leave or  
8 something changes that makes me have to go in that house  
9 and I can articulate it, everyone is to sit outside. So  
10 nobody has gone inside the house at any time.

11           Q.     So you see her, she appears at various  
12 times to be asking for help, but he's not always with  
13 her?

14           A.     No.

15           Q.     So what happens as you're there?

16           A.     Well, when he went to the picture window  
17 and he broke out the glass, I was still sitting in this  
18 corner and he looked right at me and I looked right at  
19 him. And that's when I broadcast his description over  
20 the radio. At that time my partner, who had no visual,  
21 he was on the other side of the wall trying to find a  
22 spot as well, I told my partner we have to move, he just  
23 saw us here so he knows my position, I can't stay here,  
24 we need to go somewhere else. So tactically, while  
25 you're in the back, everyone's here, I wouldn't want to

1 go into this yard because then if I have to fire I'm  
2 firing in the direction of the other officers so I don't  
3 have a good back drop. I can't go across here because  
4 then I have to go across the entire house which puts  
5 myself and my partner in danger. I have to find a way  
6 to stay on this side and still contain this side of the  
7 house. So, quick thinking, my decision was that we were  
8 going to jump the wall and go to this corner right here  
9 because if he's looking out the windows he can't see me  
10 from inside the house cause I'm here. He would have to  
11 come out to the yard and look back to see me in which  
12 case I would be prepared to shoot him at that point if  
13 he was trying to escape with the gun or with the other  
14 suspect or victim or whoever she was at the time.

15 Q. Okay.

16 A. And my direction of fire would have been  
17 this direction which is away from my other officers  
18 which makes it safe. So that was the decision I made at  
19 the time.

20 Q. So you go over the wall and I guess to the  
21 side of the target house?

22 A. I'm moving towards the side of the target  
23 house. As I'm moving this way, I have my rifle at what  
24 we call the low ready which is basically down, cause you  
25 don't want it up just in case something happens. So I'm

1 moving from here to here, jump the wall, and as I'm  
2 moving the male suspect jumps out the window by himself  
3 and he points the firearm towards the back corner where  
4 I was and then he starts to scan from this direction  
5 towards this direction towards me. And at that time  
6 when I could see, I remember specifically, even though  
7 he had, I was moving and I waited until I could see the  
8 barrel of that firearm and then I fired two shots  
9 towards him, this direction, that impacted the cinder  
10 block wall and then he jumped right back in the house.  
11 And then we actually ended up going back over the wall  
12 and moving again because now he knows where I am again  
13 so I didn't want to stay there.

14 Q. So you engage him but he gets back inside  
15 the house?

16 A. Yes, he does get back inside the house.  
17 And then at that point it's a barricade again. So even  
18 though he engaged me outside the house, per policy  
19 that's what I'm supposed to be doing anyway is  
20 containment in the rear, and he did point the firearm at  
21 me so I'm using deadly force at that time. But when he  
22 goes back in the house now we're back in this barricade  
23 situation where S.W.A.T. hostage negotiators and  
24 everything is supposed to handle it inside.

25 Q. Now do you see, after he comes out that

1 window and then goes back inside, do you see the African  
2 American woman again?

3 A. Yes.

4 Q. Describe that.

5 A. That's the first time when they're actually  
6 together and then they go into this picture window, I'm  
7 back here again and I can look and I'm looking through  
8 and -- well, backtrack real quick. Because right after  
9 that he does yell out the window at me and he asks me,  
10 he says "give me a chance, give me a chance."

11 Q. What do you say?

12 A. I said "throw the gun out the window and  
13 come out slowly." I said "just drop the gun or throw  
14 the gun out the window and come out with your hands up."  
15 And it looked like he thought about it for a second and  
16 then he kind of went back into the house. Then at that  
17 point, after he goes back in, then the black female  
18 shows up with him in that same window.

19 Q. And how are they positioned?

20 A. They're talking back and forth but I can't  
21 understand what they're saying from my position.  
22 Eventually he puts her, she's facing this direction, and  
23 he puts her on her knees and he takes the same firearm  
24 that he pointed at me and he puts it to her head.

25 Q. And what --



1           A.     As if it's like an execution style, he puts  
2 it to her head.

3           Q.     What do you do at that point?

4           A.     I broadcast over the radio that I could see  
5 that happening and I'm trying, I'm actually debating a  
6 lot of things in my head as to what I should do next.  
7 And as I'm watching it, he's talking to her while her  
8 back, her back is to him, she's facing this direction  
9 and he's saying something to her and she's saying  
10 something back, and then he just pulls the gun away and  
11 walks away and then she stands up.

12          Q.     Could you see where she went at that point?

13          A.     That's when she turns around and looks out  
14 the window at me, makes eye contact with me, and I  
15 motion at her to come out of the house.

16          Q.     So you want her to come out on her own?

17          A.     Right. Because at this time it was unclear  
18 what her, we didn't know if she was a hostage or a  
19 suspect or what was going on so I treated her as a  
20 hostage at the time, especially after what I had just  
21 seen, and I motioned for her to come out of the house.  
22 At that time she jumps out a window. There's a window  
23 here and a window to the west that was also broken out.  
24 I don't recall which one, because you can kind of see  
25 through both, I don't recall which one of those two she

1 jumped out, but she jumps out a window and she runs  
2 towards the wall and my partner grabs her, pulls her  
3 over the wall and then she's in custody.

4 Q. And your partner pulls her kind of up and  
5 over the wall; correct?

6 A. Yeah. He had to grab like a loose cinder  
7 block, cause like I said it was a tall wall. I said  
8 "The hostage is coming out, the hostage is coming out."  
9 So he grabs a cinder block, stands on the cinder block,  
10 looks over the wall, and she comes to him and he pulls  
11 her over.

12 Q. And are you still on the target side of  
13 the, the target house side of the wall or are you back  
14 over --

15 A. No. We're both, I'm here and my partner at  
16 the time is here. So we're both on the, in the yard to  
17 the east of the target residence.

18 Q. Okay. To the east. And then after she  
19 comes out, your partner pulls her over the wall, what  
20 happens?

21 A. Well my focus is not, he's got her and he's  
22 trying to get information out of her as to the suspect,  
23 if there's anymore people in the house, just general  
24 information that would help us to deal with him and for  
25 S.W.A.T. and for the negotiators and anybody else

1 because we really didn't know. My job is to make sure  
2 he still stays in that yard or in that house and doesn't  
3 go into anymore of these houses that I can see. So I  
4 mostly, my sight is focused still on the house. I can  
5 hear her from my peripheral, my hearing.

6 Q. What do you hear her saying to your  
7 partner?

8 A. At first I just hear garble. The next  
9 thing I heard out of her mouth was, I heard her yelling  
10 "Shoot 'em Cody, shoot 'em." Loud. And when I, I  
11 actually, which isn't good, but I looked over to the  
12 right because I was like what did I just hear. And  
13 she's yelling "Shoot 'em Cody, shoot 'em." My partner's  
14 grabbing her by the arms and she's trying to pull away  
15 from him. And at that time I said "Handcuff her, sit  
16 her down." And my partner handcuffs her, sits her down.  
17 So he looks at her and he goes, "So his name is Cody?"  
18 Because at first she was telling him she doesn't know  
19 him and never met him. And then he says "Oh, his name  
20 is Cody?" And she goes "Yeah, he wants you guys to  
21 shoot him." And she starts telling him this stuff. So  
22 he broadcasts over the radio and the radio traffic,  
23 that's when my partner says "He wants 405 by cop." 405  
24 is suicide. That's when we're getting this information  
25 and I'm hearing this go on as I'm looking at the house.

1           Q.     When you hear her say "shoot 'em Cody,  
2 shoot 'em," was that a pretty loud thing she said or --

3           A.     Yeah, she was yelling it. She was  
4 screaming it. And that was when he was trying to grab  
5 her because -- we didn't know if she was trying to run  
6 back in the house or run away from us or what she was  
7 trying to do. Steve my partner had to physically grab  
8 her and keep her because she was trying to get away from  
9 us after we thought we had just saved her. It's  
10 confusing.

11          Q.     I would imagine. So he cuffs her, he puts  
12 her in handcuffs?

13          A.     Yes.

14          Q.     What happens next?

15          A.     Well, after that with her, she sits down.  
16 He doesn't come up where my line of sight is anymore.  
17 Somehow he gets through one of these windows in the west  
18 where I didn't have visual and he goes into this house  
19 over here. I didn't even know he had made it to that  
20 house. I didn't hear it over the radio and no one else  
21 had told me. I hear shots, multiple gunshots from this  
22 side, and I just moved around to try to help and figure  
23 out what's going on and that's when I found out he was  
24 over here and then he had been shot fatally in the  
25 doorway. And at that point Natasha was taken to a

1 vehicle and put in the back of a patrol vehicle and then  
2 the incident was over.

3 Q. Now you called her Natasha. Did you learn  
4 her name?

5 A. Yes.

6 Q. Later?

7 A. Yes.

8 Q. And you don't have any further contact with  
9 her?

10 A. No.

11 MS. WECKERLY: Okay. Thank you. You can  
12 sit down.

13 And I don't -- well, actually you may want  
14 to stand. Unless the grand jurors have questions I  
15 don't have any other questions for this witness.

16 BY A JUROR:

17 Q. When you, when he came out of the house and  
18 he pointed a gun at you, you said you fired at him. Did  
19 you fire to deliberately miss him or --

20 A. No.

21 Q. -- were you aiming for him?

22 A. No, I was aiming. I was aiming at him. I  
23 should have, I mean I didn't hit him but -- I was trying  
24 to shoot him.

25 Q. Thank you.

1 THE FOREPERSON: Any other questions?

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

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

14 Do you understand this admonition?

15 THE WITNESS: Yes, ma'am.

16 THE FOREPERSON: Thank you. You're  
17 excused.

18 Please raise your right hand.

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

23 THE WITNESS: I do.

24 THE FOREPERSON: Please be seated.

25 You are advised that you are here today to

1 give testimony in the investigation pertaining to the  
2 offenses of burglary while in possession of a firearm,  
3 attempt robbery with use of a deadly weapon, murder with  
4 use of a deadly weapon, attempt murder with use of a  
5 deadly weapon, first degree kidnapping, robbery with use  
6 of a deadly weapon, burglary while in possession of a  
7 deadly weapon, and attempt invasion of the home,  
8 involving Natasha Jackson.

9 Do you understand this advisement?

10 THE WITNESS: I do.

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

13 THE WITNESS: Martin Wildemann.

14 M-A-R-T-I-N, W-I-L-D-E-M-A-N-N.

15 THE FOREPERSON: Thank you.

16 MARTIN WILDEMANN,  
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

23 BY MS. WECKERLY:

24 Q. Sir, how are you employed?

25 A. With the Las Vegas Metropolitan Police

1 Department.

2 Q. How are you assigned?

3 A. To homicide.

4 Q. How long have you been worked for homicide?

5 A. Coming up on 13 years.

6 Q. How long have you worked for Metro?

7 A. Coming up on 27.

8 Q. Were you working on July the 29th of this  
9 year?

10 A. I was.

11 Q. And were you the only detective who was  
12 involved in the investigation?

13 A. No, there was a large amount of detectives  
14 out there.

15 Q. Was one of your roles in this investigation  
16 to show photographic line-ups to various witnesses?

17 A. It was.

18 Q. And did you show photographic line-ups to  
19 Scott Ufert and Dominic Ramos?

20 A. I did.

21 Q. Sir, I'm showing you Grand Jury Exhibit 7  
22 and 8. This one is 7. Can you look at those and just  
23 tell me if you recognize them?

24 A. I do.

25 Q. What is 7?



1           A.     Seven is the photo line-up witness  
2 instruction sheet along with the photo line-up and then  
3 a back up photo line-up that has the person's name and  
4 ID number, Metro ID number.

5           Q.     And 7 is the one you showed to Scott Ufert?

6           A.     Yes.

7           Q.     And he's the Nevada Department of  
8 Transportation employee?

9           A.     Yes, he is.

10          Q.     Now looking at the first page of 7. You  
11 fill out the top part of the form; is that correct?

12          A.     Yes.

13          Q.     And this signature is his?

14          A.     Is his, yes. That's him acknowledging that  
15 he heard the instructions that I read to him.

16          Q.     And this part is his own writing?

17          A.     Yes.

18          Q.     And then you sign it?

19          A.     Yes.

20          Q.     Now the second page of 7 appears to be six  
21 photographs; correct?

22          A.     Correct.

23          Q.     And you would have assembled the  
24 photographs to see if Mr. Ufert could identify one of  
25 the suspects in this case?

1           A.     Correct.

2           Q.     There appears to be a signature under  
3 photograph 2.

4           A.     Yes.

5           Q.     And whose signature is that?

6           A.     Scott Ufert's.

7           Q.     Did you witness him sign that?

8           A.     Absolutely.

9           Q.     And the third page of the photographic  
10 line-up is the same line-up but there's names?

11          A.     Correct.

12          Q.     Number 2 is Natasha Jackson?

13          A.     Yes.

14          Q.     Obviously this page isn't shown to the  
15 witness?

16          A.     No, not at all.

17          Q.     It's just so you can keep track of your own  
18 line-up?

19          A.     Of who's who, yeah, in the line-up.

20          Q.     And that is 8 I think. Is that right?

21          A.     Yes.

22          Q.     Okay. So that would be the line-up that  
23 you showed to Dominic Ramos?

24          A.     Yes.

25          Q.     And he's the son of the murder victim;

1 correct?

2 A. Correct.

3 Q. Is it the same procedure where you fill out  
4 the top part of the form, he would have written in the  
5 middle and signed it and you signed it at the bottom?

6 A. Yes.

7 Q. Is it also the same where you have him sign  
8 a photograph if he recognizes an individual?

9 A. Yes.

10 Q. And this is page 2. I notice that there's  
11 a signature. That's Mr. Ramos'?

12 A. Correct.

13 Q. This time the witness is in a different  
14 position?

15 A. Yes.

16 Q. Do you normally do that, shift their  
17 position when you show line-ups to various witnesses?

18 A. I do, yes.

19 Q. And this is the third page of it. But  
20 again that same person is Natasha Jackson?

21 A. Correct.

22 MS. WECKERLY: Thank you, sir.

23 I have no other questions of this witness.

24 THE FOREPERSON: Any questions from the  
25 Grand Jury?

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

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

13           Do you understand this admonition?

14           THE WITNESS: I do.

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

17           THE WITNESS: Thank you.

18           MS. FLECK: And the State's next witness  
19 will be Detective Jason McCarthy.

20           THE FOREPERSON: Please raise your right  
21 hand.

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

1 THE WITNESS: I do.

2 THE FOREPERSON: Please be seated.

3 You are advised that you are here today to  
4 give testimony in the investigation pertaining to the  
5 offenses of burglary while in possession of a firearm,  
6 attempt robbery with use of a deadly weapon, murder with  
7 use of a deadly weapon, attempt murder with use of a  
8 deadly weapon, first degree kidnapping, robbery with use  
9 of a deadly weapon, burglary while in possession of a  
10 deadly weapon, and attempt invasion of the home,  
11 involving Natasha Jackson.

12 Do you understand this advisement?

13 THE WITNESS: I do.

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

16 THE WITNESS: First name is Jason McCarthy.  
17 First and last name. McCarthy is spelled  
18 M-C-C-A-R-T-H-Y.

19 THE FOREPERSON: Thank you.

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

24 ///

25 ///

EXAMINATION

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BY MS. FLECK:

Q. Good afternoon, Detective. How are you employed?

A. I'm employed with the Las Vegas Metropolitan Police Department, currently assigned to the homicide section as a detective and have been employed with the department for the past 20 years.

Q. Twenty years with Metro. How many of those 20 years have been a detective with homicide?

A. I've been in the bureau for ten. Homicide for almost eight now.

Q. So, I'm sorry, so when you say you've been in the bureau for ten, meaning that you've been in the detective bureau for ten years, eight of those as a homicide detective?

A. That's correct.

Q. I'd like to direct your attention to July 29th of 2014. Working that day?

A. Yes.

Q. When you work are you normally working by yourself or do you have a partner?

A. I work with a partner.

Q. Who was your partner on the 29th of July?

1           A.     Detective Fred Merrick.

2           Q.     And additionally do you and your partner  
3 work within a squad within the homicide unit?

4           A.     That's correct. Each squad has six  
5 detectives and on that particular day it was myself and  
6 the remaining five detectives.

7           Q.     Roughly 6:30 in the morning did something  
8 occur that caused you to ultimately be asked to respond  
9 to 3930 Autumn Street here in Las Vegas, Nevada?

10          A.     Yes, there was.

11          Q.     How was it that you got involved in that  
12 case?

13          A.     We were notified by our supervisor at the  
14 homicide office to respond to the address on Autumn  
15 Street reference a shooting that had taken place at that  
16 home.

17          Q.     What time did you arrive?

18          A.     We arrived at that location around noon,  
19 12:00, 12:30.

20          Q.     Now the ladies and gentlemen of the Grand  
21 Jury have seen this. It's Grand Jury Exhibit Number 2.  
22 Which actually I'll just show on the overhead.

23                   Is that upside down?

24          A.     Yes.

25                   Is there one with the addresses on there or

1 do you want me to just point it out?

2 Q. So this is Grand Jury Exhibit Number 2. Do  
3 you recognize what this is depicting?

4 A. Yes. This is Autumn Street, the street on  
5 the bottom. The street on the top is Almondwood.

6 Q. And this is the vicinity that you arrived  
7 at around noon?

8 A. Yes.

9 Q. What was the scene like when you arrived?

10 A. It was all blocked off and secured with  
11 yellow crime scene tape. There were several officers on  
12 scene as well as detectives.

13 Q. When you and other detectives arrive, are  
14 you initially briefed by members of patrol or other  
15 members of the Metropolitan Police Department who have  
16 already gotten preliminary information?

17 A. Yes, we were briefed by our FIT  
18 investigations who were there to investigate the  
19 shooting involving officers. They had a lot of the  
20 preliminary information when we got involved in the  
21 investigation. So there's two investigations going on,  
22 same incident.

23 Q. Okay. So you said FIT. What does that  
24 mean?

25 A. Force Investigations Team.



1           Q.     And is FIT a unit within the homicide  
2 section of Metro?

3           A.     It's a unit within the police department  
4 that's ultimately responsible for all use of force  
5 investigations involving officers.

6           Q.     So initially based upon an interaction  
7 between a member of law enforcement and one of the  
8 suspects, FIT was called out to the scene?

9           A.     That's correct.

10          Q.     Would this have just remained a FIT  
11 investigation had a subsequent death not occurred?

12          A.     That's correct.

13          Q.     So you getting out to the scene around  
14 noon, is that because FIT was taking care of the scene  
15 and then you learned at some point that there had been  
16 what may have been a homicide?

17          A.     That's right. There was, the victim in  
18 this was transported and died and that's when we got  
19 involved. We were notified to respond to the scene and  
20 we got briefed of the circumstances, preliminary  
21 investigation up to that point.

22          Q.     So FIT is dealing with the officer involved  
23 shooting with one of the suspects in the case and then  
24 you come out to investigate what occurred with the  
25 decedent from one of the residences?

1           A.     That's correct.

2           Q.     Now I'm showing you Grand Jury Exhibit  
3 Number 9. What do we see here?

4           A.     This is an overview, Goggle Earth image of  
5 the residence involved in the investigation. The 3930,  
6 this is going to be Almond (sic) Street, that is the  
7 location, the Ramos residence where the homicide  
8 occurred. The residence 3929 Almondwood is going to be  
9 the back street which is going to be the north from  
10 Autumn. That plays a part in this investigation as well  
11 as 3919, 39 -- or 3909 and then ultimately 3899.

12          Q.     So when you arrive and you're briefed you  
13 learn that there is an officer involved shooting at one  
14 of these residences; correct?

15          A.     When we were briefed we were told that  
16 there was a subject that had been taken at gunpoint from  
17 the freeway, there was a vehicle that was involved that  
18 the two suspects were in to include Jackson and another  
19 subject who was later identified as Cody Winters, that  
20 they had entered the house at 3930 Autumn Street. We  
21 were told of the other family members that were in the  
22 house at the time and we were also told that ultimately  
23 they ended up, the two suspects, besides the shooting  
24 and the home invasion there, they went, jumped the walls  
25 and there was items of evidence at 3929, 3919 and 3909

1 Almondwood. That the police had encountered the  
2 subjects at 3909 Almondwood and then also briefly told  
3 that the incident that occurred, where it came to an end  
4 at 3899 Almondwood. All that information was relayed to  
5 us, all the identifying names, date of births and where  
6 the witnesses were were related to us, items of evidence  
7 were relayed to us. So to orient ourselves with the  
8 scene after the preliminary briefing, walked the scene  
9 to get an overall view of it, where everything took  
10 place, and we were also told that Jackson had been  
11 transported back to our office.

12 Q. Okay. So you said Jackson. Is that who  
13 you learned was the name or identified as the woman who  
14 was involved in the original home invasion?

15 A. That's correct.

16 Q. Now when you first went to 3930, was the  
17 decedent still in the residence?

18 A. No.

19 Q. You mentioned some pieces of evidence that  
20 were pointed out or had already been marked. I assume  
21 that's by crime scene analysts?

22 A. Crime scene analyst had already been there  
23 prior to us arriving and those items were photographed  
24 and that information was relayed to us.

25 Q. So what if any pieces of potential evidence

1 did you observe at 3930?

2           A.     Well, there was, across the street there  
3 was a baton, there was a camera case, there was what  
4 appeared to be a woman's purse. Walking into the  
5 residence there was a screwdriver with a yellow handle.  
6 You could tell that there had been some type of  
7 struggle, there's items on the floor in the entrance of  
8 the residence. The back window or sliding glass door  
9 had been smashed. The window was open to the east side  
10 of the residence and we later found out why that window  
11 was open.

12           Q.     Did you see any evidence of a firearm being  
13 used within that house?

14           A.     There was a cartridge, expended cartridge  
15 casing inside the residence or in the living room area  
16 which is right inside the front door.

17           Q.     Additionally, at this point in time, maybe  
18 this didn't happen until later, but at this point in  
19 time had any bullets been found within the house?

20           A.     At this point no.

21           Q.     Now you did mention a screwdriver. Well,  
22 first let me show you Grand Jury Exhibit 4. Do you  
23 recognize this?

24           A.     This is, I believe this is the residence  
25 down the street. 3915.

1 Q. Oh, I'm sorry. Okay.

2 A. That's not any of these residences.

3 Q. So I'll show you Grand Jury Exhibits 5 and  
4 6. Do you recognize those?

5 A. Yes. This is the, inside the residence of  
6 3930 where the homicide occurred where the victim  
7 Mr. Ramos was shot and this is the screwdriver with a  
8 yellowish handle.

9 Q. And these photographs fairly and accurately  
10 depict the way you saw that screwdriver on the 29th of  
11 July?

12 A. Yes.

13 Q. So showing the Grand Jury Grand Jury  
14 Exhibit Number 5. What do we see here?

15 A. The door and the screwdriver is at the  
16 bottom of the door. There's also like a phone charger  
17 or something next to the door.

18 Q. Showing you Grand Jury Exhibit Number 6.  
19 Just a closeup of that screwdriver?

20 A. That's correct.

21 Q. Now then going back. I assume that your  
22 walk through went from 3930 back to 3929?

23 A. Yes. We walked, there's a little side  
24 street in between Autumn and Almondwood. We walked  
25 around just to kind of get a visual of all the houses

1 that were in play in the investigation.

2 Q. Once you got back to 3929 Almondwood, and  
3 3919 Almondwood, in those areas, did you see anything of  
4 potential evidentiary value?

5 A. There was a boat that we were told about  
6 where one of the victims, the daughter of 3930 hid under  
7 so, we just took a look at that. There's some other  
8 evidence that was found in the backyard of 3919 which  
9 was photographed by our crime scene analyst which -- do  
10 you want me to --

11 Q. If you could.

12 A. Yeah. That was a bullet or a cartridge, an  
13 unfired bullet and an expended cartridge casing which  
14 was found back there.

15 Q. What about any --

16 A. And there was a tripod, camera tripod that  
17 was in the back of 3929, that residence.

18 Q. Anything that appeared to be personal  
19 effects, meaning like personal property of either of  
20 these people? You mentioned a purse. Any bags,  
21 backpacks, duffles, anything like that?

22 A. Right. There was a backpack in 3909. That  
23 was found to be an abandoned residence where the  
24 suspects were inside that residence during police  
25 contact and ultimately where Jackson was taken into

1 custody. Upstairs in that residence was a backpack with  
2 several items of paperwork and identifications with  
3 Miss Jackson inside that backpack.

4 Q. So going through that backpack you were  
5 able to attribute the actual bag itself to Miss Jackson  
6 based upon personal identifiers?

7 A. Our CSA personnel did that. Our crime  
8 scene folks.

9 Q. Now after you had an opportunity to go  
10 through the numerous houses that ultimately became part  
11 of this crime scene, where did you go?

12 A. I went to the homicide office located at  
13 400 South Martin Luther King.

14 Q. What was your purpose of going to homicide?

15 A. Jackson was at that location in our  
16 interview room to interview her.

17 Q. Were you there by yourself or with other  
18 detectives from Metro?

19 A. Detective Dosch was there with her and  
20 myself and Detective Wilson who also works in homicide  
21 arrived there and spoke with her.

22 Q. Is Detective Dosch part of homicide or is  
23 he part of the FIT unit?

24 A. He's part of the FIT unit.

25 Q. So again kind of a parallel investigation

1 going on by FIT and also by homicide?

2 A. That is correct.

3 Q. What is the room like or the area like  
4 where you first met Miss Jackson?

5 A. There's approximately 12 interview rooms on  
6 the first floor of our building. It's a table, couple  
7 chairs in there, it's also video and audio recorded.

8 Q. When you arrived was Miss Jackson in  
9 handcuffs or was she uncuffed?

10 A. She was cuffed with her left hand to the  
11 table and she was sleeping when we got there.

12 Q. What time did you arrive?

13 A. It was about 1:30, 1:45. We arrived about  
14 1:30. We didn't start the interview until about 1:45.

15 Q. So fair to say by the time you got there  
16 Miss Jackson had been in the room by herself for quite  
17 some time?

18 A. That's correct.

19 Q. And you said that she was sleeping at that  
20 time?

21 A. Yeah, she had her head down on the table.

22 Q. What did you do to wake her up or what did  
23 you and the other detectives do to wake her up?

24 A. Myself and Detective Wilson walked in,  
25 Williams, I'm sorry, and introduced ourselves, told her



1 that we were there to talk to her about the incident  
2 that occurred this day. She was advised of her Miranda  
3 rights. She popped her head up. She understood her  
4 Miranda rights. And then we started speaking with her  
5 about the start of her day and kind of how it evolved  
6 into where we were at at that particular moment.

7 Q. Now what was her demeanor like when you  
8 originally went into the room?

9 A. She was a little sleepy, a little groggy.  
10 But after she, because she had been sitting there  
11 waiting for us for some time, I would just describe her  
12 demeanor as being relatively sleepy and she was waking  
13 up.

14 Q. When you first started to talk with her,  
15 did she, I mean would it be fair to say that she started  
16 to talk about things that were unrelated to the incident  
17 from that morning?

18 A. In the beginning of our interview she was  
19 telling us about who she was with earlier that day, her  
20 roommates, something about another female back at her  
21 house having a problem with this other guy and that  
22 they, her and Havoc, which was later determined to be  
23 Cody, what they, they were going to meet some friends or  
24 something like that. But it was a very short  
25 conversation as it related to that.

1           Q.     Okay.  So in the beginning she was talking  
2 about things that were unrelated that had happened  
3 either earlier that morning or the day before?

4           A.     That's correct.

5           Q.     At some point you said that she was advised  
6 of her Miranda rights?

7           A.     In the beginning, yes.

8           Q.     And did she indicate to you that she  
9 understood those rights?

10          A.     She did.

11          Q.     And did she indicate to you that she was  
12 then willing to speak?

13          A.     Yes.

14          Q.     Did you take some steps, or you or the  
15 other detectives take some steps to ensure her comfort  
16 level meaning ask her if she needed to use the bathroom?

17          A.     We did.  She already had a bottle of water  
18 in there given to her by Detective Dosch.  We asked her  
19 if she wanted anymore water.  We asked if she'd like to  
20 remove the handcuffs, she said she was fine with just  
21 keeping them on or leaving them on, something to that  
22 effect.

23          Q.     And then when you asked her if she wanted  
24 to use the bathroom she indicated that she didn't?

25          A.     That's correct.

1           Q.     And no indication from her that she was  
2 under any kind of distress or that she wasn't  
3 comfortable in the room or with you or the other  
4 detectives?

5           A.     None whatsoever.

6           Q.     Now at some point she gets oriented to why  
7 kind of you guys are there to talk to her, that it's  
8 about the actual incident that occurred at 3930 Autumn?

9           A.     Yes.

10          Q.     And from that point on in the interview is  
11 she oriented as to why you guys are there, what you're  
12 talking about and able to go into specifics about what  
13 the day was about?

14          A.     Yes.

15          Q.     I want to talk then kind of within her  
16 interview, I know it jumped around a little bit going  
17 back and forth with topics. What did she indicate to  
18 you had happened on the side of the road before she and  
19 the person that she named as Havoc got to 3930 Autumn?

20          A.     She said that she and Havoc and, you know  
21 leading up to this point in the interview she had stated  
22 that she and Havoc are, or Havoc was her boyfriend, that  
23 they were out somewhere in Lake Las Vegas, she wasn't  
24 specific of where, she says that they were in that  
25 vehicle that was on the side of the freeway and they

1 were driving back home and that they had run out of gas.  
2 They were then approached by what she described as  
3 somebody going to work or somebody that was helping  
4 them. She relayed to us that she was telling this  
5 subject on the side of the road that was helping them  
6 hey, we lost our keys or something like that, we'll find  
7 them, we'll be okay, knowing that Havoc, later  
8 identified as Cody, was, you know, basically going to  
9 rob him or put a gun to his head, which eventually he  
10 did.

11 Q. Now did she indicate to you what if  
12 anything she and/or Havoc took from the gentleman that  
13 stopped to help them?

14 A. Yeah. She grabbed her backpack after they  
15 were, Cody had put the gun to this guy's head, she  
16 grabbed her backpack, there was a TV taken out of the  
17 car, they all got into his vehicle and directed him to  
18 get off the freeway and drive into a nearby neighborhood  
19 which ultimately is how they got to the neighborhood  
20 here which ain't very far from the off-ramp of Tropicana  
21 and 95.

22 Q. We talked about, or we saw a photograph of  
23 a screwdriver. At some point during your interview with  
24 her did she indicate where the screwdriver had  
25 originally came from?

1           A.     Yeah. She said that he'd taken some tools  
2 from the service worker and that she had also mentioned  
3 that there was tools that were in her backpack. And she  
4 had several things in there. There was a hatchet, some  
5 bolt cutters that she had in there, the screwdriver was  
6 in there.

7           Q.     Did she ever mention anything about what  
8 she termed as a night stick?

9           A.     The night stick. She said the night stick,  
10 we did question her about the night stick that was out  
11 in front of the residence and had she stated that that  
12 was hers as well.

13          Q.     Then besides the tools what else did she  
14 indicate of personal property was taken from the driver  
15 that had tried to help them on the side of the road?

16          A.     I believe it was a phone, a cell phone that  
17 was taken from him. She also talked about the TV. When  
18 they got in that neighborhood, they were getting out of  
19 that guy's truck and Cody became upset with the TV,  
20 smashed the TV, so now they were just looking to get a  
21 car eventually.

22          Q.     So then looking to get a car. During her  
23 interview does she tell you how they eventually end up  
24 at 3930 Autumn?

25          A.     Yes. They're walking up the street

1 westbound and they're walking up to 3930. As they're  
2 walking up to 3930 Cody turns to her and says "get  
3 ready," and he goes up and contacts Mr. Ramos. As he's  
4 walking up he's also, he has a firearm, we asked her if  
5 he had a weapon and she states that he does have a  
6 weapon and she was very specific that it was a  
7 9-millimeter black handgun.

8 Q. Did she indicate that she knew where he was  
9 holding the handgun that day?

10 A. He would carry it in his waistband.

11 Q. Did she also at some point during the  
12 interview talk to you about what you or I believe the  
13 other detectives termed as a burner?

14 A. Yes.

15 Q. What was that conversation about?

16 A. A burner is a street term used by suspects  
17 to refer to as a firearm. And that he would normally  
18 keep it either in his waistband or on his leg or on his  
19 side somewhere. But this particular day I believe she  
20 said it was in waistband.

21 Q. So she indicated that that day he had a gun  
22 and it was in his waistband and that she was aware of  
23 that; correct?

24 A. That's correct.

25 Q. And that as far as she knew it was his

1 regular custom and habit to carry this burner, meaning a  
2 handgun, on his person, usually on his leg?

3 A. Yes. And she was familiar with the  
4 handgun. She knew that it was a 9-millimeter, she had  
5 seen it in the past. She even talked about in the  
6 interview with us that she's held it before and made it  
7 clear that her fingerprints would be on the handgun  
8 because in the past, in that past week she's held it.

9 Q. Now what does she say happens once Cody  
10 gets into 3930?

11 A. She says that he was going to get the keys  
12 or go up and talk to the guy about getting the keys or  
13 getting a car and that Cody makes contact with the  
14 homeowner. She says that she's out by the sidewalk.  
15 She minimizes when she says, or I felt anyway, that she  
16 says well, Cody says "get ready, you can come with me or  
17 I'll shoot you," but then in the interview, the same  
18 interview she says that she's looking out for police and  
19 knew that the police were eventually going to come  
20 because, using her words, they just carjacked a dude.

21 Q. So while she's inside she indicates to you  
22 that she's looking for the police outside knowing they  
23 could be on the way because of the carjacking?

24 A. That's correct.

25 Q. Who did she say was in the home?

1           A.     Well, she then goes into the home because  
2 Cody's in there and hadn't come out. When she goes in  
3 there she sees Cody and Mr. Ramos fighting in the  
4 doorway and she says that there was a daughter, a son  
5 using her words, and a mother that were in the home and  
6 she also heard somebody else screaming. And in the  
7 interview what's interesting with that is a male  
8 screaming out an open window.

9           Q.     So she indicated that she could see the  
10 mother, daughter, son and father and then she heard  
11 somewhere else in the area a male voice screaming?

12          A.     That's correct.

13          Q.     And so what did she say that she did once  
14 she got into the house?

15          A.     She said she was trying to get the gun from  
16 Mr. Ramos cause he had, during the struggle him and Cody  
17 were fighting over the gun, Cody was trying to get the  
18 gun from Mr. Ramos and she kept telling Ramos to give  
19 him the keys during that struggle and let go of the gun.

20          Q.     Does she talk to you about an interaction  
21 that she had with the woman who she described as the  
22 mom?

23          A.     Yes. The mom comes and gets involved in  
24 that struggle. She says that she ends up pulling the  
25 mom by the hair and that she has uses the yellow handled



1 screwdriver. And when asked if she had injured, based  
2 on our preliminary information that we were told that  
3 she had stabbed the mom with the screwdriver, she told  
4 us about that, yeah, using the screwdriver to do that.

5 Q. Did she indicate to you that she was also  
6 trying to help Cody, meaning trying to get the dad and  
7 mom and son away from Cody? Basically that she, not  
8 only was she engaging with the mom but she was also  
9 trying to assist Cody because people were trying to  
10 fight him?

11 A. That's correct.

12 Q. Now at some point does she tell you that  
13 she and Cody leave the house?

14 A. She does.

15 Q. And what does she say she does?

16 A. She, in her interview she says that she,  
17 there was items in her backpack. Like I said before  
18 with the bolt cutters and the screwdriver, that Cody had  
19 used those items to go out the back window or slider,  
20 the back sliding glass door was smashed, and she said  
21 that she went out that way. We asked her -- she said  
22 that they started jumping walls and she was following  
23 the voice of Cody. Cody was screaming at her "let's go"  
24 and she would follow his commands and do that.

25 Q. So she said that she was jumping over walls

1 in the backyard of 3930 and then over into the other  
2 homes on Almondwood?

3 A. That's correct.

4 Q. You said that she indicated that she was  
5 following his voice; is that right?

6 A. Right.

7 Q. So what else did she say throughout her  
8 interview that indicated to you that she wasn't actually  
9 with him while they were in the backyard but that she  
10 was trying to look for him by his voice?

11 A. She stated when he was in, cause we  
12 questioned her, she wasn't really specific about the  
13 path that she took, she just said she went out the back.  
14 Knowing that there were items found, the open, where the  
15 window was, there was items found in that room, also  
16 there was preliminary statements made by the children in  
17 the home that she had been seen out on that side road  
18 and also that she had contact with the children,  
19 specifically the daughter, who ran northbound on that  
20 side street to Almondwood and was hiding behind the  
21 boat. So it, with the items and him going out the  
22 backyard over this back wall and then to 3929 and then  
23 the 3919, she was never seen by witnesses in that  
24 general area, only he was, and that she was seen out on  
25 the other side. So presumably that she had gone out

1 this side. So they were split up at that point.

2 Q. Okay. And in fact she told you at one  
3 point "we split up"?

4 A. That's correct.

5 Q. And then does she tell you or talk to you  
6 about, well, you asked her at some point did you steal  
7 anything from any of the other backyards or what did you  
8 take from the other backyards?

9 A. Yeah, we asked her if she had taken  
10 anything from any of the backyards and she said there  
11 was nothing to take. And we also asked her if there was  
12 items in the backyard of 3929 and she immediately said  
13 that those items would belong to her if there was. But  
14 like I said she was never really specific about which  
15 wall or her path that she took, just that the items  
16 would be hers.

17 Q. Now did you talk to her about how she and  
18 Cody eventually end up at 3899?

19 A. Yes.

20 Q. And is that the, what we have been  
21 referring to as the abandoned house?

22 A. No, 3909 was the abandoned house.

23 Q. Okay. Sorry. So do you, you ultimately  
24 talk to her about how the two of them end up at 3909,  
25 the abandoned house?

1           A.     That's correct.

2           Q.     How does she say she ends up there?

3           A.     They, when her and Cody get to that house  
4 they end up breaking a window, they enter that house.  
5 She talks about it being an abandoned house, nobody  
6 lives in there and that is where she observes the police  
7 for the first time.

8           Q.     How does she say, what's her explanation as  
9 to how she ends up in that house?

10          A.     Going through the window.

11          Q.     Okay. Does she indicate to you that it's  
12 almost by force, that he is making her and forcing her  
13 to go into the house with him? Do you remember her ever  
14 saying oh he drug me in or he had me by the hair, that  
15 that was kind of her explanation at some point as to why  
16 it is that she ends up with him again?

17          A.     Right. I believe she does allude to  
18 something like that, like going into that house. But  
19 then we later questioned her about that, what happens  
20 while they're inside the house, and she talks about how  
21 he's upstairs, running all over the house and she's not  
22 with him at that time.

23          Q.     So then clear through the interview that  
24 while they're in 3909 they're actually in different  
25 places at different times?

1           A.     That's correct. Because we asked her,  
2 because some of the preliminary investigation on the  
3 radio traffic, there was some radio traffic about it  
4 being a hostage situation so that's why we asked her if  
5 she was ever taken hostage in there and she kind of  
6 alluded to I was afraid that he would do something to  
7 me, but then she would state well, he was, you know,  
8 talking about how he wasn't going to go alive, he was  
9 going to shoot it out in the streets. But she had a lot  
10 of opportunities while in that house to just leave.

11           Q.     So based upon her statements to you, when  
12 you say there were a lot of opportunities, there were  
13 times that she described being away from him, being  
14 downstairs while he was upstairs or upstairs while he  
15 was downstairs, so --

16           A.     Yes.

17           Q.     Okay. So that was you drawing that  
18 conclusion based on what she had said?

19           A.     Correct.

20           Q.     Now you talked to her about when she  
21 eventually gets out of the home and she's now in custody  
22 of the police or with the police having finally gotten  
23 out. And then according to her what happens when she  
24 gets out of the house?

25           A.     She is yelling at Cody to shoot the police.

1           Q.     And does she tell you that that's what  
2 she's saying?

3           A.     Yes.    Because I made that very clear with  
4 her.   I was like are you, were you telling Cody to shoot  
5 at the police, and she stated yes.

6           Q.     And what was her reasoning for saying that?

7           A.     She told me --

8           Q.     According to her in the interview, what was  
9 her excuse for telling him to shoot the police?

10          A.     She had talked about that for the past week  
11 leading up to this Cody was going to shoot it out, that  
12 he wanted, that he was going to go suicide by cop was  
13 the term that she used and she said that he wanted to  
14 die so I figured if he was going to shoot at the police  
15 they would kill him.

16          Q.     Okay.   At one point did you ask her was the  
17 plan kind of just to get in and out?

18          A.     She alluded to, she said something like the  
19 plan was to die.

20          Q.     And that was something that he had been  
21 saying to her throughout the week?

22          A.     Yeah.    I got the feeling during the  
23 interview that they hadn't really known each other a  
24 long time but had been together for about a week or two.

25          Q.     We've been talking about Cody.   Ultimately

1 do you identify this person as Cody as a Cody Winters?

2 A. That's correct.

3 Q. And did you learn that Cody Winters is the  
4 same person as her term of endearment was Havoc?

5 A. That's correct.

6 Q. And ultimately then also Cody Winters, aka  
7 Havoc, is the deceased in the, or the suspect in the  
8 officer involved shooting that occurred at 3909, I'm  
9 sorry, 3899?

10 A. That's correct. Because she was taken into  
11 custody making those comments to Cody to shoot the  
12 police at 3909 and then ultimately Winters went over to  
13 3899.

14 Q. But Cody Winters, Havoc, and then the  
15 person who is involved in the officer involved shooting  
16 who dies that day is at 3899, that's all the same  
17 person?

18 A. Yes.

19 Q. Finally, did she indicate to you in her  
20 interview that she was on any drugs that day?

21 A. She did. She talked about her and Winters  
22 being on drugs. She talked about Winters being on  
23 methamphetamine and she had stated that she had taken  
24 some 30s to help her sleep.

25 MS. FLECK: And just for the ladies and

1 gentlemen of the Grand Jury, the information that was  
2 just elicited from the detective regarding drug use is  
3 not in any way to be used as character evidence against  
4 Miss Jackson but just to help you assess her involvement  
5 in this particular case.

6 I have nothing further. Thank you.

7 THE FOREPERSON: Any questions from the  
8 Grand Jury?

9 BY A JUROR:

10 Q. The white car that had to be towed, who did  
11 it belong to?

12 A. I have that information.

13 Q. Was it stolen?

14 A. Yes, it was stolen. It was a stolen  
15 vehicle.

16 Q. Or did it belong to one of the two?

17 A. It was a stolen vehicle.

18 Q. And what about the camera, was that stolen  
19 as well?

20 MS. WECKERLY: I'm going to actually  
21 interrupt if I could. I'm going to instruct the Grand  
22 Jury with regard to the white car, the Altima, you  
23 haven't heard any information about that car other than  
24 what the detective said which you can't consider in your  
25 deliberations with regards to these counts.



1           In terms of the property, you haven't heard  
2 any information with regard to its source or origin in  
3 this proceeding so we'll ask you not to consider that in  
4 the deliberations except in your assessment of the  
5 evidence of them moving it back and forth, but not  
6 whether or not it's stolen.

7           A JUROR: Thank you.

8           THE FOREPERSON: Go ahead, Nancy.

9 BY A JUROR:

10          Q.     So ultimately they went to the house just  
11 to take, steal his car?

12          A.     Yes.

13          Q.     Okay.

14          THE FOREPERSON: Gene.

15 BY A JUROR:

16          Q.     Looking at that diagram, and going back to  
17 where the van dropped, the safety van dropped the people  
18 off, where in perspective to 3930 was the vehicle where  
19 they were dropped off?

20          A.     That's a very good question. If I may I  
21 have a better photo here with me or --

22                 MS. FLECK: I can show Grand Jury Exhibit  
23 Number 2 which I think will give a better view of the  
24 neighborhood.

25                 THE WITNESS: Okay. So can I stand up?

1 MS. FLECK: Sure.

2 THE WITNESS: Will you be able to hear me?

3 This is the residence we were talking about  
4 where the homicide occurred. This is Autumn.

5 Almondwood. This is the side street that connects those  
6 two streets. Where the van dropped them off, this is  
7 the next street over here and I believe that is --

8 MS. FLECK: Rollingwood?

9 THE WITNESS: Yes, Rollingwood.

10 And Rollingwood, if you were to go  
11 northbound on Rollingwood up here this is going to be  
12 Tropicana. And then Tropicana, if you were to make a  
13 right, right here, you go down about a block and that's  
14 going to be US 95. So they get off essentially on  
15 Tropicana from the 95. They're instructed, they're  
16 instructing the subject to turn into another  
17 neighborhood over here. He doesn't make that turn from  
18 what we were told. Ultimately they end up here and they  
19 get out around this area and then they start walking.

20 What's interesting about this at the time  
21 though as they're walking up the street --

22 MS. WECKERLY: Detective, I think we'll  
23 just stop there.

24 THE WITNESS: Okay.

25 MS. WECKERLY: Thank you.

1 BY A JUROR:

2 Q. And just one more question. So then the  
3 3930 was just a target of opportunity?

4 MS. WECKERLY: We will instruct the  
5 detective not to answer that and you can make an  
6 assessment of the evidence in your own deliberations.

7 THE FOREPERSON: Any other questions?

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

14 Failure to comply with this admonition is a  
15 gross misdemeanor punishable by a year 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: I do.

22 THE FOREPERSON: Thank you. You are  
23 excused.

24 THE WITNESS: Thank you ladies and  
25 gentlemen for your time.

1 THE FOREPERSON: Thank you.

2 MS. WECKERLY: That concludes the witnesses  
3 that we will be presenting on this proposed Indictment.  
4 One thing I'd like to instruct the members of the Grand  
5 Jury that we will be striking Count 9 which is the  
6 attempt home invasion at 3919 Almondwood so you need not  
7 deliberate on that count. We would ask you to  
8 deliberate on the remaining counts which are 1 through  
9 8. And with that we'll let you deliberate. Sorry,  
10 we're just making sure.

11 (At this time, all persons, other than  
12 members of the Grand Jury, exit the room at 3:53 p.m.  
13 and return at 3:56 p.m.)

14 THE FOREPERSON: Madames District Attorney,  
15 by a vote of 12 or more grand jurors a true bill has  
16 been returned against defendant Natasha Jackson charging  
17 the crimes of burglary while in possession of a firearm,  
18 attempt robbery with use of a deadly weapon, murder with  
19 use of a deadly weapon, attempt murder with use of a  
20 deadly weapon, first degree kidnapping, robbery with use  
21 of a deadly weapon, and burglary while in possession of  
22 a deadly weapon, in Grand Jury Case Number 13BGJ137X.  
23 We instruct you to prepare an Indictment in conformance  
24 with the proposed Indictment previously submitted to us.

25 MS. WECKERLY: Thank you. With respect to

1 Count 9, that's withdrawn?

2 THE FOREPERSON: Yes.

3 MS. WECKERLY: And just one other thing for  
4 the record. I just want to make it clear we did not  
5 offer an Exhibit 4 in this case. Thank you.

6 (Proceedings concluded.)

7 --oo0oo--

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**REPORTER'S CERTIFICATE**

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

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

Dated at Las Vegas, Nevada,  
August 22, 2014.

/s/ Danette L. Antonacci

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

## 1 AFFIRMATION

2 Pursuant to NRS 239B.030

3  
4 The undersigned does hereby affirm that the  
5 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
6 13BGJ137X:  
78 X Does not contain the social security number of any  
9 person,

10 -OR-

11      Contains the social security number of a person as  
12 required by:13 A. A specific state or federal law, to-  
14 wit: NRS 656.250.

15 -OR-

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

19 /s/ Danette L. Antonacci

8-22-14

Signature

Date

21 Danette L. Antonacci  
22 Print Name23 Official Court Reporter  
24 Title  
25

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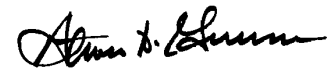
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Attorney for Defendant



CLERK OF THE COURT

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 v.

10 NATASHA GALENN JACKSON,

11 Defendant.

CASE NO. C300032

DEPT. NO. X

DATE: September 10, 2014

TIME: 8:30 AM

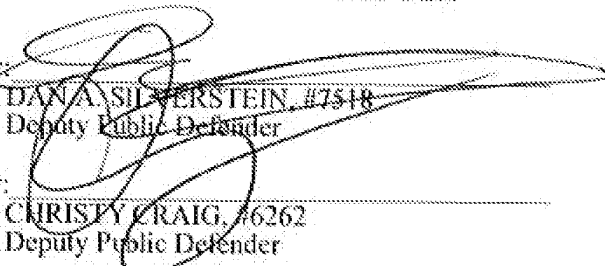
12  
13 DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF  
14 EXCULPATORY EVIDENCE

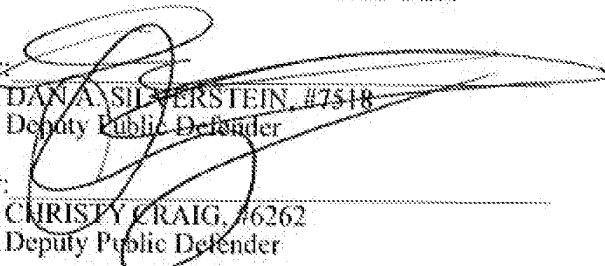
15 COMES NOW, the Defendant, NATASHA GALENN JACKSON, by and through  
16 DAN A. SILVERSTEIN, Deputy Public Defender, and CHRISTY CRAIG, Deputy Public  
17 Defender, and hereby requests that this Court order the State to produce any and all exculpatory  
18 evidence in its actual or constructive possession, pursuant to Brady v. Maryland, 373 U.S. 83  
(1963).

19 This Motion is made and based upon all the papers and pleadings on file herein and  
20 oral argument at the time set for hearing this Motion.

21 DATED this 26<sup>th</sup> day of August, 2014.

22 PHILIP J. KOHN  
23 CLARK COUNTY PUBLIC DEFENDER

24 By:   
25 DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

26 By:   
27 CHRISTY CRAIG, #6262  
28 Deputy Public Defender

## ARGUMENT

Prior to trial, the State must provide to the defense any and all exculpatory evidence in its actual or constructive possession. Failure to do so violates the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution. Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963); Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555 (1995). Hereinafter this type of exculpatory evidence will be referred to as “Brady material.” The State’s duty to provide Brady material to the defense applies regardless of how the State has chosen to structure its overall discovery process. Strickler v. Greene, 527 U.S. 263, 119 S.Ct. 1936 (1999).

Brady material is evidence which is (1) material, (2) relevant to guilt or punishment, (3) favorable to the accused, and (4) within the actual or constructive possession of anyone acting on behalf of the State. Brady, *supra*.

### *I. Materiality*

When the defense makes a specific request for Brady material and the State does not provide such material, the Nevada Supreme Court has held that there are grounds for reversal of a conviction “...if there exists a reasonable possibility that the claimed evidence would have affected the judgment of the trier of fact.” Roberts v. State, 110 Nev. 1121 (1994); Jiminez v. State, 112 Nev. 610 (1996); State v. Bennett, 119 Nev. 589 (2003).

Even if a specific request has not been made, reversal is warranted “...if there exists a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different.” U.S. v. Bagley, 473 U.S. 667 (1985), Pennsylvania v. Ritchie, 480 U.S. 39 (1986). A “reasonable probability” is a probability sufficient to undermine confidence in the outcome of the proceeding. Bagley at 682.

Therefore, where, as here, a specific request for certain evidence is made, the evidence is considered “material” if there is a reasonable possibility that it could affect the factfinder’s judgment.

1 *II. Relevancy to guilt or punishment*

2 Brady material encompasses not only evidence which might affect the defendant's guilt,  
3 but also includes evidence which could serve to mitigate a defendant's sentence upon conviction.  
4 Jimenez v. State, 112 Nev. 610 (1996).

5 An example of this kind of evidence might be where the victim of a robbery who identified  
6 the defendant as one of two people who robbed him, also indicated that the defendant tried to keep  
7 the co-defendant from further injuring him. Although the victim's statements would actually help  
8 establish the defendant's guilt for the charged offense, they would also be Brady material, since  
9 they could help mitigate the defendant's sentence. Essentially, anything which could convince the  
10 Court to impose something less than a maximum sentence, or rebut alleged aggravating  
11 circumstances, would be relevant to punishment, and must be provided to the defense pursuant to  
12 Brady v. Maryland.

13  
14 *III. Favorability to the accused*

15 The Nevada Supreme Court has defined what evidence is considered "favorable to the  
16 accused" and therefore proper Brady material. In Mazzan v. Warden, 116 Nev. 48 (2000), the  
17 Court stated:

18 Due process does not require simply the disclosure of "exculpatory"  
19 evidence. Evidence also must be disclosed if it provides grounds for the  
20 defense to attack the reliability, thoroughness, and good faith of the police  
21 investigation, to impeach the credibility of the state's witnesses, or to bolster  
22 the defense case against prosecutorial attacks. Furthermore, "discovery in a  
23 criminal case is not limited to investigative leads or reports that are  
24 admissible in evidence." Evidence "need not have been independently  
25 admissible to have been material." Mazzan at 67. (citations omitted)

26 Therefore, Brady material under this standard, would include, but not be limited to, the  
27 following examples: forensic testing which was ordered, but not done, or which was completed but  
28 did not inculcate the defendant; criminal records or other evidence concerning State's witnesses  
which might show their bias (e.g., civil litigation), or otherwise impeach their credibility; evidence  
that the alleged victim has been the alleged victim of an unusual number of crimes; investigative  
leads or ordinarily appropriate investigation which were not followed-up on or completed by law  
enforcement; and, of course, anything which is inconsistent with any prior or present statements of

1 a State's witness, including the failure to previously make a statement which is later made or  
2 testified to. Of course, traditionally exculpatory evidence such as that which could show that  
3 someone else committed the charged crime or that no crime occurred, would also be included as  
4 Brady material.

5 The Ninth Circuit Court of Appeals has held that the government has a duty to review and  
6 disclose personnel files of police officers called to testify for disciplinary action or any other  
7 impeachment information. United States v. Henthorn, 931 F.2d 29 (9<sup>th</sup> Cir. 1991). In addition to  
8 any other exculpatory information, Henthorn requires the government to inspect the personnel files  
9 of its testifying police witnesses and disclose any exculpatory information, including disciplinary  
10 actions and evidence of perjurious conduct or other dishonesty. The defendant does not have a  
11 burden to prove materiality before making such a request. Rather, "[t]he obligation to examine the  
12 files arises by virtue of the making of a demand for their production." Henthorn at 31.

13 The State routinely adopts an overly restrictive definition of the term "exculpatory  
14 evidence." For example, the State normally claims that it is only required to disclose felony  
15 convictions of its witnesses, and that Brady does not mandate disclosure of the entire criminal  
16 record of a witness. This is absolutely false. "[I]t is the State's obligation to turn over all  
17 information bearing on [a] witness's credibility. This must include the witness's criminal record,  
18 including prison records, and any information therein which bears on credibility." Carriger v.  
19 Stewart, 132 F.3d 463, 480 (9<sup>th</sup> Cir. 1997).

20 For too long, the State's position on disclosure has been to fight each defense request tooth  
21 and nail, keeping the defense as ignorant as the trial court will allow. This "win-at-all-costs"  
22 approach to Brady is inconsistent with the duty of a prosecutor to see that justice is done in each  
23 and every case. This self-evident truth has been repeatedly recognized by the federal district  
24 courts in our circuit, who have urged an expansive, rather than a restrictive approach to pretrial  
25 disclosure:

26 "[T]he proper test for pretrial disclosure of exculpatory evidence  
27 should be an evaluation of whether the evidence is favorable to the  
28 defense, i.e., whether it is evidence that helps bolster the defense  
case or impeach the prosecutor's witnesses... [I]f doubt exists, it  
should be resolved in favor of the defendant and full disclosure made...  
[T]he government [should] disclose all evidence relating to guilt of

1 punishment which might reasonably be considered favorable to the  
2 defendant's case, even if the evidence is not admissible so long as it is  
3 reasonably likely to lead to admissible evidence."

4 United States v. Acosta, 357 F. Supp. 2d 1228, 1239-40 (D. Nev.  
5 2004), citing United States v. Sudikoff, 36 F. Supp. 2d 1196 (C.D. Cal. 1999).

#### 6 *IV. Actual or constructive possession of the State*

7 It is anticipated that the prosecution may assert that it has an "open file" policy, and that if  
8 the requested material is not available in its file, the State is under no obligation to produce it.  
9 This argument is unavailing. In Strickler v. Greene, 527 U.S. 263, 119 S.Ct. 1936 (1999), the  
10 United States Supreme Court explicitly held that a prosecutor's open file policy does not in any  
11 way substitute for or diminish the State's obligation to turn over *Brady* material. The Nevada  
12 Supreme Court is in accord. "It is a violation of due process for the prosecutor to withhold  
13 exculpatory evidence, and his motive for doing so is immaterial." Jimenez v. State, 112 Nev. 610,  
618 (1996).

14 Furthermore, "...even if the detectives withheld their reports without the prosecutor's  
15 knowledge, 'the state attorney is charged with constructive knowledge and possession of evidence  
16 withheld by other state agents, such as law enforcement officers.'" Id., 112 Nev. at 620 (citation  
17 omitted) (emphasis added). A *Brady* violation occurs "...when the government fails to turn over  
18 even evidence that is 'known only to police investigators and not to the prosecutor.'" Youngblood  
19 v. West Virginia, 547 U.S. 867, 869-70 (2006), quoting Kyles v. Whitley, 514 U.S. 419, 438  
20 (1995). Defendant would submit that other state agents, such as probation and parole officers,  
21 welfare workers, employees of Child Protective Services, jail personnel, and similar agents of the  
22 State are also State agents from whom the prosecution must affirmatively collect *Brady* material.

23 In Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555 (1995), the United States Supreme  
24 Court made it clear that the prosecutor has an affirmative obligation to obtain *Brady* material and  
25 provide it to the defense, even if the prosecutor is initially unaware of its existence. In so finding,  
26 the Supreme Court noted that "[t]he prosecution's affirmative duty to disclose evidence favorable  
27 to a defendant can trace its origins to early 20<sup>th</sup> century strictures against misrepresentation and is  
28 of course most prominently associated with this Court's decision in Brady v. Maryland..." Id. at

1 432. The Kyles Court also made clear that this obligation exists even where the defense does not  
2 make a request for such evidence. Id.

3 The Kyles Court additionally made the following observations in finding that the State had  
4 breached its duty to Kyles and discussing the prosecutor's obligations.

5 This in turn means that the individual prosecutor has a duty to learn  
6 of any favorable evidence known to the others acting on the govern-  
7 ment's behalf in the case, including the police. But whether the  
8 prosecutor succeeds or fails in meeting this obligation (whether, that  
9 is, a failure to disclose is in good faith or bad faith), the prosecution's  
responsibility for failing to disclose known, favorable evidence rising  
to a material level of importance is inescapable.

10 The State of Louisiana would prefer an even more lenient rule. It pleads  
11 that some of the favorable evidence in issue here was not disclosed  
12 even to the prosecutor until after trial, and it suggested below that it  
13 should not be held accountable under Bagley and Brady for evidence  
14 known only to police investigators and not to the prosecutor. To  
15 accommodate the State in this manner would, however, amount to a  
serious change of course from the Brady line of cases. In the State's  
favor it may be said that no one doubts that police investigators some-  
times fail to inform a prosecutor of all they know.

16 But neither is there any serious doubt that "procedures and  
17 regulations can be established to carry [the prosecutor's] burden  
18 and to insure communication of all relevant information on each  
19 case to every lawyer who deals with it." Since then, the prosecutor  
20 has the means to discharge the government's Brady responsibility  
21 if he will, any argument for excusing a prosecutor from disclosing  
what he does not happen to know about boils down to a plea to  
substitute the police for the prosecutor, and even for the courts  
themselves, as the final arbiters of the government's obligation to  
ensure fair trials. Kyles at 437-438 (citations omitted).

22 "Exculpatory evidence cannot be kept out of the hands of the defense just because the  
23 prosecutor does not have it, where an investigating agency does. That would undermine Brady by  
24 allowing the investigating agency to prevent production by keeping a report out of the prosecutor's  
25 hands until the agency decided the prosecutor ought to have it." United States v. Blanco, 392 F.3d  
26 382, 388 (9<sup>th</sup> Cir. 2004), quoting United States v. Zuno-Arce, 44 F.3d 1420, 1427 (9<sup>th</sup> Cir. 1995).

27 Additionally, "...actual awareness (or lack thereof) of exculpatory evidence in the  
28 government's hands... is not determinative of the prosecution's disclosure obligations. Rather, the

1 prosecution has a duty to learn of any exculpatory evidence known to others acting on the  
2 government's behalf. Because the prosecution is in a unique position to obtain information known  
3 to other agents of the government, it may not be excused from disclosing what it does not know  
4 but could have learned." Carriger v. Stewart, 132 F.3d 463, 479-80 (9<sup>th</sup> Cir. 1997).

5 There can be little question, therefore, that despite its "open file policy," the prosecution  
6 has an affirmative duty to seek out the previously discussed Brady material, regardless of whether  
7 such material is in the hands of the prosecutor or in the hands of some other entity acting on behalf  
8 of the State.

9  
10 *V. Brady requests*

11 Based on the foregoing law and analysis, the Defendant requests that the following Brady  
12 material be produced by the State:

13 A. Disclosures of any and all compensation, express or implied promises of favorable  
14 treatment or leniency, or any other benefit that any of the State's witnesses received  
15 in exchange for their cooperation with this prosecution, including, but not limited  
16 to, any express or implied promise made to any witness or the legal guardians of  
17 said witnesses, such as agreements to provide counseling, or any other benefit  
18 provided as a result of cooperation, and any direct or implicit agreement with any  
19 witness with respect to their involvement with Child Protective Services, the Las  
20 Vegas Metropolitan Police Department, Henderson Police Department, North Las  
21 Vegas Police Department, the Clark County District Attorney's Office, or any other  
22 State agency, and copies of any Victim Information Guide or other materials  
23 provided by a State agency to any victim or witness in this case. This request  
24 includes any witness payments made from any victim witness payment account  
25 created pursuant to NRS 4.3755.

26  
27 B. Any and all information regarding any informant or citizen source relied upon in  
28 this investigation, either directly or indirectly, including, but not limited to, the

1 informant's criminal history, any Cooperating Individual Agreement, any  
2 Contributor Identification Record, any Statement of Expenses, any receipts for  
3 payment, any Informant Contact Form, copies of all debriefing reports and  
4 informant statements, any Deactivation Report, the Confidential Informant Sign-  
5 Out Log for the informant's file, and any other document relating to the informant.  
6

7 C. Complete criminal histories of all State witnesses and the deceased, including, but  
8 not limited to, out-of-state arrests and convictions, unlawful entry into the United  
9 States or other violations of the federal immigration laws, outstanding arrest  
10 warrants or bench warrants, and cases which were dismissed or not pursued by the  
11 prosecuting agency, including, but not limited to, any entries listed in NCIC,  
12 NCJIS, Triple-I, and/or any other criminal database accessible by Nevada law  
13 enforcement.  
14

15 D. Disclosures of any and all statements made by any State witness, or any other  
16 person, at any time that are in any manner inconsistent with the written and/or  
17 recorded statements previously provided to the defense, including, but not limited  
18 to, any oral statements conveyed during pretrial conferences, contacts with Child  
19 Protective Services or any other family services agency, or any other  
20 communication with any witness.  
21

22 E. Requests for and/or results of any and all crime scene analysis and/or testing  
23 performed in this case, including, but not limited to, any and all photographs, the  
24 results of any fingerprinting, AFIS (Automated Fingerprint Identification System)  
25 searches and/or results, DNA testing, CODIS (Combined DNA Index System)  
26 searches and/or results, toolmark and/or ballistics testing, NIBIN (National  
27 Integrated Ballistics Information Network) entries, inquiries, or results,  
28 toxicological analyses, footwear impressions, gunshot residue testing, trace



1 evidence analyses, pen register, trap/trace device, cell site location information,  
2 wiretap, or other request for Technical/Analytical Section involvement,  
3 preservation letters or other like communications, any request for forensic analysis  
4 regardless of the outcome of such request, and/or neuropathological or other  
5 medical evaluations of the deceased, performed throughout this investigation,  
6 including any raw data, rough notes, draft reports, recorded or otherwise  
7 memorialized notes relied upon by experts in rendering an opinion in this case,  
8 including, but not limited to, the audio recordings maintained by the medical  
9 examiner during autopsy to assist in the preparation of the final autopsy report.

10  
11 F. Disclosures of any and all reports, documents, graphs, charts, or any other evidence  
12 concerning administration of the polygraph test in this case, including, but not  
13 limited to, Request for Polygraph forms, polygraph results, and any training or  
14 operations manuals relied upon by the polygrapher used by the Las Vegas  
15 Metropolitan Police Department in this case.

16  
17 G. Photocopies or other reproduction of any and all handwritten, recorded, or  
18 otherwise memorialized notes produced by or relied upon by the investigating  
19 police officers in this case, including, but not limited to, any notes documenting  
20 alternate suspects, investigative leads that were not followed up on, or any other  
21 matter bearing on the credibility of any State witness, regardless of the form in  
22 which such notes are maintained by the State, including, but not limited to,  
23 electronic mail, computerized dictation, entries into "OnBase," "Premiere One," or  
24 any other database system, any recordings produced or maintained by the "Open  
25 Sky" digital radio communications network or any similar system, and any video  
26 recordings created by the Las Vegas Metropolitan Police Department during the  
27 investigation of this case.  
28

1 H. Any and all impeachment information located in the personnel files of any police  
2 witness called to testify at trial or any pretrial hearing in this matter, pursuant to  
3 United States v. Henthorn, 931 F.2d 29 (9<sup>th</sup> Cir. 1991), including, but not limited to,  
4 any Statement of Complaint regarding the witness or this investigation, any  
5 Employee Notice of Internal Investigation, any Internal Affairs Investigative Report  
6 of Complaint, any witness statement, any Bureau Investigation Supervisory  
7 Intervention, and any other document maintained or generated by the Office of  
8 Internal Affairs, the Citizen's Review Board, Critical Incident Review Panel, Use of  
9 Force Review Board, or other investigative agency.

10  
11 I. Any and all Detention Center Support Section files related to this case, including,  
12 but not limited to, any audio or video recordings of the Defendant, any and all  
13 reports concerning telephone calls made or received by the Defendant during the  
14 investigation or while incarcerated, including any report generated by the Enforcer  
15 system, any and all visitor logs, whether public visitation or visitation by any  
16 member of law enforcement, and documentation regarding any search of the  
17 Defendant's person or place of incarceration.

18  
19 J. Any and all records, reports, statements, or other documentation prepared by the  
20 LVMPD Force Investigations Team (FIT) in connection with the investigation of  
21 this case.

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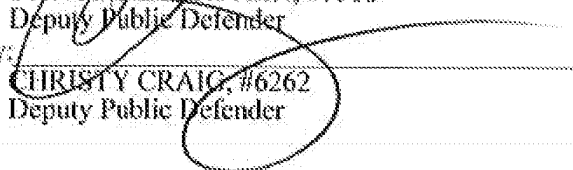
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1 K. The enumeration of the specific requests above in no way is intended to diminish,  
2 nor does it diminish, the State's ongoing obligation to affirmatively seek out and  
3 immediately disclose any other exculpatory information not specifically delineated.  
4

5 DATED this 26<sup>th</sup> day of August, 2014.

6 PHILIP J. KOHN  
7 CLARK COUNTY PUBLIC DEFENDER

8 By:   
9 DAN A. SILVERSTEIN, #7518  
10 Deputy Public Defender

11 By:   
12 CHRISTY CRAIG, #6262  
13 Deputy Public Defender  
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1 NOTICE OF MOTION

2 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

3 YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the  
4 above and foregoing Motion on for hearing before the Court on the 10<sup>th</sup> day of September, 2014, at  
5 8:30 A.M., in District Court, Department X.

6 DATED this 26th day of August, 2014.

7 PHILIP J. KOHN  
8 CLARK COUNTY PUBLIC DEFENDER

9 By: /s/ Dan A. Silverstein  
10 DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

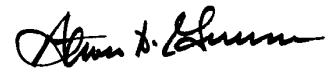
11 By: /s/ Christy Craig  
12 CHRISTY CRAIG, #6262  
13 Deputy Public Defender

14 CERTIFICATE OF ELECTRONIC SERVICE

15 I hereby certify that service of DEFENDANT'S MOTION TO COMPEL  
16 DISCLOSURE OF EXCULPATORY EVIDENCE, was made this 26TH day of August, 2014, by  
17 Electronic Filing to:  
18

19 CLARK COUNTY DISTRICT ATTORNEY'S OFFICE  
20 Motions@clarkcountysda.com

21  
22 By: Sara S. Ruano  
23 Sara Ruano  
24 Secretary for the Public Defender's Office  
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CLERK OF THE COURT

1 PHILIP J. KOHN, PUBLIC DEFENDER  
2 NEVADA BAR NO. 0556  
3 309 South Third Street, Suite 226  
4 Las Vegas, Nevada 89155  
5 (702) 455-4685  
6 Attorney for Defendant

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

12 NATASHA GALENN JACKSON,

13 Defendant.

CASE NO. C300032

DEPT. NO. X

DATE: September 10, 2014  
TIME: 8:30 a.m.

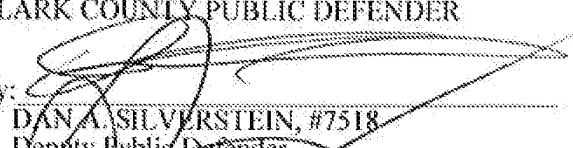
14 DEFENDANT'S MOTION TO EXTEND DEADLINE TO FILE  
15 PRETRIAL PETITION FOR WRIT OF HABEAS CORPUS

16 COMES NOW, the Defendant, NATASHA GALENN JACKSON, by and through  
17 DAN A. SILVERSTEIN, Deputy Public Defender, and CHRISTY CRAIG, Deputy Public  
18 Defender, and hereby requests that this Court grant an extension of the statutory deadline to file a  
19 pretrial petition for a writ of habeas corpus set forth in NRS 34.700(1)(a).

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

22 DATED this 2<sup>nd</sup> day of September, 2014.

23 PHILIP J. KOHN  
24 CLARK COUNTY PUBLIC DEFENDER

25 By:   
26 DAN A. SILVERSTEIN, #7518  
27 Deputy Public Defender

28 By:   
CHRISTY CRAIG, #6262  
Deputy Public Defender

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DECLARATION

DAN A. SILVERSTEIN 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. That pursuant to NRS 34.700(1)(a), a pretrial petition for a writ of habeas corpus must be filed within 21 days of the defendant's first appearance in district court. Natasha Jackson's initial arraignment in district court took place on August 18, 2014. Consequently, the deadline for filing her pretrial petition is September 8, 2014.

3. That one of the claims in Jackson's petition will assert that the prosecution failed to present certain exculpatory evidence to the grand jury. In order to present this claim, the defense must be in possession of all of the discovery that was in the possession of the State at the time of the grand jury presentment. Without this discovery, Jackson cannot identify which exculpatory facts, if any, were withheld from the grand jury.

4. Pursuant to NRS 34.700(3), this Court has the authority to extend the statutory writ deadline on a showing of good cause. The Defendant respectfully requests that the statutory writ deadline be extended until 21 days after the State provides to the defense all discovery that was in its possession at the time of the grand jury presentment, including, but not limited to, all police reports, autopsy reports, and witness statements.

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

EXECUTED this 2<sup>nd</sup> day of September, 2014.

  
\_\_\_\_\_  
DAN A. SILVERSTEIN

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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 10th day of September, 2014, at 8:30 a.m.

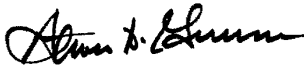
PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

## CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of DEFENDANT'S MOTION TO EXTEND DEADLINE TO FILE PRETRIAL PETITION FOR WRIT OF HABEAS CORPUS, was made this 2<sup>nd</sup> day of September, 2014, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE  
Motions@clarkcountyda.com

By: Sara D. Ruano  
Sara Ruano  
Secretary for the Public Defender's Office



CLERK OF THE COURT

1 **OPPS**

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 PAMELA C. WECKERLY  
6 Chief Deputy District Attorney  
7 Nevada Bar #006163  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-14-300032-1

12 NATASHA GALENN JACKSON,  
13 #1921058

DEPT NO: X

14 Defendant.

15 STATE'S OPPOSITION TO DEFENDANT'S MOTION  
16 TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE

17 DATE OF HEARING: SEPTEMBER 10, 2014  
18 TIME OF HEARING: 8:30 AM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
19 District Attorney, through PAMELA C. WECKERLY, Chief Deputy District Attorney, and  
20 hereby submits the attached Points and Authorities in Opposition to Defendant's Motion To  
21 Compel Disclosure Of Exculpatory Evidence.

22 This Opposition is made and based upon all the papers and pleadings on file herein, the  
23 attached points and authorities in support hereof, and oral argument at the time of hearing, if  
24 deemed necessary by this Honorable Court.

25 //

26 //

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1 **POINTS AND AUTHORITIES**

2 Defendant Jackson has also filed a Motion to Compel Disclosure of Exculpatory  
3 Evidence. In the Motion, Jackson asks this Court to the State to produce a list of items. Some  
4 of the requests are overbroad and not supported by Nevada statutes on discovery in criminal  
5 cases.

6 The Nevada Revised Statutes provide the discovery obligations for the State. NRS  
7 174.235 outlines what discovery is to be provided by the State of Nevada. It includes:

8 1. Written or recorded statements or confessions made by the defendant or  
9 any witness the State intends to call during the case in chief of the State, within the custody of  
10 the State or which the State can obtain by an exercise of due diligence. (1)(a).

11 2. Results or reports of physical or mental examinations, scientific tests or  
12 scientific experiments made in connection to the case, within the control of the State, or which  
13 the State may learn of by an exercise of due diligence. (1)(b).

14 3. Books, papers, documents, tangible objects which the State intends to  
15 introduce during its case in chief, within the possession of the State, or which the State may  
16 find by an exercise of due diligence. (1)(c).

17 The statute makes clear the defense is not entitled to any internal report, document or  
18 memorandum prepared by the State in connection with the investigation or prosecution of the  
19 case. (2)(a). Nor is the defense entitled to any report or document that is privileged.

20 In addition, the State notes that pursuant to NRS 174.234 (3) (b), after complying with  
21 the provisions of subsections 1 and 2 (dealing with witness and expert witness notices), each  
22 party has a continuing duty to serve upon the opposing party:

23 Any information relating to an expert witness that is required to  
24 be disclosed pursuant to subsection 2, (the provision regarding  
25 expert witnesses). A party shall provide information pursuant to  
26 this paragraph as soon as practicable after the party obtains the  
information. The court shall prohibit the party from introducing  
that information in evidence or shall prohibit the expert from  
testifying if the court determines that the party acted in bad faith  
by not timely disclosing the information pursuant to subsection 2.

27 //

28 //

1 In addition, the State has obligations to produce exculpatory evidence pursuant to Brady  
2 v. Maryland. The rule of Brady v. Maryland, 373 U.S. 83 (1963), which requires the State to  
3 disclose to the defendant any exculpatory evidence is founded on the constitutional  
4 requirement of a fair trial. Brady is not a rule of discovery, however. As the Supreme Court  
5 held in Weatherford v. Bursy, 429 U.S. 545, 559, 97 S.Ct. 837, 846 (1977):

6 There is no general constitutional right to discovery in a criminal  
7 case, and Brady did not create one... 'the Due Process Clause has  
8 little to say regarding the amount of discovery which the parties  
must be afforded....' Wardius v. Oregon, 412 U.S. 470, 474 [93  
S.Ct. 2208, 2212, 37 L.Ed.2d 82] (1973).

9 In addition, Brady does not require the State to conduct trial preparation and  
10 investigation on behalf of the defense. The requirement is to produce exculpatory information  
11 which the defense would not be able to obtain itself in an ordinary exercise of diligence.  
12 Jackson's request for essentially anything that might become helpful to his defense is both  
13 overbroad and not supported by law.

14 Giglio v. United States, 405 U.S. 150 (1972), requires that certain impeaching material  
15 be disclosed as to those persons actually called as witnesses.

16 None of these cases or statutes provide for the sweeping, overbroad requests by the  
17 defense. Some of the requests of Defendant Jackson includes records that she can subpoena  
18 herself or material that she is not entitled to under the law.

19 1. Disclosures of Compensation for Testimony. The State is aware that it  
20 must disclose any benefit given to a witness in exchange for an agreement to testify.  
21 Defendant Jackson also request any benefit from any other state agency. The Office of the  
22 District Attorney is the only agency that can premise compensation on an agreement to testify  
23 in the instant case. A police agency could compensate an individual for information. If that  
24 witness testifies, the compensation would be potentially discoverable. The State has no  
25 opposition to the request to the extent mentioned above. However, if the family of Mr. Ramos  
26 received other donations or assistance because their family member was murdered by Ms.  
27 Jackson and her co-conspirator, the donation would not fall under Giglio.

28 //

1           2.     Citizen Source Information. Defendant Jackson requests all informant  
2 information, but cites no law for such a request. If a witness, not simply a source of  
3 information, receives compensation for information and later testifies at trial, the  
4 compensation is arguably discoverable under Giglio. However, if the individual does not  
5 testify, the information is not discoverable.

6           Unless an informant offered exculpatory evidence or is a testifying witness, the State  
7 has no obligation to produce such information. See United States v. Green, 178 F.3d 1099,  
8 1109 (10<sup>th</sup> Cir. 1999) (holding that Giglio did not apply when the government “did not ever  
9 call” its confidential informant as a witness); United States v. Mullins, 22 F.3d 1365, 1372 (6<sup>th</sup>  
10 Cir. 1994) (finding “no authority that the government must disclose promises of immunity  
11 made to individuals the government does not have testify at trial,” and holding that a grant of  
12 immunity could not be “‘favorable to the accused’ as impeachment evidence because the  
13 government did not call [the witness] and, thus, there was no one to impeach”); see also United  
14 States v. Pena, 949 F.2d 751, 758-59 (5<sup>th</sup> Cir. 1991) (impeachment evidence regarding a non-  
15 testifying witness is an insufficient basis upon which to grant a new trial); United States v.  
16 Storey, 956 F. Supp. 934, 942 (D. Kan. 1997) (holding that while impeachment evidence falls  
17 within the Brady rule, “[s]uch evidence as it pertains to an informant, however is only  
18 discoverable if the informant testifies”); Kowalczyk v. United States, 936 F. Supp. 1127, 1149  
19 (E.D.N.Y. 1996) (holding that “[t]he Government was not obligated to produce the Janis arrest  
20 record, assuming the prosecution was in possession of such information, as Janis was not a  
21 witness at trial”); United States v. Hill, 799 F. Supp. 86, 90 (D. Kan. 1992), (denying defense  
22 request for any information which could be used to impeach nonwitnesses);

23           3.     Criminal Records of Witsesse and the Murder Victim. Defendant  
24 Jackson requests the adult and juvenile, felony and misdemeanor, convictions and arrests of  
25 every witsness. This request is overbroad and not supported by statute. Felony convictions  
26 and crimes of moral turpitude are the only relevant information that must be provided by the  
27 State. See NRS 50.095, NRS 50.085, Bushnell v. State, 95 Nev. 570, 572, 599 P.2d 1038  
28 (1979) (credibility may be attacked by showing of a felony conviction, not mere arrest).

1 In addition, Defendant Jackson request the Court order the State to run NCIC on every  
2 witness and the murder victim, Mr. Ramos. This is not permissible. The Office of the District  
3 Attorney has access to NCIC and SCOPE by virtue of its status as a criminal justice agency.  
4 The Office of the District Attorney has a contract or user agreement to maintain this access.  
5 The Las Vegas Metropolitan Police Department (LVMPD) is the administrative agency for  
6 SCOPE. Under the agreement with the LVMPD, the Office of the District Attorney is  
7 specifically prohibited from disseminating any SCOPE information which it did not  
8 contribute. The defense may request a SCOPE of an individual by obtaining a court order  
9 which directs the LVMPD to produce the SCOPE.

10 With regard to NCIC, the Office of the District Attorney maintains its access to the  
11 database by agreement and through its status as a criminal justice agency. According to Title  
12 28 U.S.C. Section 534 and 5 U.S.C. 552, generalized NCIC searches cannot be done. A judge  
13 may order disclosure of criminal history files if they are included in the prosecutor's file. The  
14 Court's order must specify which prosecutor is disseminating the information and to whom  
15 the information is to be provided. A copy of the order must then be logged by the Office of  
16 the District Attorney for one (1) year for audit purposes. According to statute, a judge may  
17 not order that an inquiry be run on a subject by the State. Thus, the State objects to this request.

18 4. Disclosures of Inconsistent Statements by Witnesses. Giglio, governs  
19 what impeachment the State must provide. The State asks the Court to hold it to that  
20 constitutional standard. Defendant Jackson's request is worded in an overbroad manner to  
21 encompass immaterial statements about which the State has no knowledge.

22 5. Scientific Testing. Defendant Jackson's request is overbroad. NRS  
23 174.235 (1) (b) provides for discovery of scientific data. It requires the State to allow the  
24 defense to inspect and copy results of physical or mental examinations, scientific experiments  
25 made in conjunction with the case in the custody or control of the State or which could become  
26 known to the State by an exercise in due diligence. The State asks the Court to adhere to the  
27 statute and order the State to comply with the law as provided by statute rather than Jackson's  
28 overbroad request.

1 In addition, the State of Nevada does not represent the Clark County Coroner. The  
2 Coroner investigates all deaths in Clark County, criminal, accidental and suicide and some  
3 natural deaths. The agency is a county agency, not a police agency. To the extent that the  
4 defense seeks early drafts of reports from this agency or other information, the defense must  
5 serve the agency. The State has no ability to dictate to the Coroner's office what notes, testing,  
6 data, recordings must be maintained by that office.

7 6. Polygraph Testing. At this time, no such testing has been performed and  
8 thus, the request is moot.

9 7. All Notes. Defendant Jackson requests the notes of all police officers in  
10 the case. This request is not covered by a single line of any discovery statute. If there is  
11 exculpatory information, the State obviously must produce it. However, there is no  
12 requirement that the notes of all officers be produced.

13 8. Officer Personnel Files. In the Ninth Circuit, the obligation for the  
14 prosecution to examine an officer's file is triggered by a defense request with no requirement  
15 that the defense make a showing that a file is likely to contain helpful information. United  
16 States v. Henthorn, 931 F.2d 29, 31 (9<sup>th</sup> Cir. 1990) (holding that the "government is incorrect  
17 in its assertion it is the defendant's burden to make an initial showing of materiality" and that  
18 the "obligation to examine the files arises by virtue of making a demand for their production");  
19 United States v. Santiago, 46 F.3d 885, 895 (9<sup>th</sup> Cir. 1995) (Under Henthorn, the government  
20 has a duty, upon defendant's request for production, to inspect for material information the  
21 personnel records of federal law enforcement officers who will testify at trial, regardless of  
22 whether the defense has made a showing of materiality).

23 This, of course, does not mean that files are produced for the defense. Henthorn  
24 explains that following that examination, "the files need not be furnished to the defendant or  
25 the court unless they contain information that is or may be material to the defendant's case."  
26 Id. Thus, the only time disclosure is required is if the State finds information that qualifies as  
27 Brady material. If the prosecutor is unsure, the information should be provided to the court  
28 for review. As the court explained:

1 We stated that the government must 'disclose information  
2 favorable to the defense that meets the appropriate standard of  
3 materiality . . . . If the prosecution is uncertain about the  
4 materiality of information within its possession, it may submit the  
5 information to the trial court for an in camera inspection and  
6 evaluation. . . . As we noted in Cadet, the government has a duty  
7 to examine personnel files upon a defendant's request for their  
8 production.

9 Id. at 30-31.

10 Different than Henthorn, the Nevada Supreme Court issued an opinion that requires  
11 some showing of materiality on the part of the defense before it could gain access to a  
12 personnel file. The file concerned an officer who was murdered and obviously would not be  
13 testifying. Sonner v. State, 112 Nev. 1328, 930 P.2d 707 (1996). The defense made no  
14 showing that there may have been favorable information in the file. Instead, the defense  
15 asserted a general right to search the file. The court rejected this assertion of a right to a  
16 generalized, unfocused search, but allowed for the possibility that a file could be accessible  
17 under some circumstances. The court reasoned, "[i]f Sonner had presented a foundation for  
18 believing that [the victim] had a reputation for being an 'aggressive' trooper who, consistent  
19 with his reputation, provoked Sonner's action, this might have been sufficient to warrant  
20 discovery of corroborating evidence" in the file. Id. at 1341, 930 P.2d at 716. This reasoning  
21 suggests that if that type of evidence had been in the file, the State would be required to  
22 produce it.

23 9. CCDC Video and Phone Calls of the Defendant. NRS 174.235 (1) (c)  
24 provides that the State must allow the defense to inspect, copy or photograph items of  
25 evidence. The State is not required to acquire evidence for the Defendant regarding her record  
26 at the detention center. The defense can subpoena such information.

27 10. LVMPD FIT Investigation Reports. The State has no objection to  
28 providing this information.

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**CONCLUSION**

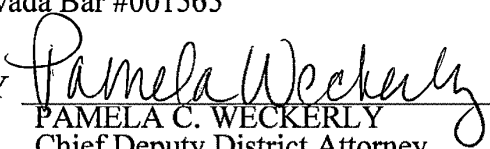
Based on the foregoing, the State respectfully asks this Court to apply the well-established law in Nevada and deny the instant motion.

DATED this 3rd day of September, 2014.

Respectfully submitted,

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

BY

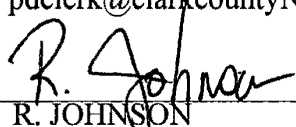
  
PAMELA C. WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163

**CERTIFICATE OF SERVICE**

I certify that on the 3rd day of September, 2014, I e-mailed a copy of the foregoing State's Opposition To Defendant's Motion To Compel Disclosure Of Exculpatory Evidence, to:

DAN A. SILVERSTEIN & CHRISTY CRAIG  
Deputy Public Defenders  
pdclerk@clarkcountynv.gov

BY

  
R. JOHNSON  
Secretary for the District Attorney's Office

PCW/rj/M-1

1 PHILIP J. KOHN, PUBLIC DEFENDER  
2 NEVADA BAR NO. 0556  
3 309 South Third Street, Suite 226  
4 Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

  
CLERK OF THE COURT

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 v.

10 NATASHA GALENN JACKSON,

11 Defendant.

CASE NO. C300032

DEPT. NO. X

DATE: September 10, 2014

TIME: 8:30 a.m.

12  
13 DEFENDANT'S REPLY IN SUPPORT OF MOTION TO COMPEL  
14 DISCLOSURE OF EXCULPATORY EVIDENCE

15 COMES NOW, the Defendant, NATASHA GALENN JACKSON, by and through  
16 DAN A. SILVERSTEIN, Deputy Public Defender, and CHRISTY CRAIG, Deputy Public  
17 Defender, and hereby files this Reply in support of her previously filed Motion to Compel  
18 Disclosure of Exculpatory Evidence.

19 This Reply is made and based upon all the papers and pleadings on file herein and  
20 oral argument at the time set for hearing this Motion.

21 DATED this 4<sup>th</sup> day of September, 2014.

22 PHILIP J. KOHN  
23 CLARK COUNTY PUBLIC DEFENDER

24 By: 

DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

25 By: 

26 CHRISTY CRAIG, #6262  
27 Deputy Public Defender  
28



## ARGUMENT

The State is largely in agreement with the evidentiary requests set forth in the Defendant's original motion to compel. As the State concedes, "...the State has obligations to produce exculpatory evidence pursuant to Brady v. Maryland, 373 U.S. 83 (1963)." State's Opposition, p.3 ll.1-2. Generally, the State does not contest its obligation to produce any and all favorable evidence to the defense. Several points in the State's opposition, however, improperly restrict the scope of that obligation. The Defendant's disclosure requests will be addressed in turn.

### *A. Disclosures of compensation or other benefits in exchange for testimony.*

The State acknowledges that "...it must disclose any benefit given to a witness in exchange for an agreement to testify." State's Opp., p.3 ll.19-20. The Defendant's request should be granted.

### *B. Disclosure of citizen source information.*

The State opposes this request on the basis that if a witness does not testify at trial, the State is not required to disclose impeachment evidence relevant to that witness. The State argues, "...if the individual does not testify, the information is not discoverable." State's Opp., p.4 ll.4-5. This is simply not true. If an individual provides exculpatory information about this case to the State, the State cannot shield the favorable information from disclosure by not calling the witness. If the State -- either through the district attorney's office, the police department, or any other State agency -- receives exculpatory information about this case from a confidential informant, that information must be disclosed to the defense whether the State has any intention of calling that witness to the stand or not.

### *C. Disclosure of criminal history information.*

With respect to the Defendant's request for the disclosure of complete criminal histories of all State witnesses and the deceased, the State incorrectly claims that "[f]elony convictions and crimes of moral turpitude are the only relevant information that must be provided by the State." State's Opp., p.4 ll.25-27. The State cites to Bushnell v. State, 95 Nev. 570 (1979), however, this case says nothing of the sort.

1 While Nevada law limits the use of criminal history information as a general attack on  
2 credibility to felony convictions and crimes of moral turpitude, Bushnell makes clear that the use  
3 of criminal history information to expose bias or reasons to color testimony is much broader than  
4 the State's opposition asserts. "The trial court's discretion [to limit cross-examination] is more  
5 narrow where bias is the object to be shown, and an examiner must be permitted to elicit any facts  
6 which might color a witness's testimony." Bushnell at 572.

7 While the State is correct that NRS 50.095 limits general attacks on a witness's credibility  
8 to felony convictions and crimes of moral turpitude, Nevada law places no such limitations on  
9 cross-examination where a witness's criminal history is relevant to expose that witness's bias.  
10 Furthermore, even if a witness's prior criminal history may not be independently admissible at  
11 trial, "...[d]iscovery in a criminal case is not limited to investigative leads or reports that are  
12 admissible in evidence." Mazzan v. Warden, 116 Nev. 48, 67 (2000), citing Jiminez v. State, 112  
13 Nev. 610, 620 (1996). Prior criminal history information on a witness, even though not  
14 independently admissible, may lead to the discovery of witnesses or other information that can  
15 form the basis to attack the credibility or reputation of that witness. For example, a police report in  
16 for a domestic violence charge that was eventually dismissed would reveal the name of the victim  
17 in that incident, or other witnesses, who could offer testimony regarding the reputation for violence  
18 of the subject of the report. This report would be discoverable under Brady even if the underlying  
19 domestic violence arrest was not admissible at trial, because it contains facts relevant to  
20 impeachment. It bears repeating that "Brady obliges a prosecutor to reveal evidence favorable to  
21 the defense when that evidence is material to guilt, punishment, or *impeachment*." Mazzan v.  
22 Warden, 116 Nev. 48, 66 (2000) (emphasis added).

23 The State is clearly incorrect when it argues that its obligation under Brady is limited to  
24 disclosure of only felony convictions and crimes of moral turpitude that would be admissible under  
25 NRS 50.095. Exculpatory information is discoverable even where it is not admissible.

26 With respect to information contained in SCOPE, NCIC, or other computerized databases  
27 available to law enforcement, the State concedes that "...a judge may order disclosure of criminal  
28 history files if they are included in the prosecutor's file." State's Opp., p.5 ll.12-13. The

1 Defendant respectfully requests that it be granted equal access to SCOPE, NCIC, or other criminal  
2 history information in the possession of the State. Nothing in the prosecutor's contractual  
3 agreements with the providers of these services requires otherwise. If this information is in the  
4 possession of the State, it must also be provided to the defense. The defense requests nothing  
5 more.

6 *D. Disclosures of Inconsistent Witness Statements*

7 The State agrees with its constitutional obligation to inform the defense of any exculpatory  
8 information obtained from its witnesses. State's Opp., p.5 ll.18-20. The State takes issue with the  
9 suggestion that it is also being asked to provide statements about which it has no knowledge.  
10 State's Opp., p.5 ll.20-21. In the event the Defendant's original request is unclear, the defense is  
11 not requesting access to information of which the State is ignorant. This request is meant to  
12 encompass statements made during pretrial conferences, unrecorded conversations with  
13 prosecutors or police officers, or any other exculpatory statement that is otherwise not recorded or  
14 written down. A failure to record exculpatory information is not a license for nondisclosure. If a  
15 witness provides a material inconsistency to the prosecutor during a pretrial conference, the  
16 prosecutor has an obligation to inform the defense.

17 *E. Disclosures of Scientific Testing.*

18 The State argues that with respect to crime scene analysis or other scientific testing, its  
19 obligations under Brady should be equivalent with the provisions of NRS 174.235(1)(b). State's  
20 Opp., p.5 ll.22-28. This is simply not the case. A hypothetical example will demonstrate why:  
21 when the State enters a fingerprint into AFIS (the Automated Fingerprint Identification System),  
22 AFIS provides a list of potential matches to the print, much like the way entering search terms into  
23 Google returns a list of potential websites that match the keywords. By the State's logic, only the  
24 final result of the testing would be discoverable to the defense: in other words, the State believes it  
25 would only need to disclose the single name that the Las Vegas Metropolitan Police Department  
26 determines to be a "match." Under Brady, however, the complete list of *possible* matches returned  
27 by the AFIS system would be discoverable, because every name on that list would be a *possible*  
28 alternate suspect. Thus, the State's obligations under Brady are far broader than the statutory

1 obligations set forth in NRS 174.235(1)(b). Limiting those disclosure obligations to the strict  
2 terms of the statute would thwart the purpose of Brady.

3 Additionally, the State makes the curious claim that the coroner's office is separate and  
4 distinct from the police department and the prosecutor's office, and that Brady's reach ends at the  
5 doorstep of the Clark County Coroner. State's Opp., p.6 ll.1-6. This is also not true. "[T]he  
6 individual prosecutor has a duty to learn of any favorable evidence known to the others acting on  
7 the government's behalf in the case." Kyles v. Whitley, 514 U.S. 419, 437 (1995). It does not  
8 matter whether the State characterizes the coroner's office as a "county agency" or a "police  
9 agency," State's Opp., p.6 l.3, the Clark County Coroner is every bit an arm of the government  
10 prosecuting Natasha Jackson as is the Las Vegas Metropolitan Police Department or the Clark  
11 County District Attorney's Office. See, e.g., Morales v. Coyle, 98 F.Supp.2d 849, 902 (N.D. Ohio  
12 2000) (accepting without argument that coroner's reports were within the scope of Brady v.  
13 Maryland); State v. Evans, 463 So.2d 673, 675-676 (4<sup>th</sup> Cir. 1985) (failure to submit unredacted  
14 coroner's report for in-camera review violated Brady).

15 *F. Disclosures of Polygraph Testing*

16 The defense will accept the State's representations that no polygraph testing has been  
17 performed in this case, consequently, this request is moot.

18 *G. Disclosures of Officers' Notes*

19 The State concedes that "...if there is exculpatory information, the State obviously must  
20 produce it." State's Opp., p.6 ll.10-11. The defense agrees. If the State refuses to disclose this  
21 information to the defense, the defense would request that the officers' notes be submitted to the  
22 Court in-camera and filed under seal, so that an independent assessment of the exculpatory value  
23 of the notes can be made before they are destroyed by the State.

24 *H. Officer Personnel Files*

25 Again, the State agrees that "...disclosure is required... if the State finds information that  
26 qualifies as Brady material" in the personnel files of the testifying officers. State's Opp., p.6 ll.26-  
27 27. The Defendant's motion requests the disclosure of information that is mandated to be provided  
28 under Brady, and nothing more.

1 *I. CCDC Audio/Video Recordings of the Defendant.*

2 The State claims that it is not required to acquire such evidence, however, any recorded  
3 statements of the Defendant maintained by the Clark County Detention Center is unquestionably  
4 discoverable under NRS 174.235(1) as "written or recorded statements of the defendant... within  
5 the custody of the State," even if it is not independently discoverable pursuant to Brady.  
6 Therefore, the State should have no objection to providing this information.

7 *J. Force Investigation Team Reports.*

8 The State has no opposition to providing this information.

9  
10 DATED this 4<sup>th</sup> day of September, 2014.

11 PHILIP J. KOHN  
12 CLARK COUNTY PUBLIC DEFENDER

13 By:   
14 DAN A. SILVERSTEIN, #7518  
15 Deputy Public Defender

16 By:   
17 CHRISTY CRAIG, #6262  
18 Deputy Public Defender  
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By: Sara Ruano  
Sara Ruano  
Secretary for the Public Defender's Office

1 EXPR  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR NO. 0556  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

  
CLERK OF THE COURT

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,  
11 Plaintiff,

CASE NO. C-14-300032-1

12 NATASHA GALENN JACKSON,  
13 Defendant.

DEPT. NO. X

14 EX PARTE ORDER FOR TRANSCRIPT

15 Upon the ex parte application of the above-named Defendant, NATASHA  
16 GALENN JACKSON, by and through, DAN A. SILVERSTEIN, Deputy Public Defender, and  
17 good cause appearing therefore,

18 IT IS HEREBY ORDERED that the certified Court Recorder VICTORIA BOYD,  
19 prepare at State expense, a transcript of the proceedings for case C-14-300032-1 heard on  
20 September 10, 2014 in District Court Department 10.

21 DATED this 12 day of September, 2014.

22   
23 DISTRICT COURT JUDGE

24 Submitted by:  
25 PHILIP J. KOHN  
26 CLARK COUNTY PUBLIC DEFENDER

27 By   
28 DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

  
CLERK OF THE COURT

PWHC  
PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0556  
DAN A. SILVERSTEIN  
Deputy Public Defender  
Nevada Bar No. 7518  
CHRISTY L. CRAIG  
Deputy Public Defender  
Nevada Bar No. 6262  
309 South Third Street, Suite #226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the Matter of the Application of,	)	
	)	CASE NO. C-14-300032-1
	)	
	)	DEPT. NO. X
Natasha Galenn Jackson,	)	
for a Writ of Habeas Corpus.	)	DATE: October 22, 2014
	)	TIME: 8:30 a.m.

PETITION FOR WRIT OF HABEAS CORPUS

TO: The Honorable Judge of the Eighth Judicial District Court of  
The State of Nevada, in and for the County of Clark

The Petition of Natasha Galenn Jackson submitted by DAN A. SILVERSTEIN, Deputy Public Defender, and CHRISTY CRAIG, Deputy Public Defender, as attorneys for the above-captioned individual, respectfully affirm:

1. That he/she is a duly qualified, practicing and licensed attorney in the City of Las Vegas, County of Clark, State of Nevada.

2. That Petitioner makes application for a Writ of Habeas Corpus; that the place where the Petitioner is imprisoned actually or constructively imprisoned and restrained of her liberty is the Clark County Detention Center; that the officer by whom she is imprisoned and restrained is Doug Gillespie, Sheriff.

///

///



1                   3.       That the imprisonment and restraint of said Petitioner is unlawful in that: (A)  
2       Count 1 and Count 8 of the Criminal Indictment are not supported by sufficient evidence; (B) the  
3       State violated NRS 172.135(2) by failing to introduce Natasha Jackson's recorded statement; (C)  
4       the State violated NRS 172.145(2) by failing to introduce Natasha Jackson's recorded statement; and  
5       (D) the State incorrectly instructed the grand jury on the felony-murder rule.

6                   4.       That Petitioner waives her right to be brought to trial within 60 days.

7                   5.       That Petitioner consents that if Petition is not decided within 15 days before  
8       the date set for trial, the Court may, without notice of hearing, continue the trial indefinitely to a date  
9       designated by the Court.

10                  6.       That Petitioner personally authorized her aforementioned attorneys to  
11       commence this action.

12                  WHEREFORE, Petitioner prays that this Honorable Court make an order directing  
13       the County of Clark to issue a Writ of Habeas Corpus directed to the said Doug Gillespie, Sheriff,  
14       commanding him to bring the Petitioner before your Honor, and return the cause of her  
15       imprisonment.

16                  DATED this 6th day of October, 2014.

17                               PHILIP J. KOHN  
18                               CLARK COUNTY PUBLIC DEFENDER

19  
20                               By: /s/ Dan A. Silverstein  
21                                       DAN A. SILVERSTEIN, #7518  
22                                       Deputy Public Defender

23                               By: /s/ Christy Craig  
24                                       CHRISTY CRAIG, #6262  
25                                       Deputy Public Defender  
26  
27  
28

DECLARATION

DAN A. SILVERSTEIN 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 I am familiar with the facts and circumstances of this case.

2. That I am the attorney of record for Petitioner in the above matter; that I have read the foregoing Petition, know the contents thereof, and that the same is true of my own knowledge, except for those matters therein stated on information and belief, and as to those matters, I believe them to be true; that Petitioner, NATASHA GALENN JACKSON, personally authorizes me to commence this Writ of Habeas Corpus action.

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

EXECUTED this 6th day of October, 2014.

/s/ Dan A. Silverstein  
DAN A. SILVERSTEIN

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**  
2                                   **IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

3                   COMES NOW the Petitioner, NATASHA GALENN JACKSON, by and through her  
4 counsel, DAN A. SILVERSTEIN, the Clark County Public Defender's Office, and submits the  
5 following Points and Authorities in Support of Defendant's Petition for a pre-trial Writ of Habeas  
6 Corpus.

7                                   **STATEMENT OF FACTS**

8                   In the early morning hours of July 29, 2014, Cody "Havoc" Winters and his girlfriend at the  
9 time, the Defendant, Natasha Jackson, arrived at the residence of Richard Ramos at 3930 Autumn  
10 Street, in Las Vegas, Nevada. Richard's son, Dominic, testified that he woke to find his father  
11 engaged in a struggle with "Havoc," and his mother in a struggle with Jackson. Grand Jury  
12 Transcript (hereafter "GJT") 19:11-16. According to Dominic Ramos, Richard Ramos had "Havoc"  
13 pinned on the ground, slamming his head into the floor, as they fought over a handgun. GJT 21:11-  
14 18. Eventually, Dominic saw his father gain control of the weapon. GJT 22:16-19.  
15 Contemporaneously, Dominic saw Natasha Jackson pulling his mother's hair while assaulting her  
16 with a screwdriver. GJT 22:23-25. Dominic was able to pull Jackson away from his mother. GJT  
17 23:19-20. Dominic's mother, Julie Ramos, exclaimed that "Havoc" and Jackson "[are] going to kill  
18 us. They're going to kill us." GJT 23:20-22. Jackson responded, "We won't. We promise." GJT  
19 23:22-23. Dominic testified that Jackson never demanded any property from them. GJT 24:11-13.

20                  At some point during the struggle, Dominic heard a single gunshot, but was not clear  
21 whether the gun had been fired by "Havoc" or his father. GJT 25:11-16. "Havoc" began stabbing  
22 Dominic's father with the screwdriver that Dominic was able to wrest away from Jackson. GJT  
23 28:15-22. "Havoc" then took the handgun away from Dominic's father, aimed it at Dominic, and  
24 demanded the keys to the family's car. GJT 29:12-18. When Dominic left "Havoc's" presence to  
25 look for the car keys, he noticed an open bedroom window and exited the house. GJT 29:18 – 30:5.  
26 Dominic hid behind a nearby RV with his younger sister, Jasmine, who had also managed to leave  
27 the house during the struggle. GJT 31:10-15. While he was hiding, Dominic heard "Havoc"  
28 shouting Natasha's name, presumably unable to find her. GJT 31:23-25, 32:5-13. Dominic left his

1 hiding place to see if "Havoc" was still around, but instead, he saw Natasha Jackson approaching  
2 him, alone. GJT 32:15-20. Dominic testified that he "kind of ignored the woman [Jackson]...  
3 because she didn't seem threatening at the time." GJT 33:6-8.

4 After "Havoc" and Jackson left, and police had arrived, Dominic re-entered his house and  
5 noticed a pair of bolt cutters and a sheathed pocket knife that he did not recognize. GJT 34:10-15.

6 Cody "Havoc" Winters was eventually shot and killed by officers of the Las Vegas  
7 Metropolitan Police Department. Natasha Jackson was placed under arrest and charged with  
8 multiple felonies, including Burglary While in Possession of a Firearm, Attempted Robbery With  
9 Use of a Deadly Weapon, First Degree Kidnapping, and the First Degree Murder of Richard Ramos.  
10 A grand jury returned an Indictment against Jackson for eight separate criminal offenses that was  
11 filed on August 8, 2014. On September 2, 2014, Jackson filed a Motion to Extend the Deadline to  
12 File a Pretrial Petition for Writ of Habeas Corpus based on the fact that the State had not provided  
13 any discovery. The State did not oppose the extension, and subsequently provided discovery on  
14 September 16, 2014. Pursuant to an electronic mail sent on September 16, the State noted that it  
15 would agree that a petition filed by October 9, 2014 would be considered timely.

## 16 17 ARGUMENT

18 *A. Insufficient evidence was presented to support Count 1, Burglary While in Possession of a*  
19 *Firearm, and Count 8, Burglary While in Possession of a Deadly Weapon.*

20 In Count 1 of the Indictment, Natasha Jackson is charged with the direct commission of  
21 burglary of the Ramos residence at 3930 Autumn Street while in possession of a firearm. In Count 8  
22 of the Indictment, Jackson is charged with the direct commission of burglary of an abandoned  
23 residence at 3909 Almondwood Drive while in possession of a firearm and/or knife. It is important  
24 to note at the outset that with respect to these counts, Jackson is not charged with having entered into  
25 a conspiracy with Cody "Havoc" Winters to commit the offenses, nor is Jackson charged with aiding  
26 and abetting her co-defendant in the commission thereof, as she is in Counts 2, 3, 4 and 7. In Count  
27 1, the State alleges that Jackson, herself, did directly "...possess and/or gain possession of a firearm  
28 during the commission of the crime [of burglary] and/or before leaving the structure." Indictment,

1 2:3-8. In Count 8, the State alleges that Jackson, herself, did directly "...possess and/or gain  
2 possession of, a firearm and/or knife, a deadly weapon, during the commission of the crime and/or  
3 before leaving the structure." Indictment, 4:7-9. There is simply no evidence, however, that  
4 Jackson ever had possession of a firearm, either before entering the Ramos residence or during the  
5 commission of the burglary. Nor is there any evidence Jackson possessed a weapon either before  
6 entering the abandoned house or during her time inside. At the grand jury hearing, only one witness  
7 offered testimony regarding what happened inside the Ramos residence, and that witness was  
8 Dominic Ramos. Based on this testimony, it is clear that "Havoc" brought the only firearm into the  
9 residence. Natasha Jackson never had control of the firearm; in fact, from the testimony presented,  
10 there is no evidence that Jackson even touched the firearm.

11 The first mention of a firearm during Dominic Ramos' testimony reveals that Dominic saw  
12 "Havoc" and his father, Richard Ramos, on the floor fighting over the weapon. GJT 21:14-18.  
13 Dominic testified that during the encounter, "Havoc" and Richard Ramos "...were both in a struggle  
14 the whole time for that gun." GJT 21:21-22. At some point during the struggle, Richard was able to  
15 get control of the weapon. GJT 22:16-17. Moments later, Dominic heard a single shot ring out, but  
16 was uncertain whether it had been fired by his father or by "Havoc," the male intruder. GJT 25:11-  
17 16. Dominic testified that "Havoc" "...was able to get the gun from my dad... He pulled it up,  
18 aimed it at me... and said, 'All right, give me the car keys.'" GJT 29:12-18. At no time during  
19 Dominic's testimony does he state that Natasha Jackson ever had possession of the firearm. She  
20 neither entered the residence with a gun, nor did she ever gain possession of the gun during the  
21 encounter inside the house. Additionally, there is no evidence that Jackson possessed a weapon  
22 before entering or during her time inside the abandoned home she entered later with "Havoc."

23 Count 8 is defective for an additional reason. The State presented no evidence to  
24 demonstrate that Jackson had the requisite intent for the crime of burglary at the moment she entered  
25 the abandoned home. While the State certainly presented evidence of "Havoc's" criminal intent,  
26 Jackson's culpability in Count 8 is premised on her own intent. The State presented no evidence that  
27 Jackson herself had the intent to commit "...assault and/or battery and/or a felony, to wit: murder" at  
28 the time she entered the abandoned home. In fact, the only evidence in the record regarding her

1 entry into the abandoned home is that she was forced to enter by "Havoc." GJT 114:11-18. In fact,  
2 the Las Vegas Metropolitan Police Department originally believed that Jackson was a hostage, not a  
3 suspect. GJT 74-75. "Havoc" was seen inside the abandoned home with a gun to Jackson's head,  
4 forcing her to her knees, and placing the gun to her head. GJT 78:20-24. One of the first responding  
5 police officers, seeing Jackson inside the abandoned home with "Havoc" after having a gun put to  
6 her head, testified "...we didn't know if she was a hostage or a suspect or what was going on, so I  
7 treated her as a hostage at the time, especially after what I had just seen...." GJT 79:17-21. There is  
8 no evidence that Jackson entered that abandoned home with the intent to commit a criminal offense.  
9 She was seen inside the home, on her knees, with a gun to her head. Based on the evidence  
10 presented at the grand jury, Natasha Jackson did not enter that home to commit a crime. She entered  
11 the home and became the victim of one.

12 This petition should be granted, and Count 1 and Count 8 of the Criminal Indictment  
13 charging Jackson with the direct commission of burglary while in possession of a firearm should be  
14 dismissed.

15  
16 *B. The State violated NRS 172.135(2) by not introducing Jackson's recorded statement.*

17 "The grand jury can receive none but legal evidence, *and the best evidence in degree*, to the  
18 exclusion of hearsay and secondary evidence." NRS 172.135(2) (emphasis added). The "best  
19 evidence" rule is codified in NRS 52.235, and directs that "...to prove the content of a writing,  
20 recording, or photograph, the original writing, recording or photograph is required." NRS 52.255  
21 codifies the exceptions to the "best evidence" rule. The only circumstances in which the original  
22 recording is not necessary to prove the contents thereof are where:

- 23       "(1) All originals are lost or have been destroyed, unless the loss or destruction  
24       resulted from the fraudulent act of the proponent;  
25       (2) No original can be obtained by any available judicial process or procedure;  
26       (3) At a time when the original was under the control of the party against whom  
27       offered, he was put on notice, by the pleadings or otherwise, that the contents  
28       would be a subject of proof at the hearing, and he does not produce the original  
      at the hearing; or  
      (4) The writing, recording, or photograph is not closely related to a  
      controlling issue."

1 Detective Jason McCarthy was allowed to testify at length to the contents of the  
2 surreptitiously recorded statement provided by Natasha Jackson. GJT 102-118. An actual audio  
3 recording of this statement existed, and a transcript has been prepared by the Las Vegas  
4 Metropolitan Police Department. Under Nevada law, where a recording exists of a statement, the  
5 State must introduce that recording. NRS 52.235. None of the limited exceptions set forth in NRS  
6 52.255 have been established in this case. It was improper for the State to present nothing more than  
7 a detective's personal interpretation of the defendant's statement where a recording of the statement  
8 exists.

9 Detective McCarthy's one-sided presentation of Jackson's statement misrepresented  
10 significant details of that statement in a number of ways. He opens his testimony by describing the  
11 incident with Scott Ufert, the NDOT driver, by saying that Jackson acknowledged "...knowing that  
12 Havoc, later identified as Cody, was, you know, basically going to rob him or put a gun to his head,  
13 which eventually he did." GJT 106:6-10. This is not an accurate recounting of Jackson's statement.  
14 Nowhere in Jackson's 66-page statement to police does Jackson claim knowledge that "Havoc" was  
15 going to put a gun to the driver's head. During her statement, Jackson tells police that she tried to  
16 get the driver to "go away," and while she was "...gathering all of our things... ["Havoc"] put a gun  
17 to his head." Jackson's Statement, p.16. Had the grand jurors had the opportunity to review the  
18 words of Jackson's actual statement rather than forced to rely on Detective McCarthy's summary,  
19 they could have seen for themselves that Jackson never admitted to knowledge that "Havoc" planned  
20 to threaten the NDOT driver at gunpoint. By withholding the contents of Jackson's statement --  
21 contents that must be presented under NRS 52.235 -- the State imputed actual knowledge to Jackson  
22 that she never actually imputed to herself. When specifically asked about "Havoc's" plan that day,  
23 Jackson tells police "I don't know." Jackson's Statement, p.47. Detective McCarthy's testimony to  
24 the grand jury implying that Jackson conceded foreknowledge of some plan to terrorize the  
25 neighborhood was not an accurate reflection of Jackson's actual statements.

26 Detective McCarthy selectively edited Jackson's version of events regarding the encounter  
27 with the NDOT driver. McCarthy tells the grand jurors that "...She grabbed her backpack... Cody  
28 had put the gun to this guy's head, she grabbed her backpack... they all got into his vehicle and

1 directed him to get off the freeway and drive into a nearby neighborhood..." GJT 106:14-18.  
2 McCarthy's testimony ignores significant portions of Jackson's statement that the grand jurors were  
3 denied the opportunity to learn for themselves. In Jackson's actual statement to the police, she  
4 makes clear that she "...didn't say shit" during the incident in the NDOT vehicle. Jackson's  
5 Statement, p.17. Jackson also tells police that "Havoc" directed Jackson to "Get ready," and  
6 Jackson reasonably believed that if she did not do what "Havoc" told her, he would shoot her.  
7 Jackson's Statement, p.20-21. McCarthy purposely minimizes this exchange during Jackson's  
8 statement, a key component of her duress defense to most of the charges:

9 "Q: What did you take that as when ["Havoc"] said, 'Get ready?'

10 A: If you don't fucking follow me I will shoot you."

Jackson's Statement, p.21.

11 While Detective McCarthy does describe this statement to the grand jurors, he shades it with  
12 his personal opinion that Jackson was merely minimizing her involvement in the crime by  
13 recounting the threats made to her by "Havoc." Detective McCarthy makes clear that this is simply  
14 his personal opinion, and actually testifies, "She minimizes when she says, *or I felt anyway*, that she  
15 says well, Cody says 'get ready, you can come with me or I'll shoot you.'" GJT 109:15-17.  
16 Detective McCarthy again substitutes his personal opinion for an unbiased recounting of Jackson's  
17 statement when he speculates that Jackson had opportunities to escape from "Havoc." McCarthy  
18 testifies that Jackson "...had a lot of opportunities while in that house to just leave," GJT 115:9-10,  
19 and admits that this conclusion is simply a matter of his personal opinion ("Q: So that was you  
20 drawing that conclusion based on what she said? A: Correct.") GJT 115:17-19. During the grand  
21 jury presentment, Detective McCarthy's personal opinions were interspersed with factual details of  
22 Jackson's statement to impute a much greater degree of culpability to Jackson than she truly  
23 admitted to during her statement. The best evidence rule should have protected against this  
24 unfairness.

25 By mischaracterizing Jackson's statement and removing or downplaying facts that would  
26 tend to support the notion that Jackson acted under duress from "Havoc's" coercion, Detective  
27 McCarthy paints a very different picture for the grand jury than they would have gotten for  
28 themselves had they been allowed to read Jackson's actual statement, as NRS 52.235 requires.



1 While the State correctly instructed the grand jury on the elements of the duress defense, GJT 9:9-  
2 16, it withheld critical facts supporting that defense by presenting Jackson's statement to the grand  
3 jury through Detective McCarthy's biased account. This is the reason for the best evidence rule: to  
4 assure that factfinders get the full detail of a writing or recording, rather than an adverse party's  
5 edited version of that evidence.

6 During her statement to police, Jackson tells police that while she was forcibly dragged along  
7 during "Havoc's" crime spree, Jackson "...didn't want anybody else, I didn't want anybody to get  
8 hurt." Jackson's Statement, p.38. "I don't want all these people hurt." Jackson's Statement, p.39.  
9 She tells police that "Havoc" "...had a fucking gun pointed at [her] the whole time and then he said,  
10 'Get your ass over here n----r.'" Jackson's Statement, p.39. Jackson directly contradicted Detective  
11 McCarthy's implication to the grand jury that she acquiesced to "Havoc's" violent plan, telling police  
12 that she did not want any innocent bystanders to be shot. Jackson's Statement, p.49. Detective  
13 McCarthy's testimony simply ignored all of these facts. Rather than present a complete and accurate  
14 version of Jackson's statement to the grand jurors, the State cherry-picked the details that would  
15 paint her in the guiltiest possible light, and either minimized or refused to acknowledge anything that  
16 contradicted that image. There is a substantial difference between Jackson's statements and the  
17 version of those statements presented by Detective McCarthy, and NRS 52.235 precludes the State  
18 from presenting the latter to the exclusion of the former. The grand jury should have been given the  
19 opportunity to review Jackson's statement for themselves pursuant to NRS 52.235, and the failure to  
20 provide that statement was error. The State presented nine separate exhibits to obtain this  
21 indictment, GJT 4, and there is no reason why they could not have presented a tenth: the transcript  
22 or other recording of Jackson's actual words to police. The State had the obligation to present the  
23 best evidence of Jackson's statement, and that obligation was violated. This petition should be  
24 granted, the present indictment dismissed, and the State should be ordered that any subsequent  
25 indictment must honor the evidentiary rules codified in NS 52.235.  
26

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28 ///

1 C. *The State's failure to present Jackson's statement also violated NRS 172.145(2).*

2 NRS 172.145(2) states that "if the district attorney is aware of any evidence which will  
3 explain away the charge, the district attorney shall submit it to the grand jury." Nevada law is clear  
4 that the statements of a defendant are included within the reach of this statute, and that where a  
5 defendant's own statements tend to explain away the charges against them, those statements must be  
6 presented to the grand jury along with any other exculpatory evidence. Ostman v. Eighth Judicial  
7 District Court, 107 Nev. 563 (1991). By failing to present the grand jury with Jackson's complete  
8 statements regarding the offense, the State not only violated the best evidence rule as set forth above  
9 in Section B, but also violated its obligation to present all known exculpatory evidence to the grand  
10 jury.

11 In Ostman, the defendant was indicted for ten counts of sexual assault and one count of  
12 coercion. The defendant had given a statement to police acknowledging sexual contact with the  
13 alleged victim, but claiming that the sexual activity was consensual. Ostman at 564. The Court  
14 concluded that the defendant's statement to police supporting the defense of consent was  
15 unquestionably exculpatory, in that it "...had 'a tendency to explain away the charge[s]' of sexual  
16 assault and coercion." Ostman at 565. The Court granted the defendant's petition for a writ of  
17 mandamus, ruling that the State had the obligation to present the exculpatory statement to the grand  
18 jury.

19 Similarly, here, as outlined in Section B, Jackson's statement to police had a tendency to  
20 explain away most of the charges against her by laying out a defense of duress. Jackson's statement  
21 supported this defense in a way that Detective McCarthy's biased recounting of her statement did  
22 not. By calling Detective McCarthy instead of introducing Jackson's own statements, the State  
23 neglected to introduce some of Jackson's exculpatory statements and minimized those that it did.  
24 While the State correctly instructed the grand jurors on the elements of the duress defense, GJT 9:9-  
25 16, it improperly withheld the facts supporting that defense by presenting Detective McCarthy  
26 instead of introducing Jackson's own statements. Separate from the violation of the best evidence  
27 rule described in Section B, above, failure to present Jackson's statement also violated the State's  
28 duty to present exculpatory evidence pursuant to NRS 172.145(2). Jackson's statement supported a

1 defense duress in the same way the defendant's statement supported a consent defense in Ostman.  
2 There is no rational distinction between the two situations, and the State was obligated to present  
3 Jackson's actual statement as exculpatory evidence. Because the State violated NRS 172.145(2), it  
4 is respectfully requested that this petition be granted, the current Indictment be dismissed, and the  
5 State be ordered that any subsequent grand jury presentment must include Jackson's statement being  
6 introduced to the grand jury.

7  
8 *D. The State failed to properly instruct the grand jury regarding the felony-murder rule.*

9 In Nevada, "[r]obbery does not support felony murder where the evidence shows that the  
10 accused kills a person and only later forms the intent to rob that person." Nay v. State, 167 P.3d  
11 430, 435 (2007). In order for the underlying felony of robbery to supply the malice for murder,  
12 "...the accused must intend to commit the robbery at the time of the killing." Id. at 434. The failure  
13 to properly instruct the jury with respect to this point of law amounts to error. Id. at 435.

14 The grand jury that indicted Natasha Jackson was not properly instructed on the law  
15 regarding the felony murder rule. The only instruction the jury received on the felony murder rule  
16 was the following:

17 "A murder which is perpetrated or which is committed during the  
18 perpetration or attempted perpetration of a robbery or a burglary or  
19 a home invasion is murder of the first degree whether the killing was  
intentional, unintentional, or accidental."

20 GJT 7:23 – 8:2.

21 The State erred in not fully and accurately instructing the grand jury on the applicable law  
22 governing felony murder in Nevada. "Jurors should neither be expected to be legal experts nor  
23 make legal inferences with respect to the meaning of the law; rather, they should be provided with  
24 applicable legal principles by accurate, clear, and complete instructions specifically tailored to the  
25 facts and circumstances of the case." Crawford v. State, 121 Nev. 744, 754 (2005). Dismissal of an  
26 indictment is the appropriate remedy where the grand jury is inaccurately instructed with respect to  
27 its deliberations. People v. Miller, 524 N.Y.S.2d 622 (1988) (failure to instruct jury on scienter  
28 requirement of criminal statute mandated dismissal of indictment).

1 It is anticipated the State will rely on Hyler v. State, 93 Nev. 561 (1977), which held that  
2 prosecutors need not instruct the grand jury on the law *at all*. This case is inapposite. Whether the  
3 prosecutor had any obligation to present instructions *at all* is a very different question as to whether  
4 prosecutors can partially instruct on the law, providing the grand jurors with the aspects of the law  
5 that favor the State's chosen outcome, and omitting the aspects of the law that could lead to a  
6 different one. Had the State chosen not to provide any instructions on the felony-murder rule at all,  
7 as Hyler authorized it to do, Jackson would have been in a better position than where she now sits.  
8 Nothing in Hyler suggests that the State can provide incomplete instructions which, by their  
9 omission, tilt the scales in favor of indictment.

10 Had the grand jury been properly instructed that the felony murder rule does not apply where  
11 the intent to take property forms after the killing, they would not have returned an indictment  
12 including a felony murder theory of liability. The inadequate instructions provided to the grand jury  
13 left the mistaken impression that any robbery, regardless of when the intent to commit the crime was  
14 formed, can support a felony murder theory. Because the incomplete legal instructions interfered  
15 with the factfinding process, the resulting indictment must be dismissed, or, in the alternative, the  
16 felony murder theory of liability must be stricken from the indictment.

17  
18 DATED this 6th of October, 2014.

19 PHILIP J. KOHN  
20 CLARK COUNTY PUBLIC DEFENDER

21 By: /s/ Dan A. Silverstein  
22 DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

23 By: /s/ Christy Craig  
24 CHRISTY CRAIG, #6262  
Deputy Public Defender

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**NOTICE**

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff;

YOU WILL PLEASE TAKE NOTICE that the foregoing PETITION FOR WRIT OF HABEAS CORPUS will be heard on the 22nd day of October, 2014, at 8:30 a.m. in Department No. X, District Court.

DATED this 6th day of October, 2014.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Dan A. Silverstein  
DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

By: /s/ Dan A. Silverstein  
CHRISTY CRAIG, #6262  
Deputy Public Defender

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that service of PETITION FOR WRIT OF HABEAS CORPUS, was made this 6th day of October, 2014, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE  
Motions@clarkcountyda.com

By: /s/ Sara Ruano  
Sara Ruano  
Secretary for the Public Defender's Office

  
CLERK OF THE COURT

1 ORDR  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR NO. 0556  
4 309 South Third Street, Suite #226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

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

7 THE STATE OF NEVADA,	)	
8 Plaintiff,	)	CASE NO. C-14-300032-1
9 v.	)	DEPT. NO. X
10 NATASHA GALENN JACKSON,	)	
11 Defendant.	)	

**ORDER**

14 The Petition of NATASHA GALENN JACKSON submitted by DAN A.  
15 SILVERSTEIN, Deputy Public Defender, as attorney for the above-captioned individual, having  
16 been filed in the above-entitled matter,

17 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that you, STEVE  
18 GRIERSON, Clerk of the Eighth Judicial District Court of the State of Nevada, in and for the  
19 County of Clark, issue a Writ of Habeas Corpus.

20 DATED AND DONE at Las Vegas, Nevada, this 15 of October, 2014.

21   
22 DISTRICT COURT JUDGE 

24 Submitted By:  
25 PHILIP J. KOHN  
26 CLARK COUNTY PUBLIC DEFENDER

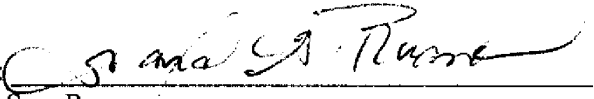
27 By   
28 DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

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**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that service of ORDER, was made this 16TH day of October, 2014,  
by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE  
Motions@clarkcountyda.com

By:   
Sara Ruano  
Secretary for the Public Defender's Office

Case Name: NATASHA GALENN JACKSON  
Case No.: C-14-300032-1  
Dept. No.: X

1 WRTH  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR NO. 0556  
4 309 South Third Street, Suite #226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

  
CLERK OF THE COURT

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

10 THE STATE OF NEVADA,  
11 Plaintiff,

CASE NO. C-14-300032-1

DEPT. NO. X

12 NATASHA GALENN JACKSON,  
13 Defendant.

14 **WRIT OF HABEAS CORPUS**


15 To: Clark County Sheriff  
16 Clark County, Nevada

17 **GREETINGS:**

18 We command that you have the body of the above-captioned person, by you  
19 imprisoned and detained, as it is alleged, together with the time and cause of such imprisonment and  
20 detention, by whatever name said above-captioned person shall be called or charged, before the  
21 Honorable Jessie E. Walsh, District Court Judge, at her chambers or her courtroom in the County  
22 Courthouse Building in the City of Las Vegas, County of Clark, State of Nevada, on November 10,  
23 2014 at the hour of 8:30 a.m., to do and receive that which shall then and there be considered  
24 concerning the said above-captioned person; and have you then and there this Writ.

25 DATED AND DONE this 20 of October, 2014.

26 STEVE GRIERSON, COUNTY CLERK

27 By:  DIANA MATSON  
28 DEPUTY



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CLARK COUNTY SHERIFF - DETENTION CENTER  
FAX #: (702) 671-3763

## **CERTIFICATE OF ELECTRONIC SERVICE**

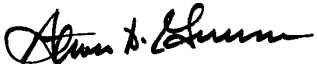
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE  
Motions@clarkcountyda.com

By: Sara Ruano  
Sara Ruano  
Secretary for the Public Defender's Office

210

1 **RET**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 PAMELA WECKERLY  
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8 200 Lewis Avenue  
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11 State of Nevada

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DISTRICT COURT  
CLARK COUNTY, NEVADA

9 In the Matter of Application,

10 of

11 NATASHA GALENN JACKSON,  
12 #1921058

CASE NO: C-14-300032-1

DEPT NO: X

13 for a Writ of Habeas Corpus.

14 RETURN TO WRIT OF HABEAS CORPUS

15 DATE OF HEARING: NOVEMBER 10, 2014  
16 TIME OF HEARING: 8:30A.M.

17  
18 COMES NOW, DOUGLAS C. GILLESPIE, Sheriff of Clark County, Nevada,  
19 Respondent, through his counsel, STEVEN B. WOLFSON, Clark County District Attorney,  
20 through PAMELA WECKERLY, Chief Deputy District Attorney, in obedience to a writ of  
21 habeas corpus issued out of and under the seal of the above-entitled Court on the 22nd day of  
22 October, 2014, and made returnable on the 10th day of November, 2014, at the hour of 8:30  
23 o'clock A.M., before the above-entitled Court, and states as follows:

- 24 1. Respondent denies the allegations of Paragraph(s) 3 of the Petitioner's  
25 Petition for Writ of Habeas Corpus.

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2. Paragraph(s) 1, 2, 4, 5 and 6 do not require admission or denial.

3. The Petitioner is in the actual or constructive custody of DOUGLAS C. GILLESPIE, Clark County Sheriff, Respondent herein, pursuant to a Criminal Indictment, a copy of which is attached hereto as Exhibit 1 and incorporated by reference herein.

Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the Petition be dismissed.

DATED this 24<sup>th</sup> day of October, 2014.

Respectfully submitted,

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

BY

*Pamela Weckerly*  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163

## STATEMENT OF FACTS

On July 29, 2014, Scott Ufert worked for the Nevada Department of Transportation. GJ at 40. He was assigned to freeway service patrol, meaning that he assisted stranded motorists alongside the freeway. GJ at 40. The hours he worked on the 29<sup>th</sup> were from 4:30 a.m. until 1:30 p.m. GJ at 40.

At 6:34 a.m. on the 29<sup>th</sup>, Ufert saw motorists one half mile south of Tropicana on the 95 freeway. He pulled up behind them. The motorists had a white Nissan Altima. GJ at 41-2. A male was in the driver's seat and a female was in the passenger seat. GJ at 42. Ufert pulled up behind the vehicle and saw movement in the front seats: constant looking down, looking left and right, under the seats, and in the center console area. GJ at 43. The male driver approached Ufert and stated that he was looking for a car key. GJ at 44. The male returned to the vehicle and the female then approached Ufert. GJ at 45.

The female, later identified as Petitioner Natasha Jackson, told Ufert the same story as the male: that they were looking for keys. GJ at 46. The female did not ask Ufert for help.

1 She did not say that she needed to get away from the male. Instead, she said a friend was  
2 going to help them. GJ at 46. Ufert told her that it is unsafe for the two to walk on the freeway.  
3 Jackson returned to the white vehicle. GJ at 47. Jackson returned to Ufert's vehicle and said  
4 that they did not need Ufert's help. GJ at 48. Ufert again advised that it was unsafe to walk  
5 on the freeway. Jackson was not crying or upset, but she was fidgety. GJ at 48. Jackson  
6 returned to the car with the male.

7 The male then approached Ufert. He pulled a gun on Ufert and told him to get out of  
8 the vehicle and produce his work phone and radio. Ufert complied. GJ at 49. As the male did  
9 this, Jackson was removing items from the white car. GJ at 49. Those items included a TV  
10 and a black bag. Once she unloaded them from the white car, she put them into Ufert's van.  
11 GJ at 50. Jackson had to make two trips between the vehicles. When she returned the second  
12 time, the male ordered Ufert into the van. Jackson got in as well. GJ at 51. At this time, she  
13 had what looked like a machete in sheathing. GJ at 63. Ufert was in the driver's seat. GJ at  
14 51. The male and Jackson sat behind Ufert. GJ at 52. Ufert told the male and Jackson that  
15 there was GPS on the van and that he was not able to go more than a half mile off the freeway.  
16 The male said that was fine and directed Ufert to drive into the first neighborhood. GJ at 53.

17 The male asked Ufert for his name and told Jackson to look it up on a phone, different  
18 than the one Ufert provided. GJ at 54. Ufert told them that he did not carry a wallet. GJ at  
19 55. The male told Ufert that if he called the police, he would have his friends come and kill  
20 Ufert and his family. GJ at 55. Ufert drove the two to a nearby neighborhood. GJ at 56.  
21 Once he stopped, the male got out of the van and Jackson and he started removing the items  
22 Jackson had transferred to the van: the TV and backpack. GJ at 57. As the male removed the  
23 TV, Jackson's phone fell out of her hand and into a gutter with water. She picked it up and  
24 put it into the black bag. GJ at 58. The male dropped the TV and it broke. The male then  
25 stomped on the TV. GJ at 59. As he did this, Jackson removed other items from Ufert's van.  
26 GJ at 59.

27 Ufert asked for his phone back. GJ at 59. The male said he could not have it back  
28 because his just fell into the water. GJ at 60. After the two unloaded all of their items, Ufert

1 was allow to leave.

2 On that same morning, Dominic Ramos was at this residence, 3930 Autumn Street,  
3 Las Vegas, Clark County, Nevada. GJ at 18. He lived there with his mother, Julie Ramos,  
4 his father, Richard Ramos, his sister, Jasmine, and his younger brother, Michael Ramos. At  
5 6:30 a.m., he awoke to his mother yelling his name. She screamed, "Help, Dominic, help!"  
6 Dominic came out of his room. As he did so, he saw Jasmine come out of her room. Dominic  
7 went into the living room, while Jasmine stayed in the hallway. In the living room, Dominic  
8 saw his dad fighting with "the guy and my mom getting her hair pulled by that lady." GJ at  
9 19. He had never seen either of these people before. GJ at 20.

10 Dominic could see his dad and the man fighting over a gun. GJ at 21. Meanwhile,  
11 Dominic saw his mom "getting her hair pulled" and "that lady was stabbing my mom with  
12 the yellow screwdriver on her back." GJ at 22. Dominic pulled "the lady," later identified as  
13 Natasha Jackson, off his mother. GJ at 24, 37. Dominic's mother ran to go check on her  
14 other children. Dominic was left in the living room with the two intruders and his father. GJ  
15 at 25. Dominic was able to get the screw driver away from Jackson, but the male picked it  
16 up and used it to stab Richard Ramos in the back. GJ at 28. Dominic heard a shot go off. GJ  
17 at 25. The intruders demanded gun back, "[t]hey would not leave without it." GJ at 27. The  
18 male picked up the gun, pointed it at Dominic and said, "'car keys.'" GJ at 28. Dominic  
19 proceeded to the usual location of the car keys and reported that he could not find them. The  
20 male started yelling at him. GJ at 29. As this occurred, Dominic could see his mother had  
21 exited the house and was across the street. GJ at 29.

22 "[S]o I'm thinking to myself I'm going to die or something. And I see my sister right  
23 there too thinking why didn't she go with her. But then I see my bedroom door wide open  
24 with the window wide open too so that's our chance to run out because we're not going to go  
25 back and tell him we can't find the keys." GJ at 29-30. Dominic and Jasmine fled out the  
26 window and ran down the street. GJ at 30. The hid underneath a neighbor's parked RV.  
27 Jasmine was panicking and Dominic told her to stop talking. GJ at 31. They heard the male's  
28 voice, calling the Jackson's name. GJ at 31. It appeared the male was searching for Jackson.

1 Dominic came out to see if the male was coming. He saw Jackson alone on the street. GJ at  
2 32. Dominic went past her, got Jasmine, and the two kids went back to their house. The police  
3 had arrived. GJ at 33. Dominic did not know where his little brother, Michael, was, so the  
4 police let him go back inside. Michael was not there, but Dominic noticed bolt cutters and a  
5 knife on his bed that had not been there before. GJ at 34. The police also let him get the  
6 family's dog out. GJ at 36.

7 Las Vegas Metropolitan Police Officer William Moore was working on July 29, 2014.  
8 GJ at 67. He responded to the Autumn Street area that morning. GJ at 69. The original call  
9 originated from the Ramos house, but when Officer Moore arrived, he was given information  
10 that there were two people in a vacant residence who were suspects, so he responded there.  
11 GJ at 70. As Officer Moore arrived, he went to the adjacent house in the backyard. GJ at 71.  
12 He was looking over a wall into the target house. GJ at 71. Eventually, Officer Moore saw a  
13 white male in the vacant house break a window. GJ at 72. Moore heard Jackson yell, "Help!  
14 Help! Save me! Save me!" GJ at 73. He saw her appear in the window and then move to  
15 another area. She looked at Moore and yelled at him, asking for help. GJ at 73. Moore  
16 observed that, at various points in time, the male was not with Jackson. GJ at 75.

17 Officer Moore decided to go over the wall into the backyard of the target residence.  
18 GJ at 76. The male suspect jumped out of the window and pointed a gun at Officer Moore.  
19 GJ at 77. Moore shot twice, but missed, and the male jumped back inside the house. GJ at  
20 77-8. The male said, "Give me a chance." Moore directed him to throw the gun out the out  
21 of the window. The male did not comply. Instead, the male and Jackson appeared at a  
22 window with Jackson on her knees and the male pointing a gun at her head. GJ at 78. The  
23 male and Jackson spoke and he pulled the gun away and she stood up. GJ at 79. Officer  
24 Moore motioned Jackson to come out of the house. GJ at 79. Jackson jumped out the window  
25 and ran toward the wall between the houses. Officer Moore's partner pulled Jackson over the  
26 wall. As Officer Moore's partner pulled Jackson over the wall, he asked Jackson if there were  
27 others in the house. Instead of providing officers with information, Jackson yelled to the  
28 male, "Shoot 'em Cody, shoot 'em." GJ at 81. Officer Moore explained, "Steve my partner

1 had to physically grab her and keep her because she was trying to get away from us after we  
2 thought we had just saved her.” GJ at 82. Realizing Jackson had lured the officers into  
3 shooting range, they handcuffed her. Jackson told the officers that “Cody” wanted them to  
4 shoot him. GJ at 81.

5 Later, Officer Moore learned that the male, later identified as Cody Winters, had  
6 escaped to the next residence and shot one of the occupants, who later died. He engaged with  
7 Metro officers who eventually shot and killed him.

8 Homicide detectives interviewed Petitioner Jackson. She was advised of her Miranda  
9 rights. GJ at 104. Jackson identified Winters as “Havoc,” her boyfriend. GJ at 105. Jackson  
10 acknowledged that it was she and Winters who had confronted Ufert. GJ at 106. She told  
11 officers that she and Winters had gotten stuck in a neighborhood and were looking to get a  
12 car. GJ at 107. As they approached the Ramos house, Winters told Jackson to “get ready.”  
13 Jackson knew that Winters had a firearm. GJ at 108. She stated that it was Winters’s custom  
14 to carry a gun and that she had even held the gun in the past. GJ at 109. Jackson stated that  
15 while they were in the Ramos residence, she looked out for the police because she thought  
16 Ufert probably called them. GJ at 109. Jackson said she told Ramos to give Winters the car  
17 keys during the struggle. GJ at 110. Jackson acknowledged that she pulled Julie Ramos’s  
18 hair and used a screw driver on her, stabbing her. GJ at 110-11. She also acknowledged that  
19 she was trying to assist Winters. GJ at 111. Jackson explained that she followed Winters out  
20 of the Ramos residence, but the two got separated. GJ at 111. Jackson reunited with Winters  
21 and claimed that he forced her into the vacant home. GJ at 114. She mentioned, however,  
22 that the two were often on different floors of the residence. GJ at 114. Jackson also stated  
23 that she had yelled for Winters to shoot at the police. GJ at 116. Finally, Jackson stated that  
24 she had taken drugs the previous night. GJ at 117.

25 Petitioner Jackson has now filed a pretrial petition for writ of habeas corpus  
26 challenging counts 1 and 8, specifically. Jackson also appears to challenge counts 5, 6, and  
27 7 in sections B and C. Jackson does not raise an argument regarding count 4, Murder with

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1 Use of a Deadly Weapon, except as to one theory of liability in section D. The State opposes  
2 in each instance.

### 3 ARGUMENT

4 Nevada Revised Statute 172.155 describes the burden of proof required of  
5 the State at the grand jury. The statute directs the grand jury:

6 To find an indictment when all the evidence before  
7 them, taken together, establishes probable cause to  
8 believe that an offense has been committed and that the  
defendant has committed it.

9 The Nevada Supreme Court described this standard as a “reasonable inference” that the  
10 accused committed the crime. Kinsey v. Sheriff, 87 Nev. 361, 487 P.2d 340 (1971). In Sheriff  
11 v. Hodes, 96 Nev. 184, 600 P.2d 178 (1980), the Nevada Supreme Court noted that the finding  
12 of probable cause may be based on “marginal” or “slight” evidence because an indictment  
13 does not carry with it a determination of guilt or innocence of the accused.

14 A. The State Presented Sufficient Evidence to Support a True Bill on Counts 1  
15 and 8.

16 With regard to Count 1, Burglary While in Possession of a Firearm, Petitioner Jackson  
17 argues that she is charged as a direct actor and that she never possessed the gun used to kill  
18 Richard Ramos. Therefore, Jackson argues, she cannot be charged with burglary while in  
19 possession of a firearm.

20 In Brooks v. State, 124 Nev. 203, 180 P.3d 657 (2008), the Nevada Supreme Court  
21 discussed the weapons enhancement in terms of unarmed offenders. The court generally stated  
22 that when assessing whether an unarmed assailant is subject to the enhancement, “the proper  
23 focus is on the unarmed offender’s knowledge of the use of the weapon brandished by another  
24 principal.” Id. at 207, 180 P.2d. at 661. Thus, the statute does not preclude a weapon’s  
25 enhancement upon an unarmed assailant. “To determine whether an unarmed offender is  
26 subject to an enhanced sentence under NRS 193.165, the relevant inquiry is whether the  
27 unarmed offender ‘used’ the deadly weapon in the commission of the offense.” Id. at 210, 180  
28 P.3d at 661. The court further explained that “use” means to put into action or service or to



1 carry out a purpose or action by means of. Therefore, the court concluded, “an unarmed  
2 offender ‘uses’ a deadly weapon and therefore is subject to a sentence enhancement when the  
3 unarmed offender is liable as a principal for the offense that is sought to be enhanced, another  
4 principle of the offense is armed with and uses a deadly weapon in the commission of the  
5 offense and the unarmed offender had knowledge of the use of a deadly weapon.” Id., 180  
6 P.3d at 661. Citing to NRS 195.020, court noted that both direct actors and aider and abettors  
7 are principals. Id.

8 Petitioner Jackson did not stand on the outside of the Ramos residence. She entered the  
9 residence with Winters. In fact, in terms of the burglary, she and Winters’s actions are  
10 identical except that he had possession of the gun. Once inside she and Winters unsuccessfully  
11 worked together to get keys to the Ramos’s vehicle. The only reason for the two to enter the  
12 home was to commit a robbery. They did not know the Ramos family and the only item they  
13 sought was the car key. Moreover, the contact with Ufert demonstrates that they were seeking  
14 a vehicle. Petitioner Jackson committed a burglary. She is similarly liable for the deadly  
15 weapon enhancement because, although she did not possess the firearm, she knew Winters had  
16 the gun. She also knew he was using it in their crime spree because he had used it on Ufert.  
17 The two committed the crime while in possession of a firearm.

18 Finally, given Jackson’s clear liability, even if this Court were to find that Jackson  
19 aided and abetted Winters, the remedy would be directing the State to amend the pleading,  
20 rather than dismissal of the count. “[T]he accusation must include a characterization of the  
21 crime and such description of the particular act alleged to have been committed by the accused  
22 as will enable him properly to defend against the accusation, and the description of the offense  
23 must be sufficiently full and complete to accord to the accused his constructional right to due  
24 process.” Simpson v. District Ct., 88 Nev. 654, 660, 503 P.2d 1225, 1229-30 (1973). NRS  
25 173.075 which addresses the nature and contents of an Information or Indictment, states that  
26 it must “state for each count the official or customary citation of the statute, rule, regulation  
27 or other provision of law which the defendant is alleged therein to have violated.” It further  
28 states that any error or omission is not a ground for dismissal or reversal of a conviction if it

1 did not mislead the defendant to his prejudice. Id.

2 Moreover, “[a]mendment before trial is an appropriate method for giving the accused  
3 the notice to which he or she is entitled.” State v. District Ct., 116 Nev. 374, 378, 997 P.2d  
4 126, 129 (2000). Where an amendment does not allege a new or different offense, the Court  
5 may permit it any time before a verdict or finding, if the substantial rights of the defendant  
6 are not prejudiced. Shannon v. State, 105 Nev. 782, 785, 783 P.2d 942, 944 (1989) (citing  
7 NRS 173.095(1)).

8 In Shannon, the Information charged the defendant with Sexual Assault alleging that  
9 the act of sexual penetration occurred by the defendant inserting his penis in the victim’s  
10 mouth. Id. at 785, 783 P.2d at 944. During trial, the State was allowed to amend the  
11 Information to allege instead that the penetration occurred when the victim’s penis was  
12 inserted into the defendant’s mouth. Id. The Nevada Supreme Court found that “[t]he  
13 substantial rights of the defendant were not prejudiced by the amendment” and that the original  
14 Information which alleged penetration by fellatio remained the same after amendment. Id.;  
15 Grant v. State, 117 Nev. 427, 433, 24 P.3d 761 (2001) (“[a]s long the amended information  
16 does not involve new or different offenses, and the defendant is not prejudiced, the amendment  
17 may be granted); Benitez v. State, 111 Nev. 1363, 904 P.2d 1036 (1995) (the district court  
18 may permit an indictment or information to be amended at any time before verdict or finding  
19 if no additional or different offense is charged and if substantial rights of the defendant are not  
20 prejudiced).

21 By contrast, adding charges is problematic. In State v. Hancock, 114 Nev. 161, 955  
22 P.2d 183 (1998), the State filed a criminal complaint alleging racketeering and securities  
23 fraud. After a preliminary hearing, the magistrate dismissed charges against some of the  
24 defendants, but bound others over. In doing so, the magistrate informed the State that the  
25 complaint seemed defective. The State then filed an information against the remaining  
26 defendants. Once in district court, the trial judge dismissed the information pertaining to the  
27 bound-over defendants on grounds that it was vague and ambiguous. Rather than appeal the  
28 dismissal, the State took the case against all defendants to the grand jury. The defendants

1 filed pretrial writs complaining about the pleading language in the indictment, among other  
2 issues. Id., 955 P.2d at 184-85. The State acknowledged that it had erred by pleading  
3 alternative offenses in a single count and moved to amend the indictment. Id. This motion  
4 was denied by the trial court. The State appealed.

5 In affirming the trial court's denial of the motion to amend the indictment, the Nevada  
6 Supreme Court noted that the proposed amendments "were more than clerical and would have  
7 materially altered the indictment. We conclude that were the State to be granted leave to  
8 amend the indictment so as to add previously alternately pleaded offenses as separate counts,  
9 the respondents would be denied due process because it cannot be said that the grand jury  
10 found probable cause on each and every amended count." Id. at 168, 955 P.2d 183. Thus,  
11 amendment was denied because the proposed amendment added counts—materially altering  
12 the indictment. It was not an amendment concerning theories of liability for a particular count  
13 or adding greater specificity, to the charging document.

14 Petitioner Jackson makes identical, and thus, similarly meritless, claims with regard to  
15 count 8, Burglary While in Possession of a Deadly Weapon. The one additional argument  
16 with regard to this count is that the State allegedly failed to elicit evidence that Jackson  
17 intended to commit a crime upon entry into the abandoned residence. The evidence produced  
18 at grand jury was striking. Jackson pretended to be a hostage. She called for help. She  
19 pleaded with officers to come to her rescue. Although she could have easily escaped Winters,  
20 she stayed in the house with him and attempted to lure officers to her. Once she left the  
21 residence and the officers came to assist her, she shouted, "Shoot 'em, Cody, shoot 'em." GJ  
22 at 81. Without question, the intent was to get officers close to Winters so he could kill them.  
23 Thus, the State presented slight or marginal evidence that, like Winters, Jackson entered the  
24 residence with the intent to commit a crime.

25 B. The State Did Not Violate NRS 172.135(2) or The Best Evidence Rule, NRS  
26 52.255.

27 Petitioner Jackson claims that the State improperly presented evidence to the grand jury  
28 by eliciting portions of Jackson's statement to detectives through the testimony of the

1 detective, rather than playing the recording of the Statement. According to Petitioner, this was  
2 improper because it allegedly violates the Best Evidence Rule, or NRS 52.235. Petitioner  
3 states, “[u]nder Nevada law, where a recording exists of a statement, the State must introduced  
4 that recording.” (Petition at 8).

5 Petitioner misunderstands the application of the Best Evidence Rule. The rule concerns  
6 situations in which there is a question regarding what information is in a document or a  
7 recording. In other words, where parties contend that different information is contained in a  
8 document or recording. In those situations, the “Best Evidence” of what is contained in a  
9 document or recording is the document or recording itself.

10 In the instant case, what is contained on the recording is irrelevant. The dispute is  
11 whether the State fairly presented the contents of the interview to the grand jury, which will  
12 be addressed infra. What is actually on the recording is not in dispute. In eliciting the  
13 testimony from the detective, the State is presenting evidence regarding the contents of the  
14 conversation Petitioner Jackson had with detectives and the criminal implications of those  
15 admissions. It is not seeking to prove or establish what is on the recording of that  
16 conversation. The Nevada Supreme Court, had recognized this distinction and noted that the  
17 Best Evidence Rule is not implicated in such situations. See Carter v. State, 121 Nev. 759,  
18 121 P.3d 592 (2005), citing United States v. Fagan, 821 F.2d 1002, 1008 n.1 (5<sup>th</sup> Cir. 1987)  
19 and United States v. Gonzalez-Benitez, 537 F.2d 1051, 1053-54 (9<sup>th</sup> Cir. 1976).

20 C. The State Did Not Violate NRS 172.145(2).

21 Petitioner Jackson claims that the State failed to present exculpatory evidence to the  
22 grand jury in not presenting certain portions of her self-serving statement to police in which  
23 she claims she participated in the crimes charged under duress.

24 First, duress cannot be a defense to count 4, murder. See NRS 194.010(7) . Second,  
25 although the State could not find a Nevada case, the United States Supreme Court has held  
26 that a defendant cannot bring a motion to dismiss an indictment based on a duress defense.  
27 United States v. Knox, 396 U.S. 77, 83 n. 7, 90 S. Ct. 363 (1969). Moreover, the Ninth Circuit  
28 has held that it is not the place of the grand jury to evaluate what is an affirmative defense or

1 one that assesses whether the accused had the requisite intent to commit a crime; such is the  
2 province of the petit jury. See People v. Cruz, 913 F.2d 748, 750 (9<sup>th</sup> Cir. 1990).

3       Petitioner Jackson complains that the State did not introduce her statement that she say  
4 anything inside of Ufert's vehicle. This allegation, whether true or not, does not explain away  
5 any charge. Saying nothing, even if true, does not establish duress. Jackson complains that  
6 Detective McCarthy implied to the grand jury that Jackson knew that Winters was going to  
7 rob Ufert. Instead, Jackson claims that the State should have presented evidence that she told  
8 Ufert to leave. Of course, if she did instruct Ufert to leave, it is all the more clear that she  
9 knew Winters was going to harm Ufert. In addition, even if she did encourage him to leave,  
10 such conduct does not explain away the charge when she specifically worked in concert with  
11 Winters to commit the robbery thereafter, holding her own weapon, no less. Finally, aside  
12 from Jackson's self-serving statement that she took "get ready" to mean that she must  
13 cooperate with Winters, none of the statements in the petition specifically relate to the murder,  
14 attempt murder, burglaries and attempt robberies committed by the two. Instead, Jackson  
15 makes the generalized statement that she did not want to cooperate. The State presented  
16 evidence that illustrates she clearly cooperated willingly. Such factual disputes are the  
17 province of a trial jury and should not be the basis of a pretrial writ.

18 D. The State Properly Instructed the Grand Jury.

19       Petitioner Jackson asks this Court to strike the felony murder theory of liability from  
20 the indictment because the State did not instruct the grand jury that in order for a felony  
21 murder theory of robbery to apply, the intent to commit robbery must be formed at the time  
22 of the killing and not be an afterthought. Petitioner bases the argument on Nay v. State, 123  
23 Nev. 326, 334, 167 P.3d 430, 435 ( 2007).

24       Petitioner is correct in that Nay does hold that in order for there to be liability for murder  
25 under a robbery theory of felony murder, the intent to rob must be formed at or before the time  
26 of the killing. However, the Nay holding is not a requirement for grand jury, it is a requirement  
27 for the trial jury. See *id.* at 334, 167 P.3d at 435.

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1       Petitioner's argument that, "[h]ad the State chosen not to provide any instructions on  
2 the felony murder rule at all, as Hylar authorized it to do, Jackson would have been in a better  
3 position than where she now sits" (Petition at 13), is illogical. Petitioner acknowledges that  
4 the State had no obligation to instruct the grand jury on any of the offenses at all based on  
5 Hylar v. State, 93 Nev. 561, 571 P.2d 114 (1977). The State did instruct that one is liable for  
6 murder if a killing occurs during the perpetration or attempted perpetration of a robbery.  
7 Petitioner does not dispute that this is a correct statement of the law and that this was a  
8 permissible instruction to the grand jury. Given that reality, not including the Nay instruction  
9 left Jackson in no different a position than where she now sits.

10       Moreover, the fact that the Nevada Supreme Court does not require the Nay  
11 instruction at grand jury is abundantly clear given that Nevada case law permits the State to  
12 add a theory of felony murder on the morning of trial. See State v. Eighth Judicial District  
13 Court, 116 Nev. 374, 997 P.2d 126 (2000).

14       In State v. Eighth Judicial District Court, the State sought leave of the District Court  
15 to file a Second Amended Information alleging a theory of felony-murder on the morning of  
16 trial. The District Court granted the defendant's motion to strike the Second Amended  
17 Information and the State filed a Petition for Writ of Mandamus. Id. at 375, 997 P.2d at 128.  
18 The Nevada Supreme held that the District Court manifestly abused its discretion in striking  
19 the felony-murder theory and ordered that the State be permitted to amend the information  
20 to include a theory of felony-murder. Id. at 380, 997 P.2d at 130.

21       In doing so, the Nevada Supreme Court stated:

22       "The State is required to give adequate notice to the  
23 accused of the various theories of prosecution. See  
24 Alford v. State, 111 Nev. 1409, 906 P.2d 714 (1995);  
25 Koza v. State, 104 Nev. 262, 756 P.2d 1184 (1988);  
26 Barren v. State, 99 Nev. 661, 669 P.2d 725 (1983). NRS  
27 173. 095(1) provides, '[t]he court may permit an  
28 indictment or information to be amended at any time  
before verdict or finding if no additional or different  
offense is charged and if substantial rights of the  
defendant are not prejudiced.' Amendment of the  
information prior to trial is an appropriate method for  
giving the accused the notice to which he or she is  
entitled... the amendment of the information to set forth  
theories of aiding and abetting murder and felony

1 murder merely added alternative theories of the mental  
2 state required for first degree murder and did not  
3 amount to the charging of additional or different  
4 offenses.”

4 Id., at 378, 997 P.2d at 129.

5 At the grand jury presentment, the State is only required to allege and prove “open”  
6 murder. In Sheriff v. Willoughby, 97 Nev. 90, 92, 624 P.2d 498 (1981), the defendant was  
7 bound over to the District Court on a charge of “open” murder. The defendant challenged the  
8 sufficiency of evidence presented, claiming that the evidence at the preliminary hearing was  
9 insufficient to support a finding of first degree murder. Id. at 91, 624 P.2d at 498-99.

10 The Nevada Supreme Court disagreed and held that “[i]t is clear that first degree  
11 murder and second degree murder are not separate and distinct crimes which must be pleaded  
12 accordingly. Thedford v. Sheriff, 86 Nev. 741, 476 P.2d 25 (1970); Howard v. Sheriff, 83  
13 Nev. 150, 425 P.2d 596 (1967). Thus, there need not be evidence of first degree murder to  
14 support an open murder charge.” Willoughby, 97 Nev. at 92, 624 Nev. at 499. “This court’s  
15 sole function is to determine whether the evidence presented at the preliminary examination  
16 [or Grand Jury] establishes probable cause to believe that an offense [open murder] was  
17 committed and that the defendant committed it.” Id.

18 In the instant case, sufficient evidence was presented to the grand jury establishing  
19 Murder with Use of a Deadly Weapon. Murder is the unlawful killing of another with  
20 malice aforethought, either express or implied. NRS 200.010. Express malice is the  
21 deliberate intention to unlawfully kill. See Byford v. State, 116 Nev. 215, 994 P.2d 700  
22 (2000). “[T]o establish probable cause to bind a defendant over for trial, the state must  
23 show that (1) a crime has been committed and (2) there is probable cause to believe the  
24 defendant committed it. Sheriff v. Middleton, 112 Nev. 956, 961, 921 P.2d 282, 285 (1996),  
25 citing NRS 172.155 and Frutiger v. State, 111 Nev. 1385, 1389, 907 P.2d 158, 160 (1995).  
26 The finding of probable cause to support a criminal charge may be based on “slight, even  
27 ‘marginal’ evidence . . . because it does not involve a determination of the guilt or innocence  
28 of the accused.” Sheriff v. Hodes, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980).

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**CONCLUSION**

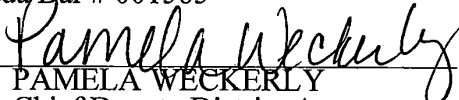
Based on the foregoing, the State respectfully asks this Court to deny the instant petition.

DATED this 24<sup>th</sup> day of October, 2014.

Respectfully submitted,

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

BY

  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163

**CERTIFICATE OF SERVICE**


I hereby certify that service of Return To Writ of Habeas Corpus, was made this 24<sup>th</sup> day of October, 2014, by e-mail to:

DAN SILVERSTEIN, Deputy Public Defender  
E-Mail: [SilverDA@clarkcountynv.gov](mailto:SilverDA@clarkcountynv.gov)

CHRISTY L. CRAIG, Deputy Public Defender  
E-Mail: [CraigCL@clarkcountynv.gov](mailto:CraigCL@clarkcountynv.gov)

[pdclerk@clarkcountynv.gov](mailto:pdclerk@clarkcountynv.gov)

BY:

  
J. ROBERTSON  
Employee of the District Attorney's Office

14F12024X/PW/jr/MVU



  
CLERK OF THE COURT

1 **IND**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 PAMELA WECKERLY  
6 Chief Deputy District Attorney  
7 Nevada Bar #6163  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-14-300032-1

11 -vs-

DEPT NO: X

12 NATASHA GALENN JACKSON,  
13 #1921058

14 Defendant.

INDICTMENT

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss.

17 The Defendant above named, NATASHA GALENN JACKSON, accused by the Clark  
18 County Grand Jury of the crime(s) of BURGLARY WHILE IN POSSESSION OF A  
19 FIREARM (Category B Felony - NRS 205.060 - NOC 50426); ATTEMPT ROBBERY WITH  
20 USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC  
21 50145); MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS  
22 200.010, 200.030, 193.165 - NOC 50001); ATTEMPT MURDER WITH USE OF A  
23 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC  
24 50031); FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC  
25 50051); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS  
26 200.380, 193.165 - NOC 50138); BURGLARY WHILE IN POSSESSION OF A DEADLY  
27 WEAPON (Category B Felony - NRS 205.060 - NOC 50426) and ATTEMPT INVASION  
28 OF THE HOME (Category C Felony - NRS 205.067, 193.330 - NOC 50446), committed at

**EXHIBIT "1"**

1 and within the County of Clark, State of Nevada, on or about the 29th day of July, 2014, as  
2 follows:

3 COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM

4 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit  
5 larceny and/or a felony, to-wit: robbery, that certain residence occupied by RICHARD  
6 RAMOS, located at 3930 Autumn Street, Las Vegas, Clark County, Nevada, said Defendant  
7 did possess and/or gain possession of a firearm during the commission of the crime and/or  
8 before leaving the structure.

9 COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

10 did then and there wilfully, unlawfully, and feloniously attempt to take personal  
11 property, to-wit: a motor vehicle, from the person of RICHARD RAMOS, or in his presence,  
12 by means of force or violence, or fear of injury to, and without the consent and against the will  
13 of RICHARD RAMOS, by entering the said RAMOS residence in an attempt to obtain said  
14 motor vehicle, with use of a deadly weapon, to-wit: a firearm; Defendant being criminally  
15 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly  
16 committing this crime; and/or (2) by aiding or abetting with "Cody" in the commission of this  
17 crime with the intent to commit this crime, by providing counsel and/or encouragement, by  
18 the Defendant acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

19 COUNT 3 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

20 did then and there wilfully, unlawfully, and feloniously attempt to take personal  
21 property, to-wit: a motor vehicle, from the person of JULIE RAMOS, or in her presence, by  
22 means of force or violence, or fear of injury to, and without the consent and against the will of  
23 JULIE RAMOS, by entering the said RAMOS residence in an attempt to obtain said motor  
24 vehicle, with use of a deadly weapon, to-wit: a firearm; Defendant being criminally liable  
25 under one or more of the following principles of criminal liability, to-wit: (1) by directly  
26 committing this crime; and/or (2) by aiding or abetting with "Cody" in the commission of this  
27 crime with the intent to commit this crime, by providing counsel and/or encouragement, by  
28 the Defendant acting in concert; and/or (3) pursuant to a conspiracy to commit this crime.

1 COUNT 4 - MURDER WITH USE OF A DEADLY WEAPON

2 did then and there wilfully, unlawfully, feloniously, with premeditation and  
3 deliberation and/or during the perpetration or attempted perpetration of a burglary, robbery, or  
4 kidnapping, and with malice aforethought, kill RICHARD RAMOS, a human being, by  
5 shooting at and into the body of the said RICHARD RAMOS, with a deadly weapon, to-wit:  
6 a firearm; Defendant being criminally liable under one or more of the following principles of  
7 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting  
8 with "Cody" in the commission of this crime with the intent to commit this crime, by providing  
9 counsel and/or encouragement, by the Defendant acting in concert; and/or (3) pursuant to a  
10 conspiracy to commit this crime.

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

12 did then and there wilfully, unlawfully, feloniously and with malice aforethought  
13 attempt to kill JULIE RAMOS, a human being, by stabbing the said JULIE RAMOS in the  
14 back and/or body, with use of a deadly weapon, to-wit: a screwdriver.

15 COUNT 6 - FIRST DEGREE KIDNAPPING

16 did wilfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy, abduct,  
17 conceal, kidnap, or carry away SCOTT UFERT, a human being, with the intent to hold or  
18 detain the said SCOTT UFERT against his will, and without his consent, for the purpose of  
19 committing robbery.

20 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

21 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
22 keys, a cellular telephone, and/or an iPhone, from the person of SCOTT UFERT, or in his  
23 presence, by means of force or violence, or fear of injury to, and without the consent and  
24 against the will of SCOTT UFERT, with use of a deadly weapon, to-wit: a firearm and/or  
25 knife; the Defendant being criminally liable under one or more of the following principles of  
26 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting  
27 with "Cody" in the commission of this crime, with the intent that this crime be committed by  
28 entering into a course of conduct whereby co-conspirator "Cody" pointed a firearm at the said

1 SCOTT UFERT and demanded the property while the Defendant pulled out and wielded a  
2 large knife, by providing counsel and/or encouragement to one another by actions and words,  
3 and acting in concert throughout; and/or (3) pursuant to a conspiracy to commit this crime

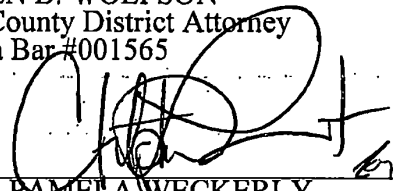
4 COUNT 8 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

5 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit  
6 assault and/or battery and/or a felony, to-wit: murder, that certain abandoned house, located at  
7 3909 Almondwood Drive, Las Vegas, Clark County, Nevada, said Defendant did possess  
8 and/or gain possession of, a firearm and/or knife, a deadly weapon, during the commission of  
9 the crime and/or before leaving the structure.

10 DATED this 1 day of August, 2014.

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

14 BY

15   
16 PAMELA WECKERLY  
17 Chief Deputy District Attorney  
18 Nevada Bar #6163

19 ENDORSEMENT: A True Bill

20   
21 Foreperson, Clark County Grand Jury  
22  
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1 Names of witnesses testifying before the Grand Jury:

2 SIMS, DR. LARY, CCME, 1704 PINTO LN., LVN

3 RAMOS, DOMINIC, c/o CCDA/VWAC, 200 LEWIS AVE., LVN

4 UFERT, SCOTT, c/o CCDA/VWAC, 200 LEWIS AVE., LVN

5 MOORE, WILLIAM, UNKNOWN

6 WILDEMAN, MARTIN, LVMPD

7 MCCARTHY, JASON, LVMPD

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

10 CUSTODIAN OF RECORDS, CCDC

11 CUSTODIAN OF RECORDS, LVMPD DISPATCH

12 CUSTODIAN OF RECORDS, LVMPD RECORDS

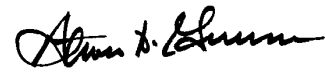
13 WILLIAMS, TOD, LVMPD P#3811

14 BECK, KEVIN, LVMPD P#9629

15 RAMOS, JULIE, c/o CCDA/VWAC, 200 LEWIS AVE., LVN

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27 LVMPD EV#140729-0659  
28 (TK2)

1 PHILIP J. KOHN, PUBLIC DEFENDER  
2 NEVADA BAR NO. 0556  
3 309 South Third Street, Suite 226  
4 Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant



CLERK OF THE COURT

5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

7 THE STATE OF NEVADA,	)	
	)	
8 Plaintiff,	)	CASE NO. C300032
	)	
9 v.	)	DEPT. NO. X
	)	
10 NATASHA GALENN JACKSON,	)	DATE: November 10, 2014
	)	TIME: 8:30 a.m.
11 Defendant.	)	

12  
13 **DEFENDANT'S REPLY IN SUPPORT OF PETITION**  
14 **FOR WRIT OF HABEAS CORPUS**

15 COMES NOW, the Defendant, NATASHA GALENN JACKSON, by and through  
16 DAN A. SILVERSTEIN, Deputy Public Defender, and CHRISTY CRAIG, Deputy Public  
17 Defender, and hereby files this reply in support of her previously filed Petition for Writ of Habeas  
18 Corpus.

19 This Reply is made and based upon all the papers and pleadings on file herein and  
20 oral argument at the time set for hearing this Motion.

21 DATED this 29<sup>th</sup> day of October, 2014.

22 PHILIP J. KOHN  
23 CLARK COUNTY PUBLIC DEFENDER

24 By:   
DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

25 By:   
26 CHRISTY CRAIG, #6262  
27 Deputy Public Defender  
28

## ARGUMENT

### *A. Insufficient evidence was presented to support Count 1 and Count 8.*

In its Return, the State cites to Brooks v. State, 124 Nev. 203 (2008), for the proposition that when determining whether a defendant “used” a deadly weapon in the context of a violation of NRS 193.165, “‘use’ means to put into action or service or to carry out a purpose or action by means of.” State’s Return, p.7 ll.28 – p.8 ll.1. “Therefore,” writes the State, “an unarmed offender ‘uses’ a deadly weapon and therefore is subject to a sentence enhancement [under NRS 193.165] when the unarmed offender is liable as a principal for the offense that is sought to be enhanced, another principal of the offense if armed with and uses a deadly weapon in the commission of the offense and the unarmed offender had knowledge of the use of a deadly weapon.” State’s Return, p.8 ll.1-5, citing Brooks v. State, 124 Nev. at 210.

The State’s analysis is sound, and would certainly apply had the State charged Natasha Jackson in Count 1 and Count 8 with a violation of NRS 193.165. This is not, however, the sentencing enhancement Jackson faces in Counts 1 and 8. Instead, the State charged Jackson with a violation of NRS 205.060 in these two counts, a separate statute that does not implicate the NRS 193.165 sentencing enhancement discussed in Brooks v. State. NRS 205.060 does not punish the *use* of a deadly weapon; rather, it punishes the commission of a burglary *while in actual possession* of a firearm. This is the reason why Jackson did not challenge the sentencing enhancement attached to Counts 2, 3, 4, 5, and 7. While Jackson can rightly be charged with the “use” of a deadly weapon pursuant to Brooks v. State, she cannot be charged with a violation of NRS 205.060 under the same theory. Brooks makes clear that its holding is directed towards the “use” component of NRS 193.165, and does not extend to the “possession” requirement of NRS 205.060.

This distinction is critical, as even the Brooks Court makes clear that the deadly weapon enhancement set forth in NRS 193.165 “...does not require ‘possession’ of a deadly weapon.” Brooks at 209. Unlike NRS 193.165, a violation of NRS 205.060 *does* require “possession” of a deadly weapon, not mere “use.” While Jackson may be liable for her co-defendant’s “use,” as charged in Counts 2, 3, 4, 5, and 7, she is not similarly liable for “possession” of the weapon, as

1 required by NRS 205.060. Further, because Brooks partially rests its holding on the fact that the  
2 statutory deadly weapon enhancement does not require "possession," as does NRS 205.060,  
3 Brooks actually supports Jackson's position that the State did not present sufficient evidence to  
4 charge her with burglary while in possession of a deadly weapon.

5       Additionally, with respect to Count 8, the State challenges Jackson's assertion that there  
6 was insufficient evidence to demonstrate that she had the requisite criminal intent upon entry into  
7 the abandoned structure. The State contends that "Jackson pretended to be a hostage. She called  
8 for help. She pleaded with officers to come to her rescue. Although she could have easily escaped  
9 Winters<sup>1</sup>, she stayed in the house with him and attempted to lure officers to her. Once she left the  
10 residence and the officers came to assist her, she shouted, 'Shoot 'em Cody, shoot 'em.' Without  
11 question, the intent was to get officers close to Winters so he could kill them." State's Return,  
12 p.10 ll.18-22. Even taking every one of these factual assertions as true, however, none of them  
13 demonstrate the requisite criminal intent to find Jackson guilty of burglary upon entering the  
14 abandoned residence. The crime of burglary requires entry "...with the intent to commit grand or  
15 petit larceny, assault or battery on any person or any felony, or to obtain money or property by  
16 false pretenses..." NRS 205.060(1). Even if everything the State says about Jackson's conduct is  
17 accurate, it still has not presented sufficient evidence to support the burglary charge in Count 8.  
18 "Pretending to be a hostage" is not a felony. "Calling for help," or pretending to do so, is not a  
19 felony. Even shouting "Shoot 'em, Cody, shoot 'em" is not a felony. None of the actions the State  
20 attributes to Jackson inside the abandoned residence demonstrate the criminal intent that is a  
21 prerequisite to a charge of burglary.

22       For the above reasons, the instant Petition should be granted and Count 1 and Count 8  
23 should be dismissed from the Criminal Indictment.

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27 <sup>1</sup> The State's claim that Jackson "easily" could have escaped Winters is quite presumptuous. Does the State also  
28 believe that Scott Ufert could have "easily" escaped Winters? Or that Richard Ramos could have? The State's  
conjecture that Jackson could have escaped from Winters "easily" severely underestimates the coercive power of a  
man with a gun and the will to use it.



1 *B. The State erred by not introducing Jackson's recorded statement to the grand jury.*

2 "The best evidence rule requires production of an original document where the actual  
3 contents of that document are at issue and sought to be proved." Young v. Nevada Title Co., 103  
4 Nev. 436, 440 (1987). This rule "...is designed to prevent the proof of the contents of a writing by  
5 secondary evidence." 1970 Chevrolet Motor Vehicle v. Nye County, 90 Nev. 31, 40 (1974). As  
6 the State agrees, "[t]he rule concerns situations in which there is a question regarding what  
7 information is in a document or a recording. In other words, where parties contend that different  
8 information is contained in a document or recording." State's Return, p.11 ll.5-7.

9 As outlined in Jackson's original Petition at pages 7-10, the State violated the best evidence  
10 rule by offering Detective McCarthy to describe the contents of the recording of Jackson's  
11 statement, rather than admit the recording itself. The State makes the curious claim that here, the  
12 best evidence rule is not implicated because "...what is contained on the recording is irrelevant."  
13 State's Return, p.11 l.10. The State contends the best evidence rule is inapplicable because  
14 "...[w]hat is actually on the recording is not in dispute." State's Return, p.11 l.12.

15 The State is correct that where the contents of a recording are not in dispute, the best  
16 evidence rule is not implicated. This case, however, is not one of these situations. Despite the  
17 State's bizarre claim to the contrary, there is significant disagreement between the parties  
18 regarding the contents of the recording of Jackson's interrogation. Under the prosecution-friendly  
19 interpretation of the recording, Jackson had advance knowledge that "Havoc" was going to rob  
20 NDOT driver Scott Ufert. GJT 106:6-10. Under an objective, unbiased interpretation, Jackson  
21 never acknowledges prior knowledge of an intent to rob Ufert. The prosecution-friendly version  
22 of the recording presented to the grand jurors incorporates Detective McCarthy's personal gut  
23 feeling that Jackson was intentionally minimizing her role in the crime spree. This one-sided  
24 version of the recording also includes State speculation that Jackson had multiple opportunities to  
25 escape from "Havoc," and that her failure to escape shows a consciousness of guilt.<sup>2</sup>

26  
27 <sup>2</sup> Detective McCarthy's naked speculation that Jackson could have escaped from "Havoc" infects these legal  
28 pleadings, as well; the State presents as fact the notion that Jackson "...could have easily escaped Winters," State's  
Return, p.10 l.19, despite knowing that this "fact" derives not from the recording of Jackson's statement, but from  
Detective McCarthy's personal opinions about that recording. By blurring the lines between actual evidence in the

1       The State opens its discussion of the best evidence rule by remarking “[t]he rule concerns  
2 situations in which there is a question regarding what information is in a document or a recording.  
3 *In other words, where parties contend that different information is contained in a document or*  
4 *recording.* In those situations, the ‘Best Evidence’ of what is contained in a document or  
5 recording is the document or recording itself.” State’s Return, p.11 ll.5-9 (emphasis added).  
6 Given the conflicting readings of Jackson’s statement, it is difficult to understand how the State  
7 can seriously argue that this is not a situation where the parties are contending that different  
8 information is contained in the recording. Detective McCarthy’s biased summary of Jackson’s  
9 interrogation is not a legitimate substitute for the recording itself. The grand jury should have  
10 been provided the option to review the statement for themselves.

11       The State argues that “...what is contained on the recording is irrelevant.” State’s Return,  
12 p.11 l.10. And to the State, perhaps this is true. After all, the State clearly preferred Detective  
13 McCarthy’s version of the statement to the recording itself. While the contents of the recording  
14 were irrelevant to the prosecution, however, they were extremely relevant to Natasha Jackson. By  
15 withholding the actual recording of her interview in favor of the personal opinions of the detective  
16 that arrested her, the State ensured that the grand jury would never hear the words of the one  
17 witness who provided the most persuasive evidence supporting a defense of duress – Natasha  
18 Jackson herself.

19       If this Court accepts the State’s position that the best evidence rule is inapplicable to the  
20 present circumstances, the State’s decision to have Detective McCarthy “cherry-pick” the most  
21 prosecution-friendly details of Jackson’s statement rather than introduce the recording itself runs  
22 afoul of another Nevada evidentiary rule. NRS 47.120(1) reads, in pertinent part:

23                   “When any part of a writing or recorded statement is introduced by a  
24 party, the party may be required at that time to introduce any other  
25 part of it which is relevant to the part introduced...”  
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27

28       In this case and Detective McCarthy’s rampant speculation, the State underscores the importance of the best evidence rule and the prejudicial impact that its violation delivered upon Natasha Jackson.

1 This statute, sometimes referred to as the "rule of completeness," precludes a party from  
2 picking and choosing certain portions of a recorded statement to paint an inaccurate picture of the  
3 actual contents of the statement. Under NRS 47.120, a party can be required to introduce any  
4 other portions of a statement that are relevant to the portions that were admitted. By selectively  
5 presenting Jackson's statement in a manner that revealed every inculpatory word that came out of  
6 her mouth while withholding the details that support a duress defense, the State violated NRS  
7 47.120 as well as the best evidence rule. In the event the Court accepts the State's argument that  
8 the best evidence rule is not implicated here, it is respectfully requested that this Court remand this  
9 case to the grand jury and require the State to introduce the entirety of Jackson's statement in  
10 accordance with NRS 47.120.

11 *C. The State violated NRS 172.145(2) by failing to introduce Jackson's statement.*

12 The State writes that "...the United States Supreme Court has held that a defendant cannot  
13 bring a motion to dismiss an indictment based on a duress defense," citing United States v. Knox,  
14 396 U.S. 77 (1969). This is a misleading argument. It is true that under Rule 12(b)(1) of the  
15 Federal Rules of Criminal Procedure, trial defenses cannot form the basis for a motion to dismiss  
16 an indictment; this is not the thrust of Jackson's petition. Jackson is not asking this Court to find,  
17 as a matter of law, that she acted under duress and therefore the indictment should be dismissed.  
18 Jackson is claiming that because the State failed to present the grand jury with evidence tending to  
19 support this defense, it violated NRS 172.145(2). It is the violation of the State's obligation to  
20 present exculpatory evidence that necessitates dismissal of the indictment, not the truth or falsity  
21 of the defense itself. Knox stands for the proposition that the reviewing court cannot dismiss an  
22 indictment because it finds the existence of duress as a matter of law. There is no bar whatsoever  
23 to the Court dismissing an indictment because the State failed to present evidence supporting that  
24 defense to the grand jury.

25 For the reasons previously set forth in Jackson's original petition, the State violated NRS  
26 172.145(2) and the indictment against her should be dismissed.

1 *D. The State failed to properly instruct the grand jury on the felony-murder rule.*

2 The State claims, with no further argument or comment, that "...not including the Nay  
3 instruction left Jackson in no different a position than where she now sits." State's Return, p.13  
4 11.8-9. The State believes Jackson's rights were adequately protected by instructing the grand  
5 jurors on only those aspects of the law that firmly established her guilt for the charged offenses.  
6 The State provides no rational explanation for how Jackson could be no worse off without the  
7 instruction than she would have been with it, nor could the State be expected to do so, because  
8 there is none. Jackson was undoubtedly prejudiced by the incomplete set of instructions given to  
9 the grand jury, since the State withheld a critical aspect of the felony-murder rule from the  
10 factfinders. By failing to inform the grand jurors that the intent to commit robbery must be present  
11 at or before the time of the killing in order for the felony-murder rule to apply, the State materially  
12 misrepresented the rule in order to ease its burden of proof. This was error.

13 Predictably, the State runs for cover under the general principle that the State need not  
14 instruct grand jurors on any aspect of the law at all. State's Return, p.13 11.3-5. As pointed out in  
15 the original Petition, however, that principle does not control the issue raised herein. The power to  
16 withhold all legal instructions does not necessarily include the power to provide incomplete and  
17 inaccurate instructions which only partially advise the grand jurors, and in so doing, fundamentally  
18 mischaracterize the applicable rules in a manner that relaxes the State's evidentiary burden. Hylar  
19 is not controlling, because Hylar did not involve the type of misleading "half-instruction" present  
20 here.

21 The question is not whether the State could have chosen not to instruct the grand jury on  
22 the felony-murder rule at all, because clearly, the State can opt not to present any instructions at  
23 all. The question is whether the State can partially instruct the grand jury in a way that emphasizes  
24 the aspects of the law that favor the State and ignores the aspects of the law that could potentially  
25 provide the accused with a defense. This question must be answered in the negative.  
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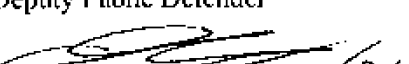
**CONCLUSION**

For the reasons set forth above, as well as the arguments set forth in the defendant's original Petition, the Petition for Writ of Habeas Corpus should be granted.

DATED this 29<sup>th</sup> day of October, 2014.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By:   
DAN A. SILVERSTEIN, #7518  
Deputy Public Defender

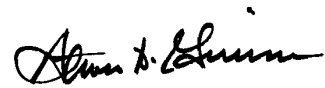
By:   
CHRISTY CRAIG, #6262  
Deputy Public Defender

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CLERK OF THE COURT

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 NATASHA GALEEN JACKSON,

12 Defendant.

CASE NO. C300032-1

DEPT. X

13 ***BEFORE THE HONORABLE JUDGE JESSIE WALSH, DISTRICT COURT JUDGE***

14 ***WEDNESDAY, SEPTEMBER 10, 2014***  
15 ***RECORDER'S TRANSCRIPT RE:***  
16 ***HEARING***

17 APPEARANCES:

18 For the State:

PAMELA WECKERLY, Esq.  
Chief Deputy District Attorney

20 For the Defendants:

DAN SILVERSTEIN, Esq.  
Deputy Public Defender

22 CHRISTY CRAIG, Esq.  
Deputy Public Defender  
23  
24  
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RECORDED BY: VICTORIA BOYD, COURT RECORDER

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**