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- 2
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- 11
- 12
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- 15
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- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Respondent.

Docket 84724 Document 2023-04814

**INDEX**  
**MARIO BLADIMIR TREJO**  
**Case No. 84724**

	<u>PAGE NO.</u>
Defendant's Motion for Setting of Reasonable Bail with House Arrest Based on the Changed Circumstances Brought About by the COVID-19 Crisis filed 03/31/20 Date of Hrg: 04//06/20.....	90-100
Defendant's Motion to Suppress Evidence filed 04/06/22 Date of Hrg: 04/11/22.....	738-758
Defendant's Response to State's Motion to Preclude Irrelevant Argument filed 04/13/22 Date of Hrg: 04/11/22.....	831-838
District Court Minutes from 10/04/18 through 06/15/22 .....	909-958
Indictment filed 10/04/18 .....	1-6
Indictment Warrant filed 10/04/18 .....	7-8
Indictment Warrant Return filed 10/05/18 .....	9-13
Instructions to the Jury filed 05/03/22.....	845-885
Judgment of Conviction (Plea of Guilty) filed 06/16/22.....	898-903
Jury List filed 04/21/22.....	844
Jury List filed 05/04/22.....	886
Media Request and Order Allowing Camera Access filed 10/10/18.....	14-15
Motion for Medical O.R. or to set Reasonable Bail (Pro Se) filed 04/20/21 Date of Hrg: 04/26/21 .....	130-150
Motion for Pro Per In-Court Disability Adjustment filed 09/23/21 .....	243-247
Motion for Setting of Reasonable Bail filed 11/28/18 Date of Hrg: 12/05/18.....	16-23
Motion for Setting of Reasonable Bail with Electronic Monitoring filed 01/14/19 Date of Hrg: 01/23/19.....	24-29
Motion to Appeal Decision on May 10 <sup>th</sup> , 2021 filed 06/17/21.....	185-224
Motion to Appeal to the Jan. 3 <sup>rd</sup> 2022 Decision on Dismissal of Case filed 01/21/22.....	490-536
Motion to Dismiss Case/Prosecutorial Misconduct and Perjury filed 12/13/22 Date of Hrg: 01/03/22.....	432-449
Motion to Dismiss Counsel filed 03/02/21 Date of Hrg: 03/24/21 .....	117-120

1	Motion to Dismiss Standby Counsel filed 09/23/21	
2	Date of Hrg: 10/18/21 .....	240-242
3	Motion to Dismiss State’s Motion of Opposition filed 05/11/21	
4	Date of Hrg: 06/02/21 .....	178-184
5	Motion to Suppress Digital Evidence filed 05/06/21	
6	Date of Hrg: 06/02/21 .....	171-177
7	Motion to Suppress Evidence filed 03/01/22 .....	538-549
8	Motion to Suppress Witness Testimony/Impeachment of Witnesses filed 11/19/21	
9	Date of Hrg: 12/13/21 .....	258-269
10	Motion to Withdraw as Attorney of Record filed 03/15/21	
11	Date of Hrg: 03/24/21 .....	121-128
12	Notice of Appeal filed 05/12/22 .....	892-894
13	Notice of Appeal filed 06/28/22 .....	904-908
14	Notice of Hearing filed 10/01/19.....	80
15	Notice of Hearing filed 04/01/20.....	101
16	Notice of Hearing filed 03/15/21 .....	129
17	Notice of Hearing filed 03/31/22.....	684
18	Notice of Hearing filed 04/07/22.....	159
19	Notice of Rescheduling Hearing filed 01/12/22 .....	487-489
20	Notice of Vacated Hearing filed 04/07/22.....	760-761
21	Order Denying Defendant’s Motion to Dismiss Case/Prosecutorial Misconduct and Perjury filed 01/04/22	
22	Date of Hrg: 01/03/22 .....	481-483
23	Order Denying Defendant’s Motion to Suppress Witness Testimony/Impeachment of Witnesses filed 01/04/22	
24	Date of Hrg: 12/13/21 .....	484-486
25	Order Denying Defendant’s Motion to Suppress Evidence filed 03/29/22	
26	Date of Hrg: 03/23/22.....	667-669
27	Order Denying Defendant’s Motion to Suppress Evidence filed 06/09/22	
28	Date of Hrg: 04/18/22.....	895-897
	Order Granting Defendant’s Expenditure Request for Expenditure Allowance filed 04/15/22.....	839-841
	Order to File Ex Parte Application for Order Under Seal filed 06/17/20.....	115
	Order to File Ex Parte Order under Seal filed 06/17/20 .....	116

1	Order to Show Cause: Contempt filed 04/19/22 .....	842-843
2	Pre-Trial Motion to Suppress Evidence filed 03/18/22 .....	652-662
3	Receipt of Copy filed 07/08/21 .....	225
4	Receipt of Copy filed 08/05/21 .....	226
5	Receipt of Copy filed 10/19/21 .....	253
6	Receipt of Copy filed 02/03/21 .....	537
7	State's Fourth Supplemental Notice of Witnesses and/or Expert Witnesses filed 04/05/22 .....	733-738
8		
9	State's Notice of Exhibits for Opposition to Defendant's Fifth Motion for Own Recognizance Release filed 04/22/21 Date of Hrg: 04/22/21 .....	170
10		
11	State's Notice of Exhibits for Opposition to Defendant's Motion to Suppress Evidence filed 03/07/22 .....	622-627
12	State's Notice of Expert Witnesses filed 03/06/19 .....	30-38
13	State's Notice of Motion and Motion in Limine to Preclude Defendant from Making Irrelevant Arguments filed 03/30/22 .....	670-683
14		
15	State's Notice of Motion and Motion to Admit Audiovisual Testimony at Trial on an Order Shortening Time filed 03/16/22 Date of Hrg: 03/21/22 .....	641-651
16		
17	State's Opposition to Defendant's Fifth Motion for Own Recognizance Release filed 04/22/21 Date of Hrg: 04/26/21 .....	151-169
18		
19	State's Opposition to Defendant's Motion for Setting of Reasonable Bail with House Arrest filed 04/02/20 Date of Hrg: 04/06/20 .....	102-114
20		
21	State's Opposition to Defendant's Motion to Suppress filed 04/01/22 Date of Hrg: 04/11/22 .....	685-732
22	State's Opposition to Defendant's Motion to Suppress Evidence filed 03/07/22 Date of Hrg: 03/23/22 .....	556-621
23		
24	State's Opposition to Defendant's Motion to Suppress Evidence filed 04/07/22 Date of Hrg: 04/27/22 .....	762-830
25	State's Opposition to Defendant's Supplemental Motion for Setting Reasonable Bail with House Arrest filed 10/07/19 Date of Hrg: 10/09/19 .....	81-89
26		
27	State's Response to Defendant's Motion to Dismiss Case/Prosecutorial Misconduct and Perjury filed 12/21/21 Date of Hrg: 01/03/21 .....	450-480
28		

1	State's Response to Defendant's Motion to Suppress Witness Testimony/Impeachment of Witnesses filed 12/02/21	
2	Date of Hrg: 12/13/21 .....	270-431
3	State's Second Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/07/21 .....	248-252
4	State's Supplemental Notice of Expert Witnesses filed 09/15/21 .....	227-239
5	State's Third Supplemental Notice of Witnesses and/or Expert Witnesses filed 03/15/22 .....	628-640
6	Supplemental Motion for Setting Reasonable Bail with House Arrest filed 10/01/19 Date of Hrg: 10/09/19 .....	40-79
7	Supreme Court Judgment filed 10/21/21 .....	254-257
8	Supreme Court Judgment filed 03/23/22 .....	663-666
9	Verdict filed 05/04/22 .....	887-891
10	Widdis/Expenditure Allowance Motion filed 03/01/21 Date of Hrg: 03/23/21 .....	550-555
11		
12		
13		

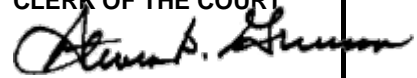
### **TRANSCRIPTS**

14	Recorder's Transcript <b>Jury Trial Day 1</b> Date of Hrg: 04/18/22 .....	1285-1452
15	Recorder's Transcript <b>Jury Trial Day 2</b> Date of Hrg: 04/19/22 .....	1453-1688
16	Recorder's Transcript <b>Jury Trial Day 3</b> Date of Hrg: 04/20/22 .....	1689-1925
17	Recorder's Transcript <b>Jury Trial Day 4</b> Date of Hrg: 04/21/22 .....	1926-2036
18	Recorder's Transcript <b>Jury Trial Day 5</b> Date of Hrg: 04/22/22 .....	2037-2234
19	Recorder's Transcript <b>Jury Trial Day 6</b> Date of Hrg: 04/25/22 .....	2235-2345
20	Recorder's Transcript <b>Jury Trial Day 7</b> Date of Hrg: 04/26/22 .....	2346-2502
21		
22		
23		
24		
25		
26		
27		
28		

1	Recorder's Transcript <b>Jury Trial Day 8</b>	
2	Date of Hrg: 04/27/22.....	2503-2611
3	Recorder's Transcript <b>Jury Trial Day 9</b>	
4	Date of Hrg: 04/28/22.....	2612-2771
5	Recorder's Transcript <b>Jury Trial Day 10</b>	
6	Date of Hrg: 04/29/22.....	2772-2918
7	Recorder's Transcript <b>Jury Trial Day 11</b>	
8	Date of Hrg: 05/02/22.....	2919-3029
9	Recorder's Transcript <b>Jury Trial Day 12</b>	
10	Date of Hrg: 05/03/22.....	3030-3142
11	Recorder's Transcript <b>Jury Trial Day 13</b>	
12	Date of Hrg: 05/04/22.....	3143-3170
13	Recorder's Transcript All Pending Motions	
14	Date of Hrg: 03/23/22.....	1256-1263
15	Recorder's Transcript All Pending Motions	
16	Date of Hrg: 04/11/22.....	1264-1268
17	Recorder's Transcript All Pending Motions	
18	Date of Hrg: 04/18/22.....	1272-1284
19	Recorder's Transcript Calendar Call	
20	Date of Hrg: 01/20/21.....	1100-1102
21	Recorder's Transcript Calendar Call	
22	Date of Hrg: 05/17/21.....	1168-1170
23	Recorder's Transcript Calendar Call	
24	Date of Hrg: 01/12/22.....	1192-1196
25	Recorder's Transcript Calendar Call	
26	Date of Hrg: 01/19/22.....	1197-1202
27	Recorder's Transcript Central Calendar Call	
28	Date of Hrg: 04/13/22.....	1269-1271

1	Recorder's Transcript Defendant's Motion for Setting of Reasonable Bail with Electronic Monitoring	
2	Date of Hrg: 01/23/19 .....	1097-1099
3	Recorder's Transcript Evidentiary Hearing	
4	Date of Hrg: 02/03/22 .....	1203-1233
5	Recorder's Transcript Evidentiary Hearing	
6	Date of Hrg: 02/04/22 .....	1234-1247
7	Recorder's Transcript Motion for Medical or to Set Reasonable Bail	
8	Date of Hrg: 04/26/21 .....	1140-1142
9	Recorder's Transcript Motion for Medical or to Set Reasonable Bail	
10	Date of Hrg: 04/28/21 .....	1143-1147
11	Recorder's Transcript Motion for Medical or to Set Reasonable Bail	
12	Date of Hrg: 05/05/21 .....	1148-1150
13	Recorder's Transcript Motion for Medical or to Set Reasonable Bail	
14	Date of Hrg: 05/10/21 .....	1151-1167
15	Recorder's Transcript Motion to Dismiss Counsel	
16	Date of Hrg: 03/24/21 .....	1103-1108
17	Recorder's Transcript Motion to Dismiss Standby Counsel; Motion for Proper in Court Disability; Calendar Call	
18	Date of Hrg: 10/11/21 .....	1174-1179
19	Recorder's Transcript Motion to Dismiss State's Motion of Opposition	
20	Date of Hrg: 06/02/21 .....	1171-1173
21	Recorder's Transcript Motion to Dismiss the Case for Prosecutorial Misconduct and Perjury	
22	Date of Hrg: 01/03/22 .....	1187-1191
23	Recorder's Transcript Motion to Suppress Witness Testimony/Impeachment	
24	Date of Hrg: 12/13/21 .....	1180-1186
25	Recorder's Transcript Motion to Withdraw as Counsel	
26	Date of Hrg: 03/31/21 .....	1109-1139
27	Recorder's Transcript Order to Show Cause	
28	Date of Hrg: 05/10/22 .....	3171-3173

1	Recorder's Transcript	
	Sentencing	
2	Date of Hrg: 06/15/22.....	3174-3197
3	Recorder's Transcript	
	State's Motion to Admit Audiovisual Testimony at Trial on OST; Calendar Call	
4	Date of Hrg: 03/21/22.....	1248-1255
5	Reporter's Transcript	
	Preliminary Hearing	
6	Date of Hrg: 10/03/18.....	959-1096
7		
8		
9		
10		
11		
12		
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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. ) GJ No. 18BGJ002X  
 ) DC No. C335315  
MARIO BLADIMIR TREJO, )  
 )  
Defendant. )

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Taken at Las Vegas, Nevada

Wednesday, October 3, 2018

1:50 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

12:00 1 GRAND JURORS PRESENT ON OCTOBER 3, 2018  
2  
3 RAYMOND JATKOWSKI, FOREPERSON  
4 THOMAS JANOKOWICZ, Deputy Foreperson  
12:00 5 TAMMY BIANCOLIN, Secretary  
6 JANE REIDHEAD, Assistant Secretary  
7 BENJAMIN CHILDS  
8 DENNIS DOWDY  
9 JOHN ESPINOZA  
12:00 10 LINDA HAMILTON  
11 JO KENT MCBEATH  
12 TRENTON MCDANIEL  
13 MARTHA MCLELLAN  
14 MARILYN MOYER  
12:00 15 SARAH MURRAY  
16 GLEN PAYNE  
17 RICHARD RASMUSSEN  
18 JOSEPH RISCO  
19 ALEX TENNEY  
12:00 20 Also present at the request of the Grand Jury:  
21 Danielle Pieper, Chief Deputy District Attorney  
22 Michael Schwartz, Chief Deputy District Attorney  
23 Frank LoGrippo, Deputy District Attorney  
24 Zem Martinez, Grand Jury Coordinator  
25

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INDEX OF WITNESSES

Examined

JENNIFER INCERA	7
JULIANA SALDANA	23
ADRIANE SERRANO BOJORQUEZ	43
THOMAS CARRIGY	64
KEENAN GRAHAM	80
JEFFREY CLARK	87
JOE PATTON	92

INDEX OF EXHIBITSGrand Jury ExhibitsIdentified

1 - PROPOSED INDICTMENT	5
2 - PHOTOGRAPH	88
3 - PHOTOGRAPH	9
4 - PHOTOGRAPH	55
5 - PHOTOGRAPH	93
7 - PHOTOGRAPH	94
8 - PHOTOGRAPH	82
10 - PHOTOGRAPH	36

12:00 1 LAS VEGAS, NEVADA, OCTOBER 3, 2018

2 \* \* \* \* \*

3

4 DANETTE L. ANTONACCI,

12:00 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. PIEPER: Good afternoon. My name is  
01:50 10 Danielle Pieper and this is Frank LoGrippe and we are  
11 doing the presentation on State of Nevada versus Mario  
12 Bladimir Trejo, Grand Jury case number 18BGJ002X. We're  
13 going to kind of split witnesses between the two of us.  
14 Before we start does anybody have any questions? Seeing  
01:50 15 no hands. I think we're going to start with the Grand  
16 Jury presentation. We're going to take like maybe a two  
17 or three second break. I apologize. The secretary has  
18 not finished marking the exhibits. So don't rush. I  
19 apologize.

01:51 20 A JUROR: No worries.

21 MS. PIEPER: I apologize.

22 MR. LOGRIPPO: Our first witness will be  
23 Jennifer Incera.

24 THE FOREPERSON: Miss Incera, can you

01:52 25 remain standing and raise your right hand.

01:52 1 You do solemnly swear the testimony you are  
2 about to give upon the investigation now pending before  
3 this Grand Jury shall be the truth, the whole truth, and  
4 nothing but the truth, so help you God?

01:52 5 THE WITNESS: I do.

6 THE FOREPERSON: Please be seated.

7 You are advised that you are here today to  
8 give testimony in the investigation pertaining to the  
9 offenses of burglary while in possession of a firearm,  
01:53 10 robbery with use of a deadly weapon, first degree  
11 kidnapping with use of a deadly weapon, assault on a  
12 protected person with use of a deadly weapon, conspiracy  
13 to commit robbery, and attempt robbery with use of a  
14 deadly weapon, involving Mario Trejo.

01:53 15 THE WITNESS: Correct.

16 THE FOREPERSON: Do you understand this  
17 advisement?

18 THE WITNESS: Yes, I do.

19 THE FOREPERSON: Could you please state  
01:53 20 your first and last name, spell both for the record.

21 THE WITNESS: My first name is Jennifer, my  
22 last name is Incera. It's J-E-N-N-I-F-E-R, and the last  
23 name is I-N-C-E-R-A.

24 ///

01:53 25 ///

01:53 1 JENNIFER INCERA,  
2 having been first duly sworn by the Foreperson of the  
3 Grand Jury to testify to the truth, the whole truth,  
4 and nothing but the truth, testified as follows:

01:53 5  
6 EXAMINATION

7

8 BY MR. LOGRIPPO:

9 Q. Good afternoon, Jennifer.

01:53 10 A. Good afternoon.

11 Q. Where do you work?

12 A. I work at Super Pawn.

13 Q. Is that at 1150 South Rainbow Boulevard?

14 A. Correct.

01:54 15 Q. That's Las Vegas here in Clark County?

16 A. Yes, correct.

17 Q. What's your position there?

18 A. I'm the store manager.

19 Q. As part of your duties as a store manager

01:54 20 does that include coming in in the morning and opening  
21 up the store?

22 A. Yes.

23 Q. And when I say that, I mean you arrive to a  
24 closed store, you unlock it and get it going for the

01:54 25 day?

01:54 1 A. Correct.

2 Q. I want to turn your attention to August 4th  
3 of this year 2018. Were you working that day?

4 A. Yes, I was.

01:54 5 Q. And did you arrive to open the store around  
6 8:00 or 8:15 in the morning?

7 A. Yes.

8 Q. Is that pretty much a little bit before the  
9 store hours would begin?

01:54 10 A. Yes.

11 Q. When you arrived that day were there other  
12 employees arriving?

13 A. Yes, there were two employees that were  
14 there.

01:54 15 Q. Who were they?

16 A. They were Julie Saldana and Ivan Jaquez.

17 Q. Is Julie Saldana also Juliana but she goes  
18 as Julie?

19 A. Yes.

01:55 20 Q. And when you arrived, how did you get  
21 there, by car?

22 A. By car.

23 Q. And you parked in the lot and you walked up  
24 to the front door?

01:55 25 A. Yes.

01:55 1 Q. Showing you Grand Jury Exhibit Number 3.  
2 And I'm going to publish it up on this screen here.  
3 Well, first let me show it to you. All right. Do you  
4 recognize this photo?

01:55 5 A. Yes, I do.

6 Q. What does that show?

7 A. It's the front of my store.

8 Q. And how do you know that? Just because you  
9 work there?

01:55 10 A. Yes, because I work there.

11 Q. Is this a fair and accurate depiction of  
12 the front store area on that day, August 4, 2018?

13 A. Yes.

14 Q. And now I'm publishing it.

01:55 15 And so is that the front door we're talking  
16 about?

17 A. Yes, it is.

18 Q. Okay. And so when you arrive there, what  
19 do you do to open the store? Is that door locked?

01:55 20 A. It has a gate in front of it so I need to  
21 take two locks off either side and then once the locks  
22 are off I need to roll up a chain to roll the door up.

23 Q. On that day at that time that we're talking  
24 about, did you begin that process?

01:56 25 A. Yes, I did.

01:56 1 Q. While this is going on, where are the other  
2 two employees that we had talked about, Julie and Ivan,  
3 where are they standing?

4 A. They would be to the far left. They would  
01:56 5 be looking to make sure nobody comes on that side.

6 Q. And that's the far left of this photograph?

7 A. Yes.

8 Q. And you said they would be looking and  
9 that's what they were doing at that time. But is that  
01:56 10 sort of their duty or just that's kind of what was  
11 happening on that day?

12 A. It is their duty.

13 Q. Besides Julie and Ivan, did you notice  
14 anyone else in that parking lot?

01:56 15 A. Yes.

16 Q. And describe that person for me.

17 A. There was a black Acura that was backed up  
18 on the right side of that building.

19 Q. And is that the right side in the  
01:56 20 photograph we're looking at?

21 A. Yes, by the red car.

22 Q. Which is, and if you look on that  
23 photograph on the right side, in the middle there  
24 appears to be a red car sticking out of a brick wall; is  
01:57 25 that correct?

01:57 1 A. Correct.

2 Q. And you said the car was backed into the

3 space?

4 A. Yes.

01:57 5 Q. Did it have any sort of tinted windows?

6 A. Yes, the windows were completely black.

7 Q. What about any sort of solar shade?

8 A. It had a solar shade, a silver solar shade

9 in the windshield.

01:57 10 Q. So you weren't able to see anybody inside

11 the car; is that correct?

12 A. No, I could not see anybody.

13 Q. However did you see anyone else, and I'm

14 not talking about Julie and Ivan, but anybody outside of

01:57 15 that car in the parking lot?

16 A. When I was coming in or when I was opening

17 the first lock there was no one outside the car at that

18 time.

19 Q. But at some point did somebody approach

01:57 20 you?

21 A. Yes.

22 Q. Could you describe the person that

23 approached you?

24 A. They had on a black full face motorcycle

01:57 25 helmet, they had on a leather jacket and they had on

01:57 1 gloves and work boots.

2 Q. Did that person with the helmet have  
3 anything in his hands?

4 A. I was paying attention to one hand because  
01:58 5 he had his head down and he was trying to rush me.

6 Q. When you say paying attention to one hand,  
7 one of his hands?

8 A. Yeah, because one hand was up and the other  
9 was back and I turned my head towards the two people  
01:58 10 with me.

11 Q. Okay. Was he alone or was he with anybody  
12 else?

13 A. I found out later he was with somebody else  
14 but in my line of vision I couldn't see another person  
01:58 15 at that time.

16 Q. That's just information you learned later  
17 on but you didn't actually know that at the time?

18 A. Correct.

19 Q. What did you do as this person approached  
01:58 20 you?

21 A. I turned to the two people with me and I  
22 yelled for them to run, twice. They were there frozen  
23 and he had, that's when he had the shotgun and he pumped  
24 it and that's when they realized what was happening and  
01:59 25 I said we're being robbed, run, and they reacted and

01:59 1 they ran.

2 Q. And so let me back you up a little bit.

3 When you said he had the shotgun, you're talking about

4 the person in the black motorcycle helmet?

01:59 5 A. Yes.

6 Q. And he racked the shotgun or cocked it?

7 A. Yes, he pumped it.

8 Q. And you screamed for Julie and Ivan to run?

9 A. Yes.

01:59 10 Q. And when you said they became aware, you're

11 talking about Julie and Ivan?

12 A. Correct.

13 Q. And you know that they became aware because

14 they reacted to your shouting?

01:59 15 A. I later learned Julie reacted to when he

16 had the shotgun and he pumped one in there.

17 Q. But you witnessed them begin to run?

18 A. Yes.

19 Q. Did you run with them?

01:59 20 A. Once they had started running, yes, I ran.

21 Q. And where did you run to?

22 A. We ran around, around the building to where

23 we were parked and we went behind Julie's vehicle

24 because it was taller and we hid behind that vehicle

01:59 25 until she could get her door unlocked.

02:00 1 Q. What kind of vehicle was that?

2 A. It's a Jeep Liberty.

3 Q. When you look at this photograph, when you

4 say around the building, are you talking about the right

02:00 5 side in the direction of the red car or to the left

6 side?

7 A. To the left side.

8 Q. And when you get to the Jeep, you're

9 there -- is Julie there?

02:00 10 A. Julie is there.

11 Q. Is Ivan there?

12 A. Yes, he's there.

13 Q. Where is everybody?

14 A. We're behind where, where we ran from we

02:00 15 were behind the Jeep.

16 Q. And does somebody get into the driver's

17 side of the Jeep?

18 A. Yes.

19 Q. Who is that?

02:00 20 A. Julie.

21 Q. And where do you go?

22 A. Ivan entered the back seat first and once

23 he was in I entered after him.

24 Q. Okay. Once inside the Jeep, Julie is in

02:00 25 the driver's side and you're in the back seat with Ivan?

02:00 1 A. Yes.

2 Q. Do you have what's called a panic button?

3 A. Yes, I do.

4 Q. What is that?

02:00 5 A. It's an alarm button so once you press the

6 alarm it communicates with our security company who

7 would notify Metro.

8 Q. Where do you have that button?

9 A. It was, I had to dig for it, it was right

02:01 10 outside my purse.

11 Q. And do you hit the button at this time?

12 A. Yes, I hit the button.

13 Q. Do you tell anyone to call the police?

14 A. Yes, I told Ivan to get on his phone and to

02:01 15 call 911.

16 Q. Do you see him take his phone out?

17 A. Yes.

18 Q. And does he start to make a phone call?

19 A. Yes, he does.

02:01 20 Q. Ultimately do you end up with the phone at

21 some point?

22 A. Yes, I took it from him.

23 Q. And when you take the phone from him, who

24 are you talking to?

02:01 25 A. I was talking to the 911 dispatch.

02:01 1 Q. And you're explaining to them what's going  
2 on?

3 A. Yes.

4 Q. Does the Jeep drive, the car you're in,  
02:01 5 does Julie hit the gas?

6 A. Yes, she drives off.

7 Q. And where does she go?

8 A. She drives, it would be eastbound on  
9 Charleston.

02:01 10 Q. And as she's driving do you see the man or  
11 men that were involved, the other people, not Julie and  
12 Ivan, but the man with the shotgun and the helmet and  
13 the Acura, do you see those people?

14 A. Yes, he starts following us.

02:02 15 Q. On foot?

16 A. No, he's following in the vehicle.

17 Q. And as you're driving away is Julie driving  
18 evasively?

19 A. Yes. She's trying to change lanes so we  
02:02 20 can make sure it was them.

21 Q. The people that were in the parking lot?

22 A. Yes.

23 Q. And not just some other Acura?

24 A. Yeah.

02:02 25 Q. Is that because you're also talking to

02:02 1 police dispatch at this time?

2 A. Yes.

3 Q. While she's changing lanes, is the Acura  
4 changing lanes in pursuit?

02:02 5 A. Yes, it is.

6 Q. At some point is a U-turn made?

7 A. Yes. I told Julie once we got to Jones,  
8 because we were getting away from where our store  
9 location was, I told her to make a U-turn.

02:02 10 Q. And what does the Acura do?

11 A. It makes a U-turn right behind us.

12 Q. Does a time come where Julie has her right  
13 blinker on?

14 A. Yes.

02:03 15 Q. Tell me about that.

16 A. We were at a, we were coming to a red  
17 light, Julie, it was by Torrey Pines, Julie put her  
18 blinker on to make a right on Torrey Pines, it's a  
19 residential area and I'm not familiar with that area, I

02:03 20 wanted to stay in a busy area so I told her not to turn  
21 there and at that time the Acura cut through the Chevron  
22 gas station and tried to cut us off.

23 Q. So let me just kind of walk through that a  
24 little bit. Before the turn, Julie had her right

02:03 25 blinker on; is that correct?

02:03 1 A. Yes.

2 Q. And ultimately does the Acura head in the  
3 direction to where that blinker was signaling?

4 A. Yes, it does.

02:03 5 Q. Where does the Jeep go?

6 A. She ends up backing up because she was  
7 going to cut across and try to do another U-turn but the  
8 light turns at that moment green so we keep driving and  
9 it would be westbound on Charleston at that time.

02:04 10 Q. During this event are you frightened?

11 A. Yes.

12 Q. When you were in front of the store going  
13 in, did you believe that you were being robbed?

14 A. Oh, I knew without a doubt I was being  
02:04 15 robbed.

16 Q. Is that based on the demeanor of the man in  
17 the helmet coming at you?

18 A. He was extremely aggressive and he wasn't  
19 there just to rob us, he was there to tackle me to the  
02:04 20 ground. I have no doubt in my mind.

21 Q. And he also had a firearm; is that correct?

22 A. Yes, he did.

23 Q. At some point did you end up at a car  
24 dealership?

02:04 25 A. Yes.

02:04 1 Q. And how did that become?

2 A. The dispatch tried to get us to pull over  
3 and I refused to pull over. I didn't know if that  
4 vehicle was going to be coming back for us and I didn't  
02:04 5 know if there were other people involved as well so I

6 told her I would not be pulling over until we saw Metro.  
7 So we made a left on Rainbow because I wanted to see if  
8 Metro was at my store. At that time they weren't. I  
9 know it was a Saturday morning and I know BMW would have  
02:05 10 been open so I told her we would meet the officers at

11 BMW.

12 MR. LOGRIPPO: That's all the questions I  
13 have for this witness. Do any members of the grand jury  
14 have a question?

02:05 15 BY A JUROR:

16 Q. Just for clarification. When did you know  
17 that this person was a male? Cause you said earlier  
18 that the person was completely covered and had a helmet  
19 on.

02:05 20 A. He, he was heavier set and he didn't have  
21 any breasts so his, the stature of his body made me  
22 determine that.

23 Q. Thank you.

24 BY A JUROR:

02:05 25 Q. When did you learn the name of that person?

02:05 1 MR. LOGRIPPO: I don't --

2 BY A JUROR:

3 Q. Did you ever learn the name of that person?

4 BY MR. LOGRIPPO:

02:05 5 Q. Do you know the person today to be named

6 Mario Trejo?

7 A. Yes, I do.

8 Q. At that time did you know his name?

9 A. No, I did not.

02:06 10 Q. Did you learn about that from the inception

11 of this court case? From an individual named Mario

12 Trejo being charged with this offense?

13 A. Yes.

14 MR. LOGRIPPO: Okay. Any other questions?

02:06 15 BY A JUROR:

16 Q. Did the individual in the helmet, did he

17 say anything to you when he had the shotgun facing you?

18 A. No. He was not, he was coming to tackle me

19 so he was running with his head down to tackle me.

02:06 20 Q. Thank you.

21 A. Uh-huh.

22 BY A JUROR:

23 Q. Did he ever say anything to you?

24 A. No, he never said anything.

02:06 25 Q. And you're saying they were pursuing you in

02:06 1 a car. So there was no motorcycle involved, he just had  
2 a motorcycle helmet?

3 A. Correct.

4 BY A JUROR:

02:06 5 Q. Did you see the passenger at that time when  
6 they were doing the chase? Did you see a second person?

7 A. No, I did not. I learned about that from  
8 the employee when I called 911. I had to give them the  
9 information.

02:07 10 BY A JUROR:

11 Q. Was your gate and everything open when you  
12 left?

13 A. One side was open, the second side was not.  
14 I hadn't taken the lock off of the right side of the  
02:07 15 gate.

16 Q. So was there access to the store?

17 A. Not unless you would have a grinder.

18 MR. LOGRIPPO: Okay.

19 THE FOREPERSON: Any other questions?

02:07 20 Miss Incera, by law, these proceedings are  
21 secret and you are prohibited from disclosing to anyone  
22 anything that has transpired before us, including  
23 evidence and statements presented to the Grand Jury, any  
24 event occurring or statement made in the presence of the  
02:07 25 Grand Jury, and information obtained by the Grand Jury.

02:07 1 Failure to comply with this admonition is a  
2 gross misdemeanor punishable by up to 364 days in the  
3 Clark County Detention Center and a \$2,000 fine. In  
4 addition, you may be held in contempt of court  
02:07 5 punishable by an additional \$500 fine and 25 days in the  
6 Clark County Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: I do.

9 THE FOREPERSON: Thank you. You are  
02:08 10 excused.

11 THE WITNESS: Thank you.

12 MR. LOGRIPPO: And that was, just for  
13 clarification, Jennifer Incera, her testimony related to  
14 Count 14.

02:08 15 The next witness is Juliana Saldana.

16 A JUROR: Her testimony went to Count 1,  
17 right? Her testimony would also go to Count 1, right?

18 MR. LOGRIPPO: No.

19 A JUROR: No?

02:08 20 A JUROR: I'm sorry. Did you say Count 15?

21 MR. LOGRIPPO: Count 14.

22 THE FOREPERSON: Can you remain standing  
23 and raise your right hand.

24 You do solemnly swear the testimony you are  
02:08 25 about to give upon the investigation now pending before

02:08 1 this Grand Jury shall be the truth, the whole truth, and  
2 nothing but the truth, so help you God?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Please be seated.

02:09 5 You are advised that you are here today to  
6 give testimony in the investigation pertaining to the  
7 offenses of burglary while in possession of a firearm,  
8 robbery with the use of a deadly weapon, first degree  
9 kidnapping with use of a deadly weapon, assault on a  
02:09 10 protected person with use of a deadly weapon, conspiracy  
11 to commit robbery, and attempt robbery with use of a  
12 deadly weapon, involving Mario Trejo.

13 Do you understand this advisement?

14 THE WITNESS: Yes.

02:09 15 THE FOREPERSON: Please state your first  
16 and last spell both for the record.

17 THE WITNESS: Juliana Saldana.

18 J-U-L-I-A-N-A, S-A-L-D-A-N-A.

19 JULIANA SALDANA,

02:09 20 having been first duly sworn by the Foreperson of the  
21 Grand Jury to testify to the truth, the whole truth,  
22 and nothing but the truth, testified as follows:

23 EXAMINATION

24 BY MR. LOGRIPPO:

02:10 25 Q. Good afternoon.

02:10 1 A. Good afternoon.

2 Q. Just a reminder, could you just speak up

3 because we're reporting everything. All right? I know

4 you're soft spoken.

02:10 5 You go by Julie?

6 A. Yeah.

7 Q. Where do you work?

8 A. I work at Super Pawn on Rainbow and

9 Charleston.

02:10 10 Q. What's your title there?

11 A. I'm a pawn broker.

12 Q. And you said Rainbow and Charleston. Is

13 that 1150 South Rainbow Boulevard?

14 A. Yes.

02:10 15 Q. And the store is located in Clark County?

16 A. Yes.

17 Q. I'm going to turn your attention first to

18 August 4, 2018. Were you working on that day?

19 A. Yes, I was supposed to.

02:10 20 Q. Around eight o'clock or 8:15 in the morning

21 did you arrive to work?

22 A. Yeah. We were there earlier, yeah.

23 Q. And when you say we, who else was with you?

24 A. It was me and Ivan got there first and

02:10 25 Jennifer came late.

02:10 1 Q. Is it common to hang out and wait until the  
2 manager arrives because she has to unlock the store?

3 A. Yeah, we stay in our cars.

4 Q. And at some point do you see Jennifer the  
02:11 5 manager come?

6 A. Yes.

7 Q. And then when she arrives and starts  
8 heading to the store, do you head out?

9 A. We all go out as a team.

02:11 10 Q. So it's you, Jennifer and Ivan?

11 A. Yes.

12 Q. Where are you standing at first? And if  
13 you notice Grand Jury Exhibit 3 is published up on the  
14 screen. It's a photograph. Do you recognize that  
02:11 15 photograph?

16 A. Yes, I do.

17 Q. Is that the store we're talking about?

18 A. Yes.

19 Q. Where are you standing if you're looking in  
02:11 20 that photograph?

21 A. The yellow, like the middle yellow pole.  
22 I'm kind of leaning against it at that time.

23 Q. And do you have a vision of Jennifer?

24 A. Yes.

02:11 25 Q. And of Ivan?

02:11 1 A. Yes.

2 Q. Is there anyone else present in the parking  
3 lot besides Jennifer and Ivan?

4 A. Mario Trejo was on the right of the  
02:11 5 building.

6 Q. And that would be the right in this  
7 photograph as well?

8 A. Yeah, by the red parked car that you can't  
9 really see.

02:12 10 Q. On the right side of that picture?

11 A. Uh-huh.

12 Q. You said Mario Trejo. Did you know his  
13 name at the time?

14 A. No.

02:12 15 Q. You only learned about it later from this  
16 case?

17 A. On Labor Day, yeah.

18 Q. And Labor Day, you're talking about in  
19 September 2018?

02:12 20 A. Yes.

21 Q. And we'll talk about that in a moment.  
22 Okay?

23 When you see Mario, where is he?

24 A. On the right. That's where he was.

02:12 25 Q. Where we had talked about on the right side

02:12 1 of that photograph?

2 A. Yeah.

3 Q. And what is he doing?

4 A. He's pacing toward my manager.

02:12 5 Q. Okay. And when you say he's pacing towards  
6 your manager, is he walking, and I'm pointing in your  
7 direction from the right side of the photograph starting  
8 from that red car, is he walking towards the store?

9 A. Yes.

02:12 10 MS. PIEPER: I'm sorry to interrupt, Frank.  
11 None of these grand jurors can see what you're doing.  
12 If you want you can have the witness actually stand up  
13 and show --

14 BY MR. LOGRIPPO:

02:13 15 Q. Do you want to get up and point?

16 A. Yeah, I can.

17 Q. Okay. Just whatever's more comfortable for  
18 you.

19 A. So he paced towards my manager, like coming  
02:13 20 towards almost in between this pole and the building.

21 Q. When you say paced, was he walking back and  
22 forth or is he walking --

23 A. No, like, like aggressively towards in one  
24 direction.

02:13 25 Q. So he's walking straight towards Jennifer?

02:13 1 A. Yes.

2 Q. Can you describe what he's wearing?

3 A. He had a black helmet, dark blue jeans, a

4 leather jacket, it looked a little bulky, and then he

02:13 5 had the weapon with him.

6 Q. And what's the weapon, what kind of weapon?

7 A. I don't know. I can't recall.

8 Q. Was it a sword or was it a firearm?

9 A. Firearm.

02:13 10 Q. Was it a small gun that you would hold in

11 one hand or a larger one?

12 A. Larger.

13 Q. Okay. He's walking towards Jennifer. Do

14 you hear him say anything?

02:13 15 A. No.

16 Q. Does Jennifer say anything?

17 A. Yes.

18 Q. What does she -- okay. And what do you do

19 when Jennifer says something?

02:14 20 You can sit down. Thank you.

21 A. So it took about two times for me to

22 actually realize what was going on when she said we're

23 getting robbed. She had to say it twice. And then

24 that's when I realized, cause I looked at him, and I

02:14 25 already knew he was there but I was frozen, and she said

02:14 1 it the second time and that's when we ran to my car.

2 Q. When she stated, you said Jennifer had  
3 stated we're getting robbed, did she look alarmed at  
4 that point?

02:14 5 A. Yes.

6 Q. And was it sort of a dynamic situation?

7 A. Yes.

8 Q. When she said that, were you frightened?

9 A. Very.

02:14 10 Q. And did Jennifer appear frightened and  
11 excited to you?

12 A. Yes.

13 Q. Where do you run specifically?

14 A. We hide behind my car.

02:14 15 Q. And when you say we, are you referring to  
16 you, Ivan and Jennifer?

17 A. Yes.

18 Q. What kind of car do you have?

19 A. I have a 2002 Jeep Liberty.

02:15 20 Q. Is it parked on the left side of that  
21 photograph?

22 A. Yeah.

23 Q. At some point do you get inside the car?

24 A. Yes. I go in the driver's seat and they

02:15 25 enter on the same side through the same door so that

02:15 1 they didn't have to go around.

2 Q. How did you know the person in the  
3 motorcycle helmet was a man? Could you tell by his  
4 demeanor?

02:15 5 A. Just, yeah, his body structure. He was  
6 tall, broad shoulders.

7 Q. And once you got inside the Jeep, what  
8 happened next?

9 A. I was getting in, I hit my head, and then I  
02:15 10 come from the left side and he comes from behind the  
11 right and we meet up on Charleston and he like is  
12 following us at that point.

13 Q. How do you know that he's following you?

14 A. Cause I was using my blinkers and I also  
02:15 15 had made a U-turn and he made the same U-turn. And the  
16 street was clear, if he, like if he really wanted to not  
17 follow us he could have just went straight.

18 Q. While you're driving away you mentioned  
19 that you made a U-turn and he made the same U-turn; is  
02:16 20 that correct?

21 A. Yes.

22 Q. And up until that point were you changing  
23 lanes?

24 A. Yes.

02:16 25 Q. And was he making those same lane changes?

02:16 1 A. Yes.

2 Q. And we're talking about the dark colored  
3 Acura?

4 A. Yes.

02:16 5 Q. Is there any cars between you and him?

6 A. No, the streets were like empty.

7 Q. At some point do you put on your blinker to  
8 turn right but then because of something Jennifer says  
9 you don't turn right?

02:16 10 A. What happened was he was going to turn  
11 right and try to beat, like I think, obviously I'm  
12 assuming, was going to try to beat us out cause he was  
13 going through the gas station, and so at that point like  
14 Jennifer was just freaking out, so I just backed up and  
02:17 15 I reversed in the middle of the street and I went left  
16 in the middle of it, like the intersection.

17 Q. At that point did they follow you or did  
18 they go a different direction?

19 A. I didn't see them after that.

02:17 20 Q. Where did you end up stopping your car?

21 A. The BMW where the cops met us.

22 Q. And once you stopped, shortly after that  
23 did you make contact with police?

24 A. Yes.

02:17 25 Q. Okay. Did you call 911 while you were in

02:17 1 the car or did someone else?

2 A. It was the two in the back. I don't know  
3 which phone it was off of, but one of them was messaging  
4 a group chat telling them not to come near the shop, the  
02:17 5 other one was on the phone with 911.

6 Q. And you could hear the conversation going  
7 on so to your knowledge they were on the phone with  
8 police?

9 A. Yes.

02:17 10 Q. I'm going to turn your attention now to  
11 September 3rd, about a month later. Okay?

12 A. Okay.

13 Q. Are you at the same store that we see in  
14 Exhibit 3?

02:18 15 A. Yes.

16 Q. That's the same store we're talking about  
17 here in Clark County?

18 A. Yes, 1150 South Rainbow Boulevard.

19 Q. About 1:30 p.m. are you in the store  
02:18 20 working?

21 A. Yes.

22 Q. What happens at that time? What's the  
23 first thing you remember that day?

24 A. Just in general that day?

02:18 25 Q. When something bad happens.

02:18 1 A. He approached the door. I saw him because  
2 I was at that first loan counter.

3 Q. When you say him, who is him?

4 A. Well, at the time I didn't know it was him,  
02:18 5 but Mario.

6 Q. Okay. Could you describe him?

7 A. He was in the same outfit, helmet, the  
8 biker helmet, the leather jacket, the dark blue jeans  
9 and he had worker boots on.

02:18 10 Q. Were you able to see any guns?

11 A. Yes, I did.

12 Q. How many?

13 A. Two.

14 Q. Were these the same guns that he had on  
02:18 15 August 4th or were they different?

16 A. I'm not sure.

17 Q. Did you see this person approaching the  
18 store outside first?

19 A. Yes.

02:19 20 Q. And then ultimately does he enter the  
21 store?

22 A. Yes.

23 Q. Through the front doors that you can see in  
24 this photograph on Exhibit 3?

02:19 25 A. Yes.

02:19 1 Q. Why don't you tell me what happens next  
2 once he comes in.

3 A. He points the gun at my floor general  
4 that's on the left and he's just frozen there. I turn  
02:19 5 my back to go to the office to alarm everybody yelling  
6 210 which is our security code, and he just yells hey,  
7 you get back here, and he lays us down on one side and  
8 then makes us get up and then go on the other side  
9 because where he laid us the first time was inside of  
02:19 10 the door.

11 Q. Describe how he, you used the word lay you  
12 down. How did he do that?

13 A. He just basically said get on your, like  
14 your stomach and put your hands up.

02:19 15 Q. And for the record the witness is raising  
16 both her hands up in the air.

17 Did he use the gun? Was he holding the gun  
18 when he said that?

19 A. Yeah, he's pointing with the gun at that  
02:20 20 point.

21 Q. Pointing at various people?

22 A. Yes.

23 Q. And who else is in the store besides you?

24 A. It was most of the staff. There was three  
02:20 25 customers. Adriane was manager on duty. There was Gio,

02:20 1 Ivan, me, Melani who was hiding in one of the cabinets.

2 Q. You mentioned Gio. Is that Giovanni  
3 Andino?

4 A. Yes.

02:20 5 Q. You mentioned Ivan. And that's Ivan  
6 Jaquez?

7 A. Yes.

8 Q. You mentioned Melani. Is that Melani  
9 Howard?

02:20 10 A. Yes.

11 Q. Do you also know somebody named Carla Reck?

12 A. Carla was there. She was getting water  
13 when it happened.

14 Q. And do all the people I just named work for  
02:20 15 the store Super Pawn?

16 A. Yes.

17 Q. What about Jonathan Rivera-Sandoval?

18 A. That my was floor general, yes.

19 Q. And he's present?

02:21 20 A. Yes.

21 Q. Once everybody is down on the ground -- so  
22 does everybody comply?

23 A. Yes.

24 Q. At some point does he move everyone?

02:21 25 A. Yes.

02:21 1 Q. Tell us about how that happens.

2 A. He moved us to the right where the jewelry  
3 was, it was kind of in his way to tell Adriane where to  
4 get the change so he made us move to the left of the  
02:21 5 store.

6 Q. And is he using the gun when he's moving  
7 you about the store?

8 A. Yes.

9 Q. It's in his hand?

02:21 10 A. Yes.

11 Q. Okay. I'm showing you what's marked as  
12 Grand Jury Exhibit Number 10. Do you recognize this?

13 A. Yes.

14 Q. What is that?

02:21 15 A. That's the right side of the store, our  
16 jewelry section.

17 Q. And that's the same store we're talking  
18 about, right?

19 A. Yes.

02:21 20 Q. Do you know that because you've been there  
21 many times for work?

22 A. Yes.

23 Q. Is this a fair and accurate depiction of  
24 the store that day, September 3rd?

02:21 25 A. Yes.

02:21 1 Q. And I'm publishing this for the grand jury  
2 on the overhead.

3 And so when you say he's ordering you about  
4 the store, it's you and all the other employees?

02:22 5 A. And the customers.

6 Q. At some point does he begin to talk to  
7 Jennifer?

8 A. Not Jennifer, Adriane.

9 Q. Okay. Adriane. And what does he say to  
02:22 10 her?

11 A. He's commanding her to do things like  
12 putting the zip ties on the door and to set the safe, to  
13 get the register, the money out of the register cause  
14 the safe was taking too long, and then he went toward  
02:22 15 the chains on our wall.

16 Q. And are you able to see him at this point  
17 or just hear?

18 A. Just, I only saw him when he was ordering  
19 the chains, like getting her to get all the chains.

02:22 20 That's the only time I saw him.

21 Q. And you're down crouched behind a counter  
22 because he ordered you there?

23 A. Yes.

24 Q. Do you ever stand up or peek out?

02:23 25 A. Occasionally to see where they're at in the

02:23 1 store.

2 Q. Does he ever come back towards you and  
3 engage with you again? Does he come and talk to you?

4 A. Not me directly, no.

02:23 5 Q. But to the group?

6 A. Yes.

7 Q. What does he say?

8 A. He's behind the loan counter which isn't in  
9 the picture, he bangs with the gun I'm assuming cause it  
02:23 10 was loud, and he was "I'll still watching you."

11 Q. And for the record the witness pounded with  
12 her fist on the table.

13 And to you, what did that mean to you when  
14 he said that?

02:23 15 A. That, not to move because if you move like  
16 he's watching, he's aware of what we're doing.

17 Q. And he has a gun?

18 A. Yes.

19 Q. Did you feel trapped at that point?

02:23 20 A. Yes.

21 Q. At some point does he leave the store?

22 A. Yes.

23 Q. Does he leave alone?

24 A. No, he leaves with Adriane.

02:23 25 Q. Okay. Do you remember hearing anything he

02:23 1 says to Adriane around that time?

2 A. He just commanded her to come here, like  
3 hey you, come on, come on, come on.

4 Q. Before he leaves is he going about the  
02:24 5 store with Adriane?

6 A. Yes, he's following her around the store.

7 Q. And can you hear that he's taking items?

8 A. Yes.

9 Q. When he's at the door with Adriane, tell us  
02:24 10 about that.

11 A. We couldn't really see that.

12 Q. But could you hear them exit?

13 A. Yes.

14 Q. So at some point do you hear the doors  
02:24 15 open?

16 A. Yes.

17 Q. And then it's quiet?

18 A. It's quiet and the next thing we heard is  
19 gunshots.

02:24 20 Q. And after the gunshots, what happens next?

21 A. Then we, we assumed, most of us assumed it  
22 was Adriane that had got shot so we were still kind of  
23 just on the floor trying to look through the window like  
24 to see who's coming back and we heard footsteps come  
02:24 25 back and we thought it was him so we were just down

02:25 1 until we heard Adriane's voice.

2 Q. And that's when she had come back into the  
3 store?

4 A. Yes.

02:25 5 Q. Did you hear police sirens at all?

6 A. Oh yeah, that was before the gunshots.

7 Q. Once she comes back into the store, what  
8 does she do, Adriane?

9 A. She's panting, she's breathing really hard  
02:25 10 and she's, then she goes behind the loan counter and she  
11 just starts crying.

12 Q. And at some point do police then come into  
13 the store?

14 A. Yes, but only for a little bit because  
02:25 15 there was still stuff going on outside.

16 Q. But at that point once police are in the  
17 store do you feel like for your involvement in the  
18 situation is over?

19 A. It was hard to tell because we didn't get  
02:25 20 to see him until like an hour later.

21 MR. LOGRIPPO: I have no further questions  
22 for this witness. Do any of the members of the grand  
23 jury have questions?

24 BY A JUROR:

02:25 25 Q. I'm sorry, did you say that was one gun or

02:26 1 two guns?

2 A. Two guns the second time. I only saw one  
3 gun the first time.

4 Q. So he's holding a gun in each hand?

02:26 5 A. No, he's got one pistol and an assault  
6 rifle strapped around. He also had a fanny pack.

7 Q. And the one that he's threatening with is  
8 the handgun?

9 A. Glock, uh-huh.

02:26 10 THE FOREPERSON: Any other questions?

11 Okay. Miss Saldana, by law, these  
12 proceedings are secret and you are prohibited from  
13 disclosing to anyone anything that has transpired before  
14 us, including evidence and statements presented to the  
02:26 15 Grand Jury, any event occurring or statement made in the  
16 presence of the Grand Jury, and information obtained by  
17 the Grand Jury.

18 Failure to comply with this admonition is a  
19 gross misdemeanor punishable by up to 364 days in the  
02:26 20 Clark County Detention Center and a \$2,000 fine. In  
21 addition, you may be held in contempt of court  
22 punishable by an additional \$500 fine and 25 days in the  
23 Clark County Detention Center.

24 Do you understand this admonition?

02:27 25 THE WITNESS: Yes, I do.

02:27 1 THE FOREPERSON: Thank you. You are  
2 excused.

3 THE WITNESS: Thank you.

4 MR. LOGRIPPO: The next witness is Adriane  
02:27 5 Serrano.

6 THE FOREPERSON: Miss Serrano, would you  
7 remain standing and raise your right hand please.

8 You do solemnly swear the testimony you are  
9 about to give upon the investigation now pending before  
02:27 10 this Grand Jury shall be the truth, the whole truth, and  
11 nothing but the truth, so help you God?

12 THE WITNESS: I do.

13 THE FOREPERSON: Please be seated.

14 You are advised that you are here today to  
02:28 15 give testimony in the investigation pertaining to the  
16 offenses of burglary while in possession of a firearm,  
17 robbery with use of a deadly weapon, first degree  
18 kidnapping with use of a deadly weapon, assault on a  
19 protected person with use of a deadly weapon, conspiracy  
02:28 20 to commit robbery, and attempt robbery with use of a  
21 deadly weapon, involving Mario Trejo.

22 Do you understand this advisement?

23 THE WITNESS: Yes.

24 THE FOREPERSON: Please state your first  
02:28 25 and last names, spell both for the record.

02:28 1 THE WITNESS: Adriane, A-D-R-I-A-N-E,  
2 S-E-R-R-A-N-O, B-O-J-O-R-Q-U-E-Z.

3 ADRIANE SERRANO BOJORQUEZ,  
4 having been first duly sworn by the Foreperson of the  
02:28 5 Grand Jury to testify to the truth, the whole truth,  
6 and nothing but the truth, testified as follows:

7

8

EXAMINATION

9

02:29 10 BY MR. LOGRIPPO:

11 Q. Good afternoon. Where do you work?

12 A. I work at Super Pawn on Rainbow and  
13 Charleston.

14 Q. Is that located at 1150 South Rainbow  
02:29 15 Boulevard?

16 A. Yes.

17 Q. And that's the store here in Clark County?

18 A. It is.

19 Q. What's your title?

02:29 20 A. I'm the assistant store manager.

21 Q. Were you working on September 3rd, 2018?

22 A. I was.

23 Q. Do you remember that day?

24 A. I do.

02:29 25 Q. Around 1:30 p.m. on that day, I'm going to

02:29 1 turn your attention to that time, where were you?

2 A. At that point in time I believe I was  
3 writing a statement at the back house of an Auto Zone  
4 that's over the wall next to where I work.

02:29 5 Q. Okay. Earlier during that day did  
6 something happen?

7 A. Yes. At approximately 1:10 the suspect  
8 entered the Super Pawn attempting to rob us.

9 Q. Okay. Let's talk about that. Where were  
02:29 10 you once that, who you called the suspect, once he came  
11 into the store, where were you?

12 A. I was in the office trying to ship jewelry  
13 out to be cleaned for the store. It was a slow day so I  
14 was trying to get work done and I was in there with Gio.

02:30 15 Q. And when you say Gio, is that Giovanni  
16 Andino?

17 A. It is.

18 Q. Where is the store located?

19 A. The store is located on 1150 South Rainbow  
02:30 20 Boulevard, Las Vegas, Nevada.

21 Q. And I apologize, I misspoke. I meant the  
22 store office. Where is that located inside the store?

23 A. The store office would be straight back  
24 past a little door behind the loan counter.

02:30 25 Q. And looking at the photograph up on the

02:30 1 screen, Grand Jury Exhibit 10, can you see where?

2 A. The office is not located in this picture.

3 That would be our jewelry sales floor.

4 Q. And so at about 1:10 you're inside that

02:30 5 office and you said you're handling jewelry?

6 A. Yes.

7 Q. What happens next?

8 A. So at that point my associate Juliana

9 Saldana enters the office yelling 210, 210, she looks

02:31 10 frantic, she looks scared, which is telling me that

11 something is wrong.

12 Q. What does 210 mean?

13 A. Two ten is typically in different

14 circumstances used to indicate that there needs to be

02:31 15 two eyes which is from any associate on ten fingers, it

16 alerts us to anyone attempting to steal something from

17 the shop or someone acting peculiar or fishy, someone we

18 need to pay attention to. In this instance it was to

19 alert me that something was wrong indicating that we

02:31 20 were being robbed.

21 Q. As soon as you heard 210, what did you do?

22 A. I looked up to see what she was talking

23 about. We have like a small window that you can see

24 through, it's a two-way mirror type deal, so I looked

02:31 25 through that and that's when I saw the man standing

02:31 1 there with the black helmet on and he was holding a gun  
2 aimed at my employees.

3 Q. What else was he wearing besides the black  
4 helmet?

02:31 5 A. So he had a handgun which was a Glock. He  
6 had a Kel Tec rifle strapped to his right shoulder. He  
7 had a black Kevlar vest and he was also wearing a belt  
8 that had knives on it. I don't recall his pants or his  
9 shoes.

02:32 10 Q. So he had two firearms?

11 A. Yes.

12 Q. The one that's over his shoulder, the Kel  
13 Tec that you described, does it look like a normal rifle  
14 or is it folded up?

02:32 15 A. It was folded.

16 Q. Okay. And the other firearm, what was  
17 that?

18 A. That was a .40 caliber Glock pistol.

19 Q. Once he comes in, does he start saying  
02:32 20 things?

21 A. Yes. He calls for everyone to get out, to  
22 get on the floor. So at that point I stand up and I  
23 start ushering my associate Giovanni out and at that  
24 point I grab my keys and hold them up in the air while I  
02:32 25 had my hands up to show that I have the keys, that I'm

02:32 1 the manager. And that's when he's like get down, get on  
2 the ground. I don't get down, I stay standing with my  
3 keys in my hand to show him I'm the one you want, just  
4 tell me what you want so that we can get you out of  
02:33 5 here, you know, get it over with.

6 Q. When he's saying get down, get on the  
7 ground, is he holding a firearm?

8 A. He's pointing it my associates, at me, at  
9 my customers at the time, anyone that was in the shop.

02:33 10 Q. And just to go through we already talked  
11 about Giovanni and Juliana. Was Ivan Jaquez there?

12 A. Ivan Jaquez, Melani Howard, it was Carla  
13 Reck, Giovanni Andino, Julie, myself and --

14 Q. Was Jonathan Rivera-Sandoval there?

02:33 15 A. Yes, Jonathan was on the sales floor when  
16 everything happened. He was the first one to press his  
17 panic button.

18 Q. And we'll talk about panic buttons.

19 Once he starts ordering people down on the  
02:33 20 ground, do people comply?

21 A. Yes, they start complying. They're scared,  
22 they're nervous. Some of us are behind the loan  
23 counter, my customers and a few associates were in front  
24 of the sales counter. So they all start slowly lowering  
02:34 25 themselves down onto the floor. By this time we had

02:34 1 already pressed the buttons. So once he had everyone  
2 else on the floor but me, he said who is the manager,  
3 and that's when I identified myself as the manager and  
4 he at that point ordered me to open the time delayed  
02:34 5 safe.

6 Q. Did you want to open the safe?

7 A. Of course not.

8 Q. Were you frightened at that point because  
9 he's holding the firearm?

02:34 10 A. I was terrified but I tried to remain as  
11 calm as possible so he wouldn't shoot my associates, my  
12 customers or myself.

13 Q. You mentioned the word time delay. Tell us  
14 about that.

02:34 15 A. We have a time delay safe that we have to  
16 set. It doesn't open automatically. So for him to say  
17 open the time delay safe, set the code, it kind of  
18 started to raise red flags for me because most people  
19 don't know that we have that. Typically they just know  
02:34 20 we have a safe. So at that point that's when I entered  
21 the code and had to wait for it to open.

22 Q. Is the time delay on the safe a safety  
23 device, a security device?

24 A. It is a type of padlock that's on there and  
02:35 25 it times for five minutes, at the end of that five

02:35 1 minutes it prompts you to add the pass code again and  
2 you would enter the code and then it would open for you.

3 Q. What's the panic button?

4 A. So a panic button is a pendant that we wear  
02:35 5 on our person in order to alert the police that  
6 something is wrong, whether it's a robbery, an attempted  
7 robbery, or someone broke our windows and is trying to  
8 steal something from us. A panic button is just  
9 something that we are issued to wear for our security.

02:35 10 Q. Are you aware whether or not panic buttons  
11 were pressed?

12 A. They were. Jonathan pressed his, I pressed  
13 mine. I like to make sure more than one associate has  
14 one on in case someone can't get to the button.

02:35 15 Q. And you mentioned you pressed yours?

16 A. Yes, multiple times.

17 Q. Let's go back to the safe. So he's  
18 demanding that you open the safe, and by he I mean the  
19 man in the mask, the helmet.

02:36 20 A. Yes.

21 Q. Did he ever instruct you to open any other  
22 safes?

23 A. He asked me to open the top part which is a  
24 key lock, that's usually where we keep petty cash, like  
02:36 25 if someone needs a hundred dollar bill for a loan then

02:36 1 that's where we would get that. I opened that up at his  
2 request and gave him whatever was on top of there. I  
3 don't believe that it was a lot of money on that one.  
4 After that, while we were waiting for the safe, he asked  
02:36 5 me to go through the tills and give him the money from  
6 the cash registers. However, before I had initially put  
7 the first bundle from my till into his bag he stopped me  
8 and he said no, I don't want the track pack, which was  
9 unusual because typically people don't know that we have  
02:36 10 track packs in our money. So he checked the bundle to  
11 make sure there was nothing in between the money that  
12 could trace it back to him once he left. So then I  
13 proceeded to empty out four of the tills into the  
14 backpack.

02:36 15 Q. And you used the word track pack. Did he  
16 use the word track pack too?

17 A. He did.

18 Q. When you're handing him money or items, is  
19 he putting them in the backpack or are you?

02:37 20 A. No, I was the one putting it in there. He  
21 would just motion to the object in my hand, whether it  
22 was money or jewelry, and with the gun motion it into  
23 his backpack.

24 Q. Did you want to put it into the backpack?

02:37 25 A. No.

02:37 1 Q. Whose backpack was it?

2 A. It was his.

3 Q. You had mentioned the safe, the office  
4 inside the store and also the tills. Is he ordering you  
02:37 5 around, walking you around the store with the gun?

6 A. At times. There were points where, for  
7 example when he issued me to put the zip ties on the  
8 door, he was standing by the gate that would allow entry  
9 to behind the loan counter while aiming it at my

02:37 10 associates telling them I don't want a hostage  
11 situation, I'm just here for the money and the jewelry  
12 and then I'm gone. He even asked us if we pressed any  
13 panic alarms or panic buttons at which point we told him  
14 we had not.

02:38 15 Q. Did you think you had a choice with what he  
16 was something, what he was asking you to do?

17 A. Absolutely not.

18 Q. In fact was he asking you or was he  
19 ordering you?

02:38 20 A. He was ordering me.

21 Q. When he had pointed the firearm at the  
22 other employees, did you feel that their lives were in  
23 danger and you needed to comply?

24 A. Yes, they're all very young.

02:38 25 Q. When he ordered you back into the office,

02:38 1 was that a separate, it's like a separate little room;  
2 is that correct?

3 A. It is behind the loan counter separated by  
4 the two-way mirror and a door that is also see through.

02:38 5 Q. So it has its own door and if you shut that  
6 there's no other way in; is that correct?

7 A. Correct.

8 Q. You mentioned he didn't want you to put  
9 certain things from the cash registers because of the  
02:38 10 track packs into the backpack?

11 A. Yeah.

12 Q. What about things in the displays versus  
13 the wall?

14 A. After he got the money from the cash  
02:38 15 registers he told me to give him jewelry. At that point  
16 he ushered me forward to the jewelry cases and I went to  
17 the high line case which is where our most expensive  
18 jewelry is. We have a tracker on one of the fixtures  
19 there and my intent was to give it to him so they could  
02:39 20 track him, again trying to go over the training that  
21 they tell us as managers. Before I could even open the  
22 case he said no, I don't want that, I want everything  
23 from your wall, I don't want anything from the cases.

24 Q. And you mentioned that that's something  
02:39 25 that employees are trained on; is that correct?

02:39 1 A. Correct. Most people don't know that we  
2 have track packs, tracers, trackers in the jewelry.  
3 Typically our wall does not have those. They added a  
4 few, however I wasn't able to get to those.

02:39 5 Q. At some point does he move you back into  
6 the office and talk about the safe again?

7 A. Yes. He becomes impatient telling me to  
8 hurry up. He ushers me back into the office and says  
9 why isn't it open yet. I told him it's a five minute  
02:39 10 time delay, there's nothing I can do to hurry it up, and  
11 that's when he starts telling me you need to let me out  
12 of the back room, you need to let me out through the  
13 back doors, I can't go through the front. I told him I  
14 don't have the key to that, there's nothing I can do for  
02:40 15 it. And so he's like you're lying to me, you know you  
16 have the keys, and I told him no, the manager, the store  
17 manager is the only one that has that key. So he didn't  
18 have a choice but to go through the front and at that  
19 point he looked frustrated and he lifted the visor of  
02:40 20 the motorcycle helmet and looked at me.

21 Q. And at that point you saw his face?

22 A. I saw what was visible through the visor,  
23 yes.

24 Q. Were you able to see his eyes?

02:40 25 A. I did and they looked extremely familiar.

02:40 1 Q. After that point when he lifts the visor,  
2 what happens next?

3 A. He proceeds to walk over to the door, tells  
4 me don't move, again tells my associates, the customers,  
02:40 5 don't move, walks to the front door, looks through it  
6 and sees that there's cops appearing at the scene and at  
7 that point with the gun he tells me to come here. So,  
8 you know, I'm thinking he's leaving, this is over, but  
9 he ushers me to the front door, grabbed me from my shirt  
02:41 10 and pushes me in front of him and out the front door.

11 At that point I realize that I am now a hostage.

12 Q. Did you want to go out that door with him?

13 A. Of course not.

14 Q. And at this point when he walks back  
02:41 15 outside he's holding a firearm?

16 A. He's holding the firearm to my head, yes.

17 Q. And that backpack?

18 A. Yes.

19 Q. And there are things from the store inside  
02:41 20 that backpack; is that correct?

21 A. Correct.

22 Q. Okay. Let's talk about this from this  
23 moment on in detail. Once you exit the store, where is  
24 the gun?

02:41 25 A. So when we exit the store the gun is

02:41 1 pointed to the right side of my head.

2 Q. At your head?

3 A. At my head.

4 Q. Did you feel like you had much of a choice

02:41 5 but to comply?

6 A. No.

7 Q. What did you feel like would happen if you  
8 did not comply?

9 A. I was afraid that he would shoot me, hit  
02:41 10 me, force me, using violence.

11 Q. Where did you walk with him outside of the  
12 store?

13 A. He proceeded to push me towards the left  
14 towards a white car that was parked to the side of the  
02:42 15 building near the brick wall that divides the Auto Zone  
16 and the Super Pawn.

17 Q. And looking at this photograph that's up on  
18 the monitor, Exhibit 3, would that be to the right side  
19 of that photograph?

02:42 20 A. That is to the right side of the  
21 photograph.

22 Q. And so do you two walk in that direction?

23 A. Yes.

24 Q. Showing you Exhibit 4. Is that just a  
02:42 25 closer up view of that right side?

02:42 1 A. It is.

2 Q. And is that what it looked like on

3 September 3rd?

4 A. It is.

02:42 5 Q. Maybe minus a few different cars?

6 A. Yes.

7 Q. And I'm showing, putting that photograph up

8 on the overhead.

9 So you're outside with the man in the

02:42 10 motorcycle helmet, he's got the gun to your head; is

11 that correct?

12 A. Correct.

13 Q. And you're walking away from the building

14 which you can see the corner of in the left side of that

02:43 15 photograph?

16 A. Yes.

17 Q. What happens next?

18 A. I start seeing cops. I realize there's a

19 helicopter above us and I realize that he's trying to

02:43 20 get me into the car. I start panicking. I think to

21 myself if I get into that car I'm never going to be seen

22 again, I'm going to get hurt and no one will ever find

23 me.

24 Q. And you're talking about a car. There was

02:43 25 a car parked out there?

02:43 1 A. Yes, it's the white car that's in the  
2 picture on the projector.

3 Q. Do you end up getting in that car or no?

4 A. No. It was close, we got to the doors, but  
02:43 5 at that point is when he shifted the gun from my head  
6 and aimed it down to the officers that were in front of  
7 us and that's when I saw the opening to take the gun  
8 from him.

9 Q. And you had mentioned officers. There were  
02:43 10 uniformed police officers?

11 A. Yes.

12 Q. More than one in the area?

13 A. It was hard to count but there were at  
14 least three that I saw.

02:43 15 Q. And you mentioned that he's aiming the gun  
16 towards the officers at this point?

17 A. Yes. There was a cruiser that was parked  
18 near the palm trees that are near the entrance.

19 Q. And what happens next?

02:44 20 A. So once I grabbed the gun I aim it down,  
21 the gun shoots and I can feel him trying to pull the  
22 trigger repeatedly but it's not happening because of how  
23 I'm holding the gun. I start to fight him for it  
24 hitting him with my left shoulder and he's like stop,  
02:44 25 let go, and I just yell out no. I'm thinking to myself

02:44 1 if I let go I'm going to get shot, I'm going to get hurt  
2 and I can't have that happen. So I manage to rip the  
3 gun from his hands, but before I did that he said no,  
4 stop, you don't understand, my daughter's going to die,  
02:44 5 and at that point I could care less, you know, it's my  
6 safety or yours. So once I have the gun, I eject the  
7 magazine using the button that's on the left hand side  
8 and I toss the gun so that the cops wouldn't shoot me.  
9 I know it's dumb thinking but, you know, at that point  
02:45 10 what can you really do. So once I threw the gun, I  
11 turned back around and I saw him go to reach for the  
12 other gun that he had on him, the Kel Tec, and that's  
13 when I heard the shots from the police officers and  
14 that's when I ran back into the shop. Once I was at the  
02:45 15 shop I pulled the doors as hard as I could to get them  
16 to close and then I locked it, went behind the counter  
17 and just broke down.

18 Q. Let's back up a little bit to, you had  
19 mentioned he's trying to squeeze the trigger?

02:45 20 A. Yes.

21 Q. But your hand is on the gun?

22 A. I had my right hand on the top of the slide  
23 towards the back. Typically if you hold it from the  
24 middle when a gun shoots off, your hand can become  
02:45 25 pinched by the slide going back and forth so you hold it

02:45 1 from the back to prevent that from happening and in  
2 doing that with the Glock prevents it from continuously  
3 shooting because it's a semi-automatic pistol.

4 Q. And you're familiar with that. Do you own  
02:46 5 a Glock?

6 A. I do. It's a Glock 23 Gen 4. Also a  
7 .40 caliber.

8 Q. Is that how you knew how to eject the  
9 magazine?

02:46 10 A. Yes. I go shooting with my fiancé and I'm  
11 familiar with the Glock.

12 Q. When that first gunshot went off, was your  
13 hand on the trigger, your finger on the trigger?

14 A. No, my hand was not on the trigger, it was  
02:46 15 on the top of the gun.

16 Q. And you were wrestling the gun with --

17 A. From -- sorry. From the suspect.

18 Q. And at that point you had stated that the  
19 gun was aimed at the officers?

02:46 20 A. It was initially after I grabbed it, I  
21 aimed it down and away from the officers so they  
22 wouldn't get hurt.

23 Q. Do you see any dogs?

24 A. I did, a German Shepherd.

02:46 25 Q. What did that signal to you?

02:46 1 A. When the dog was visible, when I saw the  
2 German Shepherd I was already in the office and  
3 typically they don't release the dog unless the suspect  
4 is not subdued. It shows that they're fighting, that  
02:47 5 they're not willing to comply, so I had an anxiety  
6 attack while this was happening because I saw the dog go  
7 after the suspect at that point when they released him.

8 Q. And once you're back in the store, once you  
9 went back in the store, what happens next?

02:47 10 A. At that point I see officers go back and  
11 forth making sure there was no one else in front of the  
12 store. Everyone starts hugging each other for comfort.  
13 I'm in the office trying to find some semblance of  
14 normalcy, to try and feel safe after what just happened.  
02:47 15 And after awhile one of my associates asked me for the  
16 keys to let the officers back in the shop and they  
17 instruct us not to touch anything, just to follow them  
18 outside, but at that time I didn't know they had him so  
19 I was scared.

02:47 20 Q. That's okay. Take your time. Okay?  
21 And at some point do police come and talk  
22 to you?

23 A. They did.

24 Q. When you were inside the store before he  
02:48 25 took you out, did you feel like your life was in danger?

02:48 1 A. Absolutely.

2 Q. And when you were outside the store at  
3 gunpoint being taken to that car, did you feel like your  
4 life was even more in danger at that point?

02:48 5 A. Yes. I knew if I got in that car no one  
6 would ever see me again, my family, my fiancé, my little  
7 sister.

8 MR. LOGRIPPO: We have no more questions  
9 for this witness. Do any members of the grand jury?

02:48 10 BY A JUROR:

11 Q. You have said that you observed at least  
12 three police officers while you were outside with this  
13 man; is that correct?

14 A. Yes.

02:49 15 Q. After this man fired his gun as you  
16 testified, did you observe any of the police officers  
17 return fire?

18 A. I heard the shots but I did not see them.

19 Q. How many shots would you say the police  
02:49 20 officers returned fire?

21 A. At that point I had only really heard or  
22 counted four. I don't know aside from that. That's  
23 just what I heard.

24 Q. Okay. And I guess the obvious question,  
02:49 25 you've referred to this man throughout your testimony as

02:49 1 he, him, the man. Do you know his name?

2 A. His name is Mario Trejo.

3 Q. Did you know that at the time of this  
4 event?

02:49 5 A. Not until after the detectives pulled me  
6 asides afterwards.

7 THE FOREPERSON: By law, these proceedings  
8 are secret and you are prohibited from disclosing to  
9 anyone anything that has transpired before us, including  
02:50 10 evidence and statements presented to the Grand Jury, any  
11 event occurring or statement made in the presence of the  
12 Grand Jury, and information obtained by the Grand Jury.

13 Failure to comply with this admonition is a  
14 gross misdemeanor punishable by up to 364 days in the  
02:50 15 Clark County Detention Center and a \$2,000 fine. In  
16 addition, you may be held in contempt of court  
17 punishable by an additional \$500 fine and 25 days in the  
18 Clark County Detention Center.

19 Do you understand this admonition?

02:50 20 THE WITNESS: I do.

21 THE FOREPERSON: Thank you. You are  
22 excused.

23 THE WITNESS: Thank you.

24 MS. PIEPER: Next witness is going to be  
02:50 25 Officer Carrigy, C-A-R-R-I-G-Y.

02:51 1 Just have a seat right there. Please stand  
2 up, raise your right hand.

3 THE FOREPERSON: Officer, you do solemnly  
4 swear the testimony you are about to give upon the  
02:51 5 investigation now pending before this Grand Jury shall  
6 be the truth, the whole truth, and nothing but the  
7 truth, so help you God?

8 THE WITNESS: I do.

9 THE FOREPERSON: Please be seated.

02:51 10 You are advised that you are here today to  
11 give testimony in the investigation pertaining to the  
12 offenses of burglary while in possession of a firearm,  
13 robbery with use of a deadly weapon, first degree  
14 kidnapping with use of a deadly weapon, assault on a  
02:51 15 protected person with use of a deadly weapon, conspiracy  
16 to commit robbery, attempted robbery with use of a  
17 deadly weapon, involving Mario Trejo.

18 Do you understand this advisement?

19 THE WITNESS: I do.

02:51 20 THE FOREPERSON: Please state your first  
21 and last names, spell both for the record.

22 THE WITNESS: Is Thomas Carrigy. Thomas is  
23 T-H-O-M-A-S, my last name is Carrigy, C-A-R-R-I-G-Y.

24 MS. PIEPER: May I proceed?

02:51 25 THE FOREPERSON: Yes.

02:51 1 THOMAS CARRIGY,  
2 having been first duly sworn by the Foreperson of the  
3 Grand Jury to testify to the truth, the whole truth,  
4 and nothing but the truth, testified as follows:

02:51 5  
6 EXAMINATION

7  
8 BY MS. PIEPER:

9 Q. How are you employed?

02:51 10 A. I'm an officer with the Las Vegas  
11 Metropolitan Police Department.

12 Q. How long have you worked with Metro?

13 A. A little over 11 years now.

14 Q. What's your current assignment?

02:52 15 A. Police officer. I'm the area command  
16 information officer at Spring Valley Area Command.

17 Q. Drawing your attention to September 3rd,  
18 2018. Were you working on that day?

19 A. I was.

02:52 20 Q. And did you receive a call to go to 1150  
21 South Rainbow Avenue here in Las Vegas, Clark County,  
22 Nevada?

23 A. I did.

24 Q. Why was it that you responded to that  
02:52 25 location?

02:52 1 A. Robbery call.

2 Q. How did you get to that location?

3 A. I drove.

4 Q. And when you drove did you have your lights

02:52 5 and siren on?

6 A. I did.

7 Q. Once you got to the location can you

8 explain to the members of the grand jury what you saw

9 and what you did?

02:52 10 A. Uhm, as I approached the business I shut my

11 emergency equipment off, my lights and sirens, pulled

12 over on the south side of the business on the street, on

13 Rainbow. I was riding with a partner Maria Fulwiler.

14 As we were getting out of the car --

02:52 15 Q. Here's what I'm going to ask you to do.

16 Can you slow down just a little bit so the court

17 reporter in front of you can take everything down.

18 You're probably a little bit nervous. That's okay. But

19 I just need to you kind of slow down, just a little.

02:53 20 Okay?

21 A. Yes, ma'am.

22 So as we're getting out of the car there

23 were male and female on the sidewalk that identified

24 themselves as the persons reporting for the call so my

02:53 25 partner started talking to them. I asked them if the

02:53 1 robbery was still in progress and the suspect was in the  
2 business, they responded that yes, and so then I  
3 proceeded northbound where I could get a good view of  
4 the actual business and the parking lot and I took cover  
02:53 5 behind a, like a block wall.

6 Q. Okay. You said that when you approached  
7 you turned off your lights and sirens?

8 A. I did.

9 Q. Why is that?

02:53 10 A. In an attempt that if the suspect was still  
11 inside the business that he didn't hear us approaching.

12 Q. You also said that you parked I think it  
13 was on the south side of the building; is that correct?

14 A. Yes, ma'am.

02:54 15 Q. Showing you what is marked as Grand Jury  
16 Exhibit Number 3 and it's going to be the screen to your  
17 left. You also said you went behind a block wall; is  
18 that correct?

19 A. Yes, ma'am.

02:54 20 Q. Is your car depicted or partially depicted  
21 in this picture?

22 A. No, it's not.

23 Q. Can you stand up and show the members of  
24 the grand jury where your car was parked when you first  
02:54 25 arrived?

02:54 1 A. Yeah. So when we parked it would have been  
2 this way so it's --

3 Q. So it's to the far right of the screen?

4 A. To the far right of this picture.

02:54 5 Q. And is there a business near where the car  
6 is parked?

7 A. Yes, there's an Auto Zone that's just cut  
8 off from this photo on the right hand side.

9 Q. And you said that when you got out your  
02:54 10 partner spoke to somebody else and then you got out and  
11 you went to a certain area. Can you show the members of  
12 the grand jury where you went in regard to this picture?

13 A. Yes, ma'am. Right in between this bush and  
14 the wall right here.

02:54 15 Q. And is there a color car next to that?

16 A. I'm sorry, is there a color what?

17 Q. Is there a car next to the block wall?

18 A. Oh. On the other side there's a red car,  
19 yes.

02:54 20 Q. Were you near that red car?

21 A. Eventually. I spent most of my time on  
22 this side of the wall though.

23 Q. When you say this side of the wall --

24 A. On the side that we're facing, that you can  
02:55 25 see.

02:55 1 Q. Not on the side of the wall where the car  
2 is?

3 A. Correct.

4 Q. And just for the record, the vehicle and  
02:55 5 the block wall that you're talking about are depicted in  
6 the far right corner, middle of the picture; is that  
7 correct?

8 A. Yes, ma'am.

9 Q. Once you got out of the car and you stood  
02:55 10 there outside the block wall, what happened next?

11 A. So I crouched down and so I was trying to  
12 get a view of the front of the store. So a female was  
13 coming from the north side south and as she approaches  
14 the door she turns her head and sees me and I try to  
02:55 15 wave her away to get away from the store.

16 Q. Just for the record you took your left hand  
17 and you were waving --

18 A. Left hand and -- I'm left handed so I had  
19 my firearm in my hand so I probably used, I believe I  
02:55 20 used my right to get her away. She then looks into the  
21 store, looks back at me, and then pretty quickly starts  
22 going northbound again and then once she clears this,  
23 the north wall of the store, I don't see her anymore. I  
24 didn't follow where she went.

02:56 25 Q. Okay. When you testified just now you said

02:56 1 that you had your firearm in your hand.

2 A. Yes, ma'am.

3 Q. At what point did you take your firearm  
4 out?

02:56 5 A. I believe pretty quickly. From all the  
6 information we had the male was inside the store and he  
7 was armed.

8 Q. So you get out of the vehicle, you take a  
9 position of cover and then you have a firearm in your  
02:56 10 hand; is that correct?

11 A. Yes, ma'am.

12 Q. Do other units arrive on scene?

13 A. Eventually, yes.

14 Q. When you say eventually, how long between  
02:56 15 when you first got there till other units arrived on  
16 scene?

17 A. Approximately two minutes.

18 Q. And besides yourself being there, the next  
19 unit that arrives, where do they go and where do they  
02:56 20 park?

21 A. Uhm, I think, I believe they parked over  
22 here but they didn't arrive until after the subject had  
23 exited the store.

24 Q. So at the time that you arrive, besides the  
02:57 25 lady that you see walk up to the door and walk away to

02:57 1 the north side, nobody else is entering or exiting that  
2 building?

3 A. Yes, ma'am.

4 Q. At some point more units arrive and does  
02:57 5 something happen?

6 A. Yes. While I can hear units arriving, a  
7 male wearing all black with a motorcycle helmet comes to  
8 the front door and the door opens, he steps out about  
9 halfway at which point I believe he sees me because he  
02:57 10 then retreats back into the business and closes the  
11 door.

12 Q. I have a quick question. This picture was  
13 taken on September 3rd, 2018 and in the photograph it  
14 looks like, I'm not a car expert, but it looks like  
02:57 15 there's a white Hummer in front of that business. Was  
16 that Hummer there at the time of the incident?

17 A. Yes, ma'am.

18 Q. How could you see what was going on if  
19 you're sort of standing by the block wall?

02:57 20 A. There's a good view from where I'm at to  
21 seeing the front door. So while it might have been  
22 obstructed a little bit, the way, looking for the word,  
23 but it would be like with me standing here for me seeing  
24 that corner, I had a clear view of the front of the  
02:58 25 store.

02:58 1 Q. So essentially you're more parallel, the  
2 block wall and the front of that business is sort of  
3 more parallel which the white Hummer I see in there  
4 isn't obstructing your view?

02:58 5 A. Correct.

6 Q. You see the man walk out in the motorcycle  
7 helmet and then you see him walk back in. What happens  
8 next?

9 A. I attempt to get on my radio, I got denial  
02:58 10 tones because my partner or the air unit, I forget which  
11 one, was already talking on the radio so you can't have  
12 two people on at the same time. So when you get, it's  
13 called a denial tone which lets you know that there's  
14 already somebody talking, the male then exits the store  
02:58 15 shortly after I get my denial tones with a hostage.

16 Q. A female.

17 A. A female, sorry.

18 Q. Because at this point you don't know  
19 whether the female's involved or not; is that correct?

02:58 20 A. Correct.

21 Q. He walks out of the store -- I mean you  
22 figure out pretty quickly, right?

23 A. Yes, ma'am.

24 Q. He walks out of the store. Describe for  
02:59 25 members of the grand jury what you see in regard to him

02:59 1 and the female.

2 A. He starts, they start walking out. He has  
3 his hands on like the, not the scruff of her neck but  
4 like her shirt. I see her try and like start to like  
02:59 5 walk away and he grabs her and pulls her in close. He  
6 then encircles his arm around her and I can see he has a  
7 firearm in his left hand.

8 Q. Okay. When you say he encircles his arm  
9 around. Is it her waist, is it her legs, is it her --

02:59 10 A. No, I'm sorry. Over, like over her neck.

11 Q. And are they walking in a particular  
12 direction?

13 A. They're walking parallel from the door over  
14 towards where this white car is.

02:59 15 Q. So they're actually walking towards you?

16 A. Yes, ma'am.

17 Q. As they're doing this is he saying  
18 anything?

19 A. Not that I can hear.

03:00 20 Q. Are you saying anything?

21 A. I do. I stand up so I can see over this  
22 wall and I order him to show me his hands.

23 Q. When you say you order him, are you issuing  
24 commands to him?

03:00 25 A. Yes, ma'am. Show me your hands, show me

03:00 1 your hands.

2 Q. What happens next?

3 A. He starts to bring his left hand up with

4 the firearm in my direction at which point I then duck

03:00 5 behind the wall.

6 Q. What happens next?

7 A. I hear a gunshot.

8 Q. And what happens after that?

9 A. After that I take a beat to listen to see

03:00 10 if there's another shot and I come around now going

11 northbound which is to the left. Once my head clears

12 this wall I can see the victim and the subject and

13 they're in kind of a standing wrestling match. I then

14 start running towards them at which point the victim, I

03:00 15 can see her run off northbound, so to the left of the

16 photo.

17 Q. You used the word victim. Are you talking

18 about the female?

19 A. I'm talking, yes, the female who I

03:01 20 described as the hostage.

21 Q. You see her run and then what happens next?

22 I apologize.

23 A. Uhm, he, I then believe he's bringing up

24 another firearm so I ended up in an officer involved

03:01 25 shooting with him.

03:01 1 Q. You --

2 A. I shot him.

3 Q. When he walked out of the store with the  
4 female, can you describe for the members of the grand

03:01 5 jury what he was dressed like?

6 A. He was wearing dark pants, he had a dark  
7 like puffy jacket which I thought at the time had body  
8 armor in it. He also had a sling going over his  
9 shoulder. The only use for that that I can think of is

03:01 10 you're holding a shotgun or a rifle behind your back  
11 with that. And he had a firearm in his left hand and he  
12 had a motorcycle helmet which was black in color.

13 Q. And he was holding the motorcycle helmet or  
14 it was --

03:01 15 A. No, it was fully on his head.

16 Q. You discharged your weapon; is that  
17 correct?

18 A. Yes, ma'am.

19 Q. Do you know if other officers were there at  
03:02 20 the time that you discharged your weapon?

21 A. Yes. They'd, two other officers, which was  
22 the car that had parked here, had arrived shortly before  
23 he fired his weapon at us, so they then got out and then  
24 all three of us ended up shooting at him.

03:02 25 Q. You describe that you saw like a sling or

03:02 1 something and then you said in your opinion you thought  
2 that it was a rifle. Did you actually see a gun  
3 attached to whatever you're describing as a --

4 A. Later, not at the time because it was  
03:02 5 collapsable. So once we started to take him into  
6 custody you were able to see it on his back but I hadn't  
7 seen it at that time.

8 Q. When you say it's collapsable, what's  
9 collapsable?

03:02 10 A. The stock, it was able to be folded over so  
11 as opposed to like one of, instead of it being like a  
12 long rifle like I'm demonstrating, if, the stock  
13 collapsed onto it so it made it much shorter.

14 MS. PIEPER: I have no other questions of  
03:03 15 this officer. Do any of the members of the grand jury?  
16 BY A JUROR:

17 Q. Was any slug recovered with that, with the  
18 bullet that was allegedly fired by the man?

19 A. I believe so but I think that's something,  
03:03 20 there's a detective that actually handled that.

21 MS. PIEPER: Let me back up and say this.  
22 This is not the witness to ask the question of.

23 A JUROR: Okay.

24 MS. PIEPER: Fair?

03:03 25 A JUROR: Okay.

03:03 1 MS. PIEPER: I have no other questions.  
2 Does anybody else have any questions?  
3 BY A JUROR:  
4 Q. Officer Carrigy, did you or any of the  
03:03 5 other officers hit him?  
6 A. Yes, sir.  
7 Q. You did hit him?  
8 A. I'm not sure which one of us did but one of  
9 us did, yes.  
03:03 10 THE FOREPERSON: Any other questions?  
11 BY A JUROR:  
12 Q. Did he, when he shot, did it hit anybody or  
13 just went into the block wall?  
14 A. I'm not sure. Nobody -- he didn't hit  
03:04 15 anybody. Where his round went I don't know.  
16 THE FOREPERSON: Any other questions?  
17 Officer Carrigy, by law, these proceedings  
18 are secret and you are prohibited from disclosing to  
19 anyone anything that has transpired before us, including  
03:04 20 evidence and statements presented to the Grand Jury, any  
21 event occurring or statement made in the presence of the  
22 Grand Jury, and information obtained by the Grand Jury.  
23 Failure to comply with this admonition is a  
24 gross misdemeanor punishable by up to 364 days in the  
03:04 25 Clark County Detention Center and a \$2,000 fine. In

03:04 1 addition, you may be held in contempt of court  
2 punishable by an additional \$500 fine and 25 days in the  
3 Clark County Detention Center.

4 Do you understand this admonition?

03:04 5 THE WITNESS: I do.

6 THE FOREPERSON: Thank you. You are  
7 excused.

8 THE WITNESS: Thank you, sir.

9 MS. PIEPER: The next witness is going to  
03:04 10 be Officer Graham.

11 A JUROR: Excuse me. I have a question. I  
12 saw this on the news. Does that mean I can still  
13 deliberate?

14 MS. PIEPER: Let's hold on a second.

03:05 15 MR. MARTINEZ: Everyone want to take a  
16 restroom break?

17 A JUROR: Sure.

18 A JUROR: Sure.

19 A JUROR: Sure.

03:05 20 MS. PIEPER: Ten minutes.

21 (Recess.)

22 MS. PIEPER: We are back on the record in  
23 Grand Jury case number 18BGJ002X. Prior to finishing  
24 the question on the last witness, Officer Carrigy, one  
03:14 25 of the members of the grand jury actually said that he

03:14 1 saw this case on the news. So what I'm going to ask  
2 him, and that is Mr. Trenton McDonald, did anything that  
3 you saw on TV, do you think that's going to affect your  
4 ability to determine whether there is probable cause in  
03:15 5 this case?

6 A JUROR: No.

7 MS. PIEPER: Okay. And in regard to what  
8 you saw on TV, was it all of the details that you're  
9 seeing now or was it just a general sort of that there  
03:15 10 was an officer involved shooting?

11 A JUROR: It was just a general story of  
12 officer involved shooting and the lady testifying  
13 running away from the scene at the time. You know. I  
14 didn't really pay much attention to it, it was just like  
03:15 15 my memory was refreshed right there.

16 MS. PIEPER: That's okay. So what I will  
17 say is kind of two options. If it did not impair your  
18 ability to be fair and impartial and you're saying that  
19 it's not, I'm going to take you at your word, you can  
03:15 20 vote. If you feel it has impaired your ability to be  
21 fair and impartial then I'm going to ask you not vote in  
22 regard to this grand jury today.

23 A JUROR: All right.

24 MS. PIEPER: Officer Farrington.

03:16 25 THE FOREPERSON: Officer, can you remain --

03:16 1 raise your right hand.  
2                   You do solemnly swear the testimony you are  
3 about to give upon the investigation now pending before  
4 this Grand Jury shall be the truth, the whole truth, and  
03:16 5 nothing but the truth, so help you God?

6                   THE WITNESS: So help me God.

7                   THE FOREPERSON: Please be seated.

8                   You are advised that you are here today to  
9 give testimony in the investigation pertaining to the  
03:16 10 offenses of burglary while in possession of a firearm,  
11 robbery with use of a deadly weapon, first degree  
12 kidnapping with use of a deadly weapon, assault on a  
13 protected person with use of a deadly weapon, conspiracy  
14 to commit robbery, and attempt robbery with use of a  
03:16 15 deadly weapon, involving Mario Trejo.

16                   Do you understand this advisement?

17                   THE WITNESS: Yes, I do.

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

03:16 20                   THE WITNESS: My first name is Keenan,  
21 K-E-E-N-A-N, last name Graham, G-R-A-H-A-M.

22                   MS. PIEPER: May I proceed?

23                   THE FOREPERSON: Yes.

24                   ///  
25                   ///  
03:17

03:17 1 KEENAN GRAHAM,  
2 having been first duly sworn by the Foreperson of the  
3 Grand Jury to testify to the truth, the whole truth,  
4 and nothing but the truth, testified as follows:

03:17 5  
6 EXAMINATION

7

8 BY MS. PIEPER:

9 Q. How are you employed?

03:17 10 A. I'm a police officer with the Las Vegas  
11 Metropolitan Police Department.

12 Q. How long have you been with Metro?

13 A. Around a year.

14 Q. What's your current assignment?

03:17 15 A. I'm a patrol officer in Spring Valley.

16 Q. On September 3rd, 2018, were you working on  
17 that day?

18 A. Yes, I was.

19 Q. And were you in a marked patrol vehicle?

03:17 20 A. Yes, I was.

21 Q. Were you wearing your uniform?

22 A. Yes, I was.

23 Q. Were you working with somebody else?

24 A. Yes, I was.

03:17 25 Q. Who were you working with?

03:17 1 A. I was working with Officer Farrington. He  
2 was in my vehicle.

3 Q. And is that F-A-R-R-I-N-G-T-O-N?

4 A. I believe so.

03:17 5 Q. Did you respond to 1150 South Rainbow  
6 Avenue?

7 A. Yes, I did.

8 Q. When you responded did you respond with  
9 Officer Farrington?

03:17 10 A. Yes, I did.

11 Q. Can you describe for the members of the  
12 grand jury why you went to the location and what  
13 happened once you got there?

14 A. We went to the location because it was what  
03:17 15 we refer to as a hot call. We heard details come out  
16 over the radio saying that there was an armed robbery in  
17 progress and there was a female whispering into the  
18 phone that the robber was still in the business. So we  
19 responded from Decatur and Charleston and made our way  
03:18 20 there.

21 Q. When you arrived on scene where did you  
22 park the vehicle?

23 A. We were just coming into the driveway into  
24 the business, we were headed southbound on Rainbow and  
03:18 25 kind of hopped the median and went through the turnstile

03:18 1 that's right there that turns into the business and we  
2 stopped right out, parked perpendicular on the road.

3 Q. Showing you what has been marked as Grand  
4 Jury Exhibit Number 8. Do you recognize that?

03:18 5 A. That is the vehicle I was in when we parked  
6 right there.

7 Q. And is that in the front, it says Las Vegas  
8 Metropolitan Police Department?

9 A. Yes, it does.

03:18 10 Q. Once you arrive on scene what do you guys  
11 do first?

12 A. I exited the vehicle, drew my weapon. I  
13 immediately saw the suspect move out sidestepping from  
14 the business holding a female from inside the business,  
03:19 15 he was pointing a sidearm towards her, some sort of  
16 small black framed handgun. She turned on him, started  
17 to struggle over the weapon, I heard a shot go out, I  
18 ran for cover by the cinder block wall and as I was  
19 running I saw the two of them split so I ran to the red  
03:19 20 vehicle that was parked over there and I fired five  
21 times in the direction of the suspect.

22 Q. Showing you marked as Grand Jury Exhibit  
23 Number 4. You just described in your testimony that you  
24 ran towards the cinder block wall and then you went in  
03:19 25 your red vehicle. Is that the red vehicle that you were

03:19 1 talking about?

2 A. Yes, it is. I was just on the west side of  
3 that vehicle.

4 Q. And at the time that you saw the suspect,  
03:19 5 where was he with the female?

6 A. He was on the eastern side of the vehicle  
7 kind of in between the vehicle and the Super Pawn and  
8 they were moving towards that white vehicle.

9 Q. At the time that you shot the defendant,  
03:20 10 where were you physically?

11 A. I was, I don't know, five feet on the side  
12 of the red car opposite the white car and the suspect  
13 was on the opposite side of the white car.

14 Q. Prior to shooting your weapon did you  
03:20 15 issues commands to the defendant?

16 A. No, there wasn't time.

17 MS. PIEPER: I have no questions of this  
18 officer. Does anybody else have any questions of this  
19 officer?

03:20 20 BY A JUROR:

21 Q. Officer Graham, out of the five times that  
22 you shot, do you know how many times you hit the --

23 A. I know from talking afterwards.

24 BY MS. PIEPER:

03:20 25 Q. Let me ask you this question. Do you have

03:20 1 any knowledge, personal knowledge as to who actually  
2 shot the defendant and whose gun it was or anything like  
3 that?

4 A. We weren't able to determine which officer  
03:20 5 actually struck the suspect.

6 BY A JUROR:

7 Q. Were you able to recover any slug or bullet  
8 from the suspect's gun?

9 A. I personally don't have knowledge of that.  
03:21 10 I was removed from the scene because I was an involved  
11 shooter.

12 MS. PIEPER: Not the witness. I'll let you  
13 know which witness.

14 BY A JUROR:

03:21 15 Q. How long had you been there before the  
16 perpetrator exited the building?

17 A. The vehicle stopped, I had my first foot on  
18 the ground and I saw the suspect holding the kidnapped  
19 victim, and then the second foot hit the ground and the  
03:21 20 shot went out.

21 Q. So just a couple minutes?

22 A. So couple seconds.

23 Q. A couple seconds. Okay.

24 A. I fired my weapon within 30 seconds of  
03:21 25 exiting the vehicle.

03:21 1 Q. Did you hear anybody else issue commands?

2 A. Yes. The officer to my right who I did not  
3 know his name at the time, but Officer Carrigy, I heard  
4 him issue commands.

03:21 5 Q. What did he say?

6 A. I can't recall, but I remember hearing him  
7 speaking.

8 THE FOREPERSON: Any other questions?

9 Officer Graham, by law, these proceedings  
03:22 10 are secret and you are prohibited from disclosing to  
11 anyone anything that has transpired before us, including  
12 evidence and statements presented to the Grand Jury, any  
13 event occurring or statement made in the presence of the  
14 Grand Jury, and information obtained by the Grand Jury.

03:22 15 Failure to comply with this admonition is a  
16 gross misdemeanor punishable by up to 364 days in the  
17 Clark County Detention Center and a \$2,000 fine. In  
18 addition, you may be held in contempt of court  
19 punishable by an additional \$500 fine and 25 days in the  
03:22 20 Clark County Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes, I do.

23 THE FOREPERSON: Thank you. You are  
24 excused.

03:22 25 MS. PIEPER: State's next witness will be

03:22 1 Detective Jeff Clark.

2 THE FOREPERSON: Detective Clark, can you  
3 remain standing and raise your right hand.

4 You do solemnly swear the testimony you are  
03:23 5 about to give upon the investigation now pending before  
6 this Grand Jury shall be the truth, the whole truth, and  
7 nothing but the truth, so help you God?

8 THE WITNESS: Yes, I do.

9 THE FOREPERSON: Please be seated.

03:23 10 You are advised that you are here today to  
11 give testimony in the investigation pertaining to the  
12 offenses of burglary while in possession of a firearm,  
13 robbery with use of a deadly weapon, first degree  
14 kidnapping with use of a deadly weapon, assault on a  
03:23 15 protected person with use of a deadly weapon, conspiracy  
16 to commit robbery, attempt robbery with use of a deadly  
17 weapon, involving Mario Trejo.

18 Do you understand this advisement?

19 THE WITNESS: Yes, sir, I do.

03:23 20 THE FOREPERSON: Can you please state your  
21 first and last names and spell them both for the record.

22 THE WITNESS: It's Jeffrey, J-E-F-F-R-E-Y  
23 Clark, C-L-A-R-K.

24 MS. PIEPER: May I proceed?

03:23 25 THE FOREPERSON: Yes.

03:23 1 JEFFREY CLARK,  
2 having been first duly sworn by the Foreperson of the  
3 Grand Jury to testify to the truth, the whole truth,  
4 and nothing but the truth, testified as follows:

03:23 5  
6 EXAMINATION

7

8 BY MS. PIEPER:

9 Q. How are you employed?

03:23 10 A. I'm a detective with the robbery section  
11 for Las Vegas Metro PD.

12 Q. How long have you worked with Metro?

13 A. Almost ten years now.

14 Q. Drawing your attention to September 6,

03:24 15 2018. Were you working on that day?

16 A. I was not. I was off that day. I got  
17 called in for the incident.

18 Q. Okay. You came to work on September 6,  
19 2018?

03:24 20 A. Yes, I did.

21 Q. When you got called in, did you eventually  
22 respond to UMC?

23 A. I did not. I went to the scene.

24 Q. At some point did you speak to someone

03:24 25 named Mario Trejo?

03:24 1 A. Yes, I did. That was two days later at  
2 UMC, yes.

3 Q. It wasn't on September 6, 2018?

4 A. September, that's my bad. Wrong days. I  
03:24 5 was thinking September 3rd. I apologize.

6 Q. On September 6, 2018, did you respond to  
7 UMC to speak to Mario Trejo?

8 A. I did.

9 Q. Showing you what is marked as Grand Jury  
03:24 10 Exhibit Number 2. Is this Mr. Trejo?

11 A. Yes, it is.

12 Q. When you spoke to Mr. Trejo, was he in  
13 custody?

14 A. Yes, he was.

03:25 15 Q. Did you give him Miranda warnings?

16 A. Yes, I did.

17 Q. When you spoke to him did he agree to waive  
18 his Miranda warnings?

19 A. Yes, he did.

03:25 20 Q. Did he agree to speak to you?

21 A. He did both, yeah.

22 Q. What did he tell you?

23 A. He told me that -- the reason I went there  
24 was for an event that happened back on August 4th at the  
03:25 25 same Super Pawn. There was an attempted robbery but at

03:25 1 the time Mr. Trejo and another unknown subject, he would  
2 not give the name, attempted to rob the business but the  
3 employees ran. When we got the information of the  
4 actual robbery that occurred where he got into the  
03:25 5 shooting with the police officers, the description  
6 matched.

7 Q. So when you spoke to him did he admit to  
8 committing the robberies?

9 A. Yes, he did.

03:25 10 Q. And did he say why he committed the robbery  
11 on August 4, 2018?

12 A. He stated that back in I believe it was  
13 October of 2017 he had been involved in a shooting where  
14 he was shot several times. Since then he was unable to  
03:26 15 gain employment. He also told me that he was a former  
16 employee of the Super Pawn so he felt comfortable  
17 robbing that business to get money.

18 Q. And then did he go through the details of  
19 the fact that he went there with somebody else, how he  
03:26 20 was dressed, he got out of the vehicle but then the  
21 employees ran away?

22 A. Yes.

23 MS. PIEPER: I have no other questions for  
24 this witness. Do any members of the grand jury?

03:26 25 A JUROR: Is this the witness for me to

03:26 1 ask? Okay.

2 BY A JUROR:

3 Q. Did he work at that Super Pawn?

4 A. Yes.

03:26 5 THE FOREPERSON: Any other questions?

6 BY A JUROR:

7 Q. Who was the, did they identify who the  
8 other person was?

9 A. He told me only it was a good friend of his  
03:26 10 from the time he was recuperating from the first  
11 shooting and he did not feel comfortable giving me any  
12 information on that person, that he would take the blame  
13 for all of it.

14 Q. So he didn't tell you the name?

03:26 15 A. He would not give me a name, no. We're  
16 working on that.

17 THE FOREPERSON: Any other questions?

18 Detective Clark, by law, these proceedings  
19 are secret and you are prohibited from disclosing to  
03:27 20 anyone anything that has transpired before us, including  
21 evidence and statements presented to the Grand Jury, any  
22 event occurring or statement made in the presence of the  
23 Grand Jury, and information obtained by the Grand Jury.

24 Failure to comply with this admonition is a  
03:27 25 gross misdemeanor punishable by up to 364 days in the

03:27 1 Clark County Detention Center and a \$2,000 fine. In  
2 addition, you may be held in contempt of court  
3 punishable by an additional \$500 fine and 25 days in the  
4 Clark County Detention Center.

03:27 5 Do you understand this admonition?

6 THE WITNESS: I do, sir.

7 THE FOREPERSON: Thank you. You are  
8 excused.

9 THE WITNESS: Thank you.

03:27 10 MS. PIEPER: State's next and last witness  
11 will be Detective Patton.

12 THE FOREPERSON: Detective, can you remain  
13 standing and raise your right hand please.

14 THE WITNESS: Yes, sir.

03:28 15 THE FOREPERSON: You do solemnly swear the  
16 testimony you are about to give upon the investigation  
17 now pending before this Grand Jury shall be the truth,  
18 the whole truth, and nothing but the truth, so help you  
19 God?

03:28 20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 THE WITNESS: Thank you.

23 THE FOREPERSON: You are advised that you  
24 are here today to give testimony in the investigation

03:28 25 pertaining to the offenses of burglary while in

03:28 1 possession of a firearm, robbery with use of a deadly  
2 weapon, first degree kidnapping with use of a deadly  
3 weapon, assault on a protected person with use of a  
4 deadly weapon, conspiracy to commit robbery, and attempt  
03:28 5 robbery with use of a deadly weapon, involving Mario  
6 Trejo.

7 Do you understand this advisement?

8 THE WITNESS: Yes, sir.

9 THE FOREPERSON: Can you please state your  
03:28 10 first and last names and spell both for of them for the  
11 record.

12 THE WITNESS: Joe Patton. J-O-E,  
13 P-A-T-T-O-N.

14 MS. PIEPER: May I proceed?

03:28 15 THE FOREPERSON: Yes.

16 JOE PATTON,  
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:

03:28 20  
21 EXAMINATION

22  
23 BY MS. PIEPER:

24 Q. How are you employed?

03:28 25 A. I'm a detective with the Las Vegas

03:28 1 Metropolitan Police Department Force Investigation Team.

2 Q. What's the Force Investigation Team?

3 A. We conduct the criminal investigation into  
4 officer involved shootings, in-custody deaths, cases

03:29 5 where officers are victims of felony crimes when they're  
6 on duty.

7 Q. How long have you been with Metro?

8 A. Fourteen and a half years.

9 Q. Drawing your attention to September 3rd,  
03:29 10 2018. Were you working on that day?

11 A. Yes, ma'am.

12 Q. Did you get called out to 1150 South  
13 Rainbow here in Las Vegas, Clark County, Nevada?

14 A. I'm sorry. Technically I wasn't working.

03:29 15 It was Labor Day. But we did get called out to that  
16 call, yes. Sorry. Normally I would be working on a  
17 Monday but it was Labor Day, we were off so. But yes,  
18 ma'am, I did get called out to that event.

19 Q. Did you go out to the scene?

03:29 20 A. I sure did, yes.

21 Q. Did you look at the scene and see all the  
22 evidence out at the scene?

23 A. Yes, I did.

24 Q. Showing you what's marked as Grand Jury

03:29 25 Exhibit Number 5. Do you recognize what is depicted in

03:30 1 this picture?

2 A. Yes. It's the parking lot of the Super  
3 Pawn, the vehicle that was driven to the location by the  
4 suspect and a motorcycle helmet.

03:30 5 Q. And when you say the vehicle that was  
6 driven there by the suspect, would that be --

7 A. Mr. Trejo, yes.

8 Q. Would that be which vehicle?

9 A. I'm sorry. I apologize. The white Hyundai  
03:30 10 that's in the front, not the white Hummer.

11 Q. Showing you Grand Jury Exhibit Number 7.  
12 Is that a closer picture of what I just showed you in 5?

13 A. That's correct, yes.

14 Q. Can you tell the members or can you say on  
03:30 15 the record what is actually depicted in that picture?

16 A. It's a motorcycle helmet, the rag and the,  
17 it's kind of like a rifle but it takes a handgun clip so  
18 it actually fires a 40-millimeter handgun round but it's  
19 designed to look like a rifle.

03:30 20 Q. On that rifle or on that handgun is there  
21 actually a strap?

22 A. There is, yes. Or a sling, yes.

23 Q. Showing you Grand Jury Exhibit Number 2.  
24 That is whom?

03:31 25 A. That is the defendant Mr. Trejo, yes.

03:31 1 Q. And did you speak to him on September 3rd,  
2 2018?

3 A. I did interview him, yes.

4 Q. Did you Mirandize him?

03:31 5 A. I did Mirandize him.

6 Q. Was he in custody?

7 A. He was in custody.

8 Q. What did he tell you?

9 A. He told me that he was desperate for money.

03:31 10 He chose that particular location because he had  
11 previously worked there. He was not able to get work  
12 over the last couple of months so he grew desperate. He  
13 borrowed the car from a friend of his who knew nothing  
14 about the incident. He took the car back to his house.

03:31 15 He said he made up a story that he had to go pick up his  
16 kids from Henderson, that's why he borrowed the car.  
17 When he got back to his house he described that he got  
18 dressed and I had him describe that to me. He stated  
19 that he put on a long sleeve shirt and pants and boots

03:32 20 and that he put on a gun belt. He described the gun  
21 belt to me as being a tan tactical style gun belt. He  
22 stated he had a Glock handgun inside of that belt. He  
23 also had the other rifle that he described to me. He  
24 said he had a helmet. Then he drove to the Super Pawn,

03:32 25 he made entry, he demanded money. He knew where a lot

03:32 1 of stuff was because of his previous employment there.  
2 He recognized someone when he went inside, he recognized  
3 someone that he had gone to high school with. He didn't  
4 know that she was there, it was a surprise to him. That  
03:32 5 is eventually the person that he pulls out of the store  
6 with him. He described as he, after he got the money  
7 and jewelry, he didn't know how much he got but he was  
8 specific that he put it into the backpack that he was  
9 carrying which we also recovered that had property  
03:33 10 inside of it, and when he was going to leave he noticed  
11 that the police had already arrived. So he took, he did  
12 not describe it as a hostage, but he took the female  
13 with him because in his opinion he thought that if he  
14 had someone with him the cops wouldn't shoot at him and  
03:33 15 all he was trying to do was get to his scar and leave.  
16 So when he went outside there was a struggle for the  
17 gun, he squeezed off a round, he doesn't know where it  
18 was going but he believes the gun was pointed down, and  
19 the gun was removed from him. He was going towards his  
03:33 20 car and that's when the officers shot him.

21 MS. PIEPER: I have no further questions of  
22 this witness. Do any of the members of the grand jury?

23 THE WITNESS: Yes, ma'am.

24 BY A JUROR:

03:33 25 Q. Could you give us a little bit of in

03:33 1 between. He shot. How badly is he shot? Are you  
2 interviewing him in the back of a police car while on  
3 the scene while --

4 A. Sure. Yes, ma'am. That's a good question  
03:33 5 I went to the hospital. He was shot one time in the  
6 chest, that collapsed his lung. I went to the hospital,  
7 I responded there and got, permission is not the right  
8 word but I got clearance from the doctors to make sure  
9 he was medically cleared enough to speak with me, and  
03:34 10 then I did a recorded statement. So I had a recorder  
11 there, turned on the recorder, read him Miranda under  
12 recording, and my partner was there with me. So it was  
13 all done at the UMC Trauma.

14 Yes, sir.

03:34 15 BY A JUROR:

16 Q. Did you examine the gun that you pointed  
17 out that was in the parking lot to see whether it had  
18 been discharged?

19 A. The gun from the picture?

03:34 20 Q. Yes.

21 A. No, sir, I did not do that. That was not  
22 part of my responsibilities that day.

23 Q. Did you find any direct evidence, like a  
24 bullet, to show that the suspect had in fact fired on  
03:34 25 the police?

03:35 1 A. Well, he fired the, he fired one round from  
2 the Glock handgun that he had. We located the bullet  
3 strike in the asphalt and that was documented,  
4 photographed and swabbed and the cart casing from the  
03:35 5 gun was actually still inside of the weapon itself. So  
6 during the struggle when they had their hands on the gun  
7 and struggling, the round went off, which would cause a  
8 malfunction in the weapon which not allowed the cart  
9 case to be ejected from that handgun which essentially  
03:35 10 makes it, you wouldn't be able to use that gun without  
11 doing a clearing.

12 Q. But you did find a bullet?

13 A. The bullet itself we never located, no,  
14 sir.

03:35 15 Q. You found markings of the bullet?

16 A. We found the strike where the bullet, yes.  
17 We know from video evidence where the bullet struck and  
18 then we in turn found that exact location in the parking  
19 lot.

03:35 20 Q. Okay.

21 MS. PIEPER: I have no other questions. Do  
22 any --

23 BY A JUROR:

24 Q. Did you interview Serrano?

03:36 25 A. I'm sorry?

03:36 1 Q. Did you interview Adriane Serrano?

2 A. No, I only interviewed the suspect.

3 Q. Okay. Because -- did he mention the name  
4 of the person that he had as the hostage or the person  
03:36 5 that he knew from high school?

6 A. He said a first name, I don't recall that  
7 name off the top of my head but he knew her by first  
8 name and stated they went to Rancho High School  
9 together.

03:36 10 Q. And that would be in your recorded, you  
11 recorded that interview?

12 A. Yes, sir.

13 BY A JUROR:

14 Q. I have another question.

03:36 15 A. Yes, ma'am.

16 Q. So according to the hostage, they struggled  
17 over the gun in the parking lot, it discharged once and  
18 into the asphalt and she testified that she then grabbed  
19 it and threw it to the side.

03:36 20 MS. PIEPER: I'm going to stop you for a  
21 second. We cannot let this witness know what other  
22 people have testified to.

23 A JUROR: Okay.

24 MS. PIEPER: So if you have a question

03:37 25 outside of letting him know what the other witness

03:37 1 testified to you can ask that question.

2 A JUROR: Okay.

3 MS. PIEPER: He's only testifying as to  
4 what the defendant told him.

03:37 5 THE FOREPERSON: Any other questions for  
6 this witness?

7 Officer, by law, these proceedings are  
8 secret and you are prohibited from disclosing to anyone  
9 anything that has transpired before us, including

03:37 10 evidence and statements presented to the Grand Jury, any  
11 event occurring or statement made in the presence of the  
12 Grand Jury, and information obtained by the Grand Jury.

13 Failure to comply with this admonition is a  
14 gross misdemeanor punishable by up to 364 days in the  
03:37 15 Clark County Detention Center and a \$2,000 fine. In  
16 addition, you may be held in contempt of court  
17 punishable by an additional \$500 fine and 25 days in the  
18 Clark County Detention Center.

19 Do you understand this admonition?

03:38 20 THE WITNESS: Yes, sir.

21 THE FOREPERSON: Thank you. You are  
22 excused.

23 THE WITNESS: Thank you.

24 MS. PIEPER: State has no other witnesses.

03:38 25 We're going to ask the members of the grand jury to

03:38 1 deliberate.

2 (At this time, all persons, other than  
3 members of the Grand Jury, exit the room at 3:38 p.m.  
4 and return at 3:50 p.m.)

03:50 5 THE FOREPERSON: Madame District Attorney,  
6 by a vote of 12 or more grand jurors a true bill has  
7 been returned against Mario Trejo charging the crimes of  
8 Count 1, Count 2, Count 3, Count 4, Count 5, Count 6,  
9 Count 7, Count 8, Count 9, Count 10, Count 11, Count 13,  
03:51 10 and Count 14. So the only one we disagreed on was Count  
11 12. We instruct you to prepare an Indictment in  
12 conformance with the proposed Indictment previously  
13 submitted to us minus Count 12.

14 MS. PIEPER: Thank you.

03:52 15 (Proceedings concluded.)

16 --oo0oo--

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03:52

1

**REPORTER'S CERTIFICATE**

2

3

**STATE OF NEVADA** )

: ss

4

**COUNTY OF CLARK** )

03:52

5

6

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

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

03:52

10

shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

03:52

15

October 9, 2018.

16

17

/s/ Danette L. Antonacci

18

19

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

03:52

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03:52

1

## AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
18BGJ002X:

03:52

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8

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

9

03:52

10

-OR-

11

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

12

13

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

14

-OR-

03:52

15

16

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

17

18

/s/ Danette L. Antonacci

19

\_\_\_\_\_  
Signature

10-9-18

Date

03:52

20

21

Danette L. Antonacci

22

Print Name

23

Official Court Reporter

24

Title

25

<p><b>A JUROR: [16]</b>  5/19 22/15 22/18  22/19 75/22 75/24  77/10 77/16 77/17  77/18 78/5 78/10  78/22 89/24 99/22  100/1</p> <p><b>BY A JUROR: [21]</b>  19/14 19/23 20/1  20/14 20/21 21/3  21/9 40/23 61/9  75/15 76/2 76/10  83/19 84/5 84/13  90/1 90/5 96/23  97/14 98/22 99/12</p> <p><b>BY MR. LOGRIPPO:</b>  <b>[5]</b> 7/6 20/3  23/23 27/13 43/8</p> <p><b>BY MS. PIEPER:</b>  <b>[5]</b> 64/6 80/6  83/23 87/6 92/21</p> <p><b>MR. LOGRIPPO:</b>  <b>[11]</b> 5/21 19/11  19/25 20/13 21/17  22/11 22/17 22/20  40/20 42/3 61/7</p> <p><b>MR. MARTINEZ: [1]</b>  77/14</p> <p><b>MS. PIEPER: [31]</b>  5/7 5/20 27/9  62/23 63/23 75/13  75/20 75/23 75/25  77/8 77/13 77/19  77/21 78/6 78/15  78/23 79/21 83/16  84/11 85/24 86/23  89/22 91/9 92/13  96/20 98/20 99/19  99/23 100/2  100/23 101/13</p>	<p><b>THE FOREPERSON:</b>  <b>[45]</b>  <b>THE WITNESS: [38]</b></p> <hr/> <p><b>\$</b></p> <hr/> <p><b>\$2,000 [7]</b> 22/3  41/20 62/15 76/25  85/17 91/1 100/15</p> <hr/> <p><b>\$500 [7]</b> 22/5  41/22 62/17 77/2  85/19 91/3 100/17</p> <hr/> <p><b>-</b></p> <hr/> <p><b>--oo0oo [1]</b>  101/16</p> <hr/> <p><b>-OR [2]</b> 103/10  103/14</p> <hr/> <p><b>.</b></p> <hr/> <p><b>.40 [2]</b> 46/18  59/7</p> <hr/> <p><b>.40 caliber [2]</b>  46/18 59/7</p> <hr/> <p><b>/</b></p> <hr/> <p><b>/s [2]</b> 102/17  103/18</p> <hr/> <p><b>1</b></p> <hr/> <p><b>10 [3]</b> 36/12 45/1  101/9</p> <hr/> <p><b>10-9-18 [1]</b>  103/18</p> <hr/> <p><b>11 [2]</b> 64/13  101/9</p> <hr/> <p><b>1150 [8]</b> 7/13  24/13 32/18 43/14  44/19 64/20 81/5  93/12</p> <hr/> <p><b>12 [3]</b> 101/6  101/11 101/13</p> <hr/> <p><b>13 [1]</b> 101/9</p>	<p><b>14 [3]</b> 22/14  22/21 101/10</p> <p><b>15 [1]</b> 22/20</p> <p><b>18 [1]</b> 103/18</p> <p><b>18BGJ002X [4]</b> 1/7  5/12 77/23 103/5</p> <p><b>1:10 [1]</b> 45/4</p> <p><b>1:10 the [1]</b> 44/7</p> <p><b>1:30 p.m [2]</b>  32/19 43/25</p> <p><b>1:50 [1]</b> 1/14</p> <hr/> <p><b>2</b></p> <hr/> <p><b>2002 [1]</b> 29/19</p> <p><b>2017 [1]</b> 89/13</p> <p><b>2018 [19]</b> 1/13  2/1 5/1 8/3 9/12  24/18 26/19 43/21  64/18 70/13 80/16  87/15 87/19 88/3  88/6 89/11 93/10  95/2 102/15</p> <p><b>210 [5]</b> 34/6 45/9  45/9 45/12 45/21</p> <p><b>222 [3]</b> 1/25  102/6 102/18</p> <p><b>23 [1]</b> 59/6</p> <p><b>239B.030 [1]</b>  103/2</p> <p><b>25 [7]</b> 22/5 41/22  62/17 77/2 85/19  91/3 100/17</p> <hr/> <p><b>3</b></p> <hr/> <p><b>30 [1]</b> 84/24</p> <p><b>364 [7]</b> 22/2  41/19 62/14 76/24  85/16 90/25  100/14</p> <p><b>3:38 [1]</b> 101/3</p> <p><b>3:50 [1]</b> 101/4</p> <p><b>3rd [10]</b> 32/11</p>
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<b>3</b>	99/16	40/8 42/4 43/1
<b>3rd...</b> [9] 36/24	<b>accurate</b> [3] 9/11	43/3 99/1
43/21 56/3 64/17	36/23 102/12	<b>Adriane's</b> [1]
70/13 80/16 88/5	<b>accurately</b> [1]	40/1
93/9 95/1	5/6	<b>advised</b> [7] 6/7
<b>4</b>	<b>across</b> [1] 18/7	23/5 42/14 63/10
<b>40-millimeter</b> [1]	<b>acting</b> [1] 45/17	79/8 86/10 91/23
94/18	<b>actual</b> [2] 66/4	<b>advisement</b> [7]
<b>4th</b> [3] 8/2 33/15	89/4	6/17 23/13 42/22
88/24	<b>actually</b> [13]	63/18 79/16 86/18
<b>6</b>	12/17 27/12 28/22	92/7
<b>656.250</b> [1]	72/15 75/2 75/20	<b>affect</b> [1] 78/3
103/13	77/25 84/1 84/5	<b>affirm</b> [1] 103/4
<b>8</b>	94/15 94/18 94/21	<b>AFFIRMATION</b> [1]
<b>8:00</b> [1] 8/6	98/5	103/1
<b>8:15</b> [2] 8/6	<b>Acura</b> [8] 10/17	<b>afraid</b> [1] 55/9
24/20	16/13 16/23 17/3	<b>after</b> [18] 14/23
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<b>911</b> [5] 15/15	31/3	50/4 52/14 54/1
15/25 21/8 31/25	<b>add</b> [1] 49/1	59/20 60/7 60/14
32/5	<b>added</b> [1] 53/3	60/15 61/15 62/5
<b>A</b>	<b>addition</b> [7] 22/4	69/22 71/15 73/8
<b>A-D-R-I-A-N-E</b> [1]	41/21 62/16 77/1	73/9 96/6
43/1	85/18 91/2 100/16	<b>afternoon</b> [6] 5/9
<b>ability</b> [4] 5/7	<b>additional</b> [7]	7/9 7/10 23/25
78/4 78/18 78/20	22/5 41/22 62/17	24/1 43/11
<b>able</b> [11] 11/10	77/2 85/19 91/3	<b>afterwards</b> [2]
33/10 37/16 53/4	100/17	62/6 83/23
53/24 75/6 75/10	<b>administration</b> [1]	<b>again</b> [8] 38/3
84/4 84/7 95/11	103/15	49/1 52/20 53/6
98/10	<b>admit</b> [1] 89/7	54/4 56/22 61/6
<b>about</b> [50]	<b>admonition</b> [14]	68/22
<b>above</b> [1] 56/19	22/1 22/7 41/18	<b>against</b> [2] 25/22
<b>Absolutely</b> [2]	41/24 62/13 62/19	101/7
51/17 61/1	76/23 77/4 85/15	<b>aggressive</b> [1]
<b>access</b> [1] 21/16	85/21 90/24 91/5	18/18
<b>according</b> [1]	100/13 100/19	<b>aggressively</b> [1]
	<b>Adriane</b> [14]	27/23
	34/25 36/3 37/8	<b>agree</b> [2] 88/17
	37/9 38/24 39/1	88/20
	39/5 39/9 39/22	<b>aim</b> [1] 57/20

<b>A</b>	<b>am [1]</b> 54/11	11/19
<b>aimed [4]</b> 46/2	<b>Andino [3]</b> 35/3	<b>approached [5]</b>
57/6 59/19 59/21	44/16 47/13	11/23 12/19 33/1
<b>aiming [2]</b> 51/9	<b>another [6]</b> 12/14	65/10 66/6
57/15	18/7 73/10 73/24	<b>approaches [1]</b>
<b>air [3]</b> 34/16	89/1 99/14	68/13
46/24 71/10	<b>Antonacci [7]</b>	<b>approaching [2]</b>
<b>alarm [3]</b> 15/5	1/25 5/4 102/6	33/17 66/11
15/6 34/5	102/17 102/18	<b>approximately [2]</b>
<b>alarmed [1]</b> 29/3	103/18 103/21	44/7 69/17
<b>alarms [1]</b> 51/13	<b>anxiety [1]</b> 60/5	<b>are [75]</b>
<b>alert [2]</b> 45/19	<b>any [43]</b>	<b>area [8]</b> 9/12
49/5	<b>anybody [10]</b> 5/14	17/19 17/19 17/20
<b>alerts [1]</b> 45/16	11/10 11/12 11/14	57/12 64/15 64/16
<b>ALEX [1]</b> 2/19	12/11 76/2 76/12	67/11
<b>all [21]</b> 9/3	76/15 83/18 85/1	<b>arm [2]</b> 72/6 72/8
19/12 24/3 25/9	<b>anymore [1]</b> 68/23	<b>armed [2]</b> 69/7
35/14 37/4 37/19	<b>anyone [13]</b> 10/14	81/16
40/5 47/24 51/24	11/13 15/13 21/21	<b>armor [1]</b> 74/8
69/5 70/7 74/24	26/2 41/13 45/16	<b>around [17]</b> 8/5
78/8 78/23 90/13	47/9 62/9 76/19	13/22 13/22 14/4
93/21 96/15 97/13	85/11 90/20 100/8	24/20 30/1 39/1
101/2 102/8	<b>anything [20]</b>	39/6 41/6 43/25
<b>allegedly [1]</b>	12/3 20/17 20/23	51/5 51/5 58/11
75/18	20/24 21/22 28/14	72/6 72/9 73/10
<b>allow [1]</b> 51/8	28/16 38/25 41/13	80/13
<b>allowed [1]</b> 98/8	52/23 60/17 62/9	<b>arrive [9]</b> 7/23
<b>almost [2]</b> 27/20	72/18 72/20 76/19	8/5 9/18 24/21
87/13	78/2 84/2 85/11	69/12 69/22 69/24
<b>alone [2]</b> 12/11	90/20 100/9	70/4 82/10
38/23	<b>apologize [7]</b>	<b>arrived [7]</b> 8/11
<b>already [7]</b> 28/25	5/17 5/19 5/21	8/20 66/25 69/15
47/10 48/1 60/2	44/21 73/22 88/5	74/22 81/21 96/11
71/11 71/14 96/11	94/9	<b>arrives [3]</b> 25/2
<b>also [18]</b> 2/20	<b>appear [1]</b> 29/10	25/7 69/19
8/17 16/25 18/21	<b>appearing [1]</b>	<b>arriving [2]</b> 8/12
22/17 30/14 35/11	54/6	70/6
41/6 46/7 51/4	<b>appears [1]</b> 10/24	<b>as [50]</b>
52/4 59/6 66/12	<b>application [1]</b>	<b>aside [1]</b> 61/22
66/17 74/8 89/15	103/15	<b>asides [1]</b> 62/6
95/23 96/9	<b>approach [1]</b>	<b>ask [8]</b> 65/15

<b>A</b>	8/2 12/4 12/6 24/17 32/10 44/1 45/18 64/17 78/14 87/14 93/9	<b>bad</b> [2] 32/25 88/4
<b>ask...</b> [7] 75/22 78/1 78/21 83/25 90/1 100/1 100/25	<b>Attorney</b> [4] 2/21 2/22 2/23 101/5	<b>badly</b> [1] 97/1
<b>asked</b> [5] 49/23 50/4 51/12 60/15 65/25	<b>August</b> [6] 8/2 9/12 24/18 33/15 88/24 89/11	<b>bag</b> [1] 50/7
<b>asking</b> [2] 51/16 51/18	<b>August 4</b> [3] 9/12 24/18 89/11	<b>bangs</b> [1] 38/9
<b>asphalt</b> [2] 98/3 99/18	<b>August 4th</b> [3] 8/2 33/15 88/24	<b>based</b> [1] 18/16
<b>assault</b> [8] 6/11 23/9 41/5 42/18 63/14 79/12 86/14 92/3	<b>Auto</b> [3] 44/3 55/15 67/7	<b>basically</b> [1] 34/13
<b>assignment</b> [2] 64/14 80/14	<b>automatic</b> [1] 59/3	<b>be</b> [53]
<b>assistant</b> [2] 2/6 43/20	<b>automatically</b> [1] 48/16	<b>beat</b> [3] 31/11 31/12 73/9
<b>associate</b> [4] 45/8 45/15 46/23 49/13	<b>Avenue</b> [2] 64/21 81/6	<b>became</b> [2] 13/10 13/13
<b>associates</b> [6] 47/8 47/23 48/11 51/10 54/4 60/15	<b>aware</b> [4] 13/10 13/13 38/16 49/10	<b>because</b> [37]
<b>assumed</b> [2] 39/21 39/21	<b>away</b> [12] 16/17 17/8 30/18 56/13 59/21 68/15 68/15 68/20 69/25 72/5 78/13 89/21	<b>become</b> [2] 19/1 58/24
<b>assuming</b> [2] 31/12 38/9	<b>awhile</b> [1] 60/15	<b>becomes</b> [1] 53/7
<b>attached</b> [1] 75/3	<b>B</b>	<b>been</b> [19] 5/5 7/2 19/10 23/20 36/20 43/4 64/2 67/1 70/21 80/2 80/12 82/3 84/15 87/2 89/13 92/17 93/7 97/18 101/7
<b>attack</b> [1] 60/6	<b>B-O-J-O-R-Q-U-E-Z</b>	<b>before</b> [26] 5/14 6/2 8/8 17/24 21/22 22/25 39/4 40/6 41/13 42/9 50/6 52/21 58/3 60/24 62/9 63/5 74/22 76/19 79/3 84/15 85/11 86/5 90/20 91/17 100/9 102/8
<b>attempt</b> [8] 6/13 23/11 42/20 66/10 71/9 79/14 86/16 92/4	[1] 43/2	<b>before-entitled</b>
<b>attempted</b> [4] 49/6 63/16 88/25 89/2	<b>back</b> [46]	[1] 102/8
<b>attempting</b> [2] 44/8 45/16	<b>backed</b> [3] 10/17 11/2 31/14	<b>begin</b> [4] 8/9 9/24 13/17 37/6
<b>attention</b> [11]	<b>backing</b> [1] 18/6	<b>behind</b> [19] 13/23 13/24 14/14 14/15 17/11 29/14 30/10
	<b>backpack</b> [9] 50/14 50/19 50/23 50/24 51/1 52/10 54/17 54/20 96/8	

<b>B</b>	82/16	73/23
<b>behind...</b> [12] 37/21 38/8 40/10 44/24 47/22 51/9 52/3 58/16 66/5 66/17 73/5 74/10	<b>BLADIMIR</b> [2] 1/8 5/12	<b>broad</b> [1] 30/6 <b>broke</b> [2] 49/7 58/17
<b>being</b> [9] 12/25 18/13 18/14 20/12 45/20 61/3 69/18 75/11 95/21	<b>blame</b> [1] 90/12 <b>blinker</b> [5] 17/13 17/18 17/25 18/3 31/7	<b>broker</b> [1] 24/11 <b>building</b> [10] 10/18 13/22 14/4 26/5 27/20 55/15 56/13 66/13 70/2 84/16
<b>believe</b> [11] 18/13 44/2 50/3 68/19 69/5 69/21 70/9 73/23 75/19 81/4 89/12	<b>blinkers</b> [1] 30/14	<b>bulky</b> [1] 28/4 <b>bullet</b> [9] 75/18 84/7 97/24 98/2 98/12 98/13 98/15 98/16 98/17
<b>believes</b> [1] 96/18	<b>block</b> [10] 66/5 66/17 67/17 68/5 68/10 70/19 71/2 76/13 82/18 82/24	<b>bundle</b> [2] 50/7 50/10
<b>belt</b> [5] 46/7 95/20 95/21 95/21 95/22	<b>blue</b> [2] 28/3 33/8	<b>burglary</b> [7] 6/9 23/7 42/16 63/12 79/10 86/12 91/25
<b>BENJAMIN</b> [1] 2/7	<b>BMW</b> [3] 19/9 19/11 31/21	<b>bush</b> [1] 67/13
<b>besides</b> [6] 10/13 26/3 34/23 46/3 69/18 69/24	<b>body</b> [3] 19/21 30/5 74/7	<b>business</b> [16] 65/10 65/12 66/2 66/4 66/11 67/5 70/10 70/15 71/2 81/18 81/24 82/1 82/14 82/14 89/2 89/17
<b>best</b> [1] 5/7	<b>BOJORQUEZ</b> [1] 43/3	<b>busy</b> [1] 17/20
<b>between</b> [8] 5/13 27/20 31/5 50/11 67/13 69/14 83/7 97/1	<b>boots</b> [3] 12/1 33/9 95/19	<b>button</b> [11] 15/2 15/5 15/8 15/11 15/12 47/17 49/3 49/4 49/8 49/14 58/7
<b>BIANCOLIN</b> [1] 2/5	<b>borrowed</b> [2] 95/13 95/16	<b>buttons</b> [4] 47/18 48/1 49/10 51/13
<b>biker</b> [1] 33/8	<b>both</b> [9] 6/20 23/16 34/16 42/25 63/21 79/19 86/21 88/21 92/10	<b>C</b>
<b>bill</b> [2] 49/25 101/6	<b>Boulevard</b> [5] 7/13 24/13 32/18 43/15 44/20	<b>C-A-R-R-I-G-Y</b> [2] 62/25 63/23
<b>bit</b> [9] 8/8 13/2 17/24 40/14 58/18 65/16 65/18 70/22 96/25	<b>break</b> [2] 5/17 77/16	<b>C-L-A-R-K</b> [1]
<b>black</b> [11] 10/17 11/6 11/24 13/4 28/3 46/1 46/3 46/7 70/7 74/12	<b>breasts</b> [1] 19/21 <b>breathing</b> [1] 40/9	
	<b>brick</b> [2] 10/24 55/15	
	<b>bring</b> [1] 73/3	
	<b>bringing</b> [1]	

<b>C</b>	52/17 52/22 77/23	<b>chest [1]</b> 97/6
<b>C-L-A-R-K... [1]</b>	78/1 78/5 98/9	<b>Chevron [1]</b> 17/21
86/23	103/4	<b>Chief [2]</b> 2/21
<b>C.C.R [3]</b> 1/25	<b>cases [3]</b> 52/16	2/22
102/6 102/18	52/23 93/4	<b>CHILDS [1]</b> 2/7
<b>C335315 [1]</b> 1/7	<b>cash [4]</b> 49/24	<b>choice [3]</b> 51/15
<b>cabinets [1]</b> 35/1	50/6 52/9 52/14	53/18 55/4
<b>caliber [2]</b> 46/18	<b>casing [1]</b> 98/4	<b>chose [1]</b> 95/10
59/7	<b>cause [8]</b> 19/17	<b>cinder [2]</b> 82/18
<b>call [9]</b> 15/13	28/24 30/14 31/12	82/24
15/15 15/18 31/25	37/13 38/9 78/4	<b>circumstances [1]</b>
64/20 65/1 65/24	98/7	45/14
81/15 93/16	<b>Center [14]</b> 22/3	<b>clarification [2]</b>
<b>called [9]</b> 15/2	22/6 41/20 41/23	19/16 22/13
21/8 44/10 71/13	62/15 62/18 76/25	<b>CLARK [27]</b> 1/2
87/17 87/21 93/12	77/3 85/17 85/20	7/15 22/3 22/6
93/15 93/18	91/1 91/4 100/15	24/15 32/17 41/20
<b>calls [1]</b> 46/21	100/18	41/23 43/17 62/15
<b>calm [1]</b> 48/11	<b>certain [2]</b> 52/9	62/18 64/21 76/25
<b>came [3]</b> 24/25	67/11	77/3 85/17 85/20
44/10 87/18	<b>CERTIFICATE [1]</b>	86/1 86/2 86/23
<b>can [44]</b>	102/1	87/1 90/18 91/1
<b>can't [7]</b> 26/8	<b>certify [1]</b> 102/7	91/4 93/13 100/15
28/7 49/14 53/13	<b>chain [1]</b> 9/22	100/18 102/4
58/2 71/11 85/6	<b>chains [3]</b> 37/15	<b>cleaned [1]</b> 44/13
<b>cannot [1]</b> 99/21	37/19 37/19	<b>clear [2]</b> 30/16
<b>car [51]</b>	<b>change [2]</b> 16/19	70/24
<b>care [1]</b> 58/5	36/4	<b>clearance [1]</b>
<b>Carla [3]</b> 35/11	<b>changes [1]</b> 30/25	97/8
35/12 47/12	<b>changing [3]</b> 17/3	<b>cleared [1]</b> 97/9
<b>Carrigy [8]</b> 62/25	17/4 30/22	<b>clearing [1]</b>
63/22 63/23 64/1	<b>charged [1]</b> 20/12	98/11
76/4 76/17 77/24	<b>charging [1]</b>	<b>clears [2]</b> 68/22
85/3	101/7	73/11
<b>carrying [1]</b> 96/9	<b>Charleston [7]</b>	<b>clip [1]</b> 94/17
<b>cars [3]</b> 25/3	16/9 18/9 24/9	<b>close [3]</b> 57/4
31/5 56/5	24/12 30/11 43/13	58/16 72/5
<b>cart [2]</b> 98/4	81/19	<b>closed [1]</b> 7/24
98/8	<b>chase [1]</b> 21/6	<b>closer [2]</b> 55/25
<b>case [11]</b> 5/12	<b>chat [1]</b> 32/4	94/12
20/11 26/16 49/14	<b>checked [1]</b> 50/10	<b>closes [1]</b> 70/10

<b>C</b>	<b>committed [1]</b> 89/10	2/24
<b>cocked [1]</b> 13/6	<b>committing [1]</b> 89/8	<b>cops [5]</b> 31/21 54/6 56/18 58/8 96/14
<b>code [5]</b> 34/6 48/17 48/21 49/1 49/2	<b>common [1]</b> 25/1	<b>corner [3]</b> 56/14 68/6 70/24
<b>collapsible [3]</b> 75/5 75/8 75/9	<b>communicates [1]</b> 15/6	<b>correct [33]</b> 6/15 7/14 7/16 8/1
<b>collapsed [2]</b> 75/13 97/6	<b>company [1]</b> 15/6	10/25 11/1 11/11
<b>color [3]</b> 67/15 67/16 74/12	<b>completely [2]</b> 11/6 19/18	12/18 13/12 17/25
<b>colored [1]</b> 31/2	<b>comply [13]</b> 22/1 35/22 41/18 47/20	18/21 21/3 30/20
<b>come [17]</b> 17/12 25/5 30/10 32/4 38/2 38/3 39/2 39/3 39/3 39/3 39/24 40/2 40/12 54/7 60/21 73/10 81/15	51/23 55/5 55/8 60/5 62/13 76/23 85/15 90/24 100/13	52/2 52/6 52/7 52/25 53/1 54/20 54/21 56/11 56/12 61/13 66/13 66/18 68/3 68/7 69/10 71/5 71/19 71/20 74/17 94/13
<b>comes [6]</b> 10/5 30/10 34/2 40/7 46/19 70/7	<b>complying [1]</b> 47/21	<b>could [18]</b> 6/19 11/12 11/22 13/25 24/2 30/3 30/17 32/6 33/6 39/12 50/12 52/19 52/21 58/5 58/15 66/3 70/18 96/25
<b>comfort [1]</b> 60/12	<b>concluded [1]</b> 101/15	<b>couldn't [2]</b> 12/14 39/11
<b>comfortable [3]</b> 27/17 89/16 90/11	<b>conduct [1]</b> 93/3	<b>count [21]</b> 22/14 22/16 22/17 22/20 22/21 57/13 101/8 101/8 101/8 101/8 101/8 101/8 101/9 101/9 101/9 101/9 101/9 101/9 101/10 101/10 101/13
<b>coming [10]</b> 7/20 11/16 17/16 18/17 19/4 20/18 27/19 39/24 68/13 81/23	<b>conformance [1]</b> 101/12	<b>Count 1 [3]</b> 22/16 22/17 101/8
<b>command [2]</b> 64/15 64/16	<b>conspiracy [7]</b> 6/12 23/10 42/19 63/15 79/13 86/15 92/4	<b>Count 2 [1]</b> 101/8 <b>Count 4 [1]</b> 101/8
<b>commanded [1]</b> 39/2	<b>constitutes [1]</b> 102/12	<b>counted [1]</b> 61/22
<b>commanding [1]</b> 37/11	<b>contact [1]</b> 31/23	
<b>commands [4]</b> 72/24 83/15 85/1 85/4	<b>contain [1]</b> 103/8	
<b>commit [7]</b> 6/13 23/11 42/20 63/16 79/14 86/16 92/4	<b>Contains [1]</b> 103/11	
	<b>contempt [7]</b> 22/4 41/21 62/16 77/1 85/18 91/2 100/16	
	<b>continuously [1]</b> 59/2	
	<b>conversation [1]</b> 32/6	
	<b>Coordinator [1]</b>	

<b>C</b>	<b>cut [4]</b> 17/21 17/22 18/7 67/7	63/14 63/15 63/17 79/11 79/12 79/13 79/15 86/13 86/14 86/15 86/16 92/1 92/2 92/4 92/5
<b>counter [10]</b> 33/2 37/21 38/8 40/10 44/24 47/23 47/24 51/9 52/3 58/16	<b>D</b>	<b>deal [1]</b> 45/24
<b>COUNTY [22]</b> 1/2 7/15 22/3 22/6 24/15 32/17 41/20 41/23 43/17 62/15 62/18 64/21 76/25 77/3 85/17 85/20 91/1 91/4 93/13 100/15 100/18 102/4	<b>Danette [7]</b> 1/25 5/4 102/6 102/17 102/18 103/18 103/21	<b>dealership [1]</b> 18/24
<b>couple [4]</b> 84/21 84/22 84/23 95/12	<b>danger [3]</b> 51/23 60/25 61/4	<b>deaths [1]</b> 93/4
<b>course [2]</b> 48/7 54/13	<b>Danielle [2]</b> 2/21 5/10	<b>Decatur [1]</b> 81/19
<b>court [11]</b> 1/1 20/11 22/4 41/21 62/16 65/16 77/1 85/18 91/2 100/16 103/23	<b>dark [5]</b> 28/3 31/2 33/8 74/6 74/6	<b>defendant [6]</b> 1/9 83/9 83/15 84/2 94/25 100/4
<b>cover [3]</b> 66/4 69/9 82/18	<b>Date [1]</b> 103/19	<b>degree [7]</b> 6/10 23/8 42/17 63/13 79/11 86/13 92/2
<b>covered [1]</b> 19/18	<b>Dated [1]</b> 102/14	<b>delay [5]</b> 48/13 48/15 48/17 48/22 53/10
<b>crimes [2]</b> 93/5 101/7	<b>daughter's [1]</b> 58/4	<b>delayed [1]</b> 48/4
<b>criminal [1]</b> 93/3	<b>day [24]</b> 7/25 8/3 8/11 9/12 9/23 10/11 24/18 26/17 26/18 32/23 32/24 36/24 43/23 43/25 44/5 44/13 64/18 80/17 87/15 87/16 93/10 93/15 93/17 97/22	<b>deliberate [2]</b> 77/13 101/1
<b>crouched [2]</b> 37/21 68/11	<b>days [16]</b> 22/2 22/5 41/19 41/22 62/14 62/17 76/24 77/2 85/16 85/19 88/1 88/4 90/25 91/3 100/14 100/17	<b>demand [1]</b> 95/25
<b>cruiser [1]</b> 57/17	<b>DC [1]</b> 1/7	<b>demanding [1]</b> 49/18
<b>crying [1]</b> 40/11	<b>deadly [28]</b> 6/10 6/11 6/12 6/14 23/8 23/9 23/10 23/12 42/17 42/18 42/19 42/21 63/13	<b>demeanor [2]</b> 18/16 30/4
<b>current [2]</b> 64/14 80/14		<b>demonstrating [1]</b> 75/12
<b>custody [5]</b> 75/6 88/13 93/4 95/6 95/7		<b>denial [3]</b> 71/9 71/13 71/15
<b>customers [6]</b> 34/25 37/5 47/9 47/23 48/12 54/4		<b>DENNIS [1]</b> 2/8
		<b>Department [4]</b> 64/11 80/11 82/8 93/1
		<b>depicted [5]</b> 66/20 66/20 68/5 93/25 94/15
		<b>depiction [2]</b> 9/11 36/23

<b>D</b>	19/3 19/4 19/20	96/17
<b>Deputy [4]</b> 2/4	30/1 31/19 33/4	<b>dog [3]</b> 60/1 60/3
2/21 2/22 2/23	40/19 52/8 53/17	60/6
<b>describe [11]</b>	60/18 66/11 68/24	<b>dogs [1]</b> 59/23
10/16 11/22 28/2	69/22 76/14 78/14	<b>doing [9]</b> 5/11
33/6 34/11 71/24	90/14 96/3 96/7	10/9 21/6 27/3
74/4 74/25 81/11	<b>die [1]</b> 58/4	27/11 38/16 59/2
95/18 96/12	<b>different [4]</b>	72/17 98/11
<b>described [7]</b>	31/18 33/15 45/13	<b>dollar [1]</b> 49/25
46/13 73/20 82/23	56/5	<b>don't [28]</b> 5/18
95/17 95/20 95/23	<b>dig [1]</b> 15/9	20/1 28/7 31/9
96/6	<b>direct [1]</b> 97/23	32/2 34/1 46/8
<b>describing [1]</b>	<b>direction [10]</b>	47/2 48/19 50/3
75/3	14/5 18/3 27/7	50/8 50/9 51/10
<b>description [1]</b>	27/24 31/18 55/22	52/22 52/23 53/1
89/5	72/12 73/4 82/21	53/14 54/4 54/5
<b>designed [1]</b>	102/11	58/4 60/3 61/22
94/19	<b>directly [1]</b> 38/4	68/23 71/18 76/15
<b>desperate [2]</b>	<b>disagreed [1]</b>	83/11 84/9 99/6
95/9 95/12	101/10	<b>done [2]</b> 44/14
<b>detail [1]</b> 54/23	<b>discharged [4]</b>	97/13
<b>details [3]</b> 78/8	74/16 74/20 97/18	<b>door [26]</b> 8/24
81/15 89/18	99/17	9/15 9/19 9/22
<b>detective [8]</b>	<b>disclosing [7]</b>	13/25 29/25 33/1
75/20 86/1 86/2	21/21 41/13 62/8	34/10 37/12 39/9
87/10 90/18 91/11	76/18 85/10 90/19	44/24 51/8 52/4
91/12 92/25	100/8	52/5 54/3 54/5
<b>detectives [1]</b>	<b>dispatch [3]</b>	54/9 54/10 54/12
62/5	15/25 17/1 19/2	68/14 69/25 70/8
<b>Detention [14]</b>	<b>displays [1]</b>	70/8 70/11 70/21
22/3 22/6 41/20	52/12	72/13
41/23 62/15 62/18	<b>DISTRICT [5]</b> 1/1	<b>doors [5]</b> 33/23
76/25 77/3 85/17	2/21 2/22 2/23	39/14 53/13 57/4
85/20 91/1 91/4	101/5	58/15
100/15 100/18	<b>divides [1]</b> 55/15	<b>doubt [2]</b> 18/14
<b>determine [3]</b>	<b>do [123]</b>	18/20
19/22 78/4 84/4	<b>doctors [1]</b> 97/8	<b>DOWDY [1]</b> 2/8
<b>device [2]</b> 48/23	<b>documented [1]</b>	<b>down [23]</b> 12/5
48/23	98/3	20/19 28/20 34/7
<b>did [140]</b>	<b>does [39]</b>	34/12 35/21 37/21
<b>didn't [19]</b> 12/17	<b>doesn't [2]</b> 48/16	39/25 47/1 47/2

<b>D</b>	24/22 44/5	<b>enter [3]</b> 29/25
<b>down...</b> [13] 47/6	<b>eastbound [1]</b>	33/20 49/2
47/19 47/25 57/6	16/8	<b>entered [4]</b> 14/22
57/20 58/17 59/21	<b>eastern [1]</b> 83/6	14/23 44/8 48/20
65/16 65/17 65/19	<b>eight [1]</b> 24/20	<b>entering [1]</b> 70/1
68/11 96/18 102/7	<b>EIGHTH [1]</b> 1/1	<b>enters [1]</b> 45/9
<b>Drawing [3]</b> 64/17	<b>either [1]</b> 9/21	<b>entitled [1]</b>
87/14 93/9	<b>eject [2]</b> 58/6	102/8
<b>dressed [3]</b> 74/5	59/8	<b>entrance [1]</b>
89/20 95/18	<b>ejected [1]</b> 98/9	57/18
<b>drew [1]</b> 82/12	<b>else [18]</b> 10/14	<b>entry [2]</b> 51/8
<b>drive [1]</b> 16/4	11/13 12/12 12/13	95/25
<b>driven [2]</b> 94/3	24/23 26/2 32/1	<b>equipment [1]</b>
94/6	34/23 46/3 48/2	65/11
<b>driver's [3]</b>	60/11 67/10 70/1	<b>ESPINOZA [1]</b> 2/9
14/16 14/25 29/24	76/2 80/23 83/18	<b>essentially [2]</b>
<b>drives [2]</b> 16/6	85/1 89/19	71/1 98/9
16/8	<b>emergency [1]</b>	<b>evasively [1]</b>
<b>driveway [1]</b>	65/11	16/18
81/23	<b>employed [4]</b> 64/9	<b>even [3]</b> 51/12
<b>driving [5]</b> 16/10	80/9 87/9 92/24	52/21 61/4
16/17 16/17 18/8	<b>employee [2]</b> 21/8	<b>event [11]</b> 18/10
30/18	89/16	21/24 41/15 62/4
<b>drove [3]</b> 65/3	<b>employees [9]</b>	62/11 76/21 85/13
65/4 95/24	8/12 8/13 10/2	88/24 90/22 93/18
<b>duck [1]</b> 73/4	37/4 46/2 51/22	100/11
<b>duly [8]</b> 5/5 7/2	52/25 89/3 89/21	<b>eventually [5]</b>
23/20 43/4 64/2	<b>employment [2]</b>	67/21 69/13 69/14
80/2 87/2 92/17	89/15 96/1	87/21 96/5
<b>dumb [1]</b> 58/9	<b>empty [2]</b> 31/6	<b>ever [7]</b> 20/3
<b>during [3]</b> 18/10	50/13	20/23 37/24 38/2
44/5 98/6	<b>encircles [2]</b>	49/21 56/22 61/6
<b>duties [1]</b> 7/19	72/6 72/8	<b>everybody [4]</b>
<b>duty [4]</b> 10/10	<b>end [5]</b> 15/20	14/13 34/5 35/21
10/12 34/25 93/6	18/23 31/20 48/25	35/22
<b>dynamic [1]</b> 29/6	57/3	<b>everyone [5]</b>
<b>E</b>	<b>ended [2]</b> 73/24	35/24 46/21 48/1
<b>each [2]</b> 41/4	74/24	60/12 77/15
60/12	<b>ends [1]</b> 18/6	<b>everything [5]</b>
<b>earlier [3]</b> 19/17	<b>engage [1]</b> 38/3	21/11 24/3 47/16
	<b>enough [1]</b> 97/9	52/22 65/17

<b>E</b>	<b>expensive [1]</b> 52/17	40/17 51/22 55/4 55/7 57/21 60/14 60/25 61/3 78/20 90/11
<b>evidence [10]</b> 21/23 41/14 62/10 76/20 85/12 90/21 93/22 97/23 98/17 100/10	<b>expert [1]</b> 70/14 <b>explain [1]</b> 65/8 <b>explaining [1]</b> 16/1	<b>feet [1]</b> 83/11 <b>felony [1]</b> 93/5 <b>felt [1]</b> 89/16 <b>female [12]</b> 65/23 68/12 71/16 71/17 72/1 73/18 73/19 74/4 81/17 82/14 83/5 96/12
<b>exact [1]</b> 98/18 <b>EXAMINATION [7]</b> 7/6 23/23 43/8 64/6 80/6 87/6 92/21	<b>extremely [2]</b> 18/18 53/25 <b>eyes [2]</b> 45/15 53/24	<b>female's [1]</b> 71/19 <b>few [3]</b> 47/23 53/4 56/5 <b>fiancé [2]</b> 59/10 61/6
<b>examine [1]</b> 97/16 <b>Examined [1]</b> 3/2 <b>example [1]</b> 51/7 <b>excited [1]</b> 29/11 <b>Excuse [1]</b> 77/11 <b>excused [7]</b> 22/10 42/2 62/22 77/7 85/24 91/8 100/22	<b>F</b> <b>F-A-R-R-I-N-G-T-O-N [1]</b> 81/3 <b>face [2]</b> 11/24 53/21 <b>facing [2]</b> 20/17 67/24 <b>fact [3]</b> 51/18 89/19 97/24 <b>Failure [7]</b> 22/1 41/18 62/13 76/23 85/15 90/24 100/13 <b>fair [5]</b> 9/11 36/23 75/24 78/18 78/21 <b>faithfully [1]</b> 5/5 <b>familiar [4]</b> 17/19 53/25 59/4 59/11 <b>family [1]</b> 61/6 <b>fanny [1]</b> 41/6 <b>far [5]</b> 10/4 10/6 67/3 67/4 68/6 <b>Farrington [3]</b> 78/24 81/1 81/9 <b>federal [2]</b> 103/12 103/15 <b>feel [11]</b> 38/19	<b>fight [1]</b> 57/23 <b>fighting [1]</b> 60/4 <b>figure [1]</b> 71/22 <b>filed [1]</b> 103/4 <b>find [4]</b> 56/22 60/13 97/23 98/12 <b>fine [14]</b> 22/3 22/5 41/20 41/22 62/15 62/17 76/25 77/2 85/17 85/19 91/1 91/3 100/15 100/17 <b>finger [1]</b> 59/13 <b>fingers [1]</b> 45/15 <b>finished [1]</b> 5/18 <b>finishing [1]</b> 77/23 <b>fire [2]</b> 61/17 61/20 <b>firearm [24]</b> 6/9 18/21 23/7 28/8 28/9 42/16 46/16 47/7 48/9 51/21
<b>exhibit [15]</b> 9/1 25/13 32/14 33/24 36/12 45/1 55/18 55/24 66/16 82/4 82/22 88/10 93/25 94/11 94/23 <b>Exhibit 10 [1]</b> 45/1 <b>Exhibit 3 [4]</b> 25/13 32/14 33/24 55/18 <b>Exhibit 4 [1]</b> 55/24 <b>exhibits [3]</b> 4/1 4/3 5/18 <b>exit [4]</b> 39/12 54/23 54/25 101/3 <b>exited [3]</b> 69/23 82/12 84/16 <b>exiting [2]</b> 70/1 84/25 <b>exits [1]</b> 71/14		

<b>F</b>	<b>footsteps [1]</b> 39/24	28/25 34/4
<b>firearm... [14]</b> 54/15 54/16 63/12 68/19 69/1 69/3 69/9 72/7 73/4 73/24 74/11 79/10 86/12 92/1	<b>force [3]</b> 55/10 93/1 93/2	<b>frustrated [1]</b> 53/19
<b>firearms [1]</b> 46/10	<b>foregoing [1]</b> 102/11	<b>full [2]</b> 11/24 102/12
<b>fired [8]</b> 61/15 74/23 75/18 82/20 84/24 97/24 98/1 98/1	<b>FOREPERSON [9]</b> 2/3 2/4 7/2 23/20 43/4 64/2 80/2 87/2 92/17	<b>fully [1]</b> 74/15
<b>fires [1]</b> 94/18	<b>forget [1]</b> 71/10	<b>Fulwiler [1]</b> 65/13
<b>first [46]</b>	<b>former [1]</b> 89/15	<b>further [2]</b> 40/21 96/21
<b>fishy [1]</b> 45/17	<b>forth [3]</b> 27/22 58/25 60/11	<b>G</b>
<b>fist [1]</b> 38/12	<b>forward [1]</b> 52/16	<b>G-R-A-H-A-M [1]</b> 79/21
<b>five [6]</b> 48/25 48/25 53/9 82/20 83/11 83/21	<b>found [4]</b> 12/13 98/15 98/16 98/18	<b>gain [1]</b> 89/15
<b>five feet [1]</b> 83/11	<b>four [2]</b> 50/13 61/22	<b>gas [3]</b> 16/5 17/22 31/13
<b>fixtures [1]</b> 52/18	<b>Fourteen [1]</b> 93/8	<b>gate [4]</b> 9/20 21/11 21/15 51/8
<b>flags [1]</b> 48/18	<b>framed [1]</b> 82/16	<b>gave [1]</b> 50/2
<b>floor [8]</b> 34/3 35/18 39/23 45/3 46/22 47/15 47/25 48/2	<b>Frank [3]</b> 2/23 5/10 27/10	<b>Gen [1]</b> 59/6
<b>folded [3]</b> 46/14 46/15 75/10	<b>frantic [1]</b> 45/10	<b>general [5]</b> 32/24 34/3 35/18 78/9 78/11
<b>follow [4]</b> 30/17 31/17 60/17 68/24	<b>freaking [1]</b> 31/14	<b>German [2]</b> 59/24 60/2
<b>following [6]</b> 5/6 16/14 16/16 30/12 30/13 39/6	<b>friend [2]</b> 90/9 95/13	<b>get [51]</b>
<b>follows [7]</b> 7/4 23/22 43/6 64/4 80/4 87/4 92/19	<b>frightened [4]</b> 18/10 29/8 29/10 48/8	<b>getting [9]</b> 17/8 28/23 29/3 30/9 35/12 37/19 57/3 65/14 65/22
<b>foot [3]</b> 16/15 84/17 84/19	<b>front [25]</b> 8/24 9/7 9/12 9/15 9/20 18/12 33/23 47/23 53/13 53/18 54/5 54/9 54/10 54/10 57/6 60/11 65/17 68/12 70/8 70/15 70/21 70/24 71/2 82/7 94/10	<b>Gio [4]</b> 34/25 35/2 44/14 44/15
	<b>frozen [3]</b> 12/22	<b>Giovanni [5]</b> 35/2 44/15 46/23 47/11 47/13
		<b>give [22]</b> 6/2 6/8 21/8 22/25 23/6 42/9 42/15 50/5 52/15 52/19 63/4 63/11 79/3 79/9

<b>G</b>	69/15 71/9 74/23 81/13 87/16 87/21 89/3 89/4 89/20 95/17 95/17 96/6 96/7 97/7 97/8	<b>half</b> [1] 93/8 <b>halfway</b> [1] 70/9 <b>HAMILTON</b> [1] 2/10 <b>hand</b> [30] 5/25 12/4 12/6 12/8 22/23 28/11 36/9 41/4 42/7 47/3 50/21 58/7 58/21 58/22 58/24 59/13 59/14 63/2 67/8 68/16 68/18 68/19 69/1 69/10 72/7 73/3 74/11 79/1 86/3 91/13 <b>handed</b> [1] 68/18 <b>handgun</b> [9] 41/8 46/5 82/16 94/17 94/18 94/20 95/22 98/2 98/9 <b>handing</b> [1] 50/18 <b>handled</b> [1] 75/20 <b>handling</b> [1] 45/5 <b>hands</b> [12] 5/15 12/3 12/7 34/14 34/16 46/25 58/3 72/3 72/22 72/25 73/1 98/6 <b>hang</b> [1] 25/1 <b>happen</b> [4] 44/6 55/7 58/2 70/5 <b>happened</b> [8] 30/8 31/10 35/13 47/16 60/14 68/10 81/13 88/24 <b>happening</b> [5] 10/11 12/24 57/22 59/1 60/6 <b>happens</b> [15] 32/22 32/25 34/1 36/1 39/20 45/7 54/2 56/17 57/19
<b>give...</b> [8] 86/5 86/11 88/15 89/2 90/15 91/16 91/24 96/25 <b>giving</b> [1] 90/11 <b>GJ</b> [1] 1/7 <b>GLEN</b> [1] 2/16 <b>Glock</b> [9] 41/9 46/5 46/18 59/2 59/5 59/6 59/11 95/22 98/2 <b>gloves</b> [1] 12/1 <b>go</b> [30] 14/21 16/7 18/5 22/17 24/5 25/9 29/24 30/1 31/18 34/5 34/8 47/10 49/17 50/5 52/20 53/13 53/18 54/12 57/25 58/1 58/11 59/10 60/6 60/10 64/20 69/19 82/17 89/18 93/19 95/15 <b>God</b> [8] 6/4 23/2 42/11 63/7 79/5 79/6 86/7 91/19 <b>goes</b> [2] 8/17 40/10 <b>going</b> [43] <b>gone</b> [2] 51/12 96/3 <b>good</b> [10] 5/9 7/9 7/10 23/25 24/1 43/11 66/3 70/20 90/9 97/4 <b>got</b> [28] 17/7 24/24 30/7 39/22 41/5 52/14 56/10 57/4 61/5 65/7 67/9 67/10 68/9	<b>grab</b> [1] 46/24 <b>grabbed</b> [4] 54/9 57/20 59/20 99/18 <b>grabs</b> [1] 72/5 <b>Graham</b> [5] 77/10 79/21 80/1 83/21 85/9 <b>grand</b> [73] <b>grant</b> [1] 103/16 <b>green</b> [1] 18/8 <b>grew</b> [1] 95/12 <b>grinder</b> [1] 21/17 <b>gross</b> [7] 22/2 41/19 62/14 76/24 85/16 90/25 100/14 <b>ground</b> [7] 18/20 35/21 47/2 47/7 47/20 84/18 84/19 <b>group</b> [2] 32/4 38/5 <b>guess</b> [1] 61/24 <b>gun</b> [50] <b>gunpoint</b> [1] 61/3 <b>guns</b> [4] 33/10 33/14 41/1 41/2 <b>gunshot</b> [2] 59/12 73/7 <b>gunshots</b> [3] 39/19 39/20 40/6 <b>guys</b> [1] 82/10	<b>H</b> <b>had</b> [85] <b>hadn't</b> [2] 21/14 75/6

<b>H</b>	<b>heavier [1]</b> 19/20	15/12 16/5 30/9
<b>happens... [6]</b>	<b>held [7]</b> 22/4	55/9 76/5 76/7
60/9 71/7 73/2	41/21 62/16 77/1	76/12 76/14 83/22
73/6 73/8 73/21	85/18 91/2 100/16	84/19
<b>hard [4]</b> 40/9	<b>helicopter [1]</b>	<b>hitting [1]</b> 57/24
40/19 57/13 58/15	56/19	<b>hold [5]</b> 28/10
<b>has [21]</b> 5/17	<b>helmet [24]</b> 11/25	46/24 58/23 58/25
9/20 17/12 21/22	12/2 13/4 16/12	77/14
25/2 38/17 41/13	18/17 19/18 20/16	<b>holding [12]</b>
49/13 52/5 53/17	21/2 28/3 30/3	34/17 41/4 46/1
62/9 72/2 72/6	33/7 33/8 46/1	47/7 48/9 54/15
76/19 78/20 82/3	46/4 49/19 53/20	54/16 57/23 74/10
85/11 90/20 100/9	56/10 70/7 71/7	74/13 82/14 84/18
100/24 101/6	74/12 74/13 94/4	<b>hopped [1]</b> 81/25
<b>have [61]</b>	94/16 95/24	<b>hospital [2]</b> 97/5
<b>having [8]</b> 5/5	<b>help [8]</b> 6/4 23/2	97/6
7/2 23/20 43/4	42/11 63/7 79/5	<b>hostage [7]</b> 51/10
64/2 80/2 87/2	79/6 86/7 91/18	54/11 71/15 73/20
92/17	<b>Henderson [1]</b>	96/12 99/4 99/16
<b>he [297]</b>	95/16	<b>hot [1]</b> 81/15
<b>he's [39]</b>	<b>her [37]</b>	<b>hour [1]</b> 40/20
<b>head [16]</b> 12/5	<b>here [22]</b> 6/7	<b>hours [1]</b> 8/9
12/9 18/2 20/19	7/15 9/2 23/5	<b>house [3]</b> 44/3
25/8 30/9 54/16	32/17 34/7 39/2	95/14 95/17
55/1 55/2 55/3	42/14 43/17 47/5	<b>how [29]</b> 8/20 9/8
56/10 57/5 68/14	51/11 54/7 63/10	19/1 30/2 30/13
73/11 74/15 99/7	64/21 67/14 69/22	33/12 34/11 34/12
<b>headed [1]</b> 81/24	70/23 74/22 79/8	36/1 57/22 59/8
<b>heading [1]</b> 25/8	86/10 91/24 93/13	59/8 61/19 64/9
<b>hear [12]</b> 28/14	<b>Here's [1]</b> 65/15	64/12 65/2 69/14
32/6 37/17 39/7	<b>hereby [2]</b> 102/7	70/18 80/9 80/12
39/12 39/14 40/5	103/4	83/22 84/15 87/9
66/11 70/6 72/19	<b>hey [2]</b> 34/6 39/3	87/12 89/19 92/24
73/7 85/1	<b>hid [1]</b> 13/24	93/7 96/7 97/1
<b>heard [11]</b> 39/18	<b>hide [1]</b> 29/14	<b>Howard [2]</b> 35/9
39/24 40/1 45/21	<b>hiding [1]</b> 35/1	47/12
58/13 61/18 61/21	<b>high [4]</b> 52/17	<b>however [3]</b> 11/13
61/23 81/15 82/17	96/3 99/5 99/8	50/6 53/4
85/3	<b>him [77]</b>	<b>hugging [1]</b> 60/12
<b>hearing [2]</b> 38/25	<b>his [54]</b>	<b>huh [3]</b> 20/21
85/6	<b>hit [11]</b> 15/11	26/11 41/9

<b>H</b>	100/9	<b>interviewed [1]</b>
<b>Hummer [4]</b> 70/15	<b>INDEX [2]</b> 3/1 4/1	99/2
70/16 71/3 94/10	<b>indicate [1]</b>	<b>interviewing [1]</b>
<b>hundred [1]</b> 49/25	45/14	97/2
<b>hurry [2]</b> 53/8	<b>indicated [1]</b>	<b>investigation [17]</b>
53/10	102/9	6/2 6/8 22/25
<b>hurt [3]</b> 56/22	<b>indicating [1]</b>	23/6 42/9 42/15
58/1 59/22	45/19	63/5 63/11 79/3
<b>Hyundai [1]</b> 94/9	<b>INDICTMENT [3]</b>	79/9 86/5 86/11
<b>I</b>	4/4 101/11 101/12	91/16 91/24 93/1
<b>I'll [2]</b> 38/10	<b>individual [2]</b>	93/2 93/3
84/12	20/11 20/16	<b>involved [10]</b>
<b>I'm [57]</b>	<b>information [13]</b>	16/11 19/5 21/1
<b>I-N-C-E-R-A [1]</b>	12/16 21/9 21/25	71/19 73/24 78/10
6/23	41/16 62/12 64/16	78/12 84/10 89/13
<b>identified [3]</b>	69/6 76/22 85/14	93/4
4/3 48/3 65/23	89/3 90/12 90/23	<b>involvement [1]</b>
<b>identify [1]</b> 90/7	100/12	40/17
<b>immediately [1]</b>	<b>initially [2]</b>	<b>involving [7]</b>
82/13	50/6 59/20	6/14 23/12 42/21
<b>impair [1]</b> 78/17	<b>inside [17]</b> 11/10	63/17 79/15 86/17
<b>impaired [1]</b>	14/24 29/23 30/7	92/5
78/20	34/9 44/22 45/4	<b>is [173]</b>
<b>impartial [2]</b>	51/4 54/19 60/24	<b>isn't [3]</b> 38/8
78/18 78/21	66/11 69/6 82/14	53/9 71/4
<b>impatient [1]</b>	95/22 96/2 96/10	<b>issue [2]</b> 85/1
53/7	98/5	85/4
<b>in-custody [1]</b>	<b>instance [1]</b>	<b>issued [2]</b> 49/9
93/4	45/18	51/7
<b>inception [1]</b>	<b>instead [1]</b> 75/11	<b>issues [1]</b> 83/15
20/10	<b>instruct [3]</b>	<b>issuing [1]</b> 72/23
<b>Incera [6]</b> 5/23	49/21 60/17	<b>it [159]</b>
5/24 6/22 7/1	101/11	<b>it's [33]</b> 6/22
21/20 22/13	<b>intent [1]</b> 52/19	9/7 14/2 15/5
<b>incident [3]</b>	<b>interrupt [1]</b>	17/18 25/10 25/14
70/16 87/17 95/14	27/10	36/9 37/4 39/17
<b>include [1]</b> 7/20	<b>intersection [1]</b>	39/18 45/24 49/6
<b>including [7]</b>	31/16	52/1 53/9 57/1
21/22 41/14 62/9	<b>interview [4]</b>	57/22 58/5 58/9
76/19 85/11 90/20	95/3 98/24 99/1	59/3 59/6 66/16
	99/11	66/22 67/2 67/3

<b>I</b>	<b>Jeff</b> [1] 86/1	<b>jury</b> [70]
<b>it's...</b> [8] 71/12	<b>Jeffrey</b> [2] 86/22	<b>just</b> [56]
75/8 78/19 86/22	87/1	<b>K</b>
94/2 94/16 94/17	<b>Jennifer</b> [21]	<b>K-E-E-N-A-N</b> [1]
94/18	5/23 6/21 7/1 7/9	79/21
<b>items</b> [2] 39/7	22/13 24/25 25/4	<b>Keenan</b> [2] 79/20
50/18	25/10 25/23 26/3	80/1
<b>its</b> [1] 52/5	27/25 28/13 28/16	<b>keep</b> [2] 18/8
<b>itself</b> [2] 98/5	28/19 29/2 29/10	49/24
98/13	29/16 31/8 31/14	<b>Kel</b> [3] 46/6
<b>Ivan</b> [21] 8/16	37/7 37/8	46/12 58/12
10/2 10/13 11/14	<b>jewelry</b> [12] 36/2	<b>KENT</b> [1] 2/11
13/8 13/11 14/11	36/16 44/12 45/3	<b>Kevlar</b> [1] 46/7
14/22 14/25 15/14	45/5 50/22 51/11	<b>key</b> [3] 49/24
16/12 24/24 25/10	52/15 52/16 52/18	53/14 53/17
25/25 26/3 29/16	53/2 96/7	<b>keys</b> [5] 46/24
35/1 35/5 35/5	<b>JO</b> [1] 2/11	46/25 47/3 53/16
47/11 47/12	<b>Joe</b> [2] 92/12	60/16
<b>J</b>	92/16	<b>kidnapped</b> [1]
<b>J-E-F-F-R-E-Y</b> [1]	<b>JOHN</b> [1] 2/9	84/18
86/22	<b>Jonathan</b> [4]	<b>kidnapping</b> [7]
<b>J-E-N-N-I-F-E-R</b>	35/17 47/14 47/15	6/11 23/9 42/18
[1] 6/22	49/12	63/14 79/12 86/14
<b>J-O-E</b> [1] 92/12	<b>Jones</b> [1] 17/7	92/2
<b>J-U-L-I-A-N-A</b> [1]	<b>JOSEPH</b> [1] 2/18	<b>kids</b> [1] 95/16
23/18	<b>JUDICIAL</b> [1] 1/1	<b>kind</b> [16] 5/13
<b>jacket</b> [4] 11/25	<b>Juliana</b> [6] 8/17	10/10 14/1 17/23
28/4 33/8 74/7	22/15 23/17 23/19	25/22 28/6 29/18
<b>JANE</b> [1] 2/6	45/8 47/11	36/3 39/22 48/17
<b>JANOKOWICZ</b> [1]	<b>Julie</b> [23] 8/16	65/19 73/13 78/17
2/4	8/17 8/18 10/2	81/25 83/7 94/17
<b>Jaquez</b> [4] 8/16	10/13 11/14 13/8	<b>knew</b> [8] 18/14
35/6 47/11 47/12	13/11 13/15 14/9	28/25 59/8 61/5
<b>JATKOWSKI</b> [1] 2/3	14/10 14/20 14/24	95/13 95/25 99/5
<b>jeans</b> [2] 28/3	16/5 16/11 16/17	99/7
33/8	17/7 17/12 17/17	<b>knives</b> [1] 46/8
<b>Jeep</b> [9] 14/2	17/17 17/24 24/5	<b>know</b> [49]
14/8 14/15 14/17	47/13	<b>knowledge</b> [4]
14/24 16/4 18/5	<b>Julie's</b> [1] 13/23	32/7 84/1 84/1
29/19 30/7	<b>jurors</b> [3] 2/1	84/9
	27/11 101/6	

<b>L</b>	28/4 33/8	<b>listen [1]</b> 73/9
<b>Labor [4]</b> 26/17	<b>leave [4]</b> 38/21	<b>little [15]</b> 8/8
26/18 93/15 93/17	38/23 96/10 96/15	13/2 17/24 28/4
<b>lady [2]</b> 69/25	<b>leaves [2]</b> 38/24	40/14 44/24 52/1
78/12	39/4	58/18 61/6 64/13
<b>laid [1]</b> 34/9	<b>leaving [1]</b> 54/8	65/16 65/18 65/19
<b>lane [1]</b> 30/25	<b>left [25]</b> 10/4	70/22 96/25
<b>lanes [4]</b> 16/19	10/6 14/5 14/7	<b>lives [1]</b> 51/22
17/3 17/4 30/23	19/7 21/12 29/20	<b>loan [8]</b> 33/2
<b>larger [2]</b> 28/11	30/10 31/15 34/4	38/8 40/10 44/24
28/12	36/4 50/12 55/13	47/22 49/25 51/9
<b>Las [12]</b> 1/12 5/1	56/14 57/24 58/7	52/3
7/15 44/20 64/10	66/17 68/16 68/18	<b>located [8]</b> 24/15
64/21 80/10 82/7	68/18 72/7 73/3	43/14 44/18 44/19
87/11 92/25 93/13	73/11 73/15 74/11	44/22 45/2 98/2
102/14	<b>legs [1]</b> 72/9	98/13
<b>last [14]</b> 6/20	<b>less [1]</b> 58/5	<b>location [9]</b> 17/9
6/22 6/22 23/16	<b>let [12]</b> 9/3 13/2	64/25 65/2 65/7
42/25 63/21 63/23	17/23 53/11 53/12	81/12 81/14 94/3
77/24 79/19 79/21	57/25 58/1 60/16	95/10 98/18
86/21 91/10 92/10	75/21 83/25 84/12	<b>lock [3]</b> 11/17
95/12	99/21	21/14 49/24
<b>late [1]</b> 24/25	<b>Let's [5]</b> 44/9	<b>locked [2]</b> 9/19
<b>later [8]</b> 12/13	49/17 54/22 58/18	58/16
12/16 13/15 26/15	77/14	<b>locks [2]</b> 9/21
32/11 40/20 75/4	<b>lets [1]</b> 71/13	9/21
88/1	<b>letting [1]</b> 99/25	<b>LoGrippo [2]</b> 2/23
<b>law [8]</b> 21/20	<b>Liberty [2]</b> 14/2	5/10
41/11 62/7 76/17	29/19	<b>long [9]</b> 37/14
85/9 90/18 100/7	<b>life [2]</b> 60/25	64/12 69/14 75/12
103/12	61/4	80/12 84/15 87/12
<b>lay [1]</b> 34/11	<b>lifted [1]</b> 53/19	93/7 95/19
<b>lays [1]</b> 34/7	<b>lifts [1]</b> 54/1	<b>look [7]</b> 10/22
<b>leaning [1]</b> 25/22	<b>light [2]</b> 17/17	14/3 29/3 39/23
<b>learn [3]</b> 19/25	18/8	46/13 93/21 94/19
20/3 20/10	<b>lights [3]</b> 65/4	<b>looked [8]</b> 28/4
<b>learned [4]</b> 12/16	65/11 66/7	28/24 45/22 45/24
13/15 21/7 26/15	<b>like [52]</b>	53/19 53/20 53/25
<b>least [2]</b> 57/14	<b>LINDA [1]</b> 2/10	56/2
61/11	<b>line [2]</b> 12/14	<b>looking [7]</b> 10/5
<b>leather [3]</b> 11/25	52/17	10/8 10/20 25/19

<b>L</b>	34/8 98/10	<b>mask [1]</b> 49/19
<b>looking... [3]</b> 44/25 55/17 70/22	<b>making [2]</b> 30/25 60/11	<b>match [1]</b> 73/13
<b>looks [7]</b> 45/9 45/10 54/5 68/20 68/21 70/14 70/14	<b>male [5]</b> 19/17 65/23 69/6 70/7 71/14	<b>matched [1]</b> 89/6
<b>lot [12]</b> 8/23 10/14 11/15 16/21 26/3 50/3 66/4 94/2 95/25 97/17 98/19 99/17	<b>malfunction [1]</b> 98/8	<b>matter [1]</b> 102/8
<b>loud [1]</b> 38/10	<b>man [13]</b> 16/10 16/12 18/16 30/3 45/25 49/19 56/9 61/13 61/15 61/25 62/1 71/6 75/18	<b>may [11]</b> 22/4 41/21 62/16 63/24 77/1 79/22 85/18 86/24 91/2 92/14 100/16
<b>lowering [1]</b> 47/24	<b>manage [1]</b> 58/2	<b>maybe [2]</b> 5/16 56/5
<b>lung [1]</b> 97/6	<b>manager [14]</b> 7/18 7/19 25/2 25/5 27/4 27/6 27/19 34/25 43/20 47/1 48/2 48/3 53/16 53/17	<b>MCBEATH [1]</b> 2/11
<b>lying [1]</b> 53/15	<b>managers [1]</b> 52/21	<b>MCDANIEL [1]</b> 2/12
<b>M</b>	<b>many [4]</b> 33/12 36/21 61/19 83/22	<b>McDonald [1]</b> 78/2
<b>ma'am [18]</b> 65/21 66/14 66/19 67/13 68/8 69/2 69/11 70/3 70/17 71/23 72/16 72/25 74/18 93/11 93/18 96/23 97/4 99/15	<b>Maria [1]</b> 65/13	<b>MCLELLAN [1]</b> 2/13
<b>Madame [1]</b> 101/5	<b>MARILYN [1]</b> 2/14	<b>me [77]</b>
<b>made [19]</b> 17/6 19/7 19/21 21/24 30/15 30/15 30/19 30/19 36/4 41/15 62/11 75/13 76/21 81/19 85/13 90/22 95/15 95/25 100/11	<b>MARIO [19]</b> 1/8 5/11 6/14 20/6 20/11 23/12 26/4 26/12 26/23 33/5 42/21 62/2 63/17 79/15 86/17 87/25 88/7 92/5 101/7	<b>mean [6]</b> 7/23 38/13 45/12 49/18 71/21 77/12
<b>magazine [2]</b> 58/7 59/9	<b>marked [7]</b> 36/11 66/15 80/19 82/3 82/22 88/9 93/24	<b>meant [1]</b> 44/21
<b>make [9]</b> 10/5 15/18 16/20 17/9 17/18 31/23 49/13 50/11 97/8	<b>marking [1]</b> 5/18	<b>median [1]</b> 81/25
<b>makes [3]</b> 17/11	<b>markings [1]</b> 98/15	<b>medically [1]</b> 97/9
	<b>MARTHA [1]</b> 2/13	<b>meet [2]</b> 19/10 30/11
	<b>Martinez [1]</b> 2/24	<b>Melani [4]</b> 35/1 35/8 35/8 47/12
		<b>members [16]</b> 19/13 40/22 61/9 65/8 66/23 67/11 71/25 74/4 75/15 77/25 81/11 89/24 94/14 96/22 100/25 101/3
		<b>memory [1]</b> 78/15
		<b>men [1]</b> 16/11
		<b>mention [1]</b> 99/3
		<b>mentioned [12]</b> 30/18 35/2 35/5 35/8 48/13 49/15 51/3 52/8 52/24

<b>M</b>	21/20	83/8
<b>mentioned...</b> [3] 57/9 57/15 58/19	<b>Miss Saldana</b> [1] 41/11	<b>MOYER</b> [1] 2/14
<b>messaging</b> [1] 32/3	<b>Miss Serrano</b> [1] 42/6	<b>Mr.</b> [6] 78/2 88/10 88/12 89/1 94/7 94/25
<b>met</b> [1] 31/21	<b>misspoke</b> [1] 44/21	<b>Mr. Trejo</b> [5] 88/10 88/12 89/1 94/7 94/25
<b>Metro</b> [8] 15/7 19/6 19/8 64/12 80/12 87/11 87/12 93/7	<b>moment</b> [3] 18/8 26/21 54/23	<b>Mr. Trenton</b> [1] 78/2
<b>Metropolitan</b> [4] 64/11 80/11 82/8 93/1	<b>Monday</b> [1] 93/17	<b>much</b> [5] 8/8 55/4 75/13 78/14 96/7
<b>Michael</b> [1] 2/22	<b>money</b> [13] 37/13 50/3 50/5 50/10 50/11 50/18 50/22 51/11 52/14 89/17 95/9 95/25 96/6	<b>multiple</b> [1] 49/16
<b>middle</b> [6] 10/23 25/21 31/15 31/16 58/24 68/6	<b>monitor</b> [1] 55/18	<b>MURRAY</b> [1] 2/15
<b>might</b> [1] 70/21	<b>month</b> [1] 32/11	<b>my</b> [75]
<b>millimeter</b> [1] 94/18	<b>months</b> [1] 95/12	<b>myself</b> [5] 47/13 48/3 48/12 56/21 57/25
<b>mind</b> [1] 18/20	<b>more</b> [9] 27/17 49/13 57/12 61/4 61/8 70/4 71/1 71/3 101/6	<b>N</b>
<b>mine</b> [1] 49/13	<b>morning</b> [4] 7/20 8/6 19/9 24/20	<b>name</b> [23] 5/9 6/20 6/21 6/22 6/23 19/25 20/3 20/8 26/13 62/1 62/2 63/23 79/20 79/21 85/3 89/2 90/14 90/15 99/3 99/6 99/7 99/8 103/21
<b>minus</b> [2] 56/5 101/13	<b>most</b> [6] 34/24 39/21 48/18 52/17 53/1 67/21	<b>named</b> [5] 20/5 20/11 35/11 35/14 87/25
<b>minute</b> [1] 53/9	<b>motion</b> [2] 50/21 50/22	<b>names</b> [5] 42/25 63/21 79/19 86/21 92/10
<b>minutes</b> [5] 48/25 49/1 69/17 77/20 84/21	<b>motorcycle</b> [13] 11/24 13/4 21/1 21/2 30/3 53/20 56/10 70/7 71/6 74/12 74/13 94/4 94/16	<b>near</b> [6] 32/4 55/15 57/18 57/18 67/5 67/20
<b>Miranda</b> [3] 88/15 88/18 97/11	<b>move</b> [8] 35/24 36/4 38/15 38/15 53/5 54/4 54/5 82/13	<b>neck</b> [2] 72/3 72/10
<b>Mirandize</b> [2] 95/4 95/5	<b>moved</b> [1] 36/2	
<b>mirror</b> [2] 45/24 52/4	<b>moving</b> [2] 36/6	
<b>misdemeanor</b> [7] 22/2 41/19 62/14 76/24 85/16 90/25 100/14		
<b>Miss</b> [4] 5/24 21/20 41/11 42/6		
<b>Miss Incera</b> [1]		

<p><b>N</b></p> <p><b>need</b> [6] 9/20 9/22 45/18 53/11 53/12 65/19</p> <p><b>needed</b> [1] 51/23</p> <p><b>needs</b> [2] 45/14 49/25</p> <p><b>nervous</b> [2] 47/22 65/18</p> <p><b>NEVADA</b> [10] 1/2 1/5 1/12 5/1 5/11 44/20 64/22 93/13 102/3 102/14</p> <p><b>never</b> [3] 20/24 56/21 98/13</p> <p><b>news</b> [2] 77/12 78/1</p> <p><b>next</b> [24] 22/15 30/8 34/1 39/18 39/20 42/4 44/4 45/7 54/2 56/17 57/19 60/9 62/24 67/15 67/17 68/10 69/18 71/8 73/2 73/6 73/21 77/9 85/25 91/10</p> <p><b>no</b> [56]</p> <p><b>nobody</b> [3] 10/5 70/1 76/14</p> <p><b>None</b> [1] 27/11</p> <p><b>normal</b> [1] 46/13</p> <p><b>normalcy</b> [1] 60/14</p> <p><b>Normally</b> [1] 93/16</p> <p><b>north</b> [3] 68/13 68/23 70/1</p> <p><b>northbound</b> [4] 66/3 68/22 73/11 73/15</p> <p><b>not</b> [62]</p>	<p><b>notes</b> [1] 102/10</p> <p><b>nothing</b> [18] 6/4 7/4 23/2 23/22 42/11 43/6 50/11 53/10 53/14 63/6 64/4 79/5 80/4 86/7 87/4 91/18 92/19 95/13</p> <p><b>notice</b> [2] 10/13 25/13</p> <p><b>noticed</b> [1] 96/10</p> <p><b>notify</b> [1] 15/7</p> <p><b>now</b> [15] 6/2 9/14 22/25 32/10 42/9 54/11 63/5 64/13 68/25 73/10 78/9 79/3 86/5 87/13 91/17</p> <p><b>NRS</b> [2] 103/2 103/13</p> <p><b>number</b> [14] 5/12 9/1 36/12 66/16 77/23 82/4 82/23 88/10 93/25 94/11 94/23 103/4 103/8 103/11</p> <p><b>Number 10</b> [1] 36/12</p> <p><b>Number 2</b> [2] 88/10 94/23</p> <p><b>Number 3</b> [2] 9/1 66/16</p> <p><b>Number 4</b> [1] 82/23</p> <p><b>Number 5</b> [1] 93/25</p> <p><b>Number 7</b> [1] 94/11</p> <p><b>Number 8</b> [1] 82/4</p>	<p><b>O</b></p> <p><b>o'clock</b> [1] 24/20</p> <p><b>object</b> [1] 50/21</p> <p><b>observe</b> [1] 61/16</p> <p><b>observed</b> [1] 61/11</p> <p><b>obstructed</b> [1] 70/22</p> <p><b>obstructing</b> [1] 71/4</p> <p><b>obtained</b> [7] 21/25 41/16 62/12 76/22 85/14 90/23 100/12</p> <p><b>obvious</b> [1] 61/24</p> <p><b>obviously</b> [1] 31/11</p> <p><b>Occasionally</b> [1] 37/25</p> <p><b>occurred</b> [1] 89/4</p> <p><b>occurring</b> [7] 21/24 41/15 62/11 76/21 85/13 90/22 100/11</p> <p><b>October</b> [5] 1/13 2/1 5/1 89/13 102/15</p> <p><b>off</b> [17] 9/21 9/22 16/6 17/22 21/14 32/3 58/24 59/12 65/11 66/7 67/8 73/15 87/16 93/17 96/17 98/7 99/7</p> <p><b>offense</b> [1] 20/12</p> <p><b>offenses</b> [7] 6/9 23/7 42/16 63/12 79/10 86/12 91/25</p> <p><b>office</b> [13] 34/5 44/12 44/22 44/23 45/2 45/5 45/9</p>
--	--	--

<b>O</b>	<b>only [12]</b> 26/15 37/18 37/20 40/14 41/2 53/17 61/21 74/9 90/9 99/2 100/3 101/10	33/18 40/15 54/15 55/11 56/9 60/18 61/2 61/12 68/10 96/16 99/25
<b>office... [6]</b> 51/3 51/25 53/6 53/8 60/2 60/13	<b>oo0oo [1]</b> 101/16	<b>over [24]</b> 19/2 19/3 19/6 40/18 44/4 46/12 47/5 52/20 54/3 54/8 64/13 65/12 69/21 72/10 72/10 72/13 72/21 74/8 75/10 81/16 82/17 82/20 95/12 99/17
<b>officer [28]</b> 62/25 63/3 64/10 64/15 64/16 73/24 75/15 76/4 76/17 77/10 77/24 78/10 78/12 78/24 78/25 80/10 80/15 81/1 81/9 83/18 83/19 83/21 84/4 85/2 85/3 85/9 93/4 100/7	<b>open [17]</b> 8/5 9/19 19/10 21/11 21/13 39/15 48/4 48/6 48/16 48/17 48/21 49/2 49/18 49/21 49/23 52/21 53/9	<b>overhead [2]</b> 37/2 56/8
<b>officers [19]</b> 19/10 57/6 57/9 57/10 57/16 58/13 59/19 59/21 60/10 60/16 61/12 61/16 61/20 74/19 74/21 76/5 89/5 93/5 96/20	<b>opened [1]</b> 50/1 <b>opening [3]</b> 7/20 11/16 57/7	<b>own [2]</b> 52/5 59/4
<b>Official [1]</b> 103/23	<b>opens [1]</b> 70/8 <b>opinion [2]</b> 75/1 96/13	<b>P</b>
<b>Oh [3]</b> 18/14 40/6 67/18	<b>opposed [1]</b> 75/11 <b>opposite [2]</b> 83/12 83/13	<b>P-A-T-T-O-N [1]</b> 92/13
<b>okay [41]</b>	<b>options [1]</b> 78/17 <b>order [3]</b> 49/5 72/22 72/23	<b>p.m [5]</b> 1/14 32/19 43/25 101/3 101/4
<b>once [33]</b> 9/21 13/20 14/22 14/24 15/5 17/7 30/7 31/22 34/2 35/21 40/7 40/16 44/10 44/10 46/19 47/19 48/1 50/12 54/23 57/20 58/6 58/10 58/14 60/8 60/8 65/7 68/9 68/22 73/11 75/5 81/13 82/10 99/17	<b>ordered [3]</b> 37/22 48/4 51/25 <b>ordering [6]</b> 37/3 37/18 47/19 51/4 51/19 51/20	<b>paced [2]</b> 27/19 27/21
<b>one [40]</b>	<b>other [40]</b> <b>our [15]</b> 5/22 15/6 17/8 25/3 34/6 36/15 37/15 45/3 49/5 49/7 49/9 50/10 52/17 53/3 81/19	<b>pacing [2]</b> 27/4 27/5
	<b>out [51]</b> <b>outfit [1]</b> 33/7 <b>outside [14]</b> 11/14 11/17 15/10	<b>pack [4]</b> 41/6 50/8 50/15 50/16
		<b>packs [3]</b> 50/10 52/10 53/2
		<b>padlock [1]</b> 48/24
		<b>palm [1]</b> 57/18
		<b>panic [9]</b> 15/2 47/17 47/18 49/3 49/4 49/8 49/10 51/13 51/13
		<b>panicking [1]</b> 56/20
		<b>panting [1]</b> 40/9
		<b>pants [3]</b> 46/8

<b>P</b>	<b>paying [2]</b> 12/4 12/6	63/11 79/9 86/11 91/25
<b>pants...</b> [2] 74/6 95/19	<b>PAYNE [1]</b> 2/16	<b>petty [1]</b> 49/24
<b>parallel [3]</b> 71/1 71/3 72/13	<b>PD [1]</b> 87/11	<b>phone [9]</b> 15/14 15/16 15/18 15/20 15/23 32/3 32/5 32/7 81/18
<b>park [2]</b> 69/20 81/22	<b>peculiar [1]</b> 45/17	<b>photo [3]</b> 9/4 67/8 73/16
<b>parked [16]</b> 8/23 13/23 26/8 29/20 55/14 56/25 57/17 66/12 66/24 67/1 67/6 69/21 74/22 82/2 82/5 82/20	<b>peek [1]</b> 37/24	<b>photograph [26]</b> 4/5 4/6 4/7 4/8 4/9 4/10 4/11 10/6 10/20 10/23 14/3 25/14 25/15 25/20 26/7 27/1 27/7 29/21 33/24 44/25 55/17 55/19 55/21 56/7 56/15 70/13
<b>parking [9]</b> 10/14 11/15 16/21 26/2 66/4 94/2 97/17 98/18 99/17	<b>pendant [1]</b> 49/4	<b>photographed [1]</b> 98/4
<b>part [3]</b> 7/19 49/23 97/22	<b>pending [7]</b> 6/2 22/25 42/9 63/5 79/3 86/5 91/17	<b>physically [1]</b> 83/10
<b>partially [1]</b> 66/20	<b>people [15]</b> 12/9 12/21 16/11 16/13 16/21 19/5 34/21 35/14 47/19 47/20 48/18 50/9 53/1 71/12 99/22	<b>pick [1]</b> 95/15
<b>particular [2]</b> 72/11 95/10	<b>permission [1]</b> 97/7	<b>picture [13]</b> 26/10 38/9 45/2 57/2 66/21 67/4 67/12 68/6 70/12 94/1 94/12 94/15 97/19
<b>partner [5]</b> 65/13 65/25 67/10 71/10 97/12	<b>perpendicular [1]</b> 82/2	<b>Pieper [2]</b> 2/21 5/10
<b>pass [1]</b> 49/1	<b>perpetrator [1]</b> 84/16	<b>pinched [1]</b> 58/25
<b>passenger [1]</b> 21/5	<b>person [29]</b> 6/12 10/16 11/22 12/2 12/14 12/19 13/4 19/17 19/18 19/25 20/3 20/5 21/6 23/10 30/2 33/17 42/19 49/5 63/15 79/13 86/15 90/8 90/12 92/3 96/5 99/4 99/4 103/8 103/11	<b>Pines [2]</b> 17/17 17/18
<b>past [1]</b> 44/24	<b>personal [1]</b> 84/1	<b>pistol [3]</b> 41/5 46/18 59/3
<b>patrol [2]</b> 80/15 80/19	<b>personally [1]</b> 84/9	<b>place [1]</b> 102/9
<b>Patton [3]</b> 91/11 92/12 92/16	<b>persons [2]</b> 65/24 101/2	<b>Plaintiff [1]</b> 1/6
<b>pawn [13]</b> 7/12 24/8 24/11 35/15 43/12 44/8 55/16 83/7 88/25 89/16 90/3 94/3 95/24	<b>pertaining [7]</b> 6/8 23/6 42/15	<b>please [17]</b> 6/6 6/19 23/4 23/15
<b>pay [2]</b> 45/18 78/14		

<b>P</b>	76/21 85/13 90/22 100/11	103/15
<b>please...</b> [13] 42/7 42/13 42/24 63/1 63/9 63/20 79/7 79/18 86/9 86/20 91/13 91/21 92/9	<b>present</b> [4] 2/1 2/20 26/2 35/19	<b>progress</b> [2] 66/1 81/17
<b>point</b> [55]	<b>presentation</b> [2] 5/11 5/16	<b>prohibited</b> [7] 21/21 41/12 62/8 76/18 85/10 90/19 100/8
<b>pointed</b> [4] 51/21 55/1 96/18 97/16	<b>presented</b> [7] 21/23 41/14 62/10 76/20 85/12 90/21 100/10	<b>projector</b> [1] 57/2
<b>pointing</b> [5] 27/6 34/19 34/21 47/8 82/15	<b>press</b> [2] 15/5 47/16	<b>prompts</b> [1] 49/1
<b>points</b> [2] 34/3 51/6	<b>pressed</b> [6] 48/1 49/11 49/12 49/12 49/15 51/12	<b>property</b> [1] 96/9
<b>pole</b> [2] 25/21 27/20	<b>pretty</b> [4] 8/8 68/21 69/5 71/22	<b>proposed</b> [2] 4/4 101/12
<b>police</b> [24] 15/13 17/1 31/23 32/8 40/5 40/12 40/16 49/5 57/10 58/13 60/21 61/12 61/16 61/19 64/11 64/15 80/10 80/11 82/8 89/5 93/1 96/11 97/2 97/25	<b>prevent</b> [1] 59/1	<b>protected</b> [7] 6/12 23/10 42/19 63/15 79/13 86/15 92/3
<b>position</b> [2] 7/17 69/9	<b>prevents</b> [1] 59/2	<b>public</b> [1] 103/15
<b>possession</b> [7] 6/9 23/7 42/16 63/12 79/10 86/12 92/1	<b>previous</b> [1] 96/1	<b>publish</b> [1] 9/2
<b>possible</b> [1] 48/11	<b>previously</b> [2] 95/11 101/12	<b>published</b> [1] 25/13
<b>pounded</b> [1] 38/11	<b>Print</b> [1] 103/21	<b>publishing</b> [2] 9/14 37/1
<b>preceding</b> [1] 103/4	<b>Prior</b> [2] 77/23 83/14	<b>puffy</b> [1] 74/7
<b>prepare</b> [1] 101/11	<b>probable</b> [1] 78/4	<b>pull</b> [3] 19/2 19/3 57/21
<b>presence</b> [7] 21/24 41/16 62/11	<b>probably</b> [2] 65/18 68/19	<b>pulled</b> [3] 58/15 62/5 65/11
	<b>proceed</b> [4] 63/24 79/22 86/24 92/14	<b>pulling</b> [1] 19/6
	<b>proceeded</b> [3] 50/13 55/13 66/3	<b>pulls</b> [2] 72/5 96/5
	<b>proceedings</b> [12] 1/18 5/7 21/20 41/12 62/7 76/17 85/9 90/18 100/7 101/15 102/8 102/13	<b>pumped</b> [3] 12/23 13/7 13/16
	<b>proceeds</b> [1] 54/3	<b>punishable</b> [14] 22/2 22/5 41/19 41/22 62/14 62/17 76/24 77/2 85/16 85/19 90/25 91/3 100/14 100/17
	<b>process</b> [1] 9/24	<b>purse</b> [1] 15/10
	<b>program</b> [1]	<b>Pursuant</b> [1]

<b>P</b>	<b>Rainbow [14]</b> 7/13 19/7 24/8 24/12 24/13 32/18 43/12 43/14 44/19 64/21 65/13 81/5 81/24 93/13	<b>recognized [2]</b> 96/2 96/2
<b>Pursuant...</b> [1] 103/2		<b>record [14]</b> 6/20 23/16 34/15 38/11 42/25 63/21 68/4 68/16 77/22 79/19 86/21 92/11 94/15 102/12
<b>pursuing [1]</b> 20/25		<b>recorded [3]</b> 97/10 99/10 99/11
<b>pursuit [1]</b> 17/4	<b>raise [8]</b> 5/25 22/23 42/7 48/18 63/2 79/1 86/3 91/13	<b>recorder [2]</b> 97/10 97/11
<b>push [1]</b> 55/13	<b>raising [1]</b> 34/15	<b>recording [1]</b> 97/12
<b>pushes [1]</b> 54/10	<b>ran [11]</b> 13/1 13/20 13/22 14/14 29/1 58/14 82/18 82/19 82/24 89/3 89/21	<b>recover [1]</b> 84/7
<b>put [10]</b> 17/17 31/7 34/14 50/6 50/24 51/7 52/8 95/19 95/20 96/8	<b>Rancho [1]</b> 99/8	<b>recovered [2]</b> 75/17 96/9
<b>putting [4]</b> 37/12 50/19 50/20 56/7	<b>RASMUSSEN [1]</b> 2/17	<b>recuperating [1]</b> 90/10
<b>Q</b>	<b>RAYMOND [1]</b> 2/3	<b>red [13]</b> 10/21 10/24 14/5 17/16 26/8 27/8 48/18 67/18 67/20 82/19 82/25 82/25 83/12
<b>question [11]</b> 19/14 61/24 70/12 75/22 77/11 77/24 83/25 97/4 99/14 99/24 100/1	<b>reach [1]</b> 58/11	<b>refer [1]</b> 81/15
<b>questions [22]</b> 5/14 19/12 20/14 21/19 40/21 40/23 41/10 61/8 75/14 76/1 76/2 76/10 76/16 83/17 83/18 85/8 89/23 90/5 90/17 96/21 98/21 100/5	<b>reacted [3]</b> 12/25 13/14 13/15	<b>referred [1]</b> 61/25
<b>quick [1]</b> 70/12	<b>read [1]</b> 97/11	<b>referring [1]</b> 29/15
<b>quickly [3]</b> 68/21 69/5 71/22	<b>realize [4]</b> 28/22 54/11 56/18 56/19	<b>refreshed [1]</b> 78/15
<b>quiet [2]</b> 39/17 39/18	<b>realized [2]</b> 12/24 28/24	<b>refused [1]</b> 19/3
<b>R</b>	<b>really [7]</b> 26/9 30/16 39/11 40/9 58/10 61/21 78/14	<b>regard [4]</b> 67/12 71/25 78/7 78/22
<b>racked [1]</b> 13/6	<b>reason [1]</b> 88/23	<b>register [2]</b> 37/13 37/13
<b>radio [3]</b> 71/9 71/11 81/16	<b>recall [4]</b> 28/7 46/8 85/6 99/6	<b>registers [3]</b> 50/6 52/9 52/15
<b>rag [1]</b> 94/16	<b>receive [1]</b> 64/20	<b>REIDHEAD [1]</b> 2/6
	<b>Recess [1]</b> 77/21	<b>related [1]</b> 22/13
	<b>Reck [2]</b> 35/11 47/13	<b>release [1]</b> 60/3
	<b>recognize [5]</b> 9/4 25/14 36/12 82/4 93/25	

<b>R</b>	<b>reversed [1]</b> 31/15	94/18 96/17 98/1 98/7
<b>released [1]</b> 60/7	<b>RICHARD [1]</b> 2/17	<b>run [9]</b> 12/22
<b>remain [7]</b> 5/25	<b>riding [1]</b> 65/13	12/25 13/8 13/17
22/22 42/7 48/10	<b>rifle [10]</b> 41/6	13/19 13/21 29/13
78/25 86/3 91/12	46/6 46/13 74/10	73/15 73/21
<b>remember [4]</b>	75/2 75/12 94/17	<b>running [5]</b> 13/20
32/23 38/25 43/23	94/19 94/20 95/23	20/19 73/14 78/13
85/6	<b>right [56]</b>	82/19
<b>reminder [1]</b> 24/2	<b>rip [1]</b> 58/2	<b>rush [2]</b> 5/18
<b>removed [2]</b> 84/10	<b>RISCO [1]</b> 2/18	12/5
96/19	<b>Rivera [2]</b> 35/17	<b>S</b>
<b>repeatedly [1]</b>	47/14	<b>S-A-L-D-A-N-A [1]</b>
57/22	<b>Rivera-Sandoval</b>	23/18
<b>Reported [1]</b> 1/25	<b>[2]</b> 35/17 47/14	<b>S-E-R-R-A-N-O [1]</b>
<b>reporter [2]</b>	<b>road [1]</b> 82/2	43/2
65/17 103/23	<b>rob [3]</b> 18/19	<b>safe [14]</b> 37/12
<b>REPORTER'S [2]</b>	44/8 89/2	37/14 48/5 48/6
1/18 102/1	<b>robbed [6]</b> 12/25	48/15 48/17 48/20
<b>reporting [2]</b>	18/13 18/15 28/23	48/22 49/17 49/18
24/3 65/24	29/3 45/20	50/4 51/3 53/6
<b>request [2]</b> 2/20	<b>robber [1]</b> 81/18	60/14
50/2	<b>robberies [1]</b>	<b>safes [1]</b> 49/22
<b>required [1]</b>	89/8	<b>safety [2]</b> 48/22
103/11	<b>robbery [30]</b> 6/10	58/6
<b>residential [1]</b>	6/13 6/13 23/8	<b>said [33]</b> 10/8
17/19	23/11 23/11 42/17	11/2 12/25 13/3
<b>respond [4]</b> 81/5	42/20 42/20 49/6	13/10 19/17 20/24
81/8 87/22 88/6	49/7 63/13 63/16	24/12 26/12 28/22
<b>responded [5]</b>	63/16 65/1 66/1	28/25 29/2 29/8
64/24 66/2 81/8	79/11 79/14 79/14	34/13 34/18 38/14
81/19 97/7	81/16 86/13 86/16	45/5 48/2 50/8
<b>responsibilities</b>	86/16 87/10 88/25	52/22 58/3 61/11
<b>[1]</b> 97/22	89/4 89/10 92/1	66/6 66/12 66/17
<b>restroom [1]</b>	92/4 92/5	67/9 68/25 75/1
77/16	<b>robbing [1]</b> 89/17	77/25 95/15 95/24
<b>retreats [1]</b>	<b>roll [2]</b> 9/22	99/6 102/9
70/10	9/22	<b>Saldana [7]</b> 8/16
<b>return [2]</b> 61/17	<b>room [3]</b> 52/1	8/17 22/15 23/17
101/4	53/12 101/3	23/19 41/11 45/9
<b>returned [2]</b>	<b>round [5]</b> 76/15	
61/20 101/7		

<b>S</b>	47/21 60/19	75/7
<b>sales</b> [3] 45/3 47/15 47/24	<b>scene</b> [12] 54/6 69/12 69/16 78/13 81/21 82/10 84/10 87/23 93/19 93/21 93/22 97/3	<b>sees</b> [3] 54/6 68/14 70/9
<b>same</b> [12] 29/25 29/25 30/15 30/19 30/25 32/13 32/16 33/7 33/14 36/17 71/12 88/25	<b>school</b> [3] 96/3 99/5 99/8	<b>semblance</b> [1] 60/13
<b>Sandoval</b> [2] 35/17 47/14	<b>Schwartz</b> [1] 2/22	<b>semi</b> [1] 59/3 <b>semi-automatic</b> [1] 59/3
<b>SARAH</b> [1] 2/15	<b>screamed</b> [1] 13/8	<b>separate</b> [2] 52/1 52/1
<b>Saturday</b> [1] 19/9	<b>screen</b> [5] 9/2 25/14 45/1 66/16 67/3	<b>separated</b> [1] 52/3
<b>saw</b> [23] 19/6 33/1 37/18 37/20 41/2 45/25 53/21 53/22 57/7 57/14 58/11 60/1 60/6 65/8 74/25 77/12 78/1 78/3 78/8 82/13 82/19 83/4 84/18	<b>scruff</b> [1] 72/3 <b>seat</b> [4] 14/22 14/25 29/24 63/1	<b>September</b> [16] 26/19 32/11 36/24 43/21 56/3 64/17 70/13 80/16 87/14 87/18 88/3 88/4 88/5 88/6 93/9 95/1
<b>say</b> [32] 7/23 12/6 14/4 20/17 20/23 22/20 24/23 27/5 27/21 28/14 28/16 28/23 29/15 33/3 37/3 37/9 38/7 40/25 44/15 48/16 61/19 67/23 69/14 72/8 72/23 75/8 75/21 78/17 85/5 89/10 94/5 94/14	<b>seated</b> [7] 6/6 23/4 42/13 63/9 79/7 86/9 91/21	<b>September 2018</b> [1] 26/19
<b>saying</b> [7] 20/25 46/19 47/6 72/17 72/20 78/18 81/16	<b>second</b> [8] 5/17 21/6 21/13 29/1 41/2 77/14 84/19 99/21	<b>September 3rd</b> [9] 32/11 43/21 56/3 64/17 70/13 80/16 88/5 93/9 95/1
<b>says</b> [5] 28/19 31/8 39/1 53/8 82/7	<b>seconds</b> [3] 84/22 84/23 84/24	<b>September 6</b> [4] 87/14 87/18 88/3 88/6
<b>scar</b> [1] 96/15	<b>secret</b> [7] 21/21 41/12 62/8 76/18 85/10 90/19 100/8	<b>Serrano</b> [5] 42/5 42/6 43/3 98/24 99/1
<b>scared</b> [3] 45/10	<b>secretary</b> [3] 2/5 2/6 5/17	<b>set</b> [4] 19/20 37/12 48/16 48/17
	<b>section</b> [2] 36/16 87/10	<b>several</b> [1] 89/14
	<b>security</b> [6] 15/6 34/6 48/23 49/9 103/8 103/11	<b>shade</b> [3] 11/7 11/8 11/8
	<b>see</b> [53]	<b>shall</b> [7] 6/3 23/1 42/10 63/5 79/4 86/6 91/17
	<b>seeing</b> [5] 5/14 56/18 70/21 70/23 78/9	<b>she</b> [34] 8/17 13/25 16/6 16/7
	<b>seen</b> [2] 56/21	

<b>S</b>	71/15 74/22	103/19
<b>she...</b> [30] 16/8	<b>shot</b> [15] 39/22	<b>silver</b> [1] 11/8
18/6 18/6 25/2	58/1 73/10 74/2	<b>Since</b> [1] 89/14
25/7 28/18 28/22	76/12 82/17 83/9	<b>sir</b> [11] 76/6
28/23 28/25 29/2	83/22 84/2 84/20	77/8 86/19 91/6
29/3 29/8 35/12	89/14 96/20 97/1	91/14 92/8 97/14
40/2 40/7 40/8	97/1 97/5	97/21 98/14 99/12
40/10 40/10 45/9	<b>shotgun</b> [7] 12/23	100/20
45/10 45/22 68/13	13/3 13/6 13/16	<b>siren</b> [1] 65/5
68/14 68/20 68/22	16/12 20/17 74/10	<b>sirens</b> [3] 40/5
68/24 82/16 96/4	<b>shots</b> [3] 58/13	65/11 66/7
99/18 99/18	61/18 61/19	<b>sister</b> [1] 61/7
<b>she's</b> [6] 16/10	<b>shoulder</b> [4] 46/6	<b>sit</b> [1] 28/20
16/19 17/3 40/9	46/12 57/24 74/9	<b>situation</b> [3]
40/9 40/10	<b>shoulders</b> [1]	29/6 40/18 51/11
<b>Shepherd</b> [2]	30/6	<b>sleeve</b> [1] 95/19
59/24 60/2	<b>shouting</b> [1]	<b>slide</b> [2] 58/22
<b>shifted</b> [1] 57/5	13/14	58/25
<b>ship</b> [1] 44/12	<b>show</b> [11] 9/3 9/6	<b>sling</b> [3] 74/8
<b>shirt</b> [3] 54/9	27/13 46/25 47/3	74/25 94/22
72/4 95/19	66/23 67/11 72/22	<b>slow</b> [3] 44/13
<b>shoes</b> [1] 46/9	72/25 72/25 97/24	65/16 65/19
<b>shoos</b> [1] 58/24	<b>showed</b> [1] 94/12	<b>slowly</b> [1] 47/24
<b>shoot</b> [4] 48/11	<b>showing</b> [11] 9/1	<b>slug</b> [2] 75/17
55/9 58/8 96/14	36/11 55/24 56/7	84/7
<b>shooter</b> [1] 84/11	66/15 82/3 82/22	<b>small</b> [3] 28/10
<b>shooting</b> [10]	88/9 93/24 94/11	45/23 82/16
59/3 59/10 73/25	94/23	<b>so</b> [123]
74/24 78/10 78/12	<b>shows</b> [1] 60/4	<b>social</b> [2] 103/8
83/14 89/5 89/13	<b>shut</b> [2] 52/5	103/11
90/11	65/10	<b>soft</b> [1] 24/4
<b>shootings</b> [1]	<b>side</b> [44]	<b>solar</b> [3] 11/7
93/4	<b>sidearm</b> [1] 82/15	11/8 11/8
<b>shoots</b> [1] 57/21	<b>sidestepping</b> [1]	<b>solemnly</b> [7] 6/1
<b>shop</b> [6] 32/4	82/13	22/24 42/8 63/3
45/17 47/9 58/14	<b>sidewalk</b> [1]	79/2 86/4 91/15
58/15 60/16	65/23	<b>some</b> [20] 11/19
<b>shorter</b> [1] 75/13	<b>signal</b> [1] 59/25	15/21 16/23 17/6
<b>shorthand</b> [2]	<b>signaling</b> [1]	18/23 25/4 29/23
102/7 102/10	18/3	31/7 35/24 37/6
<b>shortly</b> [3] 31/22	<b>Signature</b> [1]	38/21 39/14 40/12

<b>S</b>	103/12	<b>state [13]</b> 1/5
<b>some... [7]</b> 47/22	<b>specifically [1]</b>	5/11 6/19 23/15
53/5 60/13 60/21	29/13	42/24 63/20 79/18
70/4 82/15 87/24	<b>spell [7]</b> 6/20	86/20 92/9 100/24
<b>somebody [8]</b>	23/16 42/25 63/21	102/3 103/12
11/19 12/13 14/16	79/19 86/21 92/10	103/16
35/11 67/10 71/14	<b>spent [1]</b> 67/21	<b>State's [2]</b> 85/25
80/23 89/19	<b>split [2]</b> 5/13	91/10
<b>someone [10]</b> 32/1	82/19	<b>stated [7]</b> 29/2
45/17 45/17 49/7	<b>spoke [4]</b> 67/10	29/3 59/18 89/12
49/14 49/25 87/24	88/12 88/17 89/7	95/18 95/22 99/8
96/2 96/3 96/14	<b>spoken [1]</b> 24/4	<b>statement [9]</b>
<b>something [15]</b>	<b>Spring [2]</b> 64/16	21/24 41/15 44/3
28/19 31/8 32/25	80/15	62/11 76/21 85/13
44/6 45/11 45/16	<b>squeeze [1]</b> 58/19	90/22 97/10
45/19 49/6 49/8	<b>squeezed [1]</b>	100/11
49/9 51/16 52/24	96/17	<b>statements [7]</b>
70/5 75/1 75/19	<b>ss [1]</b> 102/3	21/23 41/14 62/10
<b>soon [1]</b> 45/21	<b>staff [1]</b> 34/24	76/20 85/12 90/21
<b>sorry [11]</b> 22/20	<b>stand [6]</b> 27/12	100/10
27/10 40/25 59/17	37/24 46/22 63/1	<b>station [2]</b> 17/22
67/16 71/17 72/10	66/23 72/21	31/13
93/14 93/16 94/9	<b>standing [14]</b>	<b>stature [1]</b> 19/21
98/25	5/25 10/3 22/22	<b>stay [3]</b> 17/20
<b>sort [8]</b> 10/10	25/12 25/19 42/7	25/3 47/2
11/5 11/7 29/6	45/25 47/2 51/8	<b>steal [2]</b> 45/16
70/19 71/2 78/9	70/19 70/23 73/13	49/8
82/15	86/3 91/13	<b>Stenotype [1]</b>
<b>south [11]</b> 7/13	<b>start [13]</b> 5/14	102/7
24/13 32/18 43/14	5/15 15/18 46/19	<b>steps [1]</b> 70/8
44/19 64/21 65/12	46/23 47/21 47/24	<b>sticking [1]</b>
66/13 68/13 81/5	56/18 56/20 57/23	10/24
93/12	72/2 72/4 73/14	<b>still [8]</b> 38/10
<b>southbound [1]</b>	<b>started [5]</b> 13/20	39/22 40/15 66/1
81/24	48/18 65/25 75/5	66/10 77/12 81/18
<b>space [1]</b> 11/3	82/16	98/5
<b>speak [6]</b> 24/2	<b>starting [1]</b> 27/7	<b>stock [2]</b> 75/10
87/24 88/7 88/20	<b>starts [9]</b> 16/14	75/12
95/1 97/9	25/7 40/11 47/19	<b>stomach [1]</b> 34/14
<b>speaking [1]</b> 85/7	53/11 60/12 68/21	<b>stood [1]</b> 68/9
<b>specific [2]</b> 96/8	72/2 73/3	<b>stop [3]</b> 57/24

<b>S</b>	88/25 89/16 90/3 94/2 95/24	57/7 60/20 65/17 69/3 69/8 73/9 75/5 77/15 78/19 90/12
<b>stop...</b> [2] 58/4 99/20	<b>supervision</b> [1] 102/11	<b>taken</b> [4] 1/12 21/14 61/3 70/13
<b>stopped</b> [4] 31/22 50/7 82/2 84/17	<b>supposed</b> [1] 24/19	<b>takes</b> [1] 94/17
<b>stopping</b> [1] 31/20	<b>sure</b> [14] 10/5 16/20 33/16 49/13	<b>taking</b> [2] 37/14 39/7
<b>store</b> [72]	50/11 60/11 76/8	<b>talk</b> [8] 26/21 37/6 38/3 44/9 47/18 53/6 54/22 60/21
<b>story</b> [2] 78/11 95/15	76/14 77/17 77/18 77/19 93/20 97/4 97/8	<b>talked</b> [3] 10/2 26/25 47/10
<b>straight</b> [3] 27/25 30/17 44/23	<b>surprise</b> [1] 96/4	<b>talking</b> [24] 9/15 9/23 11/14 13/3 13/11 14/4 15/24 15/25 16/25 25/17 26/18 31/2 32/16 36/17 45/22 56/24 65/25 68/5 71/11 71/14 73/17 73/19 83/1 83/23
<b>strap</b> [1] 94/21	<b>suspect</b> [17] 44/7 44/10 59/17 60/3 60/7 66/1 66/10 82/13 82/21 83/4 83/12 84/5 84/18 94/4 94/6 97/24 99/2	<b>tall</b> [1] 30/6
<b>strapped</b> [2] 41/6 46/6	<b>suspect's</b> [1] 84/8	<b>taller</b> [1] 13/24
<b>street</b> [3] 30/16 31/15 65/12	<b>swabbed</b> [1] 98/4	<b>TAMMY</b> [1] 2/5
<b>streets</b> [1] 31/6	<b>swear</b> [7] 6/1 22/24 42/8 63/4 79/2 86/4 91/15	<b>tan</b> [1] 95/21
<b>strike</b> [2] 98/3 98/16	<b>sword</b> [1] 28/8	<b>team</b> [3] 25/9 93/1 93/2
<b>struck</b> [2] 84/5 98/17	<b>sworn</b> [8] 5/5 7/2 23/20 43/4 64/2 80/2 87/2 92/17	<b>Tec</b> [3] 46/6 46/13 58/12
<b>structure</b> [1] 30/5	<b>T</b>	<b>Technically</b> [1] 93/14
<b>struggle</b> [3] 82/17 96/16 98/6	<b>T-H-O-M-A-S</b> [1] 63/23	<b>tell</b> [15] 15/13 17/15 30/3 34/1 36/1 36/3 39/9 40/19 47/4 48/13 52/21 88/22 90/14 94/14 95/8
<b>struggled</b> [1] 99/16	<b>table</b> [1] 38/12	<b>telling</b> [5] 32/4
<b>struggling</b> [1] 98/7	<b>tackle</b> [3] 18/19 20/18 20/19	
<b>stuff</b> [2] 40/15 96/1	<b>tactical</b> [1] 95/21	
<b>style</b> [1] 95/21	<b>take</b> [14] 5/16 9/21 15/16 15/23	
<b>subdued</b> [1] 60/4		
<b>subject</b> [3] 69/22 73/12 89/1		
<b>submitted</b> [1] 101/13		
<b>Super</b> [12] 7/12 24/8 35/15 43/12 44/8 55/16 83/7		

<b>T</b>	10/12 51/22 98/6	57/25 58/9 88/5
<b>telling...</b> [4] 45/10 51/10 53/7 53/11	<b>them</b> [22] 12/22 13/17 13/19 16/1 16/20 21/8 31/19 32/3 32/4 39/12 46/24 50/19 51/10 58/15 60/17 61/18 65/25 65/25 73/14 82/19 86/21 92/10	<b>this</b> [102] <b>THOMAS</b> [4] 2/4 63/22 63/22 64/1 <b>those</b> [4] 16/13 30/25 53/3 53/4 <b>though</b> [1] 67/22 <b>thought</b> [4] 39/25 74/7 75/1 96/13
<b>tells</b> [3] 54/3 54/4 54/7	<b>themselves</b> [2] 47/25 65/24	<b>threatening</b> [1] 41/7
<b>ten</b> [4] 45/13 45/15 77/20 87/13	<b>then</b> [46] <b>there</b> [92] <b>there's</b> [12] 52/6 53/10 53/14 54/6 56/18 67/7 67/18 70/15 70/20 71/13 73/10 75/20	<b>three</b> [5] 5/17 34/24 57/14 61/12 74/24 <b>threw</b> [2] 58/10 99/19
<b>TENNEY</b> [1] 2/19	<b>thereafter</b> [1] 102/9	<b>through</b> [18] 17/21 17/23 29/25 31/13 33/23 39/23 45/24 45/25 47/10 50/5 52/4 53/12 53/13 53/18 53/22 54/5 81/25 89/18
<b>terrified</b> [1] 48/10	<b>these</b> [9] 21/20 27/11 33/14 41/11 62/7 76/17 85/9 90/18 100/7	<b>throughout</b> [1] 61/25
<b>testified</b> [12] 7/4 23/22 43/6 61/16 64/4 68/25 80/4 87/4 92/19 99/18 99/22 100/1	<b>they</b> [54] <b>They'd</b> [1] 74/21 <b>they're</b> [11] 37/25 47/21 47/22 51/24 60/4 60/5 72/13 72/15 72/17 73/13 93/5	<b>ties</b> [2] 37/12 51/7
<b>testify</b> [7] 7/3 23/21 43/5 64/3 80/3 87/3 92/18	<b>thing</b> [2] 32/23 39/18	<b>till</b> [2] 50/7 69/15
<b>testifying</b> [2] 78/12 100/3	<b>things</b> [5] 37/11 46/20 52/9 52/12 54/19	<b>tills</b> [3] 50/5 50/13 51/4
<b>testimony</b> [19] 6/1 6/8 22/13 22/16 22/17 22/24 23/6 42/8 42/15 61/25 63/4 63/11 79/2 79/9 82/23 86/4 86/11 91/16 91/24	<b>think</b> [9] 5/15 31/11 51/15 56/20 66/12 69/21 74/9 75/19 78/3	<b>time</b> [54] <b>times</b> [9] 28/21 36/21 48/25 49/16 51/6 82/21 83/21 83/22 89/14
<b>than</b> [3] 49/13 57/12 101/2	<b>thinking</b> [4] 54/8	<b>tinted</b> [1] 11/5
<b>Thank</b> [18] 19/23 20/20 22/9 22/11 28/20 42/1 42/3 62/21 62/23 77/6 77/8 85/23 91/7 91/9 91/22 100/21 100/23 101/14		<b>title</b> [3] 24/10 43/19 103/23
<b>that</b> [404] <b>that's</b> [50] <b>their</b> [4] 10/10		<b>today</b> [9] 6/7 20/5 23/5 42/14

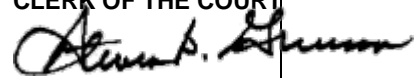
<b>T</b>	52/10 52/20 53/2	16/19 39/23 44/12
<b>today...</b> [5]	<b>tracker</b> [1] 52/18	44/14 49/7 52/20
63/10 78/22 79/8	<b>trackers</b> [1] 53/2	56/19 57/21 58/19
86/10 91/24	<b>trained</b> [1] 52/25	60/13 68/11 96/15
<b>together</b> [1] 99/9	<b>training</b> [1]	<b>turn</b> [19] 8/2
<b>told</b> [16] 15/14	52/20	17/6 17/9 17/11
17/7 17/9 17/20	<b>transcribe</b> [1]	17/20 17/24 18/7
19/6 19/10 51/13	5/6	24/17 30/15 30/15
52/15 53/9 53/13	<b>transcribed</b> [1]	30/19 30/19 31/8
53/16 88/23 89/15	102/10	31/9 31/10 32/10
90/9 95/9 100/4	<b>transcript</b> [3]	34/4 44/1 98/18
<b>tone</b> [1] 71/13	1/18 102/12 103/4	<b>turned</b> [6] 12/9
<b>tones</b> [2] 71/10	<b>transpired</b> [7]	12/21 58/11 66/7
71/15	21/22 41/13 62/9	82/16 97/11
<b>too</b> [2] 37/14	76/19 85/11 90/20	<b>turns</b> [3] 18/8
50/16	100/9	68/14 82/1
<b>took</b> [9] 15/22	<b>trapped</b> [1] 38/19	<b>turnstile</b> [1]
28/21 60/25 66/4	<b>Trauma</b> [1] 97/13	81/25
68/16 95/14 96/11	<b>trees</b> [1] 57/18	<b>TV</b> [2] 78/3 78/8
96/12 102/7	<b>TREJO</b> [22] 1/8	<b>twice</b> [2] 12/22
<b>top</b> [5] 49/23	5/12 6/14 20/6	28/23
50/2 58/22 59/15	20/12 23/12 26/4	<b>two</b> [24] 5/13
99/7	26/12 42/21 62/2	5/16 8/13 9/21
<b>Torrey</b> [2] 17/17	63/17 79/15 86/17	10/2 12/9 12/21
17/18	87/25 88/7 88/10	28/21 32/2 33/13
<b>toss</b> [1] 58/8	88/12 89/1 92/6	41/1 41/2 45/13
<b>touch</b> [1] 60/17	94/7 94/25 101/7	45/15 45/24 46/10
<b>toward</b> [2] 27/4	<b>TRENTON</b> [2] 2/12	52/4 55/22 69/17
37/14	78/2	71/12 74/21 78/17
<b>towards</b> [20] 12/9	<b>tried</b> [3] 17/22	82/19 88/1
27/5 27/8 27/19	19/2 48/10	<b>two-way</b> [2] 45/24
27/20 27/23 27/25	<b>trigger</b> [5] 57/22	52/4
28/13 38/2 55/13	58/19 59/13 59/13	<b>type</b> [2] 45/24
55/14 57/16 58/23	59/14	48/24
72/14 72/15 73/14	<b>true</b> [2] 101/6	<b>typically</b> [6]
82/15 82/24 83/8	102/12	45/13 48/19 50/9
96/19	<b>truth</b> [42]	53/3 58/23 60/3
<b>trace</b> [1] 50/12	<b>try</b> [6] 18/7	<b>U</b>
<b>tracers</b> [1] 53/2	31/11 31/12 60/14	<b>U-turn</b> [8] 17/6
<b>track</b> [7] 50/8	68/14 72/4	17/9 17/11 18/7
50/10 50/15 50/16	<b>trying</b> [13] 12/5	

<b>U</b>	40/1 40/20 62/5 69/22	<b>vehicle [25]</b> 13/23 13/24 14/1 16/16 19/4 68/4 69/8 80/19 81/2 81/22 82/5 82/12 82/20 82/25 82/25 83/3 83/6 83/7 83/8 84/17 84/25 89/20 94/3 94/5 94/8
<b>U-turn... [4]</b> 30/15 30/15 30/19 30/19	<b>unusual [1]</b> 50/9	<b>versus [2]</b> 5/11 52/12
<b>uh [3]</b> 20/21 26/11 41/9	<b>up [56]</b>	<b>very [2]</b> 29/9 51/24
<b>uh-huh [3]</b> 20/21 26/11 41/9	<b>upon [7]</b> 6/2 22/25 42/9 63/4 79/3 86/5 91/16	<b>vest [1]</b> 46/7
<b>Uhm [3]</b> 65/10 69/21 73/23	<b>us [43]</b>	<b>victim [4]</b> 73/12 73/14 73/17 84/19
<b>ultimately [3]</b> 15/20 18/2 33/20	<b>use [32]</b> 6/10 6/11 6/12 6/13 23/8 23/9 23/10 23/11 34/17 42/17 42/18 42/19 42/20 50/16 63/13 63/14 63/15 63/16 74/9 79/11 79/12 79/13 79/14 86/13 86/14 86/15 86/16 92/1 92/2 92/3 92/5 98/10	<b>victims [1]</b> 93/5
<b>UMC [4]</b> 87/22 88/2 88/7 97/13	<b>used [6]</b> 34/11 45/14 50/15 68/19 68/20 73/17	<b>video [1]</b> 98/17
<b>unable [1]</b> 89/14	<b>ushered [1]</b> 52/16	<b>view [6]</b> 55/25 66/3 68/12 70/20 70/24 71/4
<b>under [2]</b> 97/11 102/10	<b>ushering [1]</b> 46/23	<b>violence [1]</b> 55/10
<b>undersigned [1]</b> 103/4	<b>ushers [2]</b> 53/8 54/9	<b>visible [2]</b> 53/22 60/1
<b>understand [15]</b> 6/16 22/7 23/13 41/24 42/22 58/4 62/19 63/18 77/4 79/16 85/21 86/18 91/5 92/7 100/19	<b>using [4]</b> 30/14 36/6 55/10 58/7	<b>vision [2]</b> 12/14 25/23
<b>uniform [1]</b> 80/21	<b>usually [1]</b> 49/24	<b>visor [3]</b> 53/19 53/22 54/1
<b>uniformed [1]</b> 57/10	<b>V</b>	<b>voice [1]</b> 40/1
<b>unit [2]</b> 69/19 71/10	<b>Valley [2]</b> 64/16 80/15	<b>vote [3]</b> 78/20 78/21 101/6
<b>units [4]</b> 69/12 69/15 70/4 70/6	<b>various [1]</b> 34/21	<b>W</b>
<b>unknown [1]</b> 89/1	<b>Vegas [12]</b> 1/12 5/1 7/15 44/20 64/10 64/21 80/10 82/7 87/11 92/25 93/13 102/14	<b>waist [1]</b> 72/9
<b>unless [2]</b> 21/17 60/3		<b>wait [2]</b> 25/1 48/21
<b>unlock [2]</b> 7/24 25/2		<b>waiting [1]</b> 50/4
<b>unlocked [1]</b> 13/25		<b>waive [1]</b> 88/17
<b>until [8]</b> 13/25 19/6 25/1 30/22		<b>walk [9]</b> 17/23

<b>W</b>	<b>waving [1]</b> 68/17	18/9
<b>walk... [8]</b> 54/3	<b>way [7]</b> 36/3	<b>what [83]</b>
55/11 55/22 69/25	45/24 52/4 52/6	<b>what's [14]</b> 7/17
69/25 71/6 71/7	67/2 70/22 81/19	15/2 16/1 24/10
72/5	<b>we [89]</b>	28/6 32/22 36/11
<b>walked [2]</b> 8/23	<b>we'll [2]</b> 26/21	43/19 49/3 64/14
74/3	47/18	75/8 80/14 93/2
<b>walking [12]</b> 27/6	<b>we're [20]</b> 5/12	93/24
27/8 27/21 27/22	5/15 5/16 9/15	<b>whatever [2]</b> 50/2
27/25 28/13 51/5	9/23 10/20 12/25	75/3
56/13 72/2 72/11	14/14 24/3 25/17	<b>whatever's [1]</b>
72/13 72/15	28/22 29/3 31/2	27/17
<b>walks [4]</b> 54/5	32/16 36/17 38/16	<b>when [102]</b>
54/14 71/21 71/24	65/22 67/24 90/15	<b>where [63]</b>
<b>wall [25]</b> 10/24	100/25	<b>whether [6]</b> 49/6
37/15 44/4 52/13	<b>weapon [40]</b>	49/10 50/21 71/19
52/23 53/3 55/15	<b>wear [2]</b> 49/4	78/4 97/17
66/5 66/17 67/14	49/9	<b>which [30]</b> 10/22
67/17 67/22 67/23	<b>wearing [6]</b> 28/2	32/3 34/6 38/8
68/1 68/5 68/10	46/3 46/7 70/7	45/10 45/15 46/5
68/23 70/19 71/2	74/6 80/21	49/23 50/8 51/13
72/22 73/5 73/12	<b>Wednesday [1]</b>	52/17 56/14 70/9
76/13 82/18 82/24	1/13	71/3 71/10 71/13
<b>want [15]</b> 8/2	<b>well [5]</b> 9/3 19/5	73/4 73/11 73/14
27/12 27/15 47/3	26/7 33/4 98/1	74/7 74/12 74/21
47/4 48/6 50/8	<b>went [29]</b> 13/23	76/8 84/4 84/13
50/24 51/10 52/8	22/16 30/17 31/15	94/8 96/9 98/7
52/22 52/22 52/23	37/14 52/16 58/16	98/8 98/9
54/12 77/15	59/12 60/9 66/17	<b>while [20]</b> 6/9
<b>wanted [3]</b> 17/20	67/11 67/12 68/24	10/1 17/3 23/7
19/7 30/16	76/13 76/15 81/12	30/18 31/25 42/16
<b>warnings [2]</b>	81/14 81/25 82/24	46/24 50/4 51/9
88/15 88/18	84/20 87/23 88/23	60/6 61/12 63/12
<b>was [261]</b>	89/19 96/2 96/16	70/6 70/21 79/10
<b>wasn't [5]</b> 18/18	97/5 97/6 98/7	86/12 91/25 97/2
53/4 83/16 88/3	99/8	97/3
93/14	<b>were [75]</b>	<b>whispering [1]</b>
<b>watching [2]</b>	<b>weren't [3]</b> 11/10	81/17
38/10 38/16	19/8 84/4	<b>white [10]</b> 55/14
<b>water [1]</b> 35/12	<b>west [1]</b> 83/2	57/1 70/15 71/3
<b>wave [1]</b> 68/15	<b>westbound [1]</b>	72/14 83/8 83/12

<b>W</b> <b>white...</b> [3] 83/13 94/9 94/10 <b>who</b> [17] 8/15 14/19 15/6 15/23 24/23 33/3 34/23 35/1 44/10 48/2 73/19 80/25 84/1 85/2 90/7 90/7 95/13 <b>who's</b> [1] 39/24 <b>whole</b> [14] 6/3 7/3 23/1 23/21 42/10 43/5 63/6 64/3 79/4 80/3 86/6 87/3 91/18 92/18 <b>whom</b> [1] 94/24 <b>whose</b> [2] 51/1 84/2 <b>why</b> [7] 34/1 53/9 64/24 66/9 81/12 89/10 95/16 <b>will</b> [5] 5/22 56/22 78/16 85/25 91/11 <b>willing</b> [1] 60/5 <b>window</b> [2] 39/23 45/23 <b>windows</b> [3] 11/5 11/6 49/7 <b>windshield</b> [1] 11/9 <b>wit</b> [1] 103/13 <b>within</b> [1] 84/24 <b>without</b> [2] 18/14 98/10 <b>witness</b> [23] 5/22 19/13 22/15 27/12 34/15 38/11 40/22 42/4 61/9 62/24	75/22 77/9 77/24 84/12 84/13 85/25 89/24 89/25 91/10 96/22 99/21 99/25 100/6 <b>witnessed</b> [1] 13/17 <b>witnesses</b> [3] 3/1 5/13 100/24 <b>word</b> [8] 34/11 48/13 50/15 50/16 70/22 73/17 78/19 97/8 <b>work</b> [17] 7/11 7/12 9/9 9/10 12/1 24/7 24/8 24/21 35/14 36/21 43/11 43/12 44/4 44/14 87/18 90/3 95/11 <b>worked</b> [3] 64/12 87/12 95/11 <b>worker</b> [1] 33/9 <b>working</b> [14] 8/3 24/18 32/20 43/21 64/18 80/16 80/23 80/25 81/1 87/15 90/16 93/10 93/14 93/16 <b>worries</b> [1] 5/20 <b>would</b> [37] <b>wouldn't</b> [5] 48/11 58/8 59/22 96/14 98/10 <b>wrestling</b> [2] 59/16 73/13 <b>writing</b> [1] 44/3 <b>wrong</b> [4] 45/11 45/19 49/6 88/4	<b>Y</b> <b>yeah</b> [17] 12/8 16/24 24/6 24/22 24/22 25/3 26/8 26/17 27/2 27/16 29/22 30/5 34/19 40/6 52/11 67/1 88/21 <b>year</b> [2] 8/3 80/13 <b>years</b> [3] 64/13 87/13 93/8 <b>yell</b> [1] 57/25 <b>yelled</b> [1] 12/22 <b>yelling</b> [2] 34/5 45/9 <b>yellow</b> [2] 25/21 25/21 <b>yells</b> [1] 34/6 <b>yes</b> [206] <b>yet</b> [1] 53/9 <b>you</b> [548] <b>you're</b> [32] 13/3 13/10 14/8 14/25 16/1 16/4 16/17 16/25 20/25 24/4 25/19 26/18 27/11 30/18 37/21 45/4 45/5 50/18 53/15 56/9 56/13 56/24 59/4 60/8 65/18 68/5 70/19 71/1 74/10 75/3 78/8 78/18 <b>you've</b> [2] 36/20 61/25 <b>young</b> [1] 51/24 <b>your</b> [76] <b>yours</b> [2] 49/15 58/6 <b>yourself</b> [1]
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<b>Y</b>
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
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8 THE STATE OF NEVADA, )

9 Plaintiff, )

10 vs. )

11 MARIO BLADIMIR TREJO, )

12 Defendant. )

CASE#: C-18-335315-1

DEPT. XXIII

13  
14 BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

15 WEDNESDAY, JANUARY 23, 2019

16 RECORDER'S TRANSCRIPT OF HEARING:

17 **DEFENDANT'S MOTION FOR SETTING OF REASONABLE BAIL**  
18 **WITH ELECTRONIC MONITORING**  
19

20 APPEARANCES:

21 For the State:

MICHAEL J. SCHWARTZER, ESQ.  
Chief Deputy District Attorney

22  
23 For the Defendant:

ALEXANDER C. HENRY, ESQ.  
Deputy Public Defender

24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, January 23, 2019

2  
3 [Case called at 10:18 a.m.]

4 [Bench Conference – not transcribed]

5 THE COURT: Alright. So we had some discussions at the  
6 bench. Let me briefly put them on the record. I do understand -- this is  
7 kind of a weird case because the charges are extremely concerning to  
8 the Court and I know to the attorneys involved and the defense counsel.  
9 But it's also a little bit unique in that this is a gentleman who has no  
10 criminal history and does have a really steady employment history up  
11 until this set of awful crimes. Okay, there was discussion at the bench,  
12 and it was on the motion that this gentleman has a severe trachea issue,  
13 which is making it difficult for him to receive the medical care he needs  
14 at the jail.

15 There's representations by defense counsel and the Court did  
16 express concerns that, you know, defense counsel request that I assign  
17 an order having him go over to St. Rose, but the Court's concern is a  
18 financial concern because, you know, usually the jail contracts with  
19 different providers. And, you know, it's a concern for me that we -- I sign  
20 an order to allow him to go to St. Rose, and then he does not have  
21 private health insurance and that's a cost the County must bear. So with  
22 all that being said, and there's been extensive discussion up here  
23 between the State and the defense counsel. This is the resolution I  
24 believe that we've agreed. You know, obviously going back to the fact of  
25 he has no -- as egregious is this crime is, he does not have any criminal

1 record; he does have ties to this community.

2 Also, taking in to all those factors, the State, and the defense  
3 counsel, the Court agree that \$75,000 bail will -- it will be reduced to  
4 \$75,000. He will have to be on house arrest and again, I am very  
5 concerned, you know, that when he gets well he's not going to show up  
6 for court because he's looking at some pretty serious charges. But -- so  
7 we're going to keep the Calendar Call date on for March 27<sup>th</sup> at 9:30 in  
8 the morning. And then the trial will maintain April 1<sup>st</sup>. I told defense  
9 counsel though if he doesn't stay out of trouble and if he doesn't show  
10 up for his Calendar Call date, there will be a Bench Warrant issued, and  
11 he will be held without bail until the trial or the resolution of this matter.

12 MR. HENRY: Understood.

13 THE COURT: Okay, did I represent our discussion  
14 accurately?

15 MR. SCHWARTZER: You did, Your Honor. Thank you.

16 MR. HENRY: Yes.

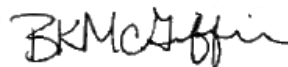
17 THE COURT: Thank you.

18 MR. HENRY: Thank you, Judge.

19 [Hearing concluded at 10:26 a.m.]

20 \* \* \* \* \*

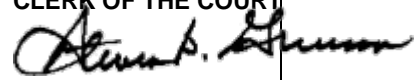
21 ATTEST: I do hereby certify that I have truly and correctly transcribed  
22 the audio/video proceedings in the above-entitled case to the best of my  
23 ability.

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Brittany Kanger-McGiffin  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
WEDNESDAY, JANUARY 20, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:  
CALENDAR CALL**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Chief Deputy District Attorney

For the Defendant:

ALEXANDER HENRY, ESQ.  
Deputy Public Defender

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, January 20, 2021

2 \*\*\*\*\*

3 [Proceeding commenced at 8:53 A.M.]

4 THE COURT: State of Nevada versus Mario Trejo, Case No.  
5 C-18-335315-1. Mr. Trejo is present in custody via Blue Jeans, Mr.  
6 Henry is present on his behalf from the defense from the Public  
7 Defender's Office, and it looks like it is Mr. Schwartzer from the District  
8 Attorney's Office.

9 MR. SCHWARTZER: That's correct, Your Honor.

10 THE COURT: Okay.

11 Mr. Trejo, you are scheduled – this is your calendar call. You  
12 did waive your right to a trial within 60 days on October 15<sup>th</sup> of 2018.  
13 This matter is unable to go forward to trial right now because trials  
14 resume on February 1<sup>st</sup> due to Covid.

15 Have the parties come to an agreement about when they want  
16 to set this matter?

17 MR. HENRY: No, Judge, but I have no opposition to  
18 continuing this matter two criminal stacks if we need to. Mr. Trejo does  
19 have significant medical issues that he needs to attend to before this  
20 case will be able to resolve.

21 THE COURT: So we've got a criminal stack that starts mid-  
22 March through mid-April, and then one that starts the end of May  
23 through sort of the end of June, and then one in August. When would  
24 you like, Mr. Henry?

25 MR. HENRY: We can go May.

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THE COURT: So the May stack. Okay.

Mr. Schwartzer, is that cool – is that alright with you?

MR. SCHWARTZER: That's fine, Your Honor. I have various trials in May but at this point I don't think there's going to be a date where we don't get double stacked, so I'll take any date in May, Your Honor.

THE COURT: Okay. Well, it starts the end of May so. It's like the first is May 24<sup>th</sup> is the first day. Is that right?

THE CLERK: Yes.

THE COURT: So that would be the first date – the only date in May we've got.

MR. SCHWARTZER: That's fine, Your Honor.

THE COURT: Okay.

THE CLERK: Calendar call will be May 17<sup>th</sup>, at 8:30 A.M. Jury Trial, May 24<sup>th</sup>, at 9:00 A.M.


MR. SCHWARTZER: Thank you.

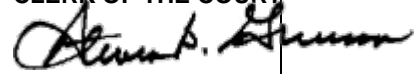
MR. HENRY: Thank you.

[Proceeding concluded at 8:56 A.M.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
SUSAN SCHOFIELD  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
WEDNESDAY, MARCH 24, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:  
MOTION TO DISMISS COUNSEL**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Chief Deputy District Attorney

For the Defendant:

ALEXANDER HENRY, ESQ.  
Deputy Public Defender

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

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Las Vegas, Nevada; Wednesday, March 24, 2021

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[Proceeding commenced at 8:44 A.M.]

THE COURT: State of Nevada versus Mario Trejo, Case No. C-18-335315-1. This is on for a motion to dismiss counsel. I will note that the same motion is set as being filed by the Public Defender's Office on March 29<sup>th</sup> so I want to make sure we vacate the March 29<sup>th</sup> since we're going to hear that today.

Mr. Wells, is this your matter?

MR. WELLS: No, Judge. Alexander Henry on Mario Trejo's behalf.

THE COURT: Okay. Mr. Henry on behalf of Mr. Trejo. Mr. Trejo is – I can't see the jail – okay, Mr. Trejo's present at the jail via Blue Jeans. Mr. Turner, is this on – are you handling this?

MR. TURNER: Judge, I show it as Mike Schwartz's case, but if it's something that I think the Court could handle, it looks like it's something that the DA doesn't necessarily need to be involved in. I can handle it.

MR. SCHWARTZER: I'm here. Michael Schwartz for the State.

THE COURT: Okay. And Mr. Schwartz is present for the State.

So this is just a motion to dismiss counsel, so that's why I thought it was going to be you, Mr. Turner.

The motion, Mr. Trejo, it just – it has bare allegations, but you

1 did ask about proceeding in proper person, so would you like to have a  
2 *Faretta* Hearing, Mr. Trejo?

3 CORRECTIONS OFFICER: Your Honor, this is Officer  
4 Covelands.

5 THE COURT: Yes.

6 THE OFFICER: I'm going to have to answer for him. He just  
7 had surgery done on his throat. He can't talk.

8 THE COURT: Oh.

9 THE OFFICER: He shook his head yes though.

10 THE COURT: Okay. Do you know how long he's going to be  
11 unable to talk because there's a lot of questions I'm going to need to ask  
12 him if we're going to do an –

13 THE OFFICER: I'm not sure, Your Honor, because it was a  
14 medical procedure. I'm not sure how long he'll, you know –

15 MR. HENRY: And, Judge, I can give you some insight about  
16 that. Since he had this tracheotomy, I think it was like two years ago, he  
17 hasn't been able to speak clearly for about two years. And because the  
18 jail has prolonged his medical treatment, it's prolonging his medical  
19 condition as well, so every time I do a video visit with him we have to do  
20 everything in writing, or prior to Covid I would have to go down to CCDC  
21 and do a contact visit with him, and we would still have to do everything  
22 in writing. So that's part of the issue of why he wants to represent  
23 himself as well. He's not getting the proper medical treatment that he  
24 needs.

25 THE COURT: Well, that doesn't seem like a kind of a case

1 where he'd want to proceed on his own if he can't even talk to a jury.

2 That doesn't seem like –

3 MR. HENRY: I understand, Judge, but I am standing by Mr.  
4 Trejo's request.

5 THE COURT: Okay. But I do need to talk to Mr. Trejo a lot  
6 about a *Faretta* Hearing, and so I don't know if we'd be able to proceed  
7 with this. I mean, is there – I just don't even know what to say on this.  
8 Mr. Schwartzer, do you have any insight?

9 MR. SCHWARTZER: I mean, I'm more ignorant about the  
10 medical condition than Mr. Henry so I have no idea when he'd be able to  
11 speak. I know every other appearance we've had it's been a similar  
12 issue, Your Honor. So, I mean quite frankly, I don't know – I guess it  
13 was unclear to me if it's a conflict with his counsel [audio distortion] can  
14 be appointed or if it's – if he really wants to proceed on his own. I was  
15 unclear about that motion. If it's a different attorney that he's looking for,  
16 maybe we can have a hearing outside my presence regarding that. But  
17 if it's a, you know, if he wants to represent himself, I don't see how we  
18 do that without him being able to speak to you. I think we would have to  
19 wait, unfortunately.

20 THE COURT: Right.

21 MR. HENRY: And, Judge, maybe I could suggest if we can  
22 just write out the *Faretta* questions and I could send it to him, and he  
23 can provide the Court in writing the answers to those questions.

24 THE COURT: Right, but the problem with that would be that I  
25 wouldn't be able to be sure that it was him who was writing out the

1 answers. That's why we generally do a *Faretta* in person and don't just  
2 mail people the *Faretta* – I mean, and –

3 MR. HENRY: But, Judge, we can do -- every time I do a video  
4 visit with him, he normally has a pencil and paper and he answers my  
5 questions by writing it down and holding it up to the camera. I'm sure he  
6 can do that as well.

7 THE COURT: So, okay. I think this probably needs to be set  
8 for a special setting because it's going to take a minute, so I'm going to  
9 contact Department 7 about trying to have a special setting, maybe  
10 about a week from Friday if that's available. Oh, you don't work on  
11 Fridays, Mr. Henry. Maybe I'll see if we can do like a week from  
12 Thursday or something. I'll look at some dates and see when we can do  
13 this because this is going to take a long time with him having to write  
14 down answers.

15 MR. SCHWARTZER: Your Honor, just for scheduling  
16 purposes, I'm out of town next week. But if it's just a canvass, I'm sure I  
17 can have someone fill in for me.

18 THE COURT: Right. It'll probably be a canvass, Mr.  
19 Schwartzer, and if it is something that we need to have outside the  
20 presence, I'll have whoever's not available. And I honestly think next  
21 week might be the week that I have that two-day evidentiary hearing on  
22 a – it is. I have a Thursday and Friday evidentiary hearing on a civil  
23 case which, yay for me. But so it might be – it might have to be then, I'll  
24 see if we can get two weeks. [Colloquy with Clerk]

25 Oh, okay, so next week I only have a one-day evidentiary

1 hearing on a Thursday, I mean on Friday for a different civil case, but  
2 the week after – so I'm going to see if I can get Department 7 to have us  
3 with maybe next Thursday or then two weeks after that, so I will just – I  
4 will be in touch with Mr. Schwartz and Mr. Henry about trying to set  
5 this up.

6 MR. HENRY: Understood.

7 MR. SCHWARTZER: Thank you, Your Honor.

8 MR. HENRY: Thank you.

9 THE OFFICER: Excuse me, Your Honor.

10 THE COURT: Yes.

11 THE OFFICER: Can I just get the dates for Trejo. I didn't  
12 catch that.

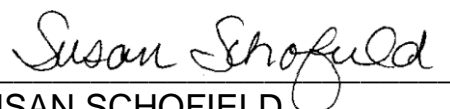
13 THE COURT: We don't have dates yet. I have to set up  
14 something special with Department 7 because we have to have a  
15 special setting for that. So I'm just going to be in touch with people. I  
16 don't have dates for it.

17 THE OFFICER: Okay. Thank you.

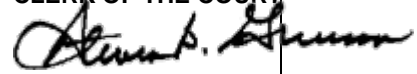
18 [Proceeding concluded at 8:53 A.M.]

19 \*\*\*\*\*

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed  
22 the audio/video proceedings in the above-entitled case to the best of  
23 my ability.

24 

25 SUSAN SCHOFIELD  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
WEDNESDAY, MARCH 31, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:  
MOTION TO WITHDRAW AS COUNSEL**

APPEARANCES:

For the Plaintiff:

FRANK LO GRIPPO, ESQ.  
Chief Deputy District Attorney

For the Defendant:

ALEXANDER HENRY, ESQ.  
Deputy Public Defender

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

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Las Vegas, Nevada; Wednesday, March 31, 2021

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[Proceeding commenced at 1:31 P.M.]

MR. LOGRIPPO: Frank LoGrippo on behalf of the State. I was completely unaware of that. I'm covering this for Mr. Schwartz. He told me it was straight-forward *Faretta* canvass, so –

THE COURT: That's not – no. We were trying to decide – No. He's trying to dismiss counsel and I didn't even know if he could.

MR. LOGRIPPO: Okay.

THE COURT: It wasn't on for a *Faretta* today. I mean, we can possibly be doing a *Faretta* if I decide that – I mean, because he had actually asked for a different counsel.

MR. LOGRIPPO: Understood. I completely understand the need for the State to not be present. How about this? Why don't I sign off and I believe Chapri, and I'm sorry if I'm mispronouncing your name, I believe she has my phone number because I just e-mailed her. Why don't I sign off and then if there is a *Faretta* you could just give me a call and I'll sign right back in.

THE COURT: Okay. Sure. Thank you, Mr. LoGrippo. Yeah, I thought Mr. Schwartz understood why I needed for him to be present outside because we couldn't have you on Blue Jeans to hear.

MR. LOGRIPPO: He probably did. There was probably just a, you know, playing telephone kind of thing. No problem. I'll sign out and then just give me a call if we go forward.

THE COURT: Okay. Thank you, Mr. LoGrippo.

1 MR. LOGRIPPO: No problem. Thank you.

2 THE COURT: So this was Mr. Trejo's motion to dismiss  
3 counsel first and foremost, and so his motion didn't really have any  
4 reason in it, and so we needed to have a hearing outside – Okay. Sorry,  
5 I need to call the case.

6 This is Page Number 1 on the 1:30 calendar. State of Nevada  
7 versus Mario Trejo, Case No. C-18-335315-1. Mr. Henry is present on  
8 behalf of Mr. Trejo via Blue Jeans. Mr. Trejo is present from the jail via  
9 Blue Jeans. There is no one from the State present currently because  
10 this is a motion to dismiss counsel for Mr. Trejo. Mr. LoGrippe from the  
11 State will be available via Blue Jeans if we need to go forward with a  
12 *Faretta* canvass, and so he made that known.

13 So as I was stating before I actually called the case, Mr. Trejo  
14 had filed this motion to dismiss counsel and appoint alternate counsel  
15 or, in the alternative, for a *Faretta*, so I wanted to go forward with his  
16 reasons as to why he wanted to dismiss Mr. Henry, but I needed to have  
17 that outside the presence of the State.

18 So, Mr. Trejo, my understanding is that you had a tracheotomy  
19 and cannot speak, but you have been provided with a pencil and paper  
20 so that you can write things down and we can read them onto the  
21 record. Is that correct? If you'll just put a thumbs up to the camera so  
22 that you don't have to start writing now.

23 READ BY THE COURT: He put a thumbs up.

24 THE COURT: So, Mr. Trejo, can you please just write down,  
25 large enough for us to read it over the screen, why you'd like to dismiss

1 Mr. Henry.

2 Officer, is there any way you can read this into the record  
3 because there's literally no way I can see all of what he wrote.

4 THE OFFICER: Sure.

5 THE COURT: Thank you.

6 And, Mr. Trejo, please put your mask on for both your safety  
7 and the Officer's safety. All the way. Thank you.

8 READ BY THE OFFICER: Yes, Your Honor. I simply feel that  
9 since I've lost my voice the true facts of the case and my medical  
10 conditions have not been relayed to the Court during hearings even  
11 though I have presented all facts, and those facts have records to back  
12 them up. And I've not gotten proper medical treatment, and my case,  
13 it's my understanding, has been mishandled for reasons unknown to me.  
14 I can specify in detail, but to put it simply, I just feel that I need to  
15 present my own case, or have someone else who can express the  
16 details of my current situation.

17 THE COURT: Thank you, Officer.

18 Mr. Trejo, it's – I'm not sure if you understand what's going on.  
19 So how, I need you to tell me how it's not being done to your  
20 satisfaction. You've said that before that it's not, but I need to know  
21 how.

22 Mr. Trejo, just understand we do still have limited time  
23 because other courts need to use the Blue Jeans link in the jail so  
24 there's no need to write a novel. I just need to know generally what Mr.  
25 Henry did or did not do.

1 Thank you, Officer, for your help.

2 THE OFFICER: You're welcome.

3 READ BY THE OFFICER: With the previous judge, Stephanie  
4 Miley, every hearing would have the facts have not been correctly  
5 relayed. It's as if both the DA and my defense are unaware of the actual  
6 facts and/or simply are not willing to present them. It has become  
7 frustrating not being able to correct or really defend myself to the  
8 misinformation and allegations the State has presented in Court, and I  
9 don't feel satisfied with my counsel's court presentations.

10 I don't want to go into trial not knowing what info the counsel  
11 will misrepresent.

12 THE COURT: Mr. Trejo, you still have not explained to me  
13 what Mr. Henry has done or not done that you're saying that. So here's  
14 – let me just tell you. Before you start writing, let me just explain to you.

15 The State has to prove their case beyond a reasonable doubt.  
16 Every element of every charge. Mr. Henry doesn't have to do anything  
17 other than question witnesses, and until the time of trial, no one's  
18 version of the event other than the State is going to be what happens  
19 because Mr. Henry doesn't want to let the State know what the defense  
20 is, and doesn't want to let the State know necessarily anything as to how  
21 he's going to defend your case. If he did that, that would actually be  
22 something that could be used against you and you don't want that. You  
23 don't want the State to have witnesses prepared for what you're going to  
24 ask them, and things like that.

25 So tell me specifically what has Mr. Henry done or not done

1 that makes you think that he's not working for you.

2 THE OFFICER: Okay. Are you ready, Your Honor?

3 THE COURT: Yes.

4 READ BY THE OFFICER: I have asked for him to in some  
5 way either through habeas corpus or hearing to challenge a lot of the  
6 charges that have been added before going to trial, and it hasn't been  
7 done.

8 During motions to adjust bail, he has not correctly presented  
9 facts and allowed infactual allegations from the State play unchallenged.  
10 It worries me just to the fact that I have invested time in giving him every  
11 detail possible so that those mistakes will not happen, and after 32  
12 months I need to change counsel or somehow represent myself.

13 THE COURT: Okay. So on the first one you said that there  
14 were no writs or motions to challenge the charges.

15 Mr. Henry, can you tell me legally if there were any writs that  
16 should have been filed that you did not file?

17 MR. HENRY: Judge, I did not file a writ in this case. At the  
18 time, I did not think a writ would have been sufficient to beat some of the  
19 robbery charges. He is being charged with seven robberies with use,  
20 and after seeing another attorney argue a similar issue, I didn't feel that  
21 a writ would be necessary in this case, so I did not file a writ.

22 THE COURT: Were there any other motions to dismiss that  
23 you should have filed that you did not?

24 MR. HENRY: Any other motions about what?

25 THE COURT: To dismiss any charges or anything like that?

1 MR. HENRY: No, Judge.

2 THE COURT: And as to the bail hearings where facts were  
3 not presented correctly. What facts does Mr. Trejo dispute that were  
4 incorrect?

5 MR. HENRY: I believe he's referring to that his injury  
6 predated the shooting when the police shot him in this case. When they  
7 shot him in this case, it exacerbated his previous condition so I believe  
8 he is upset that I didn't correct that on the record.

9 Also, some of the facts as far as why he's not a flight risk or a  
10 threat to the community, some of his arguments that he wanted me to  
11 present I did not present because I did not think they would be  
12 persuasive. Some of them were like that he's not a flight risk because  
13 he cannot run. He cannot even walk down the street without getting out  
14 of breath. He's tied to medical equipment and medical procedures that  
15 are here in the State so he'd have no reason or nowhere to go to run  
16 because nowhere else would have those medical procedures.

17 That's all I can remember right now, Judge.

18 THE COURT: So, Mr. Trejo, as to the injury whether it was  
19 predating the shooting or simply exacerbated by the shooting, that's not  
20 necessarily something that Mr. Henry would bring forward in a bail  
21 argument, again, because that's something that isn't necessarily  
22 persuasive in a bail hearing, and also the facts – I mean, because he  
23 doesn't really necessarily have anything to do with the bail hearing, what  
24 your bail was set at.

25 And I think that you misunderstand what it means to be a flight

1 risk, and so Mr. Henry did not present those arguments because they're  
2 not necessarily what a Court means by being a flight risk. Whether or  
3 not you can walk or run doesn't necessarily – you can still be driven, you  
4 can still – I mean, being a flight risk means that you're not going to be in  
5 Court when you're supposed to be. It doesn't mean that you are left,  
6 have left the State or even left the County. It just means that you are not  
7 going to be present in Court. And so whether or not you have the ability  
8 to run, or physically run, doesn't mean that you're necessarily a flight  
9 risk.

10           And then as to the writs or motions to challenge, again, Mr.  
11 Henry is the person who would determine – so there are certain  
12 decisions that a criminal defendant is allowed to make, and which writs  
13 and motions there are are things that the attorney makes. But the  
14 criminal accused gets to decide if they want to, you know, have a trial  
15 that's a jury trial or a bench trial, whether or not they want to plead guilty  
16 or go forward to trial, whether or not they want to testify if they do go to  
17 trial. But strategic decisions as to what motions to file and things like  
18 that are simply in Mr. Henry's purview as opposed to yours because Mr.  
19 Henry is the one who went to law school and understands which  
20 arguments are going to be persuasive.

21           So, Mr. Trejo, the issues that you've presented have not been  
22 persuasive as to whether or not you will be allowed to get different  
23 counsel. What can happen is you can represent yourself. That is  
24 unlikely to be successful for you especially for you because you're  
25 unable to speak, but if you'd like for me to go forward and see if you're

1 going to be able to represent yourself, I'm happy to do that. Is that what  
2 you'd like? You'd like to represent yourself rather than having a trained  
3 law school, you know, graduated and licensed, barred attorney. You  
4 would rather represent yourself. Is that what you're saying, Mr. Trejo?  
5 Would you please thumbs up or thumbs down?

6 I can't see that. He wants to write.

7 READ BY THE OFFICER: Unfortunately, Your Honor, I do not  
8 want to do so. Unfortunately, I do want to do so. Currently, it seems the  
9 facts I've been trying to relay have not still been properly presented. I'd  
10 like a chance to do so myself.

11 I'm not arguing what or when this injury occurred but the  
12 manner of how lost my voice. In short, I was denied emergency medical  
13 services while I suffocated and I do not have faith that the jail is able to  
14 handle my medical needs, so please allow me to self-represent.

15 THE COURT: So, Mr. Trejo, I'm going to go through a *Faretta*  
16 canvas, but you understand before I do that that representing yourself  
17 isn't necessarily going to get you the medical help that you need.  
18 Neither will it get you a chance in front of a jury to say everything you  
19 want to say because it's going to be even more difficult for you because  
20 you can't even at this juncture talk. Do you understand that?

21 Okay, so I'm going to go ahead with the *Faretta* canvas.  
22 We're going to need to take a short break so that we can get Mr.  
23 LoGrippe on calendar or on the Blue Jeans link. So it's just going to be  
24 about a three-minute recess so we can allow the State to get on.

25 So I'm going to have my staff contact the State so that we can

1 get Mr. LoGrippo on.

2 Thank you.

3 [Session resumed at 2:10 P.M.]

4 THE COURT: Case Number C-18-335315-1, State versus  
5 Mario Trejo. We now have Mr. LoGrippo on for the State. Thank you for  
6 joining us, Mr. LoGrippo.

7 Mr. Trejo, can you please, on one of the blank pieces of paper  
8 that the officer provided for you, write a huge "yes" and on the back side  
9 write a huge "no", and then I'll have you show me which one you say  
10 when we're talking through the questions. Okay?

11 Okay, can I just see so I can make sure they're large enough?

12 READ BY THE COURT: That says "yes". Okay. And then on  
13 the back says "no".

14 THE COURT: Okay, thank you. Okay, so Mr. Trejo, you've  
15 made a request to proceed without an attorney representing your  
16 interests. Do you understand that you have the right to have an attorney  
17 represent you and that the Court has appointed that attorney to  
18 represent you currently?

19 READ BY THE COURT: He indicated yes.

20 THE COURT: You understand that if you cannot afford an  
21 attorney the Court appoints the attorney to represent you at no cost.

22 READ BY THE COURT: Yes.

23 THE COURT: Have you thought this matter through and are  
24 you certain that you want to proceed without a paid – without an attorney  
25 on your behalf?

1 READ BY THE COURT: He indicated yes.

2 THE COURT: Mr. Trejo, do you have any sort of a learning  
3 disability?

4 READ BY THE COURT: He brought up the "no".

5 THE COURT: Okay. Have you recently been treated for any  
6 mental health or substance abuse issues?

7 READ BY THE COURT: He brought up the "no".

8 THE COURT: Okay. Are you currently under the influence of  
9 any drug, medication, or alcoholic beverage?

10 READ BY THE COURT: He brought up the "no".

11 THE COURT: Do you have any physical health issues that  
12 prevents you from understanding the proceedings that are happening  
13 today?

14 READ BY THE COURT: He brought up the "no".

15 THE COURT: Mr. Trejo, are you a U.S. citizen?

16 READ BY THE COURT: He brought up the "no".

17 THE COURT: So, Mr. Trejo, there are several issues that if  
18 you are not a United States citizen having a jury trial and a conviction  
19 could lead to your deportation. Do you understand that?

20 READ BY THE COURT: He brought up the "yes".

21 THE COURT: And do you understand that the Court does not  
22 have any immigration authority? This Court does not.

23 READ BY THE COURT: And he brought up the "yes".

24 THE COURT: Do you understand that the public defender's  
25 office where Mr. Henry works does have an immigration specialist?

1 READ BY THE COURT: He brought up the “yes”.

2 THE COURT: And even knowing that they have an  
3 immigration specialist who Mr. Henry would be able to consult with and  
4 you do not, you still want to proceed on your own.

5 READ BY THE COURT: He brought up the “yes”.

6 THE COURT: Okay. Do you understand that your current  
7 attorney has experience handling criminal matters and, in particular,  
8 handling criminal jury trials?

9 I can’t see him. Can – it’s on Mr. Henry’s face as opposed to  
10 Mr. Trejo’s. Can you hold that up again, Mr. Trejo?

11 READ BY THE COURT: He brought up the “yes”.

12 THE COURT: Do you understand that you have a  
13 constitutional right to an attorney to advise and represent you at all  
14 times?

15 READ BY THE COURT: He brought up the “yes”.

16 THE COURT: Do you understand that the attorney is required  
17 to do everything they honestly can to help you?

18 READ BY THE COURT: He brought up the “yes”.

19 THE COURT: And that no one can take that right away from  
20 you?

21 READ BY THE COURT: He brought up the “yes”.

22 THE COURT: Do you understand that a jury may hold it  
23 against you if you don’t have an attorney representing you?

24 READ BY THE COURT: He brought up the “yes”.

25 THE COURT: Have you ever represented yourself in a

1 criminal case before?

2 READ BY THE COURT: He brought up the “no”.

3 THE COURT: How far did you go in school? So this is going  
4 to be one that you need to write. If it’s big enough I can see it, Mr. Trejo.

5 READ BY THE COURT: Graduated high school. Is that  
6 correct? Thumbs up? Mr. Trejo?

7 Okay. He put the thumbs up that I read that correctly.

8 THE COURT: Do you have any sort of an education in legal  
9 matters? That should be a yes or no.

10 READ BY THE COURT: He brought up “no”.

11 THE COURT: Do you read, write, and understand the English  
12 language?

13 READ BY THE COURT: He brought up the “yes”.

14 THE COURT: Are you familiar with the Eighth Judicial District  
15 Court rules?

16 READ BY THE COURT: He brought up the “yes”.

17 THE COURT: Do you understand that there are rules  
18 controlling the way a criminal case proceeds through the system and the  
19 way criminal trials proceed?

20 READ BY THE COURT: He brought up the “yes”.

21 THE COURT: Do you understand that you’ll have to follow the  
22 same rules as an attorney or of any of the attorneys who are involved in  
23 this case?

24 READ BY THE COURT: He brought up the “yes”.

25 THE COURT: Are you familiar with the rules of evidence that

1 are used in the State of Nevada?

2 For the most part. Is that what that says, for the most part?

3 Thumbs up, Mr. Trejo?

4 READ BY THE COURT: Thumbs up. Okay.

5 THE COURT: So there are certain rules that control evidence  
6 that's allowed to be introduced at trial, and those rules are going to apply  
7 to you even if you don't know them necessarily. Do you understand  
8 that?

9 READ BY THE COURT: He brought up the "yes".

10 THE COURT: Do you understand that you'll be required to  
11 follow those rules the same way as an attorney?

12 READ BY THE COURT: He brought up the "yes".

13 THE COURT: This is going to be one where you're going to  
14 need to write. So what does that mean to you when I ask you about the  
15 rules and you only said for the most part you understand them and  
16 things like that, and that they're going to apply to you no matter if you  
17 understand them or not. So tell me in your own words what that means.

18 Yeah, no. Officer, can you maybe read this one us, for the  
19 Court? Thank you.

20 THE OFFICER: Sure.

21 THE COURT: He tried to write it big enough but it was -- the  
22 camera's too small.

23 READ BY THE OFFICER: That if I do not correctly present or  
24 misunderstand certain evidence, it may be used against me.

25 THE COURT: Okay. Thank you, Officer.

1 Mr. Trejo, this is going to be back to yes or no. Do you  
2 understand that the Court will not act as your attorney?

3 READ BY THE COURT: He held up "yes".

4 THE COURT: Do you understand that the Court will not give  
5 you any legal advice or help?

6 READ BY THE COURT: He held up "yes".

7 THE COURT: Do you understand that the rules we follow  
8 may make it hard for you to ask questions that you'd like in the way that  
9 you'd like to ask them?

10 READ BY THE COURT: He held up a "yes".

11 THE COURT: Okay. Because you're not completely familiar  
12 with the rules of evidence you may not know the correct way to ask  
13 questions and that may cause you problems. Do you understand this?

14 READ BY THE COURT: He held up the "yes".

15 THE COURT: Do you understand the fact that you don't have  
16 personal knowledge of the Court rules, procedures, and rules of  
17 evidence won't be a reason for the Court to ignore those rules and  
18 procedures?

19 READ BY THE COURT: He held up "yes".

20 THE COURT: Do you understand that if you represent  
21 yourself you will not have the right to later claim that you had ineffective  
22 assistance of counsel or did not have proper legal counsel?

23 READ BY THE COURT: He held up "yes".

24 THE COURT: Do you understand that you may lose an  
25 appeal on evidence issues or any other part of the trial because you

1 don't know how to make a proper objection?

2 READ BY THE COURT: He held up "yes".

3 THE COURT: Do you understand that the State charged you  
4 with the following crime: Count 1, burglary while in possession of a  
5 firearm; Counts 2, 3, 4, 5, 6, 7, and 8 are robbery with use of a deadly  
6 weapon; Count 9 is first degree kidnapping with use of a deadly weapon;  
7 Counts 10 and 11 are assault on a protected person with use of a  
8 deadly weapon; Count 12 is conspiracy to commit robbery; and Count  
9 13 is attempt robbery with use of a deadly weapon? All of those are  
10 felonies under the laws of the State of Nevada. Do you understand  
11 that?

12 READ BY THE COURT: He held up "yes".

13 THE COURT: Do you know the elements of burglary while in  
14 possession of a firearm?

15 READ BY THE COURT: He held up "yes".

16 THE COURT: Can you write down to me what you think the  
17 elements of burglary while in possession of a firearm are?

18 THE OFFICER: Is the Court ready?

19 THE COURT: Yes.

20 READ BY THE OFFICER: Okay. Taking property or  
21 valuables while trespassing without permission while in possession of a  
22 firearm.

23 THE COURT: Okay. That is not exactly what a burglary while  
24 in possession of a firearm is, and, I mean, it's close but no cigar.

25 And what do you think the elements of robbery with use of a

1 deadly weapon are?

2 THE OFFICER: Is the Court ready?

3 THE COURT: Yes.

4 READ BY THE OFFICER: To use force to take said property  
5 from another person or to use the threat of force while in possession of a  
6 firearm.

7 THE COURT: Okay. And you're also charged with attempt  
8 robbery with use of a deadly weapon. What do you believe an attempt  
9 robbery with use of a deadly weapon is? Or what do you think the  
10 elements are? I should have phrased it better.

11 THE OFFICER: Okay. Is the Court ready?

12 THE COURT: Yes. Thank you.

13 READ BY THE OFFICER: Okay. To try even unsuccessfully  
14 to rob from another person or business with a firearm.

15 THE COURT: Okay. And you're also charged with the most  
16 serious count on this information is first degree kidnapping with use of a  
17 deadly weapon. Please tell me what you think the elements of that are.

18 THE OFFICER: Okay. Is the Court ready?

19 THE COURT: Yes. Thank you, Officer.

20 READ BY THE OFFICER: To move someone against their  
21 will physically while in possession of a firearm.

22 THE COURT: Okay. And how about assault on a protected  
23 person with use of a deadly weapon?

24 READ BY THE OFFICER: Okay. To portray a threat or  
25 endanger a protected individual with a firearm.

1 THE COURT: Okay. What do you mean by a protected  
2 individual?

3 READ BY THE OFFICER: Officer, EMT, disabled person, et  
4 cetera.

5 THE COURT: Okay. And also, what do you think the  
6 elements of a conspiracy to commit robbery are?

7 READ BY THE OFFICER: When two or more people get  
8 together, plan, or even speak of committing robbery.

9 THE COURT: Okay. So, Mr. Trejo, do you understand the  
10 sentencing ranges on all of those charges?

11 READ BY THE COURT: He held up "yes".

12 THE COURT: So as to burglary while in possession of a  
13 firearm, you understand that that is a Category B felony? Mr. LoGrippe,  
14 I think that's a 2-to-15, right?

15 MR. LOGRIPPO: That is correct.

16 THE COURT: Okay. So, Mr. Trejo, do you understand that  
17 that is a B felony, 2-to-15?

18 I can't see what you're holding up. Can anybody else see  
19 that?

20 READ BY THE OFFICER: He says "yes".

21 THE COURT: Yes. Okay. And as to the seven counts of  
22 robbery with use of a deadly weapon, you understand that those are all  
23 Category B felonies, and that they carry from two to 15 years for the  
24 robbery with a consecutive possibility of, well, not possibility for the  
25 consecutive, it's a mandatory consecutive, but a possibility of one-to-15

1 for the use of the deadly weapon?

2 READ BY THE COURT: He held up "yes".

3 THE COURT: As to the one count of first degree kidnapping  
4 with use of a deadly weapon, that is a Category A felony. Mr. LoGrippe,  
5 that's a five-to-15 or a five-to-life for the first degree kidnapping. Is the  
6 enhancement the same? Is it a consecutive one-to-15 or one-to-life for  
7 that on the deadly weapon? I can't remember.

8 MR. LOGRIPPO: Yes, Your Honor. So I'm actually looking it  
9 up right now. So kidnapping in the first degree, five-to-life or a definite  
10 term of 5-to-15 years, nonprobationable.

11 THE COURT: Right. And –

12 MR. LOGRIPPO: And then with use of a deadly weapon  
13 would add a consecutive term; that's correct.

14 THE COURT: So, Mr. Trejo, you understand that sentencing  
15 range and that it's mandatory prison?

16 READ BY THE COURT: And you're holding up –

17 THE COURT: I think that's the "yes". Can you give me a  
18 thumbs up if that is the "yes"?

19 That is a thumbs up.

20 You're also charged with assault on a protected person with  
21 use of a deadly weapon. That's a B, I believe it's a 1-to-6, Mr.  
22 LoGrippe?

23 MR. LOGRIPPO: Correct.

24 THE COURT: Okay. Mr. Trejo, do you understand that?

25 READ BY THE COURT: He's holding up the "yes". I believe

1 that's thumbs up, right, Mr. Trejo?

2 THE COURT: Yes, thumbs up.

3 And also the attempt robbery with use of a deadly weapon is a  
4 Category B felony. That is a 1-to-10 for the attempt, and a consecutive  
5 1-to-10 for the deadly weapon.

6 And all of the deadly weapon enhancements make all of the  
7 charges that have them nonprobationable. Mr. Trejo, you understand  
8 those?

9 READ BY THE COURT: That is a "yes" I believe. Thumbs  
10 up?

11 Yes, thumbs up.

12 THE COURT: Now, do you understand that if you're found  
13 guilty at trial of one or more of these crimes, the Court can order the  
14 sentences to be served consecutive which means one after the other, or  
15 concurrent which means at the same time. Do you understand that?

16 READ BY THE COURT: You are holding up I believe that's a  
17 yes. Thumbs up?

18 Thumbs up. Okay.

19 THE COURT: Okay. Do you understand – I'm sorry I forgot  
20 to ask. Was there a habitual possibility in this case, Mr. LoGrippo?

21 MR. LOGRIPPO: Your Honor, I'm not aware off the top of my  
22 head. I can try to pull up the pre-trial risk assessment.

23 THE COURT: I was trying to look quickly, Mr. Henry. Do you  
24 know off the top of your head? I was trying to look through Odyssey.

25 MR. HENRY: There is no habitual treatment in this case.

1 THE COURT: Okay. Thank you.

2 MR. LOGRIPPO: Thank you.

3 THE COURT: And, Mr. Trejo, do you understand that the total  
4 amount of time that the Court can sentence you on all – this is a really  
5 lot – have you figured out how much the bottom end would be, Mr.  
6 Henry, or the top end in any of your discussions with him?

7 MR. HENRY: No. Just because of the kidnapping, I've  
8 always just said, no, you're looking at a life tail right there.

9 THE COURT: Right. But the bottom end, because on a  
10 kidnapping was five, on –

11 MR. HENRY: Seven robberies would be three on 26.

12 THE COURT: Right. And then the burglaries also another  
13 two, and the attempt is a one, and a one, and then the assault – oh, and  
14 I forgot the conspiracy to commit robbery, the one-to –

15 MR. HENRY: I have 31 on the bottom.

16 So you understand, Mr. Trejo – I'm sorry, the Officer's got  
17 something he wants to say for Mr. Trejo. Is that correct, Mr. Trejo?

18 READ BY THE OFFICER: Thumbs up.

19 THE COURT: Okay. Thumbs up. So, Officer, go ahead.

20 READ BY THE OFFICER: I have calculated 30 to 35.

21 THE COURT: Okay. 30 to 35 years, you understand that,  
22 correct? Hold up –

23 READ BY THE COURT: "Yes".

24 THE COURT: And do you know what defenses you can  
25 present to the crimes you were charged with?

1 READ BY THE COURT: "Yes."

2 THE COURT: Okay. Do you understand that there may be  
3 certain affirmative defenses or mitigation evidence that your lack of  
4 knowledge of their existence or your lack of knowledge of the  
5 appropriate procedure for introducing evidence on those issues would  
6 not be grounds for an appeal if you don't address the appropriate issues.

7 READ BY THE COURT: He held up "yes".

8 THE COURT: Do you understand that an attorney may be  
9 aware of ways of defending these particular charges that may not occur  
10 to you because you are not an attorney?

11 READ BY THE COURT: He held up "yes".

12 THE COURT: And do you understand that I can't give you  
13 advice about these matters?

14 READ BY THE COURT: He held up "yes".

15 THE COURT: Do you know what a lesser included offense  
16 is?

17 READ BY THE COURT: He wrote "no".

18 THE COURT: You don't understand what a lesser included  
19 offense is? Is that correct?

20 READ BY THE COURT: Thumbs up. You do not understand  
21 that. Okay.

22 THE COURT: So there are crimes that have fewer elements  
23 but the same elements that could be something that you can present to  
24 the jury as having done instead of what they're charging you with, and  
25 that's what a lesser included offense is just in the most basic terms.

1 Mr. LoGrippo and Mr. Henry, would you agree?  
2 MR. LOGRIPPO: Yes.  
3 MR. HENRY: Yes, Judge.  
4 THE COURT: So because you're not an attorney you may not  
5 know what the lesser included offenses are. Is that correct, Mr. Trejo?  
6 I can't see what he's holding up. Can anyone?  
7 READ BY THE COURT: Thumbs up. You do understand  
8 that.  
9 THE COURT: Okay. And do you understand that I can't  
10 advise you as to what those lesser included offenses could be or how  
11 those could be a defense. Do you understand that?  
12 READ BY THE COURT: He held up the "yes".  
13 THE COURT: And do you understand that – do you know  
14 what mitigation evidence is?  
15 READ BY THE COURT: He held up the "yes".  
16 THE COURT: Okay. Do you know what jury voir dire is?  
17 READ BY THE COURT: He held up the "no".  
18 THE COURT: So, do you know how to go about the process  
19 of selecting a jury to sit on a trial?  
20 Yes, you can go ahead Officer. Thank you.  
21 READ BY THE OFFICER: You're welcome.  
22 Not personally, but I have read on the process of striking and  
23 selecting jury.  
24 THE COURT: Okay. And do you know the difference  
25 between an opening statement and a closing argument?

1                   That's a yes-no and then I'll ask you –

2                   READ BY THE COURT: "Yes".

3                   THE COURT: So what do you think that is? Go ahead and  
4 write now.

5                   READ BY THE OFFICER: Opening statement is a  
6 foreshadowing on what the State or defense will focus on during trial.  
7 Closing argument is to convince jury or sway jury to make a certain  
8 decision based on facts or intricacies of evidence and witness  
9 statements.

10                  THE COURT: Okay. Mr. Trejo, do you know how to admit  
11 evidence? That was just a "yes" or "no".

12                  READ BY THE COURT: "No".

13                  THE COURT: Do you know how to object to evidence? This  
14 is also a yes or no. I'm just going to put on the record that he's pausing  
15 for a long time and then finally put up "no."

16                  THE COURT: Do you know what the State's burden of proof  
17 is?

18                  READ BY THE COURT: "No".

19                  THE COURT: Do you know what the presumption of  
20 innocence is?

21                  READ BY THE COURT: "Yes."

22                  THE COURT: Do you know how to submit mitigation  
23 evidence if you're convicted?

24                  READ BY THE COURT: "No".

25                  THE COURT: Do you understand the way to proceed is by

1 asking questions of the witnesses that are going to appear in Court?

2 READ BY THE COURT: "Yes".

3 THE COURT: Do you understand that you may not make  
4 statements to the witnesses but may only ask questions concerning the  
5 facts in this case?

6 READ BY THE COURT: "Yes".

7 THE COURT: Unless you decide to testify, you're not going to  
8 be allowed to tell the jury matters that you may want them to know other  
9 than through the closing argument or the opening statement. Do you  
10 understand that?

11 READ BY THE COURT: "Yes".

12 THE COURT: Do you understand that if you do decide to  
13 testify, you're giving up your right to remain silent and your right not to  
14 incriminate yourself?

15 READ BY THE COURT: "Yes".

16 THE COURT: Do you understand that if you do decide to  
17 testify you're going to be subject to cross-examination by the  
18 prosecutor?

19 READ BY THE COURT: "Yes".

20 THE COURT: Do you understand that it may be much easier  
21 for an attorney to provide legal research on issues and questions that  
22 may come before the Court than it is for you to do that?

23 READ BY THE COURT: He held up "yes".

24 THE COURT: Do you understand that if you represent  
25 yourself you may limit or even give up all together certain issues that

1 could be appealed to a higher court if you're found guilty?

2 READ BY THE COURT: "Yes".

3 THE COURT: Do you know how to make a record for  
4 appeals?

5 READ BY THE COURT: "No".

6 THE COURT: So do you understand that because you're not  
7 an attorney and don't know how to make a record for appeal, that could  
8 cause some problems for your appeal, and even though you do still  
9 have a right to an appeal? Do you understand that?

10 READ BY THE COURT: "Yes".

11 THE COURT: Do you understand that you're going to be  
12 required to conduct yourself in a professional and respectful manner to  
13 the Court which you've always done so far, and that the witnesses  
14 involved in the case as well as the prosecutors and others at all times?

15 READ BY THE COURT: "Yes".

16 THE COURT: Do you understand that if you don't act in a  
17 professional and respectful manner, the Court may revoke your right to  
18 represent yourself, or you could even be removed from the courtroom?

19 READ BY THE COURT: "Yes".

20 THE COURT: I don't anticipate that happening. I just have to  
21 ask everyone. Okay?

22 So, Mr. Trejo, you have the right to represent yourself, and  
23 based on all those questions you're going to have some issues  
24 representing yourself. It's my opinion that it's going to be better for you  
25 if you have an attorney.

1           Would it make it easier if I order Mr. Henry, and he will follow a  
2 Court directive, to visit you and try and spend more time with you before  
3 your trial just because I am worried about your ability to represent  
4 yourself. You're smart. Obviously, you know you got almost all of the  
5 elements of the cases, of the crimes right and everything like that. So I  
6 just am worried because you don't have a legal background if you're  
7 going to be able to do this right, and also because it's going to be hard  
8 for you as someone who currently is unable to speak, to communicate  
9 with the jury. So would that help if I ask Mr. Henry to spend more time  
10 with you?

11           READ BY THE OFFICER: Your Honor, I do not think that is  
12 an issue. Mr. Henry has done a great job in communication and in  
13 providing inmate advocacy, but I just feel there is other issue hindering  
14 him in my case. Whether it's that he has too high a case load or his  
15 office's resources are stretched thin.

16           As to the things of law I do not know, I will be doing a lot of  
17 study and research as I have with other current civil matters I am  
18 undertaking under pro se.

19           THE COURT: Okay. So, Mr. Trejo, these are going to be a  
20 series of yes or no questions, okay?

21           So are you making the decision to represent yourself freely  
22 and voluntarily?

23           READ BY THE COURT: "Yes".

24           THE COURT: Do you have any questions you'd like to ask  
25 me?

1 READ BY THE COURT: "No".

2 THE COURT: Okay. So I find that – well, first of all, Mr.  
3 LoGrippto, is there anything that you'd like for me to ask that I did not  
4 ask?

5 MR. LOGRIPPO: So, Your Honor, you did cover it, but in  
6 these situations I always have kind of a catchall question that I would  
7 prefer the Court to ask, and that's just that the defendant is clear that  
8 he's knowingly essentially waiving and giving up very significant  
9 constitutional rights, specifically, the right to representation by counsel.

10 THE COURT: Okay. Mr. Trejo, did you understand the  
11 question that Mr. LoGrippto asked?

12 READ BY THE COURT: You understand – I couldn't see it.  
13 Go ahead. Try it again. Is that the "yes"? Thumbs up. Thumbs up,  
14 okay, so that is a yes.

15 THE COURT: So you do understand that you are giving up a  
16 significant constitutional right by not being represented by counsel and  
17 choosing to represent yourself. Do you understand that, Mr. Trejo?

18 READ BY THE COURT: I believe that's a "yes". Thumbs up?  
19 "Yes".

20 MR. LOGRIPPO: Thank you.

21 THE COURT: This court finds that based upon the totality of  
22 the circumstances the defendant knowingly, intelligently, competently,  
23 and voluntarily waived his right to counsel.

24 Court further finds that the defense has a full appreciation and  
25 understanding of the waiver and its consequences. Accordingly, it's

1 going to be ordered that the defendant's waiver of the right to counsel is  
2 accepted. The Public Defender's Office is off of this matter.

3 Mr. Henry, however, I usually would not, if it was somebody  
4 who was out of custody, would not order standby counsel, but in this  
5 case I'm going to ask for you to be standby counsel.

6 Mr. Trejo, there are going to be a couple questions I'm going  
7 to ask you about standby counsel. Mostly it's going to be yes or no.  
8 Okay? Thumbs up or thumbs down?

9 READ BY THE COURT: Thumbs up.

10 THE COURT: Okay. So, Mr. Trejo, you understand that Mr.  
11 Henry is going to be standby counsel which means only that he's there  
12 to file motions that you send him and have his investigator serve  
13 subpoenas on your behalf. Do you understand that?

14 READ BY THE COURT: I believe that's a yes. Thumbs up?  
15 Thumbs up. Okay.

16 THE COURT: And he's not going to be your assistant. You  
17 understand that?

18 READ BY THE COURT: "Yes".

19 THE COURT: Do you understand that he's not going to be  
20 doing any legal research for you?

21 READ BY THE COURT: "Yes".

22 THE COURT: Do you understand that if you lose your nerve  
23 in the middle of trial, Mr. Henry's not going to take over for you? You  
24 understand that?

25 READ BY THE COURT: "Yes".

1 THE COURT: Okay. So I'm going to order that Mr. Henry  
2 only act as standby counsel for the limited purpose as I've mentioned.  
3 So, Mr. Henry, do you have any questions about what I expect of you as  
4 standby counsel?

5 MR. HENRY: No, Judge.

6 THE COURT: Okay.

7 MR. HENRY: I do not have any questions.

8 THE COURT: Okay. Mr. LoGrippo, anything further?

9 MR. LOGRIPPO: No, Your Honor. Thank you.

10 THE COURT: Okay. Mr. Trejo, do you have anything further?

11 READ BY THE COURT: That's the "No", correct? Thumbs  
12 up? Thumbs up. Okay, that's the no.

13 THE COURT: Okay. Thank you very much, Mr. Trejo.  
14 Thank you, Officer, for all of your help on this.

15 THE OFFICER: You're welcome.

16 THE COURT: And thank you, Mr. LoGrippo and Mr. Henry.

17 MR. HENRY: Thank you.

18 MR. LOGRIPPO: Thank you.

19 THE OFFICER: When is the next court date?

20 THE COURT: He does not have another – he's got his  
21 calendar call on May 17<sup>th</sup>, and jury trial on May 24<sup>th</sup>, and if he files any  
22 motions in between.

23 THE OFFICER: Okay. So nothing's changed from the  
24 calendar then?

25 THE COURT: No.

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THE OFFICER: Okay. Thank you very much.

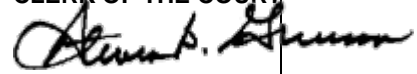
THE COURT: Thank you.

[Proceeding concluded at 2:56 P.M.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
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SUSAN SCHOFIELD  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
MONDAY, APRIL 26, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:  
MOTION FOR MEDICAL OR TO SET REASONABLE BAIL**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Chief Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Monday, April 26, 2021

2 \*\*\*\*\*

3 [Proceeding commenced at 8:52 A.M.]

4 THE COURT: Case Number C-18-335315-1, State versus  
5 Mario Trejo.

6 Is Mr. Trejo present? Mr. Trejo is representing himself so we  
7 need to make sure that the meds show that it's not a public defender  
8 case. Public Defender is only on standby.

9 Mr. Turner, do you have this one? It's usually Mr. Schwartz.

10 MR. TURNER: It should be Mr. Schwartz, Judge. If he's  
11 not on I'll call him or text him.

12 THE COURT: Okay. Mr. Trejo, we're going to need to trail it  
13 for the correct district attorney, so we'll call you in just a moment, okay?  
14 Thank you.

15 [Proceeding trailed until 8:59 A.M.]

16 THE COURT: Case Number C-18-335315-1, State versus  
17 Mario Trejo. Mr. Trejo is his own attorney, Mr. Schwartz on behalf of  
18 the State.

19 Mr. Trejo, I've read your entire OR motion. By the way, I was  
20 very impressed with it.

21 Mr. Schwartz, I didn't see an opposition from the State.

22 MR. SCHWARTZER: We filed an opposition on Thursday,  
23 Your Honor, despite not being served with this motion in the first place.  
24 That includes two exhibits including a CD we were asking the Court to  
25 watch.

1 THE COURT: Okay. I did not see that. So I'm going to need  
2 to continue this so that I can actually watch it, and I apologize for that.  
3 When I looked I didn't see anything.

4 Yeah, so the opposition was filed on Thursday. It must have  
5 been after I prepared the calendar, so I didn't look again. So I apologize  
6 to both Mr. Trejo and Mr. Schwartzer.

7 Ro, can we get this on for Wednesday?

8 THE CLERK: That'll be April 28<sup>th</sup> at 8:30 a.m.

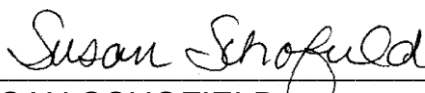
9 MR. SCHWARTZER: Thank you, Your Honor.

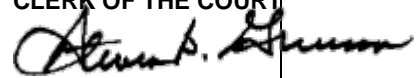
10 THE COURT: Thank you. And, again, I apologize.

11  
12 [Proceeding concluded at 9:01 A.M.]

13 \*\*\*\*\*

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15 ATTEST: I do hereby certify that I have truly and correctly transcribed  
16 the audio/video proceedings in the above-entitled case to the best of  
17 my ability.

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19 SUSAN SCHOFIELD  
20 Court Recorder/Transcriber  
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RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
WEDNESDAY, APRIL 28, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:  
MOTION FOR MEDICAL OR TO SET REASONABLE BAIL**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Chief Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, April 28, 2021

2 \*\*\*\*\*

3 [Proceeding commenced at 9:43 A.M.]

4 THE COURT: State of Nevada versus Mario Trejo, Case  
5 Number C-18-335315-1, Mr. Trejo representing himself. This is not a  
6 public defender case. He now represents himself. Mr. Schwartz on  
7 behalf of the State.

8 I read both Mr. Trejo's OR motion. I reviewed his NPR and I  
9 read the opposition from the State, as well as reviewed the video  
10 provided by the State.

11 The question I have, Mr. Schwartz –

12 MR. SCHWARTZER: Yes, Your Honor.

13 THE COURT: -- has Mr. Trejo seen the video because he is  
14 representing himself. Do you know?

15 MR. SCHWARTZER: The video has been provided in  
16 discovery very early on in this case, so I imagine Mr. Henry seems like a  
17 very thorough public defender would have provided that to Mr. Trejo at  
18 some point.

19 There is a lot of video in this case. There's obviously video  
20 from inside the pawn store during the robbery as well as multiple body  
21 cams. All of that was provided within probably the first month of this  
22 case so I imagine he has, but obviously I would never, you know, party  
23 to him and his counsel. So, I know the discovery has been provided for  
24 two years.

25 THE COURT: Okay.

1                   So Mr. Trejo, have you had an opportunity to review the  
2 opposition filed by the State?

3                   THE OFFICER: So, Your Honor, this is Officer English here.  
4 He has a note: "Officer, I am speech disabled and I need assistance  
5 addressing the Court when I'm called since I'm representing myself."

6                   THE COURT: Right.

7                   THE OFFICER: "If you could assist me, I would be grateful."  
8 And he has a request for you after that.

9                   THE COURT: Okay. Can you just tell me – so, Mr. Trejo, did  
10 you have an opportunity to review the opposition by the State? Yes or  
11 no. "No".

12                   Okay. Can – how do we make sure he gets that? Can you,  
13 Mr. Schwartzer, mail him a copy?

14                   MR. SCHWARTZER: I believe my secretary did that and I  
15 think provided it to the jail. But I will do it again to make sure that it  
16 happens because obviously something happened with your video  
17 yesterday as well, so I'll double check.

18                   THE COURT: Okay.

19                   So, Mr. Trejo, what is your request then?

20                   READ BY THE OFFICER: Your Honor, before we begin this  
21 hearing, I would like if allowed to present an in-court motion in regards to  
22 today's hearing. I have all statements, motions, and arguments  
23 prepared if the officer would be so kind as to speak on my behalf using  
24 my own words.

25                   THE COURT: Well, Mr. Trejo, the only problem is you haven't

1 reviewed the State's opposition yet, and so I'm going to need to have  
2 you review that so you can address anything that's listed in the State's  
3 opposition that you want to talk about.

4 So we're going to need to continue this just so you can do  
5 that. Okay?

6 READ BY THE OFFICER: Yes.

7 THE COURT: Okay. Mr. Schwartz, do you have any clue  
8 how long it takes for the jail to get mail?

9 MR. SCHWARTZER: I do not, Your Honor. I can ask and  
10 then if you want to give me indulgence, I can probably find out in the  
11 next five minutes.

12 THE COURT: Can one of your investigators maybe just walk  
13 it over so that we can make sure he's gotten it and then we can put it on  
14 in a week?

15 MR. SCHWARTZER: I'll have that done.

16 THE COURT: Okay. And we did have a problem with the  
17 video too, so I don't know what's going on with everything over in your  
18 office. But, yeah, if you can have one of your investigators walk it over  
19 then we'll put it on.

20 Ro, is Monday or Wednesday lighter next week?

21 THE CLERK: Right now they're about the same.

22 THE COURT: Okay. Whichever one you think then.

23 THE CLERK: May 5<sup>th</sup>, at 8:30 A.M.

24 THE COURT: Thank you. And sorry I had you waiting so  
25 long, Mr. Schwartz. You might want to come on a little late next time

1 because I know that his is going to take a while.

2 MR. SCHWARTZER: Understood. Thank you, Your Honor.

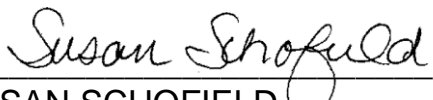
3 THE COURT: Thank you.

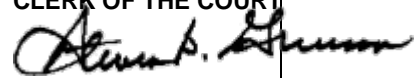
4 Thank you, Mr. Trejo.

5 [Proceeding concluded at 9:47 A.M.]

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8 ATTEST: I do hereby certify that I have truly and correctly transcribed  
9 the audio/video proceedings in the above-entitled case to the best of  
10 my ability.

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12 SUSAN SCHOFIELD  
13 Court Recorder/Transcriber  
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RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
WEDNESDAY, MAY 5, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:  
MOTION FOR MEDICAL OR TO SET REASONABLE BAIL**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Chief Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: PATTI SLATTERY, COURT RECORDER

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Las Vegas, Nevada; Wednesday, May 5, 2021

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[Proceeding commenced at 8:32 A.M.]

THE COURT: Case Number C-18-335315-1, State versus Mario Trejo. Mr. Schwartz is present for the State. Mr. Trejo is pro se.

MR. SCHWARTZER: Good morning.

THE COURT: Good morning, Mr. Schwartz.

Mr. Trejo is pro se and I was informed by the jail that he has a medical this morning and could not be present for this motion for the bail.

So, Officer, do you have any idea how long this is going to take? Do you think we should reset this quickly, or?

THE OFFICER: He just had a medical appointment today so he'll be back tomorrow.

THE COURT: Okay. So we can just reset it to Monday then. Monday good for you, Mr. Schwartz?

MR. SCHWARTZER: Yes, Your Honor. And I appreciate you letting me know to get on this early as well.

THE COURT: Right. I just didn't want you to come on later and then it would just be a waste of your time, so.

MR. SCHWARTZER: I appreciate that, Your Honor.

THE CLERK: That'll be May 10<sup>th</sup> at 8:30 A.M.

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MR. SCHWARTZER: Thank you.

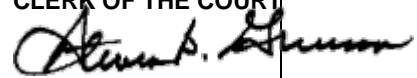
THE COURT: Thank you.

[Proceeding concluded at 8:33 A.M.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
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SUSAN SCHOFIELD  
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 STATE OF NEVADA, )

9 Plaintiff(s), )

10 vs. )

11 MARIO BLADIMIR TREJO, )

12 Defendant(s). )  
13

CASE NO: C-18-335315-1

DEPT. XXVI

14  
15 BEFORE THE HONORABLE ERIKA BALLOU,  
16 DISTRICT COURT JUDGE  
17 MONDAY, MAY 10, 2021

18 **RECORDER'S TRANSCRIPT OF HEARING:**  
19 **MOTION FOR MEDICAL OR TO SET REASONABLE BAIL**

20 APPEARANCES:

21  
22 For Plaintiff(s):

MICHAEL J. SCHWARTZER, ESQ.  
Deputy District Attorney

23  
24 For Defendant(s):

ALEXANDER HENRY, ESQ.  
Deputy Public Defender

25 RECORDED BY: TOSHIANA PIERSON, COURT RECORDER

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Las Vegas, Nevada; Monday, May 10, 2021

[Hearing commenced at 9:18 a.m.]

THE COURT: ...315-1. Mr. Trejo is present. Mister – at the jail via BlueJeans. Mr. Schwartzer present for the State. Mr. Trejo, I read your, your motion and also the opposition. I understand that you have a lot to say, but because of the difficulty with this, I just don't know if you're going to be able to. I mean, with the officer having to read what you wanted to say.

So is there anything in those 11 pages that's new that's not in your – that's not in your motion?

THE OFFICER: He said, "Yes."

THE COURT: Okay. So –

THE OFFICER: He's looking – he's looking at it. He's not –

MR. SCHWARTZER: And, Your Honor, before Mr. Trejo speaks, can I just address one thing?

THE COURT: Sure.

MR. SCHWARTZER: I did notice – first off, you asked me last – I think last week or maybe two weeks ago whether he's actually watched the video surveillance –

THE COURT: Okay.

MR. SCHWARTZER: -- from -- that we provided the Court.

THE COURT: Uh-huh.

MR. SCHWARTZER: Additionally, I noticed that he filed an – or a motion saying that he had not watched – or his public defender didn't provide that video surveillance for him. I did ask Mr. Henry to be

1 here. Mr. Henry didn't want to tell me one way or another whether he  
2 showed him the video or not. And I understand that so, you know,  
3 because of the ethical duties of a – of a conversation between a defense  
4 lawyer and the defendant.

5 But Mr. Henry is here and present and can answer that  
6 question for you if the Court orders that.

7 THE COURT: Okay. So I didn't see that that motion was on.  
8 It's on for June 2<sup>nd</sup>. So Mr. Henry, that is notice – a question that I  
9 normally wouldn't really want you to put on the record, but I do need to  
10 know the answer to that.

11 MR. HENRY: And I understand Judge. So I did provide and  
12 show Mr. Trejo the videos that we have.

13 THE COURT: Uh-huh.

14 MR. HENRY: There was one technical issue with the video  
15 surveillance that showed the behavior that occurred inside the pawn  
16 store.

17 THE COURT: Uh-huh.

18 MR. HENRY: However, we – I did show him all the other  
19 important videos that related to the biggest charge –

20 THE COURT: Uh-huh.

21 MR. HENRY: -- and the indictment, so –

22 THE COURT: The video – the video that I had was a video  
23 from the, the Air Unit. Did you show him that one?

24 MR. HENRY: Yes, Judge.

25 THE COURT: Okay. Thank you. So, Mr. Trejo, you have

1 seen the videos for – and by the way, Mr. Trejo, I just want to tell you  
2 how impressed I am with your – with your motion. It was a very good  
3 motion. You, you – you should be writing for people inside the jail and  
4 doing motions. But so, is there anything new you'd like to add?

5 THE OFFICER: Yes, he has – he's had like six and a half  
6 pages that he would like to talk about.

7 THE COURT: Do you mind, officer, reading it?

8 THE OFFICER: I'll read them –

9 THE COURT: Okay.

10 THE OFFICER: -- if y'all don't mind me reading them; I'll read  
11 them.

12 THE COURT: Okay. Thank you.

13 THE OFFICER: All right. You want me to start?

14 THE COURT: Sure.

15 THE OFFICER: Okay. Let me put my glasses on.

16 THE COURT: Okay. Officer, just for the record, what's your  
17 name?

18 THE OFFICER: My name is Gilbert Hyche, P number 7147.

19 THE CLERK: Can you spell your last name please?

20 THE OFFICER: H-Y-C-H-E.

21 THE CLERK: Thank you.

22 THE OFFICER: Uh-huh.

23 THE COURT: Thank you officer.

24 THE OFFICER: You want me to begin?

25 THE COURT: Yes.

1 THE OFFICER: "Now if I may, I'd like to present my argument  
2 against the State's Motion of Opposition.

3 And, in addition, I have filed a Motion to Dismiss their  
4 opposition due to the many fictitious claims and the many  
5 articles of misinformation their motion presents. To begin, I'd  
6 like to object to the viewing of their motions Exhibit Number 4  
7 due to the fact that it hasn't been challenged, scrutinized, nor  
8 can it be viewed by one while under custody.

9 Also, this is an attempt to get this digital evidence on the  
10 record while subverting the defense's right to challenge and  
11 suppress at trial. Secondly, I object to the referral of the  
12 alleged facts of the case as evidence, because up to the date  
13 they are yet to be challenged under due process by myself or  
14 my former counsel.

15 Hence, these are only allegations and not facts. In  
16 addition, the State brings up the Grand Jury Indictment held  
17 on October 4, 2018. The transcripts of which I've never  
18 received. Then the State claims the evidence presented is  
19 factual; however, my former counsel proved ineffective and  
20 failed to challenge this GJ, G.J.I.

21 Even after I provided evidence and facts which would  
22 overturn most findings and charges added by the indictment.  
23 All these so called facts and allegations are a one-way  
24 narrative and should not be accepted as facts until properly  
25 challenged by me under due process."

1 THE COURT: So Officer Hyché, Mr. Trejo –

2 THE OFFICER: Yes.

3 THE COURT: -- I'm just going to stop you right there. I  
4 understand --

5 THE OFFICER: Okay.

6 THE COURT: I understand what you're arguing saying that  
7 these are just facts. These are just allegations and not facts; however,  
8 at this state of the proceedings all we're going on is allegations. We're  
9 just trying to see if, if you should be released or not.

10 The State is presenting their, their fact, you know, their basis  
11 for saying you should not be released, and you stated your basis for  
12 being released, which was all the medical issues and things like that.

13 So besides that, is there anything else you'd like to add?

14 THE OFFICER: He said, "Yeah." He said the rest of the stuff  
15 he wanted me to read.

16 THE COURT: Okay.

17 THE OFFICER: These are the facts. That's – just saying,  
18 that's what he's telling me here.

19 THE COURT: Okay. Go ahead, officer.

20 THE OFFICER: Oh, okay, I'll continue. Okay.

21 "On page 5 lines 7 through 9, it mentions that my bail  
22 was adjusted on January 23<sup>rd</sup>, 2019. Please note that, not  
23 only was I in absentia due to the hospitalization, but that prior  
24 to this hearing, I informed my former counsel that 75,000 in  
25 bail was near double what my family could afford.

1                   However, counsel submitted that motion as 75,000  
2                   ‘cause he felt it was too late to change amount, and it would  
3                   seem like too low an offer, too low an offer. Furthermore, this  
4                   was before the 2020 financial crisis which left my family  
5                   struggling to survive, much less able to afford any kind of  
6                   bond.

7                   On page 5, line 9, the DA claims that any further  
8                   adjustment is unwarranted and inappropriate. Please allow  
9                   me to present the following legal standards which this bail this  
10                  claim, 136 Nev. Adv. Op. 20 April 9<sup>th</sup>, 2020. The procedural  
11                  safeguards and standards set forth in this opinion rendered all  
12                  previous custody orders illegal and in need of prompt re-  
13                  evaluation.

14                  This opinion includes my own custody status as  
15                  deemed illegal and hence, void. ART.186 states, excessive  
16                  bail is not permitted, which means, bail not more than the  
17                  accused can reasonably be expected to give under the  
18                  circumstances.

19                  Hence, since after 33 months of detainment, I have no  
20                  resources and my family is in financial turmoil. This too  
21                  applies to me. Nev. Rev. Stat. 817.8.4853 lays out the  
22                  requirements which are satisfied, and therefore agree with my  
23                  request for a medical o/r as explained in the Nevada Supreme  
24                  Court’s decision in regards to bail, which I previously  
25                  mentioned in this motion for o/r.

1                   These legal standards prove that further adjustment is  
2 warranted and definitely appropriate, and that the State's  
3 objection to the validity of my motion is hereby null and void."

4                   Next on page 5 dot, lines 15 and 16, the DA states that,

5                   "I am in this country illegally. For the record, that's an  
6 outright lie. I am a permanent resident with legal status in this  
7 country for 13 years now, currently, and also eligible for  
8 citizenship, which I will pursue if granted my freedom."

9                   On page 5 line 13 through 15,

10                  "The DA claims that the photos in his exhibit allegedly  
11 depicts explosives and high cap rifle."

12                  "Your Honor, this is another unfounded and baseless  
13 attempt to add shock value to his argument. If I may, allow  
14 me to dispel this. In his second exhibit, DA Schwartzer  
15 presumes that an explosive is depicted; however, a simple  
16 cursory goggle [sic] search might inform him that what he is  
17 seeing is a training device used by the military in the 1990s.

18                  In other words, it's a dummy and not an explosive  
19 device. This was gifted to me by a friend as a display piece  
20 since it looks real, and he thought it would make a nice photo  
21 prop, hence, not an explosive.

22                  In Exhibit 7, we see a tube shaped by – this is a Cobre  
23 [phonetic] .37 mm flare gun flash signaling device, which can  
24 be attached to a rifle to be used only as a survival tool or to  
25 signal for rescue. Neither of those items are explosive

1 ordinance, and they are both legal to own under Nevada and  
2 federal laws.

3 As for Exhibits 1, 2, 3, 4, 5, 6 and 7, all items pictured  
4 are standard capacity and nothing is illegal since I'm not a  
5 convicted felon. All items were purchased by legal means  
6 over a period of 10 years. In addition, those pics are five  
7 years old.

8 On October 24<sup>th</sup> 2017, I was the victim in the Case No:  
9 N-O: 18329351 in which my good friend was murdered, and I  
10 was shot five times by a stranger who tried to rob us.  
11 Subsequently, I had to cease working 'cause of my injuries.

12 At the time, I was the sole bread winner -- so with a  
13 pregnant wife and two children. I had to sell all valuables  
14 including these firearms in order to support my family. Today,  
15 after 33 months in jail, I don't even own a change of clothes  
16 much less any weapon.

17 Your Honor, I hope I've proven how much  
18 misinformation and lack of integrity the State is acting with.  
19 The DA has been making claims of car chases and explosives  
20 and theories which are baseless and untrue. And since I had  
21 counsel unwilling to effectively represent me, I've been stuck  
22 for 33 long months watching my life and health fall apart.

23 The DA would like to see my motion denied, because  
24 he is aware that my freedom denied -- my freedom, excuse  
25 me, would allow me legal resources, which it will threaten

1 given chosen rhetoric. And so, he has chosen to go as far as  
2 lying in order to achieve his goal.

3 I'd like you to please consider these final factors while  
4 making your decision. I have been a productive member of  
5 our community for 20 years plus. I have held gainful  
6 employment since age 15, and I have no criminal record, not  
7 even a single misdemeanor, no FTAs and no outstanding civil  
8 debt.

9 I am physically disabled, and if considered along with  
10 my risk assessment points, you may conclude that I am low to  
11 no risk. Being first and foremost a dad, if released, I will be  
12 engaged with recovery of my two youngest daughters from  
13 foster care, which will mean that I'll be under constant scrutiny  
14 by CPS in order to prove that my girls are in a safe  
15 environment.

16 Additionally, I will be engaged with my surgeon in order  
17 to obtain the healthcare and surgeries I desperately need. I  
18 must maintain all court appearances, because otherwise I risk  
19 a bench warrant being that all hospitals report patients with  
20 warrants. An FTA would deny me medical access upon re-  
21 arrest, and I'd only end up back under these subparred and  
22 detrimental conditions.

23 I thank you for your patience, your considerations and  
24 your undivided attention. I pray that you grant my motion for a  
25 medical o/r and give me an opportunity to reclaim my life and

1 better legal resources. Signed Mario B. Trejo, Defendant and  
2 Pro Se.

3 THE COURT: Thank you. Mr. Schwartzer.

4 THE OFFICER: That's it.

5 THE COURT: I –

6 MR. SCHWARTZER: Thank you, Your Honor.

7 THE COURT: -- I've read –

8 MR. SCHWARTZER: Oh, go ahead.

9 THE COURT: -- your motion and frankly, I mean, if I hadn't –  
10 if there hadn't been an opposition we would be in a whole different  
11 position. But I do have some questions just about his medical status.  
12 So, I mean, because he is at higher risk for COVID through his own  
13 actions it appears.

14 I still – I just wouldn't want somebody to die just because they  
15 couldn't afford to get out of jail. So I understand that the bail is currently  
16 set at 75,000; is that correct?

17 MR. SCHWARTZER: It is after – that was after the second or  
18 third – I think it was the 2<sup>nd</sup> that was filed by Mr. Henry. There was four  
19 total. Eventually Judge Miley agreed to lower it to \$75,000 and house  
20 arrest after, after –

21 THE COURT: \$75,000 and house arrest?

22 MR. SCHWARTZER: And house arrest –

23 THE COURT: Okay. I thought it was just –

24 MR. SCHWARTZER: -- was her order.

25 THE COURT: -- the \$75,000. Okay.

1 MR. SCHWARTZER: No, it was 75,000 and house arrest  
2 Your Honor.

3 THE COURT: Okay. That – so then that answered my  
4 question. Okay, so, so continue.

5 MR. SCHWARTZER: So my, my response first off. I, I – for  
6 this individual to call me a liar and say, “I lack integrity.” Obviously, I find  
7 that –

8 THE COURT: That, that – I didn’t take that into account Mr.  
9 Schwartzer. You know I – I’ve known you so.

10 MR. SCHWARTZER: I appreciate that, because I mean,  
11 what, what ultimately what it is, Your Honor is, we have an individual that  
12 has shown to be extremely dangerous to our community. And this isn’t  
13 -- like this isn’t like me interpreting witnesses or me interpreting  
14 testimony. This is all clearly set off in – on a video surveillance.

15 And only video surveillances within – the pawn store which he,  
16 by the way, used to work at. So he knew the layout of -- on top of the  
17 fact that the video surveillance that was shown right after, you know, you  
18 can see after he – the police come, he decides to take a hostage.

19 And not only does he take a hostage, he puts a loaded gun to  
20 that hostage’s head. And we know that gun is loaded and, and the, the  
21 -- and there’s actually one in the chamber, because when she eventually  
22 decides to fight with this individual as she’s being tracked, that car, the  
23 firearm goes off, and that’s when you hear the first shot that says, “Shots  
24 fired, shots fired.”

25 That wasn’t actually the officer shooting. That was the

1 firearm. That was Mr. Trejo's own firearm going off. And then as you  
2 can see from the video surveillance he goes for the rifle. That's when he  
3 shot at least one time by the police. So that wasn't his first attempt at  
4 that robbery. The time before that, which was a month before hand, he  
5 criticizes me about car chases. I just don't get why.

6 He admitted in a confession to not only doing that attempt  
7 robbery a month before hand, but also all three witnesses from that  
8 Grand Jury testimony have stated that he drove after them when they  
9 were trying to flee from him as well.

10 So you combine that, and then a month later he does this  
11 extremely planned out, extremely violent robbery takeover. And then,  
12 instead of just, you know, conceding to the police and putting the gun  
13 down or anything like that, he takes a hostage.

14 And now, he's saying the reason why he did is, he was  
15 desperate for money, because he was shot in the criminal action in the  
16 Mr. Stamp's case. Now I don't think anything has changed since then,  
17 so if we're releasing him, we're releasing a person who said he did these  
18 two robberies, or at least two attempt robberies because he was  
19 desperate for money.

20 Now we're 33 months later, nothing's changed in the statics  
21 except for maybe he's even more desperate for money as he's  
22 conceded, by the fact that he's saying that he can't even make the bail  
23 that he actually asked Mr. Henry to ask for beforehand, and we're going  
24 to release this individual.

25 Now he says that he stole or sold all his firearms. We don't

1 have actually any proof of that. Additionally, Your Honor, if the fact that  
2 he decided to flee the first time with a car chase and the second time he  
3 decides to take a hostage. I think we're showing what would happen if  
4 this individual's released among the community.

5 I -- besides that, Your Honor, I don't see any reason why to  
6 lower this bail. This would be the fifth time this has been presented to  
7 the Court. I understand this is your first time hearing this case, Your  
8 Honor. But the fact of the matter is, Judge Miley at four separate times  
9 has considered the bail.

10 At one point, she decides to lower to \$75,000, but since then  
11 this has been approached at least one other time. I believe two other  
12 times, and she's denied it based on the facts of this case, besides -- and  
13 the facts and the likelihood of conviction.

14 I don't know what the question is regarding the foundation of  
15 the evidence regarding the video, but the video is directly taken from the  
16 body cam of the police officers and directly from the Air Unit as well as  
17 from the pawn shop as well.

18 We obviously didn't see any motions to suppress or anything  
19 like that from the defense at this point, and I don't see any basis for  
20 those things to be suppressed, so we obviously have a high likelihood of  
21 conviction.

22 On top of that, Your Honor, the State has always been ready  
23 to go forward in this case. We have attempted to go forward in trial  
24 multiple times, and multiple times this has been continued before the  
25 pandemic. I understand the pandemic is its own kind of animal, but

1 before the pandemic it was continued multiple times by defense.

2 So the State's always been ready. The State has a very  
3 strong case. It's a case that includes a lot of violence upon innocent  
4 civilians who were just clearly either just doing their job or were just at a  
5 pawn store in the middle of the day on basically Oakey and Rainbow.  
6 So again, a very crowded area during a holiday weekend as well.

7 So when the actual standoff occurred, there was a lot of traffic  
8 going on on Rainbow as well, in the middle of the day. So when you see  
9 all those elements, Your Honor, I think it's clear that the \$75,000 in  
10 house arrest is the very least amount that should be held.

11 And quite frankly, judges beforehand including the justice  
12 court judge and the – and the grand jury judge thought it should have  
13 been a higher bail.

14 So based on that Your Honor, I'll submit it on, on our motion.

15 THE COURT: So Mr. Trejo, I understand where you're  
16 coming from. I, I would hate to have you not get the medical attention  
17 that you need, but I agree with the State that this 75,000, plus house  
18 arrest is the least restrictive means to both ensure your, your  
19 appearance and to maintain the safety of the community.

20 I, I have to apologize to you, because I, I do understand that  
21 this is a hard time to medically fragile in the jail, but that is the least  
22 restrictive means, and so that's, that's going to remain the bail, so thank  
23 you.

24 MR. SCHWARTZER: Your Honor, regarding the June 2<sup>nd</sup>  
25 motion, since that's regarding the video surveillance to be heard in that

1 motion. Is that going to be taken off calendar or what do you want us –

2 THE COURT: Well, so here's the thing. We've got calendar  
3 call like Monday, and so, I don't know how we're going to do this Motion  
4 to Suppress the Digital Evidence in the last – we're going to continue it,  
5 which I'm sure that's likely to happen. But I think we should probably  
6 leave that on for June 2<sup>nd</sup>, and then just deal with the calendar call on  
7 Monday.

8 MR. SCHWARTZER: Well Your, Your Honor, I mean like I  
9 haven't – I haven't read the motion super closely but I --

10 THE COURT: I haven't either.

11 MR. SCHWARTZER: -- my reading of it, it was a Motion to  
12 Suppress for this hearing alone, it wasn't for the trial.

13 THE COURT: Oh. Okay, then yeah, no, then, then that's  
14 moot. I didn't –

15 MR. SCHWARTZER: Okay.

16 THE COURT: -- read it at all, so sorry about that.

17 MR. SCHWARTZER: I'll, I'll double check but --

18 THE COURT: Mr. Trejo. Can you write in an answer to that?  
19 Was it for the trial or was it for this hearing? Can you just write  
20 something really quickly?

21 THE OFFICER: [Not same officer as before]. It's for trial?  
22 [Officer asking defendant questions]. You filed two motions for this  
23 hearing? [Officer answering for defendant]. He filed two motions for this  
24 hearing.

25 THE COURT: Okay. So the one to suppress the, the digital

1 evidence was for this hearing? Okay.

2 THE OFFICER: Yes.

3 THE COURT: So that, that motion is moot, and so that can be  
4 taken off calendar.

5 MS. SCHWARTZER: Thank you Your Honor.

6 THE OFFICER: Yeah.

7 THE COURT: Thank you.

8 THE OFFICER: Thank you.

9 THE COURT: And that was it officers. There's nobody else is  
10 in custody?

11 THE MALE OFFICER: I'm okay.

12 THE FEMALE OFFICER: Right.


13 THE MALE OFFICER: That's it.

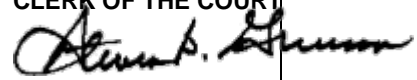
14 THE COURT: Okay.

15 [Hearing concluded at 9:42 a.m.]

16 \* \* \* \* \*

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video proceedings in the above-entitled case to the best of my ability.

23   
24 Kerry Esparza  
25 Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
MONDAY, MAY 17, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:  
CALENDAR CALL**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Chief Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Monday, May 17, 2021

2 \*\*\*\*\*

3 [Proceeding commenced at 9:04 A.M.]

4 THE COURT: Case Number C-18-335315-1, State versus  
5 Mario Trejo. Mr. Trejo is present in jail representing himself; Mr.  
6 Schwartzer is present on behalf of the State.

7 This is the date and time for the calendar call. Mr. Trejo  
8 waived his right to a speedy trial on October 15<sup>th</sup> of 2018, so what we're  
9 doing is we're just going to reset a calendar call and trial date.

10 How long is this trial going to take, Mr. Schwartzer?

11 MR. SCHWARTER: I think with the current limitations with  
12 defense counsel it will probably go two weeks.

13 THE COURT: Okay. Do we have anything this year that we  
14 think would be reasonable to try and get him in just because.

15 [Colloquy with Clerk]

16 So is October good for you, Mr. Schwartzer?

17 MR. SCHWARTZER: As good as any other month at this  
18 point, Your Honor.

19 THE COURT: Right. I mean, because everything is pretty  
20 terrible right now.

21 Mr. Trejo, I know you can't speak but if you'll just indicate, or  
22 maybe the Officer would come up and say, because I can't see you  
23 because when you're not speaking it doesn't go to you on the camera.  
24 So, can the Officer come up and just tell me if he's shaking or nodding  
25 his head to indicate yes or no?

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THE OFFICER: He said "yes". And I said yes.

THE COURT: Thank you, Officer. Thank you, Mr. Trejo.

THE CLERK: Calendar call would be October 11<sup>th</sup>, at 8:30  
A.M. Jury Trial, October 18<sup>th</sup> at 1:00 P.M.


MR. SCHWARTZER: Thank you, Your Honor.

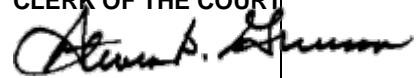
THE COURT: Thank you.

[Proceeding concluded at 9:07 A.M.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed  
the audio/video proceedings in the above-entitled case to the best of  
my ability.

  
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SUSAN SCHOFIELD  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
WEDNESDAY, JUNE 02, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:  
MOTION TO DISMISS STATES MOTION OF OPPOSITION**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Chief Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, June 02, 2021

2 \*\*\*\*\*

3 [Proceeding commenced at 9:22 A.M.]

4 THE COURT: Case Number C-18-335315-1, State versus  
5 Mario Trejo. Mr. Trejo is present and he's representing himself. Mr.  
6 Stanton is present for the State.

7 Mr. Stanton, this was a motion that Mr. Trejo wanted basically  
8 it seems as if it was to reconsider the OR motion that was previously  
9 argued, and so did you have an opportunity to look at that, Mr. Stanton?

10 MR. STANTON: Yes. I had an opportunity to discuss the  
11 matter with Michael Schwartzer of our office, and he noted in his e-mail  
12 to me that you had already ruled on his motion –

13 THE COURT: Right.

14 MR. STANTON: -- and that if he wanted to ask for anything  
15 different or additional in his motion that he would make sure that he  
16 would have that discovery turned over to him in the jail, but that  
17 otherwise, Mr. Schwartzer thought that your previous ruling on the  
18 motion had resolved anything pending in the case.

19 THE COURT: And that's a correct statement, Mr. Trejo. So,  
20 just so you know, this was basically a motion to reconsider. You went  
21 point by point through the State opposition, and those were all things  
22 that I've already considered, and so I'm going to deny this motion.

23 Thank you for the motion, Mr. Trejo.

24 Do you want to grab one of the CO's? He can't talk.

25 THE OFFICER: Okay, I'm going to read a letter that he gave

1 me.

2 THE COURT: Okay.

3 READ BY THE OFFICER: Good morning, Your Honor. I  
4 believe we've been gathered here by the State today. This motion was  
5 set on April 30<sup>th</sup>, 2021, by myself and filed by the Clerk on May 11<sup>th</sup>,  
6 2021. However, this motion is a direct challenge to the DA's written  
7 opposition in regards to the motion of OR or bail adjustment which was  
8 heard on May 10<sup>th</sup>, 2021.

9 Unfortunately for me, this motion was meant to be presented  
10 along with my motion for OR and bail adjustment.


11 THE COURT: Okay. Thank you, Mr. Trejo.

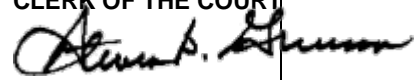
12 Thank you, Officer.

13  
14 [Proceeding concluded at 9:24 A.M.]

15 \*\*\*\*\*

16  
17 ATTEST: I do hereby certify that I have truly and correctly transcribed  
18 the audio/video proceedings in the above-entitled case to the best of  
19 my ability.

20   
21 SUSAN SCHOFIELD  
22 Court Recorder/Transcriber  
23  
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1 RTRAN

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 MARIO TREJO,

11 Defendant.  
12

CASE NO: C-18-335315-1

DEPT. XXIV

13  
14 BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
15 MONDAY, OCTOBER 11, 2021

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**  
17 **MOTION TO DISMISS STANDBY COUNSEL; MOTION FOR PROPER**  
18 **IN COURT DISABILITY; CALENDAR CALL**

19 APPEARANCES:

20 For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Chief Deputy District Attorney

21 For the Defendant:

PRO SE

22  
23  
24 RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER  
25

1 Las Vegas, Nevada; Monday, October 11, 2021

2 \*\*\*\*\*

3 [Proceeding commenced at 8:34 A.M.]

4 THE COURT: Case Number C-18-335315-1, State versus  
5 Mario Trejo. Mr. Trejo is present at the jail via Blue Jeans. Madam CO,  
6 can you please come over and help him because he can't speak? Or  
7 one of the CO's.

8 THE OFFICER: Excuse me, Your Honor?

9 THE COURT: Mr. Trejo can't speak so I was just asking if  
10 someone could help him, and if he needs to have anything said, he can  
11 write it down.

12 THE OFFICER: Okay. Sure.

13 THE COURT: Okay. Thank you.

14 So this is on for a motion for proper in-court disability  
15 adjustment. I did not see any opposition from the State. I have spoken  
16 to the Interpreter's Office, Mr. Trejo. Can you type?

17 MR. TREJO: And you're indicating your head yes. That's  
18 correct? And now there's a thumbs up for the record.

19 THE COURT: So he can type, so the Interpreter's Office will  
20 be able to provide someone to read when you're typing in Court, so that  
21 motion is granted unless Mr. Schwartz, I didn't see an opposition. Did  
22 you have anything you needed to add?

23 MR. SCHWARTZER: I have no opposition, Your Honor.

24 THE COURT: Okay. And there was also a motion to dismiss  
25 standby counsel.

1                   Mr. Trejo, there was no opposition from the State. However, I  
2 just think – I understand that you're saying he's not helpful. I just think it  
3 might be helpful during a trial so I'm not going to dismiss standby  
4 counsel at this point. I know that you don't want him, but I just think it  
5 could be helpful with everything. You know, if you're having to type  
6 something and somebody can stand up and say something quicker, then  
7 you're able to type if he sees where you're going with it, or something  
8 like that. Just so that you can have all of your rights preserved. So that  
9 motion is going to be denied.

10                   And this is also on for calendar call. Are you ready to go, Mr.  
11 Trejo?

12                   THE OFFICER: He's got a page that he wants me to read,  
13 Your Honor.

14                   THE COURT: Okay. Thank you.

15                   READ BY THE OFFICER: Good morning, Judge Ballou. I  
16 was actually ready for trial but a couple new facts have come up which  
17 positively affect my case. I had tried to turn in the three new pretrial  
18 motions but there was an issue with the jail's mail system in which they  
19 returned my motions pushing me past the fourteen-day deadline.

20                   Additionally, I have a surgery this week which would land  
21 sometime in the middle of jury selection. Since I don't know how I'll feel  
22 after the surgery, perhaps it would be safer to push back this trial three  
23 to four weeks tops.

24                   In order for my schedule to clear and to allow these motions to  
25 be heard, motions which are important and to change the dynamic of

1 this case in my favor, of course, I would be grateful and pray that the  
2 Courts allow a short extension of this upcoming trial. Thank you.

3 THE COURT: Okay. Mr. Schwartz, were you – would you  
4 have been ready to go?

5 MR. SCHWARTZER: Yes, Your Honor. We're actually in the  
6 middle of pretrials right now, so we are definitely ready to go at this  
7 point.

8 I do have a – regarding the short continuance, if you do end  
9 up granting that motion, Your Honor, I can't have a short continuance. I  
10 will be out of the office until – I leave the first week in November and I  
11 won't be back until the end of January based on my own medical  
12 procedure.

13 THE COURT: Okay.

14 MR. SCHWARTZER: So, I mean, I understand Mr. Trejo  
15 actually told my investigator that he had a surgery coming up so I'm not  
16 surprised by his motion. We are ready to go next week. If you do  
17 decide to let us go forward, I'll submit it on his motion. But if you do end  
18 up continuing it, my only request would be to set it sometime in February  
19 or later.

20 THE COURT: Okay. Mr. Schwartz, I was going to have to  
21 ask for a continuance just because I'm going to be in judicial college and  
22 this case is expected to last two weeks, and so the Chief Criminal  
23 Presiding Judge told me that this is something that I need to keep myself  
24 because of all of the things that are going on with it, and so, also, the  
25 fact that it's going for two full weeks.

1 I was actually going to ask Mr. Trejo for a continuance this  
2 morning. And you said you have a medical procedure, and you'll be out  
3 --

4 MR. SCHWARTZER: November 8<sup>th</sup> – I'm sorry, Your Honor, I  
5 didn't mean to interrupt. It starts on November – it's a surgery that's on  
6 November 8<sup>th</sup> that will leave me immobilized until early January.

7 THE COURT: So here's the thing. We can do something  
8 later in January. Do you think you'd be able to go like the last full week  
9 in January or the week of January 31<sup>st</sup> and ends in February, Mr.  
10 Schwartzer?

11 MR. SCHWARTZER: I should be – I mean, I'll probably be on  
12 a scooter, but I should be able to do it.

13 THE COURT: Okay. Mr. Trejo, would that count as a  
14 continuance? And you're holding a thumbs up, so I'm going to say that  
15 we will go for – let's go for that second week in January. That's not the  
16 second week, but the second to the last week, like the 24<sup>th</sup>, because this  
17 will be a two-week trial. We'd have to have calendar call – it looks like  
18 we'd probably have to have calendar call on the 12<sup>th</sup>. I know it's a  
19 Wednesday which is not usual for calendar call, but the 17<sup>th</sup> is a holiday.

20 [Colloquy with Clerk]

21 Okay, so we will do calendar call –

22 THE CLERK: January 12<sup>th</sup>, 2022, at 8:30 A.M. Jury trial,  
23 January 24<sup>th</sup>, at 1:00 P.M.

24 THE COURT: Okay. And, Mr. Schwartzer, how many  
25 witnesses do you anticipate?

1 MR. SCHWARTZER: We had it down to about 21 to 22 at this  
2 point, Your Honor.

3 THE COURT: And, Mr. Trejo, do you have any witnesses  
4 you're going to be calling, if you can just hold up your hands for a  
5 number.

6 THE OFFICER: He says he's calling for an expert witness.

7 THE COURT: Okay. So when you have your other motions  
8 on, I'll see you back, Mr. Trejo and Mr. Schwartz.

9 MR. SCHWARTZER: Thank you, Your Honor.

10 THE COURT: Thank you.

11 THE OFFICER: Excuse me, Your Honor. Someone was  
12 calling for an inmate. I was busy here. Whoever it was they can call  
13 back now.

14 THE COURT: Okay, thank you.

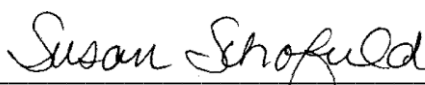
15 Mr. Schwartz, do you have anything else?

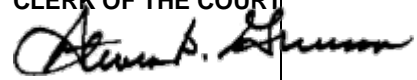
16 MR. SCHWARTZER: No, I don't have anything.

17 [Proceeding concluded at 8:45 A.M.]

18 \*\*\*\*\*

19  
20 ATTEST: I do hereby certify that I have truly and correctly transcribed  
21 the audio/video proceedings in the above-entitled case to the best of  
22 my ability.

23   
24 SUSAN SCHOFIELD  
25 Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
MONDAY, DECEMBER 13, 2021

**RECORDER'S TRANSCRIPT OF HEARING RE:**  
**MOTION TO SUPPRESS WITNESS TESTIMONY/IMPEACHMENT**

APPEARANCES:

For the Plaintiff:

SKYLER SULLIVAN, ESQ.  
Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

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Las Vegas, Nevada; Monday, December 13, 2021

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[Proceeding commenced at 9:33 A.M.]

THE COURT: Case Number C-18-335315-1, State of Nevada versus Mario Trejo. Mr. Trejo is present in Court. He's going to be using a typewriter, and the Interpreter is going to be reading the arguments he makes. And we wanted to make sure we were able to do this before his trial starts, so that's what we're doing today.

Mr. Trejo, I did read your entire argument. Ms. Sullivan for the State.

And so this is on for Mr. Trejo's motion to suppress the witness testimony and impeachment.

Mr. Trejo, just so you know, everything you argued looks as if it's going to be impeachment material rather than something that you suppressed their arguments for, I mean, suppressed their statements from. So that's going to be trial objections, and you're going to get to question them, or object at trial, or things of that nature rather than suppressing their statements. Do you understand? Go ahead and try and type.

Oh, he's still – can you unhook him so that he can type because that's what we wanted to try and make sure he's able to do that during the –

So, Mr. Trejo, do you have anything you'd like to add? He's now unhooked so he's going to be typing.

THE DEFENDANT: I was actually hoping to speak for myself

1 today as I've recently acquired a good portion of my voice back a few  
2 weeks ago. I just need to operate my filter.

3 THE COURT: Okay. Go ahead. Let's try it that way, but you  
4 still – we're still in a global pandemic so I just want you to cover your  
5 face, so go ahead.

6 THE DEFENDANT: Yes, I understand what you're saying  
7 about impeachment material, but there's other arguments I'd like to add  
8 in today.

9 THE COURT: Okay. Go ahead.

10 THE DEFENDANT: Is it okay if I give my oral argument?

11 THE COURT: Go ahead.

12 THE DEFENDANT: Okay. Thank you.

13 Good morning, Your Honor. I have looked at the State's  
14 response to my motion and I would like to present my argument before  
15 the Court if I may.

16 This motion I presented plainly shows by way of cross-  
17 referencing the witness statements as the alleged facts, times, locations  
18 that is severe break of investigative procedure occurred, one which  
19 allowed the exchange of information between these witnesses which  
20 allowed the collusion of their testimonies.

21 THE COURT: So I understand what you're saying, Mr. Trejo.  
22 I absolutely understand. But those are things that you're going to be  
23 able to ask them about questioning them at trial, whether or not they  
24 were kept in the same room, whether or not – so you can ask those  
25 questions, and then it's going to be up to the jury to decide.

1               So that's not a reason to suppress their entire statement. Do  
2 you understand what I'm saying, Mr. Trejo?

3               THE DEFENDANT: Yes, ma'am. Also, after I read the State's  
4 response, I did some research and I actually found there was a violation  
5 of the Sixth Amendment and Fourteenth Amendment within this issue  
6 which I would like to argue about today as well.

7               THE COURT: But those are not reasons to suppress the  
8 entire statement is what I keep telling you.

9               MR. TREJO: I see.

10              THE COURT: So those are going to be arguments. You  
11 know, those are going to be things that you can ask them about at trial.  
12 Everything you're saying is stuff that you get to question them about.  
13 Not a reason to suppress their entire statement.

14              MR. TREJO: So would you like me to continue now?

15              THE COURT: I'm just trying to explain to you. I mean, I've  
16 read your brief. I read your motion; I read everything, and all I'm saying  
17 to you is I don't think that there's a different – I mean, there's not a  
18 reason to suppress the statement. Do you understand what I'm saying?

19              MR. TREJO: Yes, ma'am.

20              THE COURT: Okay. Is there anything new you'd like to add  
21 that wasn't in your motion?

22              MR. TREJO: Actually I would. I'm not sure if it would still fall  
23 under the category you're explaining to me right now, but if I may.

24              THE COURT: Go ahead.

25              MR. TREJO: Thank you. I find myself compelled to show this

1 to the Court not only because it was ignored by the State and my  
2 standby counsel, because it was a major fact they used to indict me, and  
3 the response to the State begins by stating NRS 179.085. "Evidence  
4 that is immediately seized may be suppressed at trial." They continue,  
5 "However, a motion to suppress limited to items of evidence that were  
6 legally seized pursuant to the Fourth, Fifth, and Sixth Amendment,  
7 Golden State vs. State, State didn't claim there was no violation of the  
8 Fourth, Fifth, and Sixth Amendment occurred.

9 However, [Indiscernible] vs. Illinois State's done under the  
10 (indiscernible) due process clause, the government did not use false  
11 evidence –

12 THE COURT: But, so – I understand this isn't anything new is  
13 what I keep telling you, Mr. Trejo. All I'm saying is that we need to – I  
14 mean, is there anything new that you didn't put in your motion?  
15 Because this is all the same stuff that you put in your motion, and what  
16 I'm telling you is that although it's well written and although I understand  
17 your issues, it's not a reason to suppress the statement. What it is a  
18 reason to is you're going to be able to question them about, whether  
19 they're kept in the same room, you're going to be able to question all of  
20 these witnesses at trial.

21 THE DEFENDANT: Well, [indiscernible] because they  
22 mention that there was no reason to suppress because [indiscernible] –

23 THE COURT: Because it was what?

24 THE DEFENDANT: Because according to the State there  
25 was no violation of the Fourth, Fifth, and Sixth, but from what I

1 understand, this violates the Sixth and it doesn't give me the right to a  
2 fair trial.

3 THE COURT: That's incorrect, Mr. Trejo. Again, everything  
4 that you're arguing is a reason to question the people at trial. They are  
5 not reasons to suppress the argument. Is there anything new you'd like  
6 to add?

7 THE DEFENDANT: Well, pretty much my argument is a  
8 challenge to that motion that there was no violation to the Fourth, Fifth,  
9 and Sixth.

10 THE COURT: Right, and I disagree.

11 So, Ms. – I'm sorry. Who was it for the State?

12 MS. SULLIVAN: Skyler Sullivan for the State.

13 THE COURT: Ms. Sullivan, thank you. I could remember  
14 your first name, not your last. Anything you'd like to add?

15 MS. SULLIVAN: No, Your Honor. I was just going to submit  
16 on the briefing.

17 THE COURT: Okay. So what's going to happen then, Mr.  
18 Trejo, is I'm going to deny your motion. Again, everything you're  
19 arguing is questions that you're going to be able to ask at trial. Okay?

20 So, State, please prepare the Order.

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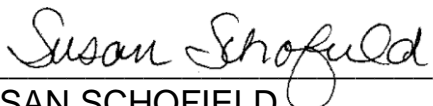
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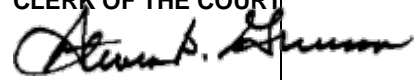
MS. SULLIVAN: Yes, Your Honor. Thank you.  
THE COURT: Thank you.

[Proceeding concluded at 9:43 A.M.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
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SUSAN SCHOFIELD  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
MONDAY, JANUARY 3, 2022

**RECORDER'S TRANSCRIPT OF HEARING RE:**  
**MOTION TO DISMISS THE CASE FOR PROSECUTORIAL**  
**MISCONDUCT AND PERJURY**

APPEARANCES:

For the Plaintiff:

RONALD EVANS, ESQ.  
Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Monday, January 3, 2022

2 \*\*\*\*\*

3 [Proceeding commenced at 8:31 A.M.]

4 THE COURT: Case Number C-18-335315-1, State of Nevada  
5 versus Mario Trejo. Mr. Trejo is present in the jail via Blue Jeans. Mr.  
6 Evans present on behalf of the State. And Mr. Trejo is representing  
7 himself.

8 This is Mr. Trejo's motion to dismiss the case for prosecutorial  
9 misconduct and perjury.

10 I read Mr. Trejo's motion and the State's opposition. Mr.  
11 Trejo, do you have anything you want to add. Again, you don't need to  
12 repeat everything that was already in the motion because I've read it.  
13 But do you have anything you want to add that's new? Go ahead.

14 THE OFFICER: Apparently, Your Honor, he's [indiscernible].

15 THE COURT: I'm sorry. I couldn't hear you.

16 THE OFFICER: He's unable to speak. He has a tube in his  
17 throat.

18 THE COURT: Right. Usually the officer would read what he  
19 had because I didn't know this was on so I didn't get him transported to  
20 Court. So is there anybody who can read that for him?

21 And, Mr. Trejo, please cover your face. The officers are  
22 possibly going to get Covid too. Thanks.

23 THE OFFICER: Are you ready, Your Honor.

24 THE COURT: Yes, sir. Thank you.

25 READ BY THE OFFICER: Good morning, Judge Ballou.

1 Thank you for allowing me in audience before your Court. I have  
2 received the State's response to my motion and have prepared a  
3 counter-argument to present as my oral argument.

4 This motion I've set before the Court raises five main issues  
5 regarding – correction, three main issues regarding the State committing  
6 perjury first is the fact that Michael J. Schwartz has on several  
7 occasions, including on the dates of April 6<sup>th</sup>, 2020, and May 10<sup>th</sup>, 2021,  
8 claim that I had accidents in possession of explosives, a shocking claim  
9 used to destroy my image and reputation before the Courts, while also  
10 giving his arguments substantial weight [Indiscernible].

11 The definition of explosive is a device or material that violently  
12 rears –

13 THE COURT: Officer, hold on. Mr. Trejo, this is all in your  
14 motion. Again, this is all the same stuff. I've read it. Do you have  
15 anything different that's not in your motion to add?

16 THE OFFICER: He says "yes", Your Honor.

17 THE COURT: So can you please put the officer to the things  
18 that are not in your motion.

19 THE OFFICER: Are you ready, Your Honor?

20 THE COURT: Yes.

21 READ BY THE OFFICER: In their response the State argues  
22 that due to a post on my Instagram depicted in their Exhibit 5 which  
23 shows the alleged explosive next to a legally owned pistol with a caption  
24 that reads, "When you need a piece of mind and because of other  
25 firearms, all of which are legal in the State of Nevada and because of

1 the realism.”

2 THE COURT: Mr. Trejo, again, that’s in the motion. So is  
3 there anything that’s not in the motion?

4 THE OFFICER: Okay. He says he needs to continue on,  
5 Your Honor. Are you ready?

6 THE COURT: It’s all in the motion. Everything you’ve said so  
7 far is in the motion, Mr. Trejo. So, I’m going to have the Officer stop  
8 reading because I read your motion. I can read. So, thank you.

9 Thank you, Officer.

10 Pull up your mask. Thank you, Officer.

11 Mr. Evans, anything different in your motion.

12 MR. EVANS: No, Your Honor. Unless you have any  
13 questions for me, I’ll just submit it on the briefing.

14 THE COURT: Thank you, Mr. Evans.

15 Mr. Trejo, I understand what you’re arguing. None of that is a  
16 reason to dismiss the entire case. So those are things that you, you  
17 know, you may be able to argue at your trial, but that’s not something  
18 that’s going to dismiss the case.

19 So the motion is going to be denied. The State can prepare  
20 the Order.

21 And thank you, Mr. Trejo. Thank you, Mr. Evans.

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MR. EVANS: Thank you, Your Honor.

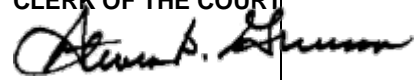
THE OFFICER: Have a seat, sir.

[Proceeding concluded at 8:36 A.M.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
SUSAN SCHOFIELD  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
WEDNESDAY, JANUARY 12, 2022

**RECORDER'S TRANSCRIPT OF HEARING RE:  
CALENDAR CALL**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, January 12, 2022

2 \*\*\*\*\*

3 [Proceeding commenced at 8:48 A.M.]

4 THE COURT: Case Number C-18-335315-1, State of Nevada  
5 versus Mario Trejo. Mr. Trejo is present in Court.

6 Officer, Mr. Trejo needs to write. Is there any way that you  
7 can come up and read anything that he writes for us? Thank you.

8 And Mr. Schwartz present on behalf of the State.

9 This is on for a calendar call. However, there is currently a  
10 pause going on in trials because of the Omicron variant, and my  
11 understanding, Mr. Schwartz and Mr. Trejo, is that we still send you to  
12 Central Calendar Call and that they would take care of rescheduling the  
13 trials there. But also I received a letter from Mr. Trejo who wanted to  
14 recuse me. So how do you want to proceed on that, Mr. Schwartz? It  
15 wasn't a motion.

16 MR. SCHWARTZER: If Mr. Trejo – the letter was sent to all  
17 parties including Mr. Trejo's standby. So I have reviewed it. If it's not a  
18 motion, Your Honor, I think it's something that we can disregard. If Mr.  
19 Trejo does want you to officially recuse yourself from this case, I think he  
20 needs to file a motion listing the reasons why he believes you should be  
21 recused.

22 If I can just touch on the first subject, Your Honor, if you don't  
23 mind.

24 THE COURT: Okay. Go ahead. Sure.

25 MR. SCHWARTZER: I guess I understand the mechanism

1 that we use, that we send it to Central Trial Calendar Call. I just want to  
2 make sure that we are going forward. And the reason why is because  
3 we have about 15 lay witnesses, about 8 police officers, multiple  
4 custodian of records as well. It's kind of a lot of witnesses I'm trying to  
5 deal with at this time, some of which have expressed the ongoing surge.  
6 So I need time one way or another. I have no problem going to trial next  
7 week or two weeks from now, but I just need to have some type of idea  
8 just because of the amount of witnesses if we're going or not.

9 It sounds like from Judge Jones' e-mail we're not, and it  
10 sounds like the Court's feeling as well, but I just need to have like an  
11 idea.

12 THE COURT: Mr. Schwartzer, your e-mail was the first time I  
13 actually had seen the e-mail from Judge Jones. We didn't get notified of  
14 it except from the PD and the DA's Offices, so that was just my reading  
15 of Judge Jones' e-mail to you. But what it sounded like is long trials are  
16 not going forward because of Omicron surge, and I wish I could give you  
17 more information but I just don't have it, Mr. Schwartzer.

18 MR. SCHWARTZER: I understand, Your Honor. I appreciate  
19 that.

20 THE COURT: Okay.

21 So, Mr. Trejo, do you understand everything that's going on?  
22 And he nodded his head "yes". And, Mr. Trejo, can you give a thumbs  
23 up just so I can be more clear on the record?

24 Thumbs up. Okay.

25 So, I'm going to send you all to Central Calendar Call on

1 Wednesday of next week, however, I do not believe trials are going  
2 forward. If there's a problem with that, Mr. Schwartzer, please reach out  
3 and we will figure something out. I understand that there is a problem  
4 when there's this many witnesses and things like that. Okay?

5 MR. SCHWARTZER: I appreciate that, Your Honor.

6 THE COURT: Thank you.

7 THE CLERK: That'll be January 19<sup>th</sup>, at 2:00 P.M., Lower  
8 Level.

9 THE OFFICER: Your Honor, can you hear me?

10 THE COURT: Yes.

11 THE OFFICER: Mr. Trejo wrote he's ready to proceed with  
12 trial.

13 THE COURT: Okay. But you understand, Mr. Trejo,  
14 everything that's going on, and we can't right now because of the surge,  
15 and so please give me a thumbs up or thumbs down.

16 Okay, thumbs up. So you guys will go to Central Trial or  
17 Central Calendar Call next Wednesday, and they'll give you a new date  
18 there is my understanding.

19 MR. SCHWARTZER: Thank you, Your Honor.

20 THE CLERK: Your Honor, do you want to vacate the jury trial  
21 right now or just when they do it?

22 THE COURT: I think we just send everything as is to Central  
23 Calendar Call.

24 THE CLERK: Okay.

25 THE COURT: I think, but.

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MR. SCHWARTZER: Thank you, Your Honor.

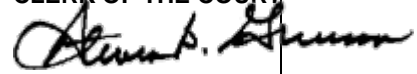
THE COURT: Thank you.

[Proceeding concluded at 8:54 A.M.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
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SUSAN SCHOFIELD  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MARIO TREJO,

Defendant.

CASE NO: C-18-335315-1

DEPT. XXIV

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE  
WEDNESDAY, JANUARY 19, 2022

**RECORDER'S TRANSCRIPT OF HEARING RE:  
CALENDAR CALL**

APPEARANCES:

For the Plaintiff:

MICHAEL SCHWARTZER, ESQ.  
Deputy District Attorney

For the Defendant:

PRO SE

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, January 19, 2022

2 \*\*\*\*\*

3 [Proceeding commenced at 8:51 A.M.]

4 THE COURT: Case Number C-18-335315-1, State of Nevada  
5 versus Mario Trejo. Mr. Trejo is present in the jail. He represents  
6 himself. Mr. Schwartz present in Court.

7 This is on because we had the trial date set and then now  
8 there's a pause because of the Omicron variant. I sent this matter to  
9 Central Calendar Call with the belief that that's where it was going to be  
10 reset, but I was told that I just need to reset it here.

11 I still don't know what's going on. It seems like the cases are  
12 going off. I would like for this case to go to trial. Mr. Trejo, I don't want  
13 to try and set it – I mean, I start my civil stack next week, and this is  
14 going to be a two-week trial, so I've got some dates in March. Do you  
15 think that would work? Thumbs up or thumbs down, Mr. Trejo.

16 Officer, can you come – can you please read what he's got to  
17 say?

18 READ BY THE OFFICER: So as I understand that there is a  
19 surge in Covid 19 cases which has caused issues in the courts and in  
20 the scheduling of trials, for years the State has claimed to be ready for  
21 trial and they state my trial should take a week or less. I'm ready for trial  
22 now. I have been in custody 41 months and I'm ready for my day in  
23 Court.

24 I respectfully ask that we proceed with this matter and settle it  
25 once and for all. If the pandemic is to cause a delay, I ask that this trial

1 not be postponed for too long. Thank you.

2 THE COURT: Okay. Thank you.

3 Mr. Trejo, this trial is not, absolutely there's no way it's going  
4 to be a week or less. So what we're going to do is we're going to set  
5 this as soon as possible in March. So that's the next time that I've got  
6 available. Thumbs up or thumbs down.

7 Thumbs up. Okay.

8 Mr. Schwartzer, March?

9 MR. SCHWARTZER: March is fine, Your Honor. State will be  
10 ready.

11 THE COURT: Okay. So any date?

12 MR. SCHWARTZER: I would prefer the end of March just  
13 because the 2<sup>nd</sup> of March I'm gone for three days. But I can also do the  
14 third week of March, 4<sup>th</sup> week of March.

15 THE CLERK: The second week you're –

16 MR. SCHWARTZER: I'm gone for Thursday and Friday the  
17 second week of March.

18 THE COURT: So that'll be March 10<sup>th</sup> and 11<sup>th</sup>, and we're still  
19 in our civil stack, so let's do like the 21<sup>st</sup> so he doesn't have to come  
20 immediately back and start a trial.

21 THE CLERK: Calendar call March 21<sup>st</sup> at 8:30 A.M. Jury Trial  
22 March 28<sup>th</sup> at 1:00 P.M.

23 MR. SCWHARTZER: And, Your Honor, can I just bend your  
24 ear for a little bit.

25 THE COURT: Yes.

1 MR. SCHWARTZER: So while I was gone, I'm going to  
2 believe I read a new case came up from the Supreme Court. Miles, I'm  
3 sure you're familiar with it.

4 THE COURT: I'm sorry. I couldn't hear you.

5 MR. SCHWARTZER: There's a new case that came out from  
6 the Nevada Supreme Court, Miles, regarding, you know, a person  
7 representing himself, and what they need to know. Obviously, we  
8 weren't part of the canvass. It was done outside of our presence. I  
9 don't know if you want to do a separate setting so we can do that  
10 canvass that goes with Miles regarding, specifically in there, my reading  
11 that Judge Stiglich wants to make sure that the person knows every –  
12 minimum and maximum sentence they're based on every charge. I  
13 know that's not to be part of the canvass at least until this case came  
14 out, but I think that's important in this case as well.

15 Additionally, I got a voice mail from Mr. Trejo. I just heard it  
16 this week but I think it was from last week where he asked for the Grand  
17 Jury transcripts. I will get them. I thought that would be his defense  
18 attorney to file. If that wasn't, I will obviously provide the Grand Jury  
19 transcripts to him. I just want to make sure there isn't anything else that  
20 he wants, and if he wants anything else to have him contact me this  
21 week.

22 THE COURT: Okay. So, Mr. Trejo, we are going to do  
23 another canvass where we're going to have a separate setting so that  
24 we can make sure that you're able to get everything that you need on  
25 the record. And so we need to contact Department 7 in order to set that

1 up. So we will let you know. It's going to be a 1:30 setting, but we will  
2 notify you and get you that.

3 And, Mr. Schwartzer, we'll get you the Grand Jury transcripts.  
4 Is there anything else that you need that you can think of right now, Mr.  
5 Trejo?

6 THE OFFICER: Hold on one second.

7 THE COURT: Sure.

8 THE OFFICER: He said, "I'll have to look at my files."

9 THE COURT: Okay. If you can have that prepared for when  
10 we have the special setting, so have a list prepared for when we have  
11 the special setting, Mr. Trejo, and we'll put everything on the record as  
12 well then. Okay?

13 Thank you.

14 MR. SCHWARTZER: Thank you, Your Honor.

15 THE COURT: And, Mr. Schwartzer, I was going to ask how  
16 you were going to provide that. I was thinking he was going to be  
17 brought over but he's not going to be brought over for the special  
18 setting, so don't worry about what I was going to say.

19 MR. SCHWARTZER: Okay, Your Honor. I've been, when  
20 he's asked for discovery, I've had my investigator go over to see if he  
21 needs anything provided to him.

22 THE COURT: Okay, great. Thank you.

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Thank you, Mr. Trejo.

[Proceeding concluded at 8:57 A.M.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
\_\_\_\_\_  
SUSAN SCHOFIELD  
Court Recorder/Transcriber

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MARIO TREJO, ) No. 84724  
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 Appellant, )  
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 v. )  
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 THE STATE OF NEVADA, )  
 )  
 Respondent. )  
 )

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 16 day of February 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

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BY /s/ Rachel Howard  
Employee, Clark County Public Defender's Office