

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Respondent.

**APPELLANT'S APPENDIX VOLUME X PAGES 2176-2425**

Docket 84724 Document 2023-04823

**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		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
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1 Q Is that a yes? And then she was moving on to the  
2 second lock?

3 A Yes.

4 Q Where were you and Ivan?

5 A We were right behind her, like center. There's like  
6 three poles in front, and we just were standing at the, like,  
7 middle pole --

8 Q Okay.

9 A -- like we usually do.

10 Q And then you said you saw someone running -- you  
11 said pacing toward you?

12 A It wasn't fast, but it was like big strides.

13 Q Okay. Did you get a look at that person?

14 A Yes.

15 Q Okay. Did it appear to be a male or female?

16 A Male.

17 Q Why do you say that?

18 A Because he was -- like, broader shoulders, big --  
19 big to me. I mean, I'm short, but he seemed tall.

20 Q Okay. Taller than you?

21 A Yes.

22 Q Okay. Was that person wearing anything on their  
23 head?

24 A Yes.

25 Q What were they wearing?

1           A     A motorcycle helmet.

2           Q     Okay. Did you see anything underneath the  
3 motorcycle helmet?

4           A     No, it was black.

5           Q     Okay. How about clothes-wise? What was he wearing  
6 on the top of --

7           A     A leather jacket with dark jeans, and then boots.

8           Q     What kind of boots?

9           A     They were like worker boots, tan boots.

10          Q     Okay. And was that person -- was that person  
11 holding anything?

12          A     He was holding a firearm, but I'm not sure what  
13 kind.

14          Q     Okay. Are you -- was it like a -- like a handgun,  
15 like a pistol, or was it like a longer gun?

16          A     It was -- it was big, but I don't know.

17          Q     Okay. Was it -- by a big gun, what would you think  
18 is a big gun?

19          A     I don't -- I don't remember.

20          Q     It's okay. Do you know what, like, a cop gun looks  
21 like?

22          A     Yeah.

23          Q     Okay.

24          A     Yes.

25          Q     Okay, like --

1 MR. SCHWARTZER: Bill, do you have a gun on you?

2 THE MARSHAL: Do I have a gun?

3 MR. SCHWARTZER: Yeah.

4 THE MARSHAL: I do.

5 MR. SCHWARTZER: Can you stand up?

6 THE MARSHAL: Where would you like me?

7 MR. SCHWARTZER: Just over here. See right there --  
8 I'm -- for the record, I have the marshal, Mr. Campbell.

9 BY MR. SCHWARTZER:

10 Q Do you see the firearm? Was it a firearm like that,  
11 or was it bigger?

12 A I don't remember.

13 Q Okay, that's fine.

14 MR. SCHWARTZER: Thank you. For the record, what --

15 THE COURT: And for the record -- okay.

16 MR. SCHWARTZER: For the record, what kind of  
17 firearm was that, Bill?

18 THE MARSHAL: It's a Glock .40 caliber. 23 is the  
19 model.

20 MR. SCHWARTZER: Thank you.

21 BY MR. SCHWARTZER:

22 Q So you just remember it being a bigger gun? Okay.

23 When you saw this person pacing toward Jennifer, is  
24 that toward your direction as well?

25 A Yes.

1 Q Did that scare you?

2 A Yes.

3 Q Why?

4 A Because I didn't know what he wanted.

5 Q Okay. And what did Jennifer do?

6 A She started to run, and, I mean, we ran together and  
7 then got in my car.

8 Q Okay. And when she was running, did Jennifer appear  
9 to be scared as well?

10 A Yes.

11 Q And was she yelling something when she was yelling  
12 -- I mean, when she was running?

13 A Not that I remember.

14 Q Okay. Earlier, were you telling us she was yelling,  
15 we're being robbed?

16 A Oh, before we started running --

17 Q Okay.

18 A -- she said, we're getting robbed.

19 Q Did you recognize her voice?

20 A Jennifer's?

21 Q Yeah.

22 A Yes.

23 Q Did her voice appear to be scared?

24 A Yes.

25 Q Okay. You said you ran to your Jeep Liberty?

1           A     Yes.

2           Q     And where did you go? Like, where did you get into  
3 the car?

4           A     On the driver's side. We all got on -- into the  
5 driver's side. We, like, hid behind my car and then got in.

6           Q     Okay. And you -- and so you got into the driver's  
7 seat?

8           A     Yes.

9           Q     Where did Jennifer and Ivan get into?

10          A     The back seat.

11          Q     On the driver's side?

12          A     Yes.

13          Q     Okay. And you -- why did you -- why the driver's  
14 side?

15          A     Because we didn't know if he was going to like shoot  
16 or anything, so it was safer on the driver's side because it  
17 wasn't in his line of sight, I guess.

18          Q     What did you do once you got in the driver's seat?

19          A     I turned on the car, and I started driving.

20          Q     Okay. Where did you drive toward?

21          A     I drove towards the gas station, like Charleston and  
22 Torrey Pines --

23          Q     Okay.

24          A     -- (indiscernible). Yeah.

25          Q     I'm going to show you what has -- what's been marked

1 as Exhibit 148 that's admitted by --

2 MR. SCHWARTZER: Has this been admitted by  
3 stipulation, 148 and 149?

4 THE CLERK: Are those all the pictures? 148 and  
5 149.

6 MR. SCHWARTZER: Thank you.

7 BY MR. SCHWARTZER:

8 Q So do you see this right over here?

9 A Um-hum. Yes.

10 Q We can see Rainbow right here, Charleston right  
11 here?

12 A Yes.

13 MR. SCHWARTZER: And I'm -- this is 148 for the  
14 record.

15 BY MR. SCHWARTZER:

16 Q So is this the SuperPawn right here?

17 A Yes.

18 Q Okay. How did you get to Charleston?

19 A I turned right on Charleston. I went through the  
20 parking lot.

21 Q Okay. So did you get on Rainbow, or did you go  
22 through the parking lot?

23 A Parking lot, and then turned right on Charleston.

24 Q On Charleston? Okay. When you were turning right  
25 -- when you were on Charleston, what were you trying to do?

1           A     Get away.

2           Q     Okay. Did you notice anything while you were on  
3 Charleston?

4           A     Yeah, there was a car following us.

5           Q     Okay. Did you see that car before?

6           A     Yes.

7           Q     Okay. Where did you see that car before?

8           A     Parked on the right side of the store.

9           Q     The right side of that SuperPawn?

10          A     Um-hum. Yes.

11          Q     Is that the direction where that person in the  
12 motorcycle helmet was pacing from?

13          A     Yes.

14          Q     Okay. Did you see anyone else initially in that  
15 area?

16          A     Yes.

17          Q     Where did you see the other person?

18          A     I'm not -- I'm not sure. It was on the left side of  
19 that car.

20          Q     Okay. So not only do you have a person with a  
21 motorcycle helmet heading toward you, but there was a second  
22 person behind the person in the motorcycle helmet?

23          A     I don't remember.

24          Q     Okay.

25          A     I just remember a figure.

1 Q Okay, but you remember two figures?

2 A Yes.

3 Q Okay, but the person in the motorcycle helmet was  
4 the one coming toward you guys?

5 A Yes.

6 Q Okay, that's fair. Do you remember anything about  
7 the second individual?

8 A No.

9 Q Okay. You don't remember if it's a -- if you could  
10 tell it was a man, or female, or anything like that?

11 A No.

12 Q Okay, that's fair. So the car that was following  
13 you on Charleston, what kind of car was it?

14 A A black sedan.

15 Q Okay. Do you know what kind of brand at all or  
16 anything like that?

17 A Not before -- not during.

18 Q Okay. But it was the same dark sedan that you saw  
19 in the parking lot --

20 A Yes.

21 Q -- before all this occurred?

22 A Yes.

23 Q Okay. Why did you believe that car was following  
24 you?

25 A Every turn I made, it made the same turn.



1 Q Okay.

2 A And it followed for a while down Charleston.

3 Q Okay. How did that make you feel?

4 A Scared.

5 Q Okay. I'm going to show you Exhibit 149. Do you  
6 recognize what street this is?

7 A Yes.

8 Q Okay. You see Charleston right here?

9 A Yes.

10 MR. SCHWARTZER: This is a Google image, for the  
11 record.

12 BY MR. SCHWARTZER:

13 Q Is this -- so were you heading east on Charleston,  
14 heading toward Torrey Pines and Jones --

15 A Yes.

16 Q -- versus heading toward Buffalo?

17 A Yes.

18 Q Okay. So you were heading toward Torrey Pines and  
19 Jones?

20 A Yes.

21 Q Okay. You said the car was following you. What  
22 turns were you making that it was following you?

23 A When I was going to turn on Torrey Pines, I believe  
24 I made a U-turn. I turned on Torrey Pines, made a U-turn, and  
25 the black sedan went through the gas station. This is, yeah,

1 the gas station. And that's when I reversed my car in the  
2 intersection, and I went the opposite way on Charleston.

3 Q So you actually reversed on the intersection from  
4 the direction you were going to go in order to get away from  
5 that vehicle?

6 A Yes.

7 Q Were you able to get away from that vehicle?

8 A Yes.

9 Q During this time, was someone -- did someone try to  
10 call 911?

11 A Yes. I don't remember if it was Ivan or Jennifer,  
12 but one was on the phone with our coworkers, and the other one  
13 was on the phone with the police, and they were directing us  
14 where to go. And they directed us to the BMW, the opposite  
15 direction, and they met us there.

16 Q And do you know where that BMW dealership is?

17 A Sahara.

18 Q Okay. Sahara and what?

19 A I believe -- would it be --

20 Q If you don't remember, that's fine.

21 A Yeah.

22 Q But you believe it was on Sahara?

23 A Yes.

24 Q Okay. Julie, I'm going to show you some pictures  
25 from that August 4th.

1           A     Um-hum.

2           Q     Showing you what's been stipulated to as August --  
3 as exhibit -- stipulated to admission Exhibit 1. Do you  
4 recognize this photograph?

5           A     Yes.

6           Q     Okay. Do you see your car in this photograph?

7           A     Yes.

8           Q     Okay. You said your car was -- previously, you said  
9 your car was a Jeep Liberty?

10          A     Yes.

11          Q     So is this the vehicle?

12          A     Yes.

13          Q     Okay. Pointing, for the record, to the middle part  
14 of Exhibit 1 to a Jeep Liberty with "Jeep" on the back.

15                Do you recall where your Jeep Liberty -- this is  
16 after the incident occurred, after you guys ran away from this  
17 individual?

18          A     Yes.

19          Q     Okay. I mean, you can see the police tape here?

20          A     Yes.

21          Q     Okay. Do you recall where your car was originally  
22 parked?

23          A     No, but it was between these first five spaces, so.

24          Q     And they can't -- the jury can't see where you're  
25 pointing to.

1           A     Oh, I'm sorry.

2           Q     That's fine. Just -- I'm going to use my pen. Just  
3 stop me.

4           A     Between where my car is and the other car.

5           Q     Okay. So --

6           A     I never parked any further than that.

7           Q     So do you see where the pen's kind of going between,  
8 back and forth?

9           A     Yes.

10          Q     Okay. And for --

11          A     So just like there, and then skip the handicap  
12 spots, and then like the next two is typically where I would  
13 park.

14          Q     Okay. So, for the record, I'm -- the very left part  
15 of Exhibit 1, there's a -- I'll move it over a little bit. So  
16 there's a sedan in a spot, and then another empty parking  
17 spot, very left part of Exhibit 1. Is that what you're  
18 talking about?

19          A     Yes.

20          Q     Okay. Showing you Exhibit 2. You were talking  
21 about the poles. Do you see those in this photograph?

22          A     Yes.

23          Q     Okay. I'm going to show you a better picture of  
24 them right now, Exhibit 3. Are these the poles you were  
25 talking about?

1           A     Yes.

2           Q     Turn down the brightness a little bit.  Okay.

3                   What pole -- so what pole were you and Ivan standing  
4 by?

5           A     Between the middle two, so like right by the middle.

6           Q     So I'm going to -- like this area, or this area?  So  
7 just stop me.

8           A     That area --

9           Q     Okay.

10          A     -- is where I was.

11          Q     So, for the record, on Exhibit 3, you're talking  
12 about between the far left yellow pillar and the middle  
13 pillar?

14          A     Yes.

15                THE COURT:  You're saying "pillar," and there's  
16 those columns there and then the smaller thing.  So just  
17 describe a little bit better what you're talking about.

18                MR. SCHWARTZER:  Of course, Your Honor.

19                THE COURT:  Thank you.

20 BY MR. SCHWARTZER:

21          Q     So we see -- it looks like there's four Roman  
22 columns; is that fair, Julie?

23          A     Yes.

24          Q     So you have four Roman columns.  And then in between  
25 the four Roman columns, there are three yellow pillars

1 typically used, you know, to stop, like, cars from going into  
2 a spot; is that fair?

3 A Yes.

4 Q So the -- you're talking about the three yellow  
5 pillars, not the bigger Roman columns?

6 A Yes.

7 Q Okay. And so, for the record, you and Ivan were  
8 standing between the far left yellow pillar and the middle  
9 yellow pillar?

10 A Yes.

11 MR. SCHWARTZER: And I just realized that because it  
12 was zoomed in a bit, the jury couldn't see the full picture I  
13 was looking at. And those are the four Roman columns.

14 THE COURT: And also, for the record, it appears  
15 that the area you were talking about is closer to the area  
16 that has the sign on it that says, "Get more attention," as  
17 opposed to the sign that appears to have the store hours.

18 THE WITNESS: Yes.

19 MR. SCHWARTZER: That's -- agreed, Your Honor.

20 BY MR. SCHWARTZER:

21 Q And then showing you Exhibit 4, which this jury has  
22 previously seen. It's admitted by stipulation. Going up and  
23 down the photograph, that is the security door you were  
24 talking about; is that correct?

25 A Yes.

1           Q     Now, when you unlock the security door, do you  
2 unlock it from the ground area, or do you unlock it from the  
3 top area?

4           A     The ground.

5           Q     Okay. So, when Jennifer is unlocking the security  
6 door, she's on -- she's unlocking it from the ground area?

7           A     Yes.

8           Q     So I'm pointing specifically to the bottom left of  
9 the doorframe in Exhibit 4. Is that correct?

10          A     Yes.

11          Q     Showing you Exhibit 5. Now we can -- this is  
12 showing from the front door area of that SuperPawn toward a  
13 brick wall; is that fair to say?

14          A     Yes.

15          Q     Okay. Is this -- what direction did that individual  
16 in the motorcycle helmet come from?

17          A     From that brick wall.

18          Q     Okay. Was there any vehicles in that area by that  
19 brick wall?

20          A     The black car that chased --

21          Q     Okay. The one that was eventually following you?

22          A     Yes.

23          Q     And did the person in the motorcycle helmet come  
24 from the area where that black car was?

25          A     Yes.

1 Q Okay. Do you roughly remember what parking area or  
2 what general area that black car was? Can you point to it on  
3 the -- get off the stand and just point to it?

4 A It's either where that palm tree is --

5 THE COURT: You can get off the stand, ma'am.

6 THE WITNESS: It was on the right side  
7 (indiscernible).

8 BY MR. SCHWARTZER:

9 Q Okay, so I'm going to just (indiscernible). Right  
10 here or right here? Right here?

11 A (Indiscernible).

12 Q Okay. So, Exhibit 5, behind like a smaller palm  
13 tree, parking spot by the brick wall?

14 A (Indiscernible).

15 Q Okay. General area?

16 THE COURT: We can't hear her at all.

17 THE COURT RECORDER: Yeah. Sorry.

18 MR. SCHWARTZER: That's fine. So I'll just make a  
19 record real fast.

20 BY MR. SCHWARTZER:

21 Q We were talking about the area in Exhibit 5 behind  
22 the palm tree, the parking spot by the brick wall behind the  
23 palm tree, but in a general area, because you're not sure  
24 exactly which parking spot it was in?

25 A Yes.



1 Q Once you got to BMW, did the police come?

2 A Yes.

3 Q Did they talk to you?

4 A Yes.

5 Q Did you give a description to the police?

6 A Yes.

7 Q Okay. Now, the store wasn't -- the store wasn't  
8 open; is that correct?

9 A Yes.

10 Q So, no money was taken?

11 A No.

12 Q Nothing was stolen?

13 A No.

14 Q Okay. Did you tell other people about what happened  
15 that day?

16 A Yes.

17 Q Okay. Other people you worked with?

18 A Yes.

19 Q Okay. Now I want to go to September 3rd of 2018.  
20 Do you remember that day?

21 A Yes.

22 Q Okay. Were you working at that same SuperPawn that  
23 day?

24 A Yes.

25 Q Okay. Now --

1 THE COURT: Ma'am, can you please keep your voice  
2 up? It's really hard to hear you.

3 THE WITNESS: Okay.

4 THE COURT: Thank you.

5 BY MR. SCHWARTZER:

6 Q What were your -- now, September 3rd, that's Labor  
7 Day?

8 A Yes.

9 Q What are your hours during Labor Day?

10 A I don't remember.

11 Q Okay. Is it typical, the same hours, or do you  
12 have, like, different hours at that time?

13 A It's usually a short day, like one shift.

14 Q Now, is it typically the same amount of employees?  
15 Is it -- what is it like? What is the atmosphere like?

16 A It's a short day, and typically, there are less  
17 employees. Not everyone works.

18 Q Okay. Was it kind of an easy day that day?

19 A Yes.

20 Q Okay. Did you guys go out for lunch or eat for  
21 lunch, or?

22 A I just got pizzas for everyone at the store right  
23 before the incident.

24 Q Okay. You went and got some pizza?

25 A Yes, but no one got to eat it.

1 Q No one got to eat it?

2 A No.

3 Q Is that a yes?

4 A No, no one got -- yeah. Well, yeah.

5 Q Okay. Now, you talk about the incident, so you know  
6 what you're here for, right?

7 A Yes.

8 Q Okay. What were you doing right before everything  
9 occurred on September 3rd?

10 A Like, I just got back from getting pizzas. I was  
11 like the smallest of the shop, so I had the security lanyard.  
12 So when I got back, I didn't have it on me, and then it  
13 happened.

14 Q Can you tell the jury about these security lanyards?

15 A So we have these little pendants that sometimes we  
16 either wear on our keychains or around our neck for security  
17 purposes.

18 Q Okay. And what do you do if there's, like, an  
19 emergency with that lanyard?

20 A You just press the buttons, and it's supposed to  
21 either trigger an alarm or call the police.

22 Q Okay. But you don't know for sure what it does?

23 A No.

24 Q Okay. But you didn't have yours on, right?

25 A No.

1 Q Because you just got pizza?

2 A Yeah.

3 Q Okay. Did you see someone come inside the store  
4 that brings you to court today?

5 A Yes.

6 Q Okay. Can you describe how you first -- where you  
7 first see this person? Do you see him outside? Do you see  
8 him inside the store?

9 A I saw him open the door.

10 Q Okay. Describe what that person looked like.

11 A Same outfit, motorcycle helmet. He's taller. Black  
12 jacket.

13 Q By taller, are you talking about taller than you?

14 A Yes.

15 Q Okay.

16 A Dark jeans. Worker boots.

17 Q So, same outfit that you remember from August 4th?

18 A Yes.

19 Q When the person enters the store, do you see -- and  
20 so you believe it's a male as well?

21 A Yes.

22 Q Do you see anything on that person, holding  
23 anything?

24 A He had a gun. He had two guns.

25 Q Where were the two guns?

1           A     He had one in his hand, and then like another one,  
2 like, strapped. I don't know.

3           Q     By strapped, you were pointing to your shoulder?

4           A     Like, he had -- it was quite obvious he had  
5 something around his body.

6           Q     Okay.

7           A     But I don't know where the gun was.

8           Q     Okay. So he had a gun in his hand and then a gun on  
9 a strap?

10          A     Yes.

11          Q     Was he -- was there anything else he was wearing?

12          A     Gloves.

13          Q     Okay. Do you see anything underneath the motorcycle  
14 helmet or just the motorcycle helmet?

15          A     Just the motorcycle helmet.

16          Q     When this person entered the store, what did -- what  
17 was he doing with the gun?

18          A     I don't remember.

19          Q     That's fine. What did you do when you saw this  
20 person enter the store with the gun?

21          A     I was at the first loan counter, and I turned around  
22 and I went to the manager's office. And I just waved my hands  
23 and I said, 210, which is our security code. And I just said,  
24 we're getting robbed.

25          Q     Who was -- who was in the manager's office?

1 A Adriane and I believe Gio.

2 Q Okay. Do you know Gio's full name?

3 A Giovanni Andino.

4 Q Do you know Adriane's full name?

5 A Adriane Serrano, and then she's got a second last  
6 name.

7 Q That's fine. What other employees were there if you  
8 remember?

9 A Jonathan, Carla -- Jonathan Rivera, Carla Reck, Ivan  
10 Jaquez. I don't remember who else.

11 Q Do you know a person named Melani?

12 A Oh, Melani Howard.

13 Q Okay.

14 A I forget because she wasn't bundled with us.

15 Q Okay. We'll get there.

16 A Yeah.

17 Q So you run into the office and yell 210?

18 A Yes.

19 Q And 210's what?

20 A Two -- two hands, 10 fingers. I don't -- it's like  
21 a saying, but I don't really know what it stands for.

22 Q But it's kind of like a security, like, word you  
23 guys use?

24 A Yes.

25 Q Okay. Once you do that, do you hear the guy -- the

1     guy with the motorcycle helmet say anything?

2             A     He said, hey, you, get back here.

3             Q     How did that make you feel?

4             A     Scared.

5             Q     I know this is a silly question, but why were you  
6     scared?

7             A     Because I was -- had my back towards him, and I knew  
8     he had a gun, so I just assumed the worst.

9             Q     So what did you do?

10            A     What did I do?

11            Q     Yeah.

12            A     Oh. I -- we just -- Adriane got up, Gio got up, and  
13     then we turned the other way and followed the directions that  
14     he gave us.

15            Q     What were the directions he gave you?

16            A     He had all of us come around the loan counter, lay  
17     on our stomachs with our feet in the air, and hold hands with  
18     each other.

19            Q     Were you able -- when he talked to you, was it a  
20     male voice or a female voice?

21            A     It was a male voice.

22            Q     Did you recognize the voice at all?

23            A     No.

24            Q     So did you follow his directions?

25            A     Yes.

1 Q Why did you do that?

2 A Because I was scared.

3 Q What does he do after he puts you -- does he put you  
4 and other people on the floor like that?

5 A Yes. It was like a line of us just all holding  
6 hands on the floor with our stomachs on the ground.

7 Q And that's all the employees?

8 A Minus Melani and Adriane.

9 Q Okay. And were there customers there, too?

10 A Yes.

11 Q Do you recall how many?

12 A I remember two of them.

13 Q Okay. So it was all the employees, minus Melani and  
14 Adriane, and the customers?

15 A Yes.

16 Q And you guys were all laying down on your stomach?

17 A Yes.

18 Q Could you see what was going on?

19 A Only when they went to the jewelry. I peeked over.

20 Q When you peeked -- and by we -- by (indiscernible).  
21 When you say "they," who was that?

22 A The man and Adriane.

23 Q And you're talking about the man in the motorcycle  
24 helmet?

25 A Yes.



1           Q     Okay.  When they went to the jewelry cabinet, what  
2 was going on?

3           A     He was having her open the cabinets and getting  
4 jewelry.  I don't remember much other than that.  It was the  
5 chains that I saw.

6           Q     Okay.  Was Adriane able to open up the jewelry  
7 cabinet?

8           A     Yes.

9           Q     Okay.  Did she have any problems with that?

10          A     Not that particular one, but I remember her opening  
11 -- listening to them open up one of the ring fixtures, and  
12 there was like a security one, and he was getting frustrated  
13 that she was picking that specific fixture, which was a  
14 security fixture.

15          Q     How could you tell he was getting frustrated?

16          A     He seemed, like, impatient and angry.

17          Q     How could you tell that?  Was it --

18          A     Tone of voice.

19          Q     -- manners or voice?  I'm sorry?

20          A     Tone of voice.

21          Q     Okay.

22          A     I couldn't see anything happening at that point.

23          Q     Do you recall what he said?

24          A     No.

25          Q     That's okay.  But you remember his tone of voice was

1 frustrated?

2 A Yes.

3 Q Okay. Did you hear them in -- at any other part of  
4 the store besides the jewelry part?

5 A I remember one time, he came back like towards the  
6 counter area, and he banged on the counter, and he warned  
7 everyone that was laying on our stomach that he's still  
8 watching us.

9 Q Okay. Did that scare you?

10 A Yes.

11 Q You didn't try to stop him from taking the jewelry?

12 A No.

13 Q You didn't try to stop him -- even though you're  
14 employed by the SuperPawn, you didn't try to stop him from  
15 taking cash?

16 A No.

17 Q Okay. And why is that?

18 A Because I was afraid of him.

19 Q Were you afraid he would hurt you?

20 A Yes.

21 THE COURT: Mr. Schwartz, can we approach?

22 (Bench conference)

23 THE COURT: I know this is an inconvenient time, and  
24 I try to do it between the witnesses, but I'm literally going  
25 to --

1 MR. SCHWARTZER: Okay.

2 THE COURT: -- pee my pants.

3 MR. SCHWARTZER: That's fine.

4 THE COURT: I'm literally, like, about to explode,  
5 so.

6 (End of bench conference)

7 THE COURT: So we are going to take about a  
8 five-minute break, ladies and gentlemen.

9 And during the recess, you are admonished not to  
10 talk or converse among yourself -- amongst yourselves or with  
11 anyone else on any subject connected to this trial, or read,  
12 watch, or listen to any report of or commentary on the trial  
13 of any person connected with this trial, by any medium of  
14 information, including, without limitation, newspapers,  
15 television, the internet, or radio, or form or express any  
16 opinion on any subject connected with the trial until the case  
17 is finally submitted to you.

18 Like I said, about five minutes. It's 3:30, so  
19 3:35.

20 THE WITNESS: Do I leave, too?

21 THE COURT: Yeah, but just hang on for just a  
22 second.

23 THE WITNESS: Oh.

24 THE COURT: Wait until they come out.

25 THE WITNESS: Okay.

1 (Outside the presence of the jurors)

2 THE COURT: Ma'am, if you're going to go anyplace  
3 other than the vestibule, I'm going to ask you to either go up  
4 a floor or down a floor. And just let them know where you're  
5 going, if you're going to the bathroom or something.

6 THE WITNESS: I was -- so I don't wait over there?

7 THE COURT: In -- just in the little room to the  
8 side, you can wait right there, but if you need to go to the  
9 restroom.

10 And I can't handle anything outside the presence.

11 MR. SCHWARTZER: Yeah.

12 THE COURT: I'll be back.

13 (Court recessed at 3:30 p.m. until 3:37 p.m.)

14 (Outside the presence of the jurors)

15 (Pause in the proceedings.)

16 (In the presence of the jurors)

17 THE COURT: Will the parties stipulate to the  
18 presence of the jury?

19 MS. HEAP: State does.

20 MR. TREJO: The defense stipulates.

21 THE COURT: Thank you.

22 And you may continue, Mr. Schwartzer.

23 MR. SCHWARTZER: Thank you, Your Honor.

24 BY MR. SCHWARTZER:

25 Q So, Adriane [sic], so we talked about you saw and

1 heard the motorcycle helmet guy and Adriane by the jewelry.

2 Were they in any other locations in the store that  
3 you could hear or see?

4 A Yes, behind the like loan counter area.

5 Q What's behind the loan counter area?

6 A By the manager's office and by the money, like the  
7 tills.

8 Q Okay. And so the tills have money in it?

9 A Yes.

10 Q So do you hear it -- can you hear the tills or  
11 anything like that?

12 A Yes.

13 Q Okay.

14 A She opened tills for him.

15 Q Okay. So you heard that as well, and you also said  
16 by the office as well?

17 A Yes.

18 Q The manager's office? Do you know if -- again, are  
19 you able to see it, or do you just hear?

20 A Just hear.

21 Q Okay. So you don't know what they're doing in  
22 there?

23 A No.

24 Q Okay. How long do you think this is going on for?

25 A It felt like a long time.

1           Q     I'm sure. And the whole time, you're in that same  
2 location?

3           A     Yes.

4           Q     On the ground with your stomach?

5           A     Yes.

6           Q     Holding hands?

7           A     Yes.

8           Q     Okay. How were the other people? Is there anyone  
9 else crying or anyone talking?

10          A     Yeah. Carla and one of the other customers were,  
11 like, crying and -- well, Carla was crying, and I just  
12 remember the customer trying to calm down Carla.

13          Q     Okay. So she was -- so Carla was crying?

14          A     Yes.

15          Q     Okay. Do you hear the motorcycle helmet guy say  
16 anything else besides what we talked about at the jewelry and  
17 initially?

18          A     No, I don't remember.

19          Q     That's fine. Now, obviously, the motorcycle man --  
20 the motorcycle helmet guy left at some point, right?

21          A     Yes.

22          Q     Do you remember what happened there, like how he  
23 left?

24          A     I just remember there were police sirens, and he got  
25 very frustrated and --

1 Q Well, let me stop you there. How do you know he got  
2 frustrated?

3 A Because he said something. I don't remember, but he  
4 -- I just remember him telling Adriane to like -- like, let's  
5 go.

6 Q Okay.

7 UNIDENTIFIED SPEAKER: I can't hear.

8 MR. SCHWARTZER: Can't hear her?

9 THE WITNESS: Sorry.

10 BY MR. SCHWARTZER:

11 Q That's okay, Adriane. Just try to speak up.

12 A Okay.

13 Q So he was frustrated and told Adriane to go?

14 A Yes.

15 Q Okay. Did you -- did you see this, or you're just  
16 hearing this?

17 A I just heard it.

18 Q Did you hear Adriane's reaction, or did you see  
19 Adriane's reaction?

20 A No.

21 Q Okay. Do you hear them leave?

22 A Yes.

23 Q Does Adriane leave with him?

24 A Yes.

25 Q Okay. After the man in the motorcycle helmet and

1 Adriane leaves, what's the next thing you hear?

2 A Gunshots.

3 Q What do you think happens with -- what did you think  
4 was happening with the gunshots?

5 A I had no idea. We didn't know who got shot, so we  
6 just stayed down.

7 Q Okay. So you were still in that same position?

8 A Yes.

9 Q Did anyone come back in the store?

10 A Yes.

11 Q Who did?

12 A Adriane.

13 Q What did Adriane do when she came back in the store?

14 A She fell to the ground and started crying.

15 Q Okay. Did you guys try to console her?

16 A Yes.

17 Q Okay. After Adriane came back and started crying,  
18 did you guys stay in the store, or what happened?

19 A Yes. We stayed there for a little bit, and then we  
20 went next-door to the AutoZone.

21 Q Okay. And the AutoZone, that's -- that's by the  
22 SuperPawn?

23 A On the other side of the wall that was in that other  
24 we picture showed.

25 Q Okay. So, in Exhibit 5, when we were showing that



1 photograph of that brick wall where you were pointing to where  
2 that black car was --

3 A Yes.

4 Q -- on the other side of that wall is an AutoZone?

5 A Yes.

6 Q Okay. And where you were guys in the AutoZone?

7 A I don't remember. It was like in the back  
8 somewhere.

9 Q Okay. Do you talk to, like, any detectives or  
10 officers?

11 A Yes. They pulled us aside separately, and we went  
12 into, like, their cars. And I did a -- like a recorded  
13 statement.

14 Q Okay. So you went into a detective's car; it was  
15 just you and the detective?

16 A Yes.

17 Q And then you gave your statement to that -- to the  
18 detective?

19 A Yes.

20 Q Okay. And then, after that, you were -- were you  
21 free to go? I'm sure you were always free to go, but --

22 A Yes.

23 Q -- then you left?

24 A We stayed for a while. It was like a long process,  
25 so I didn't leave until -- I don't even know what time. It

1 was late, though.

2 Q How was Adriane doing during this time?

3 A Really bad.

4 Q What do -- like, can you describe?

5 A I just remember her sob. It was like a big sob  
6 fest.

7 Q By sob fest, everyone was crying?

8 A Yes.

9 Q Did she seem very scared?

10 A Yes.

11 Q Were you scared?

12 A Yes.

13 Q Okay. I'm going to show you a couple -- just two  
14 pictures. Both have been stipulated to.

15 Showing you Exhibit 57. Do you recognize this,  
16 what's in this photograph?

17 A Yes.

18 Q What are we looking at? (Indiscernible). I'm just  
19 going to try and brighten it up a little bit.

20 A The blue's the gate to get into the -- like, the  
21 loan counters, and the jewelry, and everything like that. And  
22 then --

23 Q Just because you mentioned it, the blue, you're  
24 talking about in the right corner of Exhibit 57 --

25 A Yes.

1           Q     -- where I'm pointing the pen? And there's a gate  
2 in this photograph. To enter this gate gets you into the area  
3 where you would get to the jewelry?

4           A     Yes.

5           Q     Okay. And then what else do you see in this  
6 photograph?

7           A     I see the loan counters, the office door, the sales  
8 floor.

9           Q     Okay. So I'm going to just move the pen. Tell me  
10 when I'm at the office.

11          A     Right there. Oh.

12          Q     So this is where the office would be?

13          A     Yes.

14          Q     And that's in the --

15                THE COURT: Top right.

16 BY MR. SCHWARTZER:

17          Q     -- top right of 57, behind what looks like a wooden  
18 -- this would be a wooden counter display area?

19          A     Yes.

20          Q     Okay. And then what is -- pointing to the middle of  
21 Exhibit 57, what is this area?

22          A     Those are the loan counters.

23          Q     Okay. So this floor space in the middle of Exhibit  
24 57 in front of the loan counters, is this where you and your  
25 fellow employees besides Melani and Adriane were?

1           A     Yes.

2           Q     Did you find out where Melani was after all this  
3 occurred?

4           A     Yes.

5           Q     Where was she?

6           A     She was like -- I know exactly which one. She was  
7 under a jewelry cabinet.

8           Q     Okay. At the time, did you know she was under the  
9 jewelry cabinet?

10          A     No.

11          Q     When did you find out she was under the jewelry  
12 cabinet?

13          A     After the incident happened, we knew someone was  
14 missing, and then she came out.

15          Q     Are you familiar with that area where she came out  
16 of?

17          A     Yes.

18          Q     Is that an area you guys used before?

19          A     It's kind of the forgotten spot of the jewelry  
20 section, so it's kind of like where we put the least expensive  
21 jewelry.

22          Q     Okay.

23          A     Um-hum.

24          Q     Now I'm going to show you Exhibit 60. Do you  
25 recognize this photograph?

1 A Yes.

2 Q And what are we seeing in this photograph?

3 A The loan counter.

4 Q Okay. So this is just from the other side of the  
5 store, but that's the same loan counter from Exhibit 57?

6 A Yes.

7 Q And, again, this floor space right here is where you  
8 and everyone besides Adriane and Melani were?

9 A Yes.

10 Q And now you can see a -- in the right part of 60, we  
11 can see that gate that enters into the jewelry section?

12 A Yes.

13 Q Okay. And by the gate, you're talking about the  
14 green door in the right part of Exhibit 60?

15 A Yes.

16 MR. SCHWARTZER: Permission to publish Admitted  
17 Exhibit 9, Your Honor?

18 THE COURT: Yes.

19 (Video is played.)

20 MR. SCHWARTZER: Okay.

21 BY MR. SCHWARTZER:

22 Q Do you recognize the person in Camera Angle 7?

23 A Yes.

24 Q Is this an -- and I'm using the mouse on a person to  
25 the left behind the counter. Is that an employee?

1 A Yes.

2 Q And who is that?

3 A That's Melani Howard.

4 Q Okay. Now I'm going to go to Camera Angle 5. Do  
5 you recognize the people in Exhibit -- in Camera 5 in Exhibit  
6 9?

7 A Yes.

8 Q Who is this person right here?

9 A That's myself.

10 Q That's you?

11 THE COURT: And that's the top.

12 MR. SCHWARTZER: Thank you, Your Honor.

13 BY MR. SCHWARTZER:

14 Q So, on the top of Camera Angle 5 --

15 THE COURT: Top left -- top right.

16 BY MR. SCHWARTZER:

17 Q -- on Exhibit 9, that would be you?

18 A Yes.

19 Q Okay. The middle person between the top and the  
20 bottom individual, do you know who that is?

21 A Yes, that's Adriane.

22 Q And then the person on the -- on the -- closest to  
23 the camera in Camera Angle 5, who is that?

24 A That's Ivan.

25 Q Okay. And then, if I go to Camera Angle 3, is -- do

1 you know who that person is?

2 A Yes, that's me.

3 Q Okay. Now I'm going to make this bigger, Camera  
4 Angle 3. And this is at 1:07:15, or 13:07:15, 1:07 p.m.

5 And I'm just going to pause real quick. Do you know  
6 who this individual is, pointing -- Camera Angle 3 by like  
7 what appears to be the DVD section?

8 A Yes, that's Jonathan.

9 Q And did Jonathan have a specific role that day?

10 A He was -- we have hour shifts as floor generals for  
11 security purposes, and it was his hour on the floor.

12 Q What's a floor general?

13 A A floor general just makes sure that no one's trying  
14 to steal anything, or they're greeting customers, making sure  
15 people feel welcomed.

16 Q And you guys take like an hourly turn doing that?

17 A Yes.

18 Q Okay.

19 THE COURT: And for the record, before you change  
20 that, before you start it again, that was at 13:07:25 on  
21 Camera Angle -- which one?

22 MR. SCHWARTZER: 3, Your Honor.

23 THE COURT: 3. And you were pointing to a person,  
24 you said in front of the DVD section, but I don't know if  
25 they'd be able to see that or tell what that is if they're

1 ever reviewing that on appeal. So it's in the -- sort of the  
2 middle to the top of the left-hand side of the video.

3 MR. SCHWARTZER: Thank you, Your Honor. And now I  
4 will continue playing.

5 (Video is played.)

6 BY MR. SCHWARTZER:

7 Q And from this angle, you have a pretty good view of  
8 the front door?

9 A Yes.

10 Q All right. Right there, we see you appear to run  
11 toward the back of Camera Angle 3. Why -- what are -- what's  
12 going on, and why do you run back?

13 A I saw him opening the door, and I ran to go warn my  
14 manager.

15 Q And where was your manager at?

16 A In the office sitting down, pricing jewelry.

17 Q And by "him," you're talking about the guy with the  
18 motorcycle helmet with the firearms that we've been talking  
19 about?

20 A Yes.

21 Q Thank you. So stopping here at 13:08:41. We're  
22 starting to see people get down on their stomach with their  
23 hands up. Is this what you were previously describing as what  
24 you were ordered to do by the man with the motorcycle helmet  
25 and guns?



1           A     Yes.

2           Q     And is that basically where you were until Adriane  
3 comes back after the shooting?

4           A     Yes.

5           Q     Okay.

6           MR. SCHWARTZER: Julie, thank you for being here  
7 today.

8           THE WITNESS: Thank you.

9           MR. SCHWARTZER: I have no further questions.

10          THE COURT: Mr. Trejo?

11          MR. TREJO: Yes, Your Honor.

12                       CROSS-EXAMINATION

13 BY MR. TREJO:

14          Q     Hello, Ms. Saldana. Please forgive the whole having  
15 to type everything down. I cannot speak, and the interpreter  
16 will be acting as my voice today. I appreciate your patience.

17                Ms. Saldana, how would you prefer to be referred as?

18          A     Juliana's fine.

19          Q     Juliana, we established that you were present at  
20 1150 South Rainbow Boulevard both on August 4th, 2018, and  
21 September 3rd, 2018; is that correct?

22          A     Yes.

23          Q     Also, allegedly, an attempted robbery and a robbery,  
24 respectfully, took place on those dates at the location,  
25 according to your testimony. My question is, did you on those

1 dates give statements, both recorded and written, to officers  
2 or detectives?

3 A Yes.

4 THE COURT: Can the parties approach briefly?

5 (Bench conference)

6 THE COURT: This is IT here. Apparently, I kicked  
7 something out, and so he wanted us to say something in the  
8 microphone to hear. Okay, and it's working. Okay. Thank  
9 you.

10 (End of bench conference)

11 BY MR. TREJO:

12 Q And did you, on October 3rd, 2018, give testimony  
13 while under oath to a grand jury in regards to these alleged  
14 events?

15 A Yes.

16 MR. TREJO: To the Court, may I introduce Juliana  
17 Saldana's voluntary statement, written statement, and grand  
18 jury testimony transcripts?

19 THE COURT: So you have to lay the proper foundation  
20 for them, so you may want to talk to Mr. Henry about doing  
21 that.

22 MR. HENRY: Judge, can we approach?

23 THE COURT: Sure.

24 (Bench conference)

25 MR. HENRY: How far do you want me going into giving

1 him advice about what he needs to do or not do? Because I've  
2 been told different things from the office, and -- as far as  
3 my role as standby counsel. So, for this instance, laying the  
4 foundation, that would be my advice. Whether or not he does  
5 it would be up to him. Or do you want me going in specifics?

6 THE COURT: I mean, the --

7 MR. SCHWARTZER: How do you get -- how do you admit  
8 whole statements?

9 THE COURT: I'm sorry?

10 MR. SCHWARTZER: How are you going to admit whole  
11 statements?

12 THE COURT: I still can't hear you.

13 MR. SCHWARTZER: How are you going to admit whole  
14 statements?

15 THE COURT: Yeah.

16 MR. SCHWARTZER: That's hearsay.

17 THE COURT: Yeah. I don't -- honestly, I only did  
18 standby counsel one time, and I didn't do anything. I'm just  
19 going to tell you, I didn't do anything.

20 So, but you'd have to -- I think you probably need  
21 to do the research yourself on this as to -- as to how you lay  
22 a foundation to get statements and things in and that kind of  
23 stuff. I don't think it's standby counsel's role. And I'm  
24 going to tell Mr. Henry he can give as much advice and  
25 information as he's comfortable giving. I'm not going to tell

1 him what he needs to do, so.

2 MR. SCHWARTZER: And to be clear, him moving to ask  
3 to get the whole statements in is an objection for hearsay.

4 THE COURT: Right.

5 MR. SCHWARTZER: Thank you.

6 THE COURT: Okay. So how long -- do you want to  
7 take a quick break and see if you can look some things up, or  
8 how do you want to do this?

9 MR. TREJO: (Indiscernible).

10 THE COURT: I'm sorry?

11 MR. TREJO: (Indiscernible).

12 THE COURT: It's 4:00. We were going to finish at  
13 5:00.

14 MR. SCHWARTZER: I'm not -- I don't want to bring  
15 her back. This was -- I gave him notice that she was going to  
16 be here today.

17 MR. TREJO: (Indiscernible).

18 THE COURT: Okay.

19 (End of bench conference)

20 BY MR. TREJO:

21 Q Sorry about that, Juliana.

22 Was your testimony and voluntary statements given  
23 using only details and facts you witnessed, meaning did you  
24 see, hear, taste, smell, fear -- feel --

25 THE INTERPRETER: I apologize.

1 BY MR. TREJO:

2 Q -- smell, feel, or otherwise experience the  
3 allegations you claim yourself?

4 A Yes.

5 MR. SCHWARTZER: Well, I was going to object, but  
6 it's fine. It's a compound question, among many other things.

7 THE COURT: The objection was withdrawn, correct?

8 MR. SCHWARTZER: Correct.

9 THE COURT: So you can answer that, Ms. Saldana.

10 THE WITNESS: Yes, it was all my own.

11 BY MR. TREJO:

12 Q And at any point prior to giving statements or  
13 testimony, did anyone give you information or details you did  
14 not witness that could have altered, coerced, or in any way  
15 influenced said testimony or statements?

16 MR. SCHWARTZER: I need him to be more specific  
17 regarding which statement. There's three different statements  
18 she's given that he's obviously brought up.

19 MR. TREJO: Specifically, speaking of the written  
20 voluntary statement, the recorded voluntary statement, and the  
21 grand jury testimony.

22 THE COURT: Right, but so the objection was -- you  
23 probably need to ask that specifically on each one. So you  
24 need to have three different questions on the three different  
25 statements.

1 BY MR. TREJO:

2 Q At any point prior to giving the recorded statement,  
3 did anyone give you information that could have altered,  
4 coerced, or otherwise influenced said statement?

5 A Never influenced my own, no.

6 THE COURT: And can you just speak up? I'm sorry.  
7 I just -- I couldn't hear you.

8 THE WITNESS: Did you want me to repeat?

9 THE COURT: Yes, please.

10 THE WITNESS: Oh. No, never did it influence my  
11 own.

12 BY MR. TREJO:

13 Q Thank you. And at any point prior to giving  
14 testimony to a grand jury, did anyone give you information  
15 that could have in any way influenced your testimony?

16 A No.

17 Q Thank you. Prior to September 3rd, 2018, were you  
18 certified in any way that would consider you a weapons expert?

19 A No.

20 Q Let's begin with August 1st, 2018. Juliana, when  
21 you claim you saw a man approach you or pace towards you,  
22 about how far do you recall him being?

23 THE COURT: Can we just -- the parties approach?

24 (Bench conference)

25 THE COURT: That's the wrong date. He just said --

1 MR. SCHWARTZER: (Indiscernible) wrong date.

2 THE COURT: -- the wrong date. So you need to get  
3 -- yeah. Um-hum.

4 MR. SCHWARTZER: You (indiscernible) correct him.  
5 You don't need to call us.

6 THE COURT: Okay.

7 MR. SCHWARTZER: Thank you. I appreciate that, Your  
8 Honor.

9 (End of bench conference)

10 MR. TREJO: (Indiscernible).

11 THE COURT: Yeah, I think so.

12 MR. SCHWARTZER: I'm sorry, Your Honor?

13 THE COURT: The correct date was -- is August 4th,  
14 right?

15 MR. SCHWARTZER: Correct date is August 4th, Your  
16 Honor.

17 THE COURT: August 4th of 2018, not August 1st.  
18 Fourth, yes. Yeah, you can take it off.

19 BY MR. TREJO:

20 Q Let's begin with August 4th, 2018. Juliana, when  
21 you claim you saw a man approach you or pace towards you,  
22 about how far do you recall him being?

23 A I don't know the exact. I just know from that brick  
24 wall where there's a car right until like the front door of  
25 the business is how far.

1 Q Do you recall on that date how close he got to you?

2 A No. I ran.

3 Q Do you recall what you wrote in your written  
4 voluntary statement?

5 A Yes.

6 THE COURT: Can you speak up?

7 THE WITNESS: Yes.

8 BY MR. TREJO:

9 Q Do you claim at some point in that statement seeing  
10 a white shotgun?

11 A I don't remember.

12 Q So the written statement, was it written  
13 specifically for the August 4th event?

14 A The first statement? Yes.

15 Q And how about -- and about how long after the event  
16 did you write the statement?

17 A I don't remember.

18 MR. TREJO: May I ask the State to stipulate to  
19 Juliana Saldana's written statement for the August 4th, 2018  
20 event?

21 MR. SCHWARTZER: It's improper. We don't admit  
22 statements in court.

23 BY MR. TREJO:

24 Q So you mentioned earlier that you saw a firearm and  
25 that it was, quote, "big." Were you the only one that saw



1 this alleged weapon?

2 MR. SCHWARTZER: Objection regarding what other  
3 people would have seen.

4 THE COURT: Yeah, that's speculation, Mr. Trejo.  
5 BY MR. TREJO:

6 Q Did anyone else with you on that day tell you they  
7 also saw a large or big firearm?

8 A No.

9 THE COURT: That's going to call for hearsay, so I'm  
10 going to direct her not to answer that one. I saw -- and just  
11 for the record, I saw Mr. Schwartzer opening his mouth, and I  
12 knew what the objection was going to be, so I just tried to  
13 cut it off before she answered the question.

14 MR. SCHWARTZER: Thank you, Your Honor.  
15 BY MR. TREJO:

16 Q You claim that eventually, you got in your car and  
17 drove and that you noticed a black sedan was following you.  
18 Is this -- is that right?

19 A Yes.

20 Q Do you believe it was the same car parked in the  
21 alleyway?

22 A What alleyway? On the side of the -- on the side?  
23 Yes.

24 Q When you saw the vehicle parked on the side of the  
25 alleyway, did it have any distinguishing marks or unique

1 features that would have set it apart from other vehicles  
2 similar to that make and model?

3 A No, that I remember.

4 Q Do you recall if it was a plain-looking vehicle?

5 A I mean, a small black car.

6 Q And around what time and day of the week did you say  
7 this occurred?

8 A August 4, 2018. I'm not sure of the time, like 8:00  
9 in the morning.

10 Q Was a weekend or weekday?

11 A Don't remember.

12 THE COURT: We couldn't hear your answer.

13 THE WITNESS: Oh. I don't remember --

14 THE COURT RECORDER: Okay.

15 THE WITNESS: -- if it was a week or a weekday.

16 BY MR. TREJO:

17 Q And do you recall if you were in a panic?

18 A Of course.

19 Q This vehicle, you believed it chased you?

20 A Yes.

21 Q Did you perhaps see anyone you claim to have  
22 approached you at 1150 South Rainbow Boulevard driving or  
23 within this said vehicle?

24 A The car tint was too dark, and I was driving too  
25 fast.

1 Q Do you know if, in your opinion, it becomes harder  
2 to think straight or focus when panic sets in?

3 A No.

4 THE COURT: I couldn't hear the answer.

5 THE WITNESS: No.

6 BY MR. TREJO:

7 Q To be clear, you don't know, or negative to that  
8 last answer?

9 A It wasn't hard to see what I saw.

10 Q Could it have been another similar vehicle being  
11 that Charleston is a high-traffic area and there's a lot of  
12 traffic around that time?

13 A There actually wasn't any traffic. The streets are  
14 clear, which is why I made a U-turn in the middle of an  
15 intersection.

16 Q Are you aware if there was any traffic cams or other  
17 such digital evidence that can support this claim?

18 A Yes.

19 MR. SCHWARTZER: Objection, speculation. Ask to  
20 strike the answer and the question.

21 THE COURT: And, Mr. Trejo, she wouldn't have any  
22 knowledge of what traffic cameras are there, because that's  
23 something that Metro maintains, and you don't know if they're  
24 working. I mean, even if you can see them, you don't know if  
25 they're working, things like that. So I'm going to sustain

1 that.

2 BY MR. TREJO:

3 Q Last question on this matter. Can you, beyond a  
4 reasonable doubt, attest that the same nondescript vehicle at  
5 1150 South Rainbow Boulevard was the same that chased you?

6 MR. SCHWARTZER: I'm going to -- I'm going to  
7 object. That's a legal term, Your Honor, beyond a reasonable  
8 doubt.

9 THE COURT: And I didn't actually understand the  
10 question. I was sort of confused as to what --

11 MR. SCHWARTZER: I think you can ask it in  
12 colloquial terms, but I don't believe you can ask, beyond a  
13 reasonable doubt --

14 THE COURT: Okay.

15 MR. SCHWARTZER: -- do you believe something  
16 occurred.

17 THE COURT: Okay. I just didn't -- I was very  
18 confused by the question, so maybe restate that.

19 MR. SCHWARTZER: Thank you, Your Honor.

20 BY MR. TREJO:

21 Q Let me resubmit. Can you, without a doubt, say the  
22 same vehicle you saw at 1150 South Rainbow Boulevard is the  
23 same that you claim chased you?

24 A Yes.

25 MR. SCHWARTZER: I'm sorry, I didn't hear the

1 answer.

2 THE WITNESS: Yes.

3 THE COURT: I couldn't either.

4 MR. SCHWARTZER: Thank you.

5 THE COURT: She said yes.

6 BY MR. TREJO:

7 Q Now, on to September 3rd, 2018. You claim a man  
8 entered your shop. Today, you said he wore gloves, a helmet,  
9 worker boots, and was completely covered.

10 Do you also recall what you said in the recorded  
11 statement given to detectives on September 3rd, 2018?

12 A Yes.

13 Q Do you recall mentioning anything about padding on  
14 that recorded statement?

15 A Yes.

16 Q Can you please tell me what you meant by padding?  
17 Like, was it cushioning, or were you referring to something  
18 else?

19 A It was like bulky, like, under the jacket. I don't  
20 remember much of what it was.

21 Q Did you at any point speak to anyone else in regards  
22 to this padding or bulkiness you claim to have seen?

23 A I don't remember.

24 Q Do you recall anything about the man's voice, like  
25 accent or language he spoke, anything like that?

1           A     Yes, did seem to have an accent.

2           THE COURT: I'm sorry. He did or did not?

3           THE WITNESS: He did.

4           THE COURT: Okay.

5 BY MR. TREJO:

6           Q     What type of accent?

7           A     Like a -- I don't -- I don't remember. Like, just  
8 deep voice.

9           Q     Do you recall exactly what you claimed he sounded  
10 like on your statement?

11          A     I believe I said he sounded like a gypsy.

12          THE COURT: Mr. Trejo, we've got about eight  
13 minutes, and it seems like you've still got a lot of questions  
14 for her. So I know that the State didn't want to have to have  
15 her come back, but we're going to have to have her come back  
16 on Monday, and -- because we'll still have jury questions, and  
17 follow-up, and things like that. So do you have another  
18 couple questions that you can just get through in the next  
19 like five minutes?

20          MR. SCHWARTZER: Can I ask Julie -- or, I'm sorry,  
21 what did you say, Mr. Trejo?

22          MR. TREJO: I just have a couple more questions on  
23 the subject.

24          MR. SCHWARTZER: And then you're done, or you have  
25 more? Okay.

1           Could I inquire with Julie about her schedule  
2 outside?

3           THE COURT: Sure. Yeah, just approach her and just  
4 --

5                       (Pause in the proceedings.)

6           MR. SCHWARTZER: Okay, Your Honor.

7           THE COURT: Thank you.

8 BY MR. TREJO:

9           Q     Juliana, I'm sorry. I hate to take so long, but I  
10 just wanted to ask a couple more questions before we go.

11                   What exactly does a gypsy sound like? European,  
12 Middle Eastern, Hispanic? Gypsy seems to be very specific.

13           A     Gypsies are like just people that we would get in at  
14 the pawn shops a lot. I don't know how to say this politely,  
15 but they're pretty, like, douche-baggy voices, and that's just  
16 what I heard that day.

17           Q     Douche-baggy isn't really an accent, though. Did he  
18 sound foreign?

19           A     I don't know.

20                   THE COURT: I'm sorry, I couldn't understand that.

21                   THE WITNESS: I don't know.

22 BY MR. TREJO:

23           Q     Did anyone perhaps give you the idea by mentioning  
24 something that perhaps this man was a gypsy?

25           A     No.

1           Q     And since you have encountered gypsies where you  
2 worked, did they have a common accent or perhaps a certain  
3 nationality that can make you say, quote, "This person sounds  
4 like a gypsy," end quote?

5           A     Gypsy's kind of like a loose phrase at a pawn shop.  
6 It's not necessarily an ethnicity. We use it more towards  
7 like people who are trying to scam us and people who are,  
8 like, purposefully being jerks.

9           MR. TREJO: I will leave off at this point, Juliana.  
10 I will resume next time. Thank you for your patience.

11           THE COURT: And, Ms. Saldana, we're going to excuse  
12 you for the weekend. You are still under oath. Do not  
13 discuss your testimony with anyone. We will be back here  
14 Monday at 11:00 a.m.

15           THE WITNESS: Okay.

16           THE COURT: Thank you.

17           THE WITNESS: Thank you.

18           THE COURT: So you're excused for now.

19           Ladies and gentlemen of the jury, during the recess,  
20 you're admonished not to talk or converse amongst yourselves  
21 or with anyone else on any subject connected to this trial, or  
22 read, watch, or listen to any report of or commentary on the  
23 trial of any person connected with this trial, by any medium  
24 of information, including, without limitation, newspaper,  
25 television, the internet, and radio, or form or express any



1 opinion on any subject connected with the trial until the case  
2 is finally submitted to you.

3 We will be back on Monday at 11:00 a.m. And, again,  
4 if you guys would just wait outside. We'll be having  
5 calendar, so.

6 (Outside the presence of the jurors)

7 THE COURT: Anything outside the presence?

8 MR. SCHWARTZER: No, Your Honor. I just want to  
9 elaborate on my -- on, obviously, my statement regarding  
10 statements.

11 I'm not stipulating to the introduction of any  
12 statements. There are certain legal ways to get portions of  
13 the statement in, inconsistent statement and what have you,  
14 but Mr. Trejo is going to have to do it the proper way. You  
15 canvassed him for three hours that he's going to be treated  
16 like any other lawyer. So I would suggest that he spends this  
17 weekend researching how to do so.

18 And just to clarify, my further statement may seem  
19 like statements never come in. There are certain ways that  
20 portions of statements can come in, and I just wanted to keep  
21 that on the record.

22 THE COURT: Mr. Trejo, anything outside the  
23 presence? You're shaking your head no, but you're writing  
24 something, so.

25 MR. HENRY: Do you have something to say? Yes.

1 THE COURT: Okay.

2 MR. HENRY: He has something to say.

3 And, Judge, can I leave belt and jacket maybe behind  
4 the desk?

5 THE COURT: Bill, you don't care?

6 THE MARSHAL: No, that's fine. (Indiscernible). It  
7 should be fine.

8 MR. HENRY: Okay.

9 THE MARSHAL: Just we got the in-custodies coming in  
10 on Monday, so busy room.

11 MR. HENRY: Yeah, that's right.

12 THE COURT: Yeah.

13 MR. HENRY: Okay, thank you.

14 THE COURT: While he's still writing, I'm going to  
15 the restroom. I'll be right back.

16 (Pause in the proceedings.)

17 THE COURT: Sorry about that. I was talking to  
18 Judge Kierny. Go ahead.

19 MR. TREJO: I apologize. I had my questions written  
20 a certain way, and I just realized it was objectable based on  
21 how I phrased it.

22 THE COURT: That's fine. I'm -- that's fine.  
23 That's all you needed to say is that you were apologize --  
24 that's fine.

25 So we will be back here Monday at 11:00 o'clock.

1 Thank you.

2 MS. HEAP: Thank you.

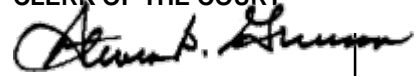
3 (Court recessed for the day at 5:06 p.m.)

4 \* \* \* \* \*

5 ATTEST: I hereby certify that I have truly and correctly  
6 transcribed the audio/visual proceedings in the above-entitled  
7 case to the best of my ability.

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RTRAN

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

THE STATE OF NEVADA,	)	CASE NO. C-18-335315-1
	)	
Plaintiff,	)	DEPT NO. XXIV
vs.	)	
	)	
MARIO BLADIMIR TREJO,	)	
	)	
Defendant.	)	
_____	)	

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE

MONDAY, APRIL 25, 2022

**RECORDER'S TRANSCRIPT OF PROCEEDING:  
JURY TRIAL - DAY 6**

APPEARANCES:

FOR THE STATE:	HILARY L. HEAP, ESQ. MICHAEL J. SCHWARTZER, ESQ. Chief Deputy District Attorneys
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FOR THE DEFENDANT:	MARIO BLADIMIR TREJO, Pro Se
	ALEXANDER C. HENRY, ESQ. Standby Counsel

ALSO PRESENT:

Jeanette Encinas  
Marie Sacquerie  
*Spanish Interpreters*

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER  
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INDEX

INDEX OF WITNESSES

STATE'S WITNESSES: PAGE

JULIANA SALDANA (Resumed from 4/22/2022)

Cross-Examination by Mr. Trejo (resumed) . . . . 4

Redirect Examination by Mr. Schwartz . . . . 17

JEDDAH BALGAME

Direct Examination by Ms. Heap . . . . 23

BLAKE PENNY

Direct Examination by Ms. Heap . . . . 31

Cross-Examination by Mr. Trejo . . . . 45

Redirect Examination by Ms. Heap . . . . 48

Juror Question . . . . 49

JEFFREY CLARK

Direct Examination by Mr. Schwartz . . . . 51

Cross-Examination by Mr. Trejo . . . . 90

Redirect Examination by Mr. Schwartz . . . . 106

LIST OF EXHIBITS

STATE'S EXHIBITS: PAGE

7 . . . . 79

10 . . . . 27

11 . . . . 29

12 . . . . 30

146 . . . . 44

158 . . . . 89

1                   LAS VEGAS, NEVADA, MONDAY, APRIL 25, 2022

2                   (Case called at 11:12 a.m.)

3                   (Outside the presence of the jury.)

4                   MR. HENRY: Are we ready?

5                   THE COURT: Are we ready?

6                   MR. SCHWARTZER: Yes, Your Honor.

7                   THE COURT: Okay. Case Number C-18-335315-1, State  
8 of Nevada versus Mario Trejo. Mr. Trejo, Mr. Henry, and the  
9 interpreter are here for Mr. Trejo. Mr. Schwartzer and Ms.  
10 Heap for the State.

11                   Anything outside the presence?

12                   MR. SCHWARTZER: Not by the State, Your Honor.

13                   MR. TREJO: No.

14                   THE COURT: Okay, thank you. So we can just go  
15 ahead and grab the jury.

16                   THE MARSHAL: Your Honor, would you mind -- would  
17 you like me to bring the witness up prior to --

18                   THE COURT: Yeah.

19                   THE MARSHAL: -- bringing the jury in? Okay.

20                   THE COURT: Thanks, Bill.

21                   (In the presence of the jurors)

22                   THE COURT: Will the parties stipulate to the  
23 presence of the jury?

24                   MR. SCHWARTZER: Yes, Your Honor.

25                   MR. TREJO: Defense does.

1 THE COURT: Thank you.

2 Ms. Saldana, I will remind you, you are still under  
3 oath. And also, please speak up. It was really, really hard  
4 for everyone to hear you last night.

5 So, Mr. Trejo?

6 CROSS-EXAMINATION (RESUMED)

7 BY MR. TREJO:

8 Q Juliana, thank you for being here, and I truly  
9 apologize having to take up more of your time. I did want to  
10 recap a first few of the main questions to recall where we  
11 left off on Friday.

12 You claimed a man with a motorcycle helmet, wearing  
13 gloves, boots, and completely covered, entered 1150 South  
14 Rainbow Boulevard on September 3rd, 2018, correct?

15 A Yes.

16 Q Do you recall stating during your recorded statement  
17 the man had, quote, "padding"?

18 A Yes.

19 Q Do you recall stating this past Friday, April 22nd,  
20 2022, that he seemed, quote, "bulky"?

21 A Yes.

22 Q Do you also recall stating he seemed to sound like  
23 a, quote, "gypsy" during your recorded statement?

24 A Yes.

25 Q Do you also recall stating he had a gun in hand and

1 another on his body?

2 A Yes.

3 Q All right. Now, do you recall back on your recorded  
4 statement specifically naming the firearms the man allegedly  
5 held?

6 A I don't remember.

7 THE INTERPRETER: Sorry.

8 BY MR. TREJO:

9 Q The firearm the man allegedly held?

10 A I don't remember.

11 Q Do you recall stating, quote, "He had a pistol or a  
12 Glock"?

13 A I don't remember.

14 Q All right, Juliana. So I remember you stated that  
15 you saw him first; is that right?

16 A On what day?

17 Q September 3rd, 2018.

18 A I don't know if I was the first person to see him,  
19 but I saw him opening the door.

20 Q Okay. And you stated this last Friday that as soon  
21 as you saw him, you ran to your manager, began waving your  
22 arms while screaming a code word for alert, quote, "210"; is  
23 that accurate?

24 A Yes.

25 Q Were you panicking at that point?



1           A     Yes.

2           Q     Did you turn to warn your manager as soon as you saw  
3 the individual?

4           A     Yes.

5           Q     When you claimed he said, quote, "Hey, you come back  
6 here," were you still panicking?

7           A     Yes.

8           Q     While in that panic, did you look at him, or were  
9 you looking elsewhere?

10          A     I looked at him, I turned around, and I ran to the  
11 office.

12          Q     Now, for the purpose of setting the scene in our  
13 minds from your point of view, when he first came in, you were  
14 behind the counter, which shields the office, right?

15          A     Yes.

16          Q     And he was, according to you, at the entrance. At  
17 that moment upon making visual contact, you claim to have  
18 turned to shout warning. So then about how long was he in  
19 your line of sight prior to you turning your back on him?

20          A     I'm not sure. It happened really fast.

21          Q     If you can't, tell us how far --

22                THE INTERPRETER: Sorry.

23 BY MR. TREJO:

24          Q     If you can --

25                THE INTERPRETER: Sorry. Thank you.

1 BY MR. TREJO:

2 Q If you can, tell us how far he was -- if you can,  
3 tell us how far he was from you.

4 A From the door to the loan counter. I'm not sure.

5 Q And after that, you didn't want to look at him  
6 again?

7 A No.

8 Q So it sounds like, from your point of view, things  
9 were a bit chaotic and fast-paced; is that accurate, Juliana?

10 A Yes.

11 Q Did the individual ever threaten to hurt you or  
12 anyone?

13 A It was implied with the gun.

14 Q Did he verbalize threats?

15 A Not that I remember.

16 Q Can you remember what he allegedly said?

17 A At what point?

18 Q In general, during the event, if he ever said  
19 anything threatening or something in regards to orders.  
20 Whatever you can honestly remember.

21 MR. SCHWARTZER: Compound question, Your Honor.  
22 Objection.

23 THE COURT: So, Mr. Trejo, you -- I need you to  
24 restate that.

25 BY MR. TREJO:

1 Q During the event, is there anything you can  
2 remember?

3 A Can you be more specific? Because I feel like I've  
4 already said what I've heard him say. I've already answered  
5 that question.

6 Q Did he say whether he'd hurt you or the opposite?

7 A No.

8 Q Do you recall in your statement saying that he told  
9 you, quote -- he told you he, quote, "didn't want to hurt  
10 anyone"?

11 A I don't remember.

12 Q Let's rest this subject for the moment.

13 Do you recall stating that by the time you were on  
14 the floor, quote, "many of us had hit our alarms already" on  
15 your recorded statement?

16 A I don't remember.

17 Q Did you recall seeing anyone hit an alarm?

18 A No.

19 Q Juliana, do you recall last Friday stating that at  
20 one point, you were all on your stomachs, laying down, holding  
21 hands while facing the floor?

22 A Yes.

23 MR. TREJO: May I see my exhibits, Stipulated, I  
24 believe, Numbers 1 through 7?

25 THE COURT: You can approach. Go ahead. And you

1 need to turn on the Elmo?

2 Bill, can you make sure the Elmo is on?

3 THE MARSHAL: It may be. We just got to switch  
4 (indiscernible).

5 THE COURT: Okay.

6 THE CLERK: Also, Mr. Trejo, yours are listed as A  
7 through -- the letters, not numbers. The State's are listed  
8 as numbers.

9 BY MR. TREJO:

10 Q Was this in between the loan counter and the aisles  
11 of merchandise?

12 A Yes.

13 Q Which way were your heads facing?

14 A I don't remember.

15 Q And based on the position you were all in, was the  
16 front entrance visible?

17 A I don't remember which way our heads were, so I -- I  
18 don't think it was, no.

19 Q So, in this photo we have up, can you tell me which  
20 section all of you were exactly at?

21 MR. SCHWARTZER: Can we have the exhibit letter?

22 THE COURT: What's the letter of the exhibit? Can  
23 you say it for the record?

24 MR. TREJO: Exhibit A.

25 MR. SCHWARTZER: Thank you.

1 THE WITNESS: Can you repeat the question?

2 BY MR. TREJO:

3 Q In this photo we have up, can you tell me which  
4 section all of you were exactly at?

5 A Where the loan counter started to -- I'm not sure.  
6 I was one -- I was probably in the middle of it.

7 Q Was it here?

8 MR. SCHWARTZER: Objection, Your Honor. Based on  
9 the -- on the last statement, she says she doesn't know where  
10 everyone was.

11 THE COURT: Ma'am, where were you?

12 THE WITNESS: I was right in front of the loan  
13 counters.

14 THE COURT: I don't know what the loan counter is,  
15 so can you tell us on that exhibit where that is so I can  
16 describe it for the record?

17 THE WITNESS: The cubicles that are on the left side  
18 of the photo.

19 THE COURT: Okay. And so you were in front of that,  
20 near -- so that's the left side of the photo. Is that --  
21 there's something that looks orange and black on wheels.

22 THE WITNESS: Yes.

23 THE COURT: Were you near that?

24 THE MARSHAL: Here's a mouse, ma'am.

25 THE WITNESS: Oh.

1 THE MARSHAL: You might try and use that.

2 THE WITNESS: We were right here.

3 THE COURT: Okay. And so, for the record, she is  
4 pointing -- she's using the mouse to go on the left side of  
5 the photo in the area between where that orange and black  
6 thing on wheels is to the bottom of the -- the bottom left of  
7 the photo.

8 BY MR. TREJO:

9 Q And based on the position you were all in, was the  
10 front entrance visible?

11 A No.

12 Q Can you recall back to your recorded statement  
13 claiming that, quote, "At one point, at the left of her hair,  
14 he had the gun"?

15 A Yes.

16 Q To be -- can you specify what you meant?

17 A I saw a gun pointed at my assistant manager when he  
18 took her to the jewelry section where the chains are also  
19 visible in this photo.

20 Q To be clear, did you mean Adriane?

21 A Yes.

22 Q And you claim to have seen this based on your  
23 position while laying on the ground?

24 A Yeah, I peeked because I wanted to know if she was,  
25 like, okay.

1           Q     And where did you say they were in relation to this  
2 photo?

3           A     Right here somewhere.

4           THE COURT:   And for the record, she is describing  
5 the top middle of the photo, which is -- appears to be between  
6 a green-looking -- maybe a jewelry cabinet, one facing  
7 perpendicular and one facing vertical.

8                   Is that -- would you say that that's correct, Mr.  
9 Trejo?

10           MR. TREJO:   Yes.

11           THE COURT:   Mr. Schwartzer?

12           MR. SCHWARTZER:   Yes, Your Honor, specifically  
13 pointing to what looks like a display.

14 BY MR. TREJO:

15           Q     Would you say, based on your alleged positions, that  
16 most of the store was not visible if one were to be laying on  
17 the floor?

18           A     Yes.

19           Q     All right, Juliana.   You mentioned that after  
20 everything was over and Metro officers cleared everyone out of  
21 the shop, you guys were all moved?

22           A     Moved to -- what are you referring to?   AutoZone?

23           Q     Is that where you all were moved?

24           A     Yes.

25           Q     Was this shortly after the alleged shooting?

1           A     Yes.

2           Q     Do you recall around what time the people within the  
3 shop were moved to the AutoZone?

4           A     No.

5           Q     It doesn't have to be specific. Do you know if it  
6 was minutes after or perhaps longer?

7           A     I don't know, like maybe 15 minutes.

8           Q     So then the 1:00 o'clock hour of September 3rd,  
9 2018?

10          A     Yeah.

11          Q     Do you recall if, aside from the people that were in  
12 the shop with you, whether or not the Metro officers in charge  
13 of the scene moved any additional witnesses into the back of  
14 this AutoZone?

15          A     Like, the customers that were there that day, and  
16 then it was just us, and that was it. I don't remember anyone  
17 else being back there.

18          Q     Do you recall who those other people were?

19          A     The customers or the employees?

20          Q     Let me be specific. Was there anyone aside from the  
21 10 people in the shop placed at the AutoZone along with your  
22 group?

23          A     I don't remember.

24          Q     Do you recall roughly how long witnesses were left  
25 in the back of this AutoZone?



1           A     No, I don't remember.

2           Q     Was it minutes or perhaps hours?

3           A     I really don't remember.

4           Q     Now, Juliana, I recall you said that it was a sob  
5 fest and that everyone was crying. Did you mean everyone who  
6 was left in the back of this AutoZone?

7           A     I meant like right after the incident in the shop,  
8 but, I mean, we cried at the AutoZone, too. So, yes.

9           Q     So were the people consoling each other perhaps  
10 talking about your personal experiences?

11          A     Not much. Probably.

12          Q     So what personal experiences of that day did you  
13 guys speak about?

14               MR. SCHWARTZER: Objection, relevance.

15               THE COURT: Go ahead, Mr. Trejo. What's the  
16 relevance?

17               MR. TREJO: She mentioned, quote, "Not much." It's  
18 relevant because this was a period prior to detectives taking  
19 down statements. It is an important factor if the witnesses  
20 perhaps shared any personal points of view or details other  
21 people couldn't see based on their alleged point of views.

22               MR. SCHWARTZER: That was not the question. The  
23 question was if they shared personal experiences. That imply  
24 -- hold on, Mr. Trejo -- implies things that don't have to do  
25 with our case. I don't think that's relevant at all.

1           If he wants to ask the question, did you guys talk  
2 about this case before detectives talked to you, I think  
3 that's proper. I just don't think we should delve into  
4 personal experiences that have nothing to do with this matter.

5           THE COURT: So the way that it was phrased could be  
6 anything, and so I think Mr. Schwartzer is correct. So if you  
7 could rephrase that.

8           MR. SCHWARTZER: Thank you, Your Honor.

9 BY MR. TREJO:

10          Q     Did the witnesses speak about any details or  
11 experiences regarding the allegations of this case while in  
12 the back of the AutoZone?

13          A     I don't remember specific conversations I had with  
14 people. We mostly just talked about our feelings and made  
15 sure that everyone was okay.

16          Q     Do you recall speaking to Adriane Serrano-Borjorquez  
17 about specific details regarding the appearance, voice, or  
18 features of the suspect?

19          A     Not -- no. I don't remember.

20          Q     Did she speak to you in regards to the events that  
21 allegedly occurred outside?

22          A     Like I said, I don't remember conversations that  
23 happened afterwards. We were mostly like comforting each  
24 other and making sure each other's mental health was okay.

25          Q     Did she speak to you in regard to the alleged weapon

1 the suspect was supposedly carrying?

2 MR. SCHWARTZER: Objection. Asked and answered.

3 THE COURT: Mr. Trejo? Response?

4 MR. TREJO: This question hasn't been asked. It was  
5 previously asked if she recalled identifying the alleged  
6 firearm. This is a new question.

7 MR. SCHWARTZER: It's not a new question. She's  
8 answered multiple times now that they talked about -- they  
9 were trying to comfort each other and make sure their mental  
10 health was okay, and they didn't get into details about what  
11 occurred. So any line of questioning further, after that  
12 answer's been answered three times, is objected for asked and  
13 answered, Your Honor.

14 THE COURT: I'm going to allow that because this  
15 specific question hasn't been asked.

16 So, go ahead.

17 MR. SCHWARTZER: Thank you, Your Honor.

18 THE COURT: Answer that question, ma'am.

19 THE WITNESS: Can you repeat the question?

20 BY MR. TREJO:

21 Q Did she speak to you in regards to the alleged  
22 weapon the suspect supposedly carried?

23 A I don't remember.

24 Q Juliana, do recall around what time Detective T.  
25 Pandullo pulled you out for the recorded statement?

1 A No.

2 Q Does 3:59 p.m. sound true and accurate?

3 A Sort of, yeah.

4 Q So would you say the witnesses were in the back of  
5 the AutoZone for hours, to be put in a vague term?

6 A Yes.

7 Q Lastly, do you recall giving testimony at a grand  
8 jury hearing on October 3rd, 2018?

9 A Yes.

10 Q Do you recall being asked by District Attorney  
11 LoGrippe how you knew the name Mario Trejo?

12 A I don't remember.

13 Q Where did you learn the name Mario Trejo?

14 A I don't remember how I found out the name.

15 Q Did anybody on September 3rd, 2018, give you  
16 information in regards to the open investigation, whether it  
17 be names, details, or other facts pertaining to these alleged  
18 events?

19 A I don't remember.

20 MR. TREJO: Thank you, Juliana. That will be all.  
21 Your Honor, no further questions.

22 THE COURT: Thank you. Mr. Schwartzer?

23 MR. SCHWARTZER: Very briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. SCHWARTZER:

1           Q     Julie, I know you've been on the stand for a long  
2 time, so I'm going to just get -- I'm going to try to get you  
3 off real quick, but there's two things I just want to cover  
4 real quick.

5                     Number one, based on some of the questions Mr. Trejo  
6 asked you, I want to ask you this. Did anyone influence your  
7 testimony today?

8           A     No.

9           Q     Was your testimony today based on what you observed  
10 and what you heard during the time of August 4th of 2018 --

11          A     Yes.

12          Q     -- and September 3rd of 2018?

13          A     Yes.

14          Q     Okay.

15                    THE COURT: And, Mario -- Mr. Trejo, that goes --  
16 all of those go back.

17 BY MR. SCHWARTZER:

18          Q     Now, Julie, I can tell when -- while I was observing  
19 you while you were testifying, a lot of times, you were  
20 looking down and away; is that correct?

21          A     Yes.

22          Q     Okay. You were having problems looking forward  
23 during some of the questioning; is that correct?

24          A     Yes.

25          Q     Do you still have issues based on what happened to

1 you on August 4th of 2018 and September 3rd of 2018?

2 A Yes.

3 THE COURT: There should be some tissue on the  
4 stand, ma'am.

5 MR. SCHWARTZER: I'm sorry, Julie.

6 BY MR. SCHWARTZER:

7 Q And is that because of the fear you felt on August  
8 4th of 2018?

9 A Yes.

10 Q And is that also because of the fear you felt on  
11 September 3rd, 2018?

12 A Yes.

13 Q So, even though maybe no threats -- verbal threats  
14 were made to you, like you said, right?

15 A Yes.

16 Q You still felt fear based on the actions of that  
17 individual in the motorcycle helmet, correct?

18 A Yes.

19 Q And is that based -- and what's that based on?

20 A My personal experiences --

21 Q Is it because --

22 A -- those two days.

23 Q Those two days? Is it because he had a firearm?

24 A Yeah, and he chased me in my car. I couldn't live  
25 my life normally that whole month.

1 THE COURT: I'm sorry, ma'am, I just couldn't  
2 understand you. I know you're having a hard time, and this is  
3 hard for you, but we do have to make a record. So if you  
4 could just repeat that answer.

5 THE WITNESS: I couldn't live my life normally that  
6 whole month that I didn't know who chased me, because I -- I  
7 thought someone was going to be following me all the time.  
8 And I couldn't walk from my house to my car without having my  
9 dad or sister watch me, and I couldn't take showers without  
10 thinking he'd be waiting for me in my bed, because I really  
11 didn't know what his intentions were.

12 And then I got worse when he came back, and then I  
13 got diagnosed with PTSD. And now I can't even see my friends  
14 from the shop as much as I want to, because it triggers me.  
15 So, to this day, it like still really affects me.

16 Q Thank you, Julie.

17 A And I'm afraid of guns now, so.

18 MR. SCHWARTZER: Thank you, Julie.

19 That's all the questions I have, Your Honor.

20 THE COURT: Anything based on that, Mr. Trejo?

21 MR. TREJO: I'll pass on further questions, Judge.

22 THE COURT: Thank you. Are there any questions of  
23 this witness from the jurors? There being no responses.

24 Thank you, Ms. Saldana. You are excused. Please do  
25 not discuss your testimony with anyone.

1           And it's noon, so it's probably a good time for us  
2 to break for lunch.

3           MR. SCHWARTZER: If you would like, Your Honor.

4           THE COURT: Mr. Trejo? Cool? Okay.

5           MR. TREJO: Yes, Your Honor.

6           THE COURT: So, ladies and gentlemen, we're going to  
7 take our lunch recess.

8           During the recess, you are admonished not to talk or  
9 converse among yourselves or with anyone else on any subject  
10 connected with this trial, or read, watch, or listen to any  
11 report of or commentary on the trial of any person connected  
12 with this trial, by any medium of information, including,  
13 without limitation, newspapers, television, the internet, or  
14 radio, or form or express any opinion on any subject connected  
15 with the trial until the case is finally submitted to you.

16           It is just after 12:00, so we'll come back at 1:15.

17           MR. SCHWARTZER: Thank you, Your Honor.

18           THE COURT: Thank you.

19           (Outside the presence of the jurors)

20           THE COURT: Anything outside the presence?

21           MR. SCHWARTZER: Not by the State, Your Honor.

22           THE COURT: Mr. Trejo?

23           MR. TREJO: Not by defense.

24           THE COURT: Okay. So we will be back at 1:15.

25 Thank you.



1 (Court recessed at 12:04 p.m. until 1:16 p.m.)

2 (Outside the presence of the jurors)

3 THE COURT: Are we on the record?

4 THE COURT RECORDER: Um-hum.

5 THE COURT: So, just for the record, I just wanted  
6 to let you all know my parents are coming to town on Friday,  
7 so they will be here at some point, and we're going to have  
8 lunch together just in my chambers or whatever. So I just --  
9 when they get here, I'm going to probably want to take a lunch  
10 break as soon as they get here, just so you know.

11 Anything else outside the presence?

12 MS. HEAP: Not by the State, Your Honor.

13 MR. TREJO: No.

14 THE COURT: Okay. So we can go ahead and grab the  
15 jury then. Wait, where'd Bill go? We lost Bill. He might be  
16 having issues with them and their parking situation, so he  
17 might be out there. Oh, there he is.

18 We can get the jury.

19 THE MARSHAL: Okay.

20 (In the presence of the jurors)

21 THE COURT: Will the parties stipulate to the  
22 presence of the jury?

23 MS. HEAP: The State does, Your Honor.

24 MR. TREJO: Yes, Your Honor.

25 THE COURT: Thank you. Please be seated.

1 State, call your next witness.

2 MS. HEAP: State will call Jeddah Balgame.

3 THE MARSHAL: Two steps for you, get you up there.  
4 Remain standing. Face the clerk. She's going to swear you  
5 in.

6 THE CLERK: Please raise your right hand.

7 JEDDAH BALGAME, STATE'S WITNESS, SWORN

8 THE CLERK: Can you please state and spell your name  
9 for the record?

10 THE WITNESS: It's Jeddah, J-e-d-d-a-h. Balgame,  
11 B-a-l-g-a-m-e.

12 THE CLERK: Thank you. You can have a seat.

13 THE COURT: Please proceed.

14 MS. HEAP: Thank you.

15 DIRECT EXAMINATION

16 BY MS. HEAP:

17 Q Good afternoon.

18 A Hi.

19 Q Is it okay if I call you Jeddah?

20 A Yes.

21 Q Okay. Jeddah, can you please tell the ladies and  
22 gentlemen of the jury where you work?

23 A So I work at the Clark County District Attorney's  
24 Office, Court Exhibits, and I'm a graphic specialist.

25 Q And for the record, you know Mr. Schwartz and

1 myself, correct?

2 A Yes, I do.

3 Q You work with us?

4 A Yes.

5 Q Okay. As part of your job there, what are some of  
6 your duties?

7 A So I help prepare exhibits for the attorneys, for  
8 all the DAs, like printing, redacting, editing videos,  
9 converting medias and such.

10 Q Okay. And in this specific case, were you provided  
11 -- or were you asked to assist Mr. Schwartz and I in  
12 preparing some exhibits for this trial?

13 A Yes.

14 Q Okay. And what were you asked to do with those  
15 exhibits?

16 A I was asked to convert the video, and capture the  
17 video, and string each video together following an individual.

18 Q So were you provided with a surveillance video --

19 A Yes.

20 Q -- in order to do that?

21 A Yes.

22 MS. HEAP: And, Your Honor, permission to publish  
23 previously admitted State's Exhibit 9?

24 THE COURT: Yes.

25 BY MS. HEAP:

1 Q And, Jeddah, can you see -- see that on your screen?

2 A Yes.

3 MR. SCHWARTZER: Do you want me to start it?

4 MS. HEAP: Yes, please.

5 (Video is played.)

6 BY MS. HEAP:

7 Q So does this video look familiar?

8 A Yes, it does.

9 Q And is this the video that you were provided with to  
10 work with?

11 A Correct.

12 Q Okay. And there are approximately 12 cameras that  
13 come up; is that correct?

14 A Yes.

15 MS. HEAP: Thank you. You can stop that one and  
16 just start the next one.

17 BY MS. HEAP:

18 Q Now, when you were given that video, were you asked  
19 to create what either Mr. Schwartzer or myself termed or you  
20 termed point-of-view videos?

21 A Yes.

22 Q And how many of those were you asked to create?

23 A I believe it was four.

24 Q Was it four? I'm going to show you just State's  
25 Proposed Exhibit 10.

1 MS. HEAP: And, Your Honor, permission to publish  
2 just for identification purposes?

3 THE COURT: Yes.

4 (Video is played.)

5 BY MS. HEAP:

6 Q While this is coming up, when the request was made,  
7 were you given certain start and stop times on the videos?

8 A Yes.

9 Q And do you recognize this video?

10 A Yes, I do.

11 Q Okay. And when that first came up, I believe the  
12 exhibit said Adriane POV. Did you insert that name on the  
13 file?

14 A Yes, I did.

15 Q Let's play for a brief second. And at the top of  
16 the screen on the left-hand side, where it says 14 and Office,  
17 is that the same video that was in State's Exhibit 9 from  
18 Camera Angle 14?

19 A Yes, it is.

20 Q So you didn't put that 14 Office on there, correct?

21 A No.

22 Q And then the timestamp on the bottom, did you adjust  
23 that in any way?

24 A I did not.

25 Q Okay. So how did you make a copy of this video?

1           A     So what I did was use a screen-capturing software,  
2 it's called Camtasia, and what it does, it captures the video  
3 in real time to allow me to take different scenes or different  
4 camera shots.

5           Q     Okay. So other than taking camera shots of the  
6 video, did you edit the content of the video at all?

7           A     The video itself, no.

8           Q     Okay. So you didn't add any people to that video;  
9 is that correct?

10          A     I did not.

11          Q     And you didn't take any people out --

12          A     I did not.

13          Q     -- is that correct? So is the video that you  
14 created, the chronological time video, a fair and accurate  
15 depiction of what was on the original surveillance video?

16          A     Yes.

17                MS. HEAP: Your Honor, the State would move to admit  
18 State's Exhibit 10.

19                THE COURT: Mr. Trejo?

20                MR. TREJO: No opposition.

21                THE COURT: Okay. That'll be admitted.

22                        (State's Exhibit 10 is admitted.)

23                MS. HEAP: Thank you. And then, Your Honor,  
24 permission to publish State's Proposed Exhibit 11 for the same  
25 purpose?

1 THE COURT: Sure.

2 BY MS. HEAP:

3 Q So, Jeddah, I'm going to go through the same line of  
4 questioning for the next video. You created another  
5 chronological time sequence video, correct?

6 A Yes.

7 Q And do you recognize the file name Trejo POV?

8 A Yes.

9 Q Okay, and is that what you named this video request?

10 A Yes.

11 (Video is played.)

12 BY MS. HEAP:

13 Q And, again, top left-hand corner where it says 1  
14 Entry, is that taken from the overall surveillance video that  
15 had the 12 camera angles that -- from that first entry camera?

16 A Yes.

17 Q And then it continues to the second exit camera?

18 A Yes.

19 MS. HEAP: You can go ahead and pause that.

20 BY MS. HEAP:

21 Q And, again, did you change the contents of this  
22 video at all?

23 A I did not.

24 Q Okay. And did this video fair -- is it a fair and  
25 accurate copy of that original surveillance video?

1           A     Yes.

2           Q     Okay.

3                   MS. HEAP: The State would move to admit Proposed  
4 Exhibit 11.

5                   THE COURT: Mr. Trejo?

6                   MR. TREJO: No opposition.

7                   THE COURT: And that'll be admitted.

8                           (State's Exhibit 11 is admitted.)

9                   MS. HEAP: Your Honor, permission to publish State's  
10 Proposed Exhibit 12 for the same purpose?

11                   THE COURT: Yes.

12 BY MS. HEAP:

13           Q     And as this is being prepared, Ms. Balgame, in the  
14 video we just saw, the Trejo Point of View, it started on  
15 Camera Angle Number 1. If you compared your video to this  
16 original surveillance video, they would be exactly the same if  
17 you look at the Camera 1 --

18           A     Yes.

19           Q     -- angle, correct?

20           A     Yes.

21           Q     And now, finally, do you recognize the file name  
22 Melanie POV?

23           A     Yes.

24           Q     Is that a file you created for a trial exhibit  
25 purpose as well?



1           A     Yes.

2           Q     Was the request on this video slightly different?  
3     Rather than a chronological order, was it two side-by-side  
4     videos to capture?

5           A     It was side-by-side.

6                     (Video is played.)

7     BY MS. HEAP:

8           Q     Do you recognize this video?

9           A     Yes.

10          Q     Is this a video you created for the trial exhibit?

11          A     Yes.

12          Q     Okay.

13                MS. HEAP:   The State would move to admit Proposed  
14     Exhibit 12.

15                THE COURT:   Any objection?

16                MR. TREJO:   No opposition.

17                THE COURT:   That'll be admitted without objection.

18                     (State's Exhibit 12 is admitted.)

19                MS. HEAP:   Thank you.   And, Your Honor, the State  
20     has no further questions for this witness.

21                THE COURT:   Mr. Trejo, any questions for this  
22     witness?

23                MR. TREJO:   No questions.

24                THE COURT:   Thank you.   Ms. Balgame, you are -- I'm  
25     sorry.   I should check and see the jury.   I always forget

1 that.

2 So does the jury have any questions for this  
3 witness? There being no raised hands.

4 So, Ms. Balgame, you are excused. Please don't  
5 discuss your testimony with anyone. Thank you.

6 THE WITNESS: Okay, thanks.

7 MS. HEAP: May I approach the clerk, Your Honor?

8 THE COURT: Yes. And State can call their next  
9 witness.

10 MS. HEAP: State will call Sergeant Blake Penny.

11 THE MARSHAL: All right, sir, a couple steps for you  
12 there. If you'll remain standing and face the clerk, she's  
13 going to swear you in.

14 BLAKE PENNY, STATE'S WITNESS, SWORN

15 THE CLERK: Can you please state and spell your name  
16 for the record.

17 THE WITNESS: Of course. It is Blake, B-l-a-k-e.  
18 Last name, Penny, P-e-n-n-y.

19 THE CLERK: Thank you.

20 THE WITNESS: You're welcome.

21 THE COURT: You may proceed.

22 MS. HEAP: Thank you.

23 DIRECT EXAMINATION

24 BY MS. HEAP:

25 Q Sir, can you tell the ladies and gentlemen of the

1 jury how you are employed?

2 A I'm a detective with the Las Vegas Metropolitan  
3 Police Department.

4 Q And how long have you been employed by the  
5 Metropolitan Police Department?

6 A It will be 24 years this summer.

7 Q Are -- do you have a specific assignment?

8 A Currently, I'm assigned to the Force Investigation  
9 Team or FIT.

10 Q And what is the FIT team?

11 A FIT, we are responsible for investigating the  
12 criminal investigations involving officer-involved shootings,  
13 whether they're fatal or non-fatal.

14 Anytime there is a in-custody death involving a  
15 individual who is in police custody, any officer-witnessed or  
16 officer-present suicides, any violent felonies committed  
17 against our officers, we would handle those investigations and  
18 the subsequent arrests, and work with the prosecution, and any  
19 other assignment that our sheriff designates us to be  
20 investigating.

21 Q When you work on the FIT team, do you get called out  
22 to scenes, I assume?

23 A Yes, I do.

24 Q Do you go by yourself, or do you work with other  
25 detectives?

1           A     We have a six-man squad that would respond.

2           Q     And how are assignments made once you get to a  
3 scene?

4           A     The -- we assign ourselves. The case agent is  
5 determined by whoever happens to be up at that time. The way  
6 our rotation works is if you stay up for any other cases, and  
7 when there's an officer-involved shooting, that's when the  
8 case is assigned to whoever is up at that moment.

9           Q     Now, I want to direct your attention to September  
10 3rd of 2018. Were you working as a FIT detective on that day?

11          A     Yes, I was.

12          Q     And were you called to 1150 South Rainbow Boulevard  
13 here in Las Vegas, Clark County?

14          A     Yes, the SuperPawn.

15          Q     Okay. What -- approximately what time do you think  
16 you got there?

17          A     That had to been mid-afternoon.

18          Q     Okay. What did you see when you arrived?

19          A     When I arrived on scene, the scene had already been  
20 secured by patrol officers with yellow crime scene tape. As  
21 part of FIT's responsibility, we will secure the actual scene  
22 with red tape, which would indicate no one else is allowed  
23 inside the scene other than FIT detectives and our crime scene  
24 analysts. So that would have been done upon FIT's arrival.

25                There's a lot of moving parts to an officer-involved

1 shooting investigation. We're having crime scene vehicles  
2 show up, additional FIT detectives. Our mobile command  
3 vehicle shows up, which allows us to watch body-worn camera  
4 video from officers immediately on scene, and so just a matter  
5 of securing the actual scene.

6 MS. HEAP: And permission to freely publish  
7 previously admitted exhibits?

8 THE COURT: Absolutely.

9 MS. HEAP: Thank you.

10 BY MS. HEAP:

11 Q Sir, I'm showing you State's Exhibit 13. Do you  
12 recognize this photo?

13 A Yes. That is the actual SuperPawn where we  
14 responded to. And as I previously stated, that would be the  
15 red crime scene tape securing the actual scene established by  
16 FIT detectives.

17 Q Thank you. So, when you arrived, it was quite a  
18 ways after the incident had occurred; is that correct?

19 A That's correct.

20 Q Was the suspect still on scene?

21 A No, the suspect had already been transported to UMC  
22 Trauma.

23 Q Okay. And at this point, you and the other  
24 detectives, you split up the duties; is that correct?

25 A That's correct.

1           Q     Was one of your duties that day to help in the  
2 execution of some of the search warrants?

3           A     That's correct.

4           Q     Did detectives obtain a search warrant for one of  
5 the vehicles that was onsite that day?

6           A     Yes. A search warrant was obtained by FIT Detective  
7 Patton.

8           Q     And was that search warrant for a white Hyundai with  
9 a Utah license plate?

10          A     Yes, it was.

11          Q     Showing you State's Exhibit 14. Do you see the  
12 vehicle we are referring to in that photograph?

13          A     Yes. It's the second vehicle parked next to the red  
14 one on the right-hand side of the screen.

15          Q     Okay. So there's two white vehicles. You don't  
16 mean the big Hummer truck, correct?

17          A     No, that's correct.

18          Q     Okay. Did you assist in the execution of the search  
19 warrant of that vehicle?

20          A     Yes. After it was towed to our crime scene lab  
21 after the execution of the warrant.

22          Q     Thank you. That was going to be my next question.  
23 Was the search conducted onsite or somewhere else?

24          A     No. The vehicle, where it was parked was still in a  
25 -- in the SuperPawn parking lot where public had access to it.

1 Once the vehicle was frozen and sealed by crime scene  
2 personnel with evidence stickers, it was towed to our crime  
3 lab, where it would be in a safe and secure environment where  
4 we would serve the search warrant.

5 Q Showing you State's Exhibit 51. You indicated that  
6 the vehicle was sealed. Does it appear sealed in this  
7 photograph?

8 A Yes. Those are the evidence stickers that were  
9 placed on all four doors, the trunk of the vehicle, as well as  
10 the hood of the vehicle while it was still on scene to ensure  
11 that nobody would enter the vehicle prior to authorization of  
12 a search warrant.

13 Q And then, when you got to the garage where the  
14 execution of the search warrant occurred, was that vehicle  
15 still sealed? And showing you State's Exhibit 121.

16 A Yes, and all the seals were still intact that were  
17 placed on the vehicle at the scene.

18 Q Okay. And in this photograph, is it fair to say you  
19 can see those seals still there?

20 A That is correct.

21 Q And showing you State's Exhibit 122. Is that also a  
22 photograph of the sealed vehicle?

23 A Yes, it is.

24 Q Now, did you do the physical search, or were there  
25 crime scene analysts there as well?

1           A     It was a team effort with our crime scene analysts  
2 that were there as well as myself.

3           Q     And I'm showing you State's Exhibit 122 again. The  
4 license plate on that vehicle, was that the license plate that  
5 was on the vehicle at the scene? Looks like a Utah license  
6 plate, E478WC?

7           A     Yes, it is.

8           Q     Now, when you and the CSAs were executing that  
9 search warrant, did you find anything -- any items of  
10 evidentiary value in the vehicle?

11          A     Yes. Inside of the vehicle, there was a cell phone  
12 in the center cupholder for the front seat. There was also a  
13 Zastava AK-47-style pistol that was found in the rear  
14 floorboard behind the passenger's seat. Additional handgun,  
15 rifle magazines. And I believe there was another license  
16 plate which actually did belong to the vehicle found inside  
17 the vehicle.

18          Q     Okay. I'm going to show you a few pictures here.  
19 I'll start with this one. Showing you State's Exhibit 126.  
20 Do you recognize that photograph?

21          A     Yes. That was taken after the seals were broken  
22 during the execution of the search warrant. CSAs would have  
23 photographed the vehicle interior before anybody searched it.  
24 There's a satchel on the floorboard, and you can see that  
25 there is a cell phone in the center cupholder.



1           Q     Okay. Showing you State's Exhibit 128. Is this the  
2 cell phone you were referring to?

3           A     Yes, it is, along with a pistol magazine.

4           Q     Okay. And did you actually take possession of that  
5 cell phone?

6           A     Yes, I did.

7           Q     You mentioned there was a firearm found in the  
8 vehicle as well?

9           A     Yes.

10          Q     Showing you State's Exhibit 125. Do you recognize  
11 that photo?

12          A     Yes. That is the AK-47-style pistol that was found  
13 on the -- on the floorboard.

14          Q     And you indicated there was another license plate as  
15 well; is that correct?

16          A     That's correct.

17          Q     Showing you State's Exhibit 129. Do you recognize  
18 that photograph?

19          A     Yes. That was found in the trunk of the vehicle.

20          Q     And that is a Nevada plate; is that correct?

21          A     Yes.

22          Q     When you took possession of the cell phone, it was  
23 -- was it a smartphone?

24          A     Yes, it was.

25          Q     Did any messages light up on the phone? Were any

1 messages lit up?

2 A Not that I can recall as I sit here.

3 Q Now, the search warrants that you stated the  
4 detectives obtained, did you also obtain a search warrant for  
5 the suspect's DNA?

6 A Yes, we did.

7 Q And did you assist in the execution of that search  
8 warrant?

9 A Yes. I served that warrant to collect a DNA buccal  
10 swab from the defendant on -- I believe it was September 12th  
11 while he was in custody at Clark County Detention Center.

12 Q Okay. What is a buccal swab?

13 A A buccal swab, for lack of a better term, it's a --  
14 there's two Q-tips that we keep in a sealed package. We'll  
15 take the Q-tip and swab it on the inside of the person's mouth  
16 to obtain nucleated epithelial cells, or just that would be  
17 DNA cells. And then those would be sealed in a box, sealed in  
18 a DNA buccal swab kit, and then impounded and sent to our  
19 crime lab for further forensic comparison.

20 Q When you went and executed that search warrant by  
21 getting that buccal swab, did you impound that buccal swab?

22 A Yes, I did.

23 Q And did you impound that buccal swab with a specific  
24 and unique event number?

25 A Yes.

1 Q And was that Event Number 1809031848?

2 A That's correct.

3 Q And why did you impound it under that specific event  
4 number?

5 A All evidence would be impounded in the same event  
6 number for tracking purposes so we could account for  
7 everything as it went through the system for examination.

8 Q Okay. And is that event number what you would have  
9 impounded or what would have been used to impound other items  
10 of evidentiary value in this case?

11 A That is correct.

12 Q And are you aware -- or I'm sure you're aware that  
13 there was another event connected with this case?

14 A I would need to be refreshed on that one.

15 Q Sorry. An event that occurred in August?

16 A That I'm not sure about.

17 Q You don't know about? Okay.

18 Did you provide that phone that you took possession  
19 of to a Detective Jeff Clark?

20 A That is correct.

21 Q Okay. And would he have impounded that?

22 A Yes.

23 Q And you don't -- or do you know what event number he  
24 would have used to impound that phone under?

25 A No, I would not have. If he was working another

1 event -- I know Detective Clark works for our robbery section,  
2 and they would have been working a separate event other than  
3 our officer-involved shooting.

4 Q Now, you indicated you collected that buccal swab on  
5 September 12th of 2018; is that correct?

6 A That's correct.

7 Q Do you see the person in the courtroom here today  
8 that you took that buccal swab from?

9 A Yes, I do.

10 Q Can you please point to that person and describe an  
11 article of clothing they're wearing?

12 A He is behind -- he's blocked by the monitor;  
13 however, he's sitting to my left, in between the female in the  
14 yellow shirt and the male in the dark blue-black suit. I see  
15 just the top of his head.

16 Q Thank you.

17 MS. HEAP: May the record reflect identification of  
18 the defendant?

19 THE COURT: Yes.

20 MS. HEAP: Thank you.

21 BY MS. HEAP:

22 Q Now, sir, you indicated that during the execution of  
23 the search warrant, in that vehicle, there was a firearm  
24 recovered?

25 A That's correct.

1 Q And what type of firearm was that?

2 A It was a Zastava. I believe it was a M92 PV. It's  
3 an AK-47-style pistol, and it had a folding stock on it.

4 Q If I showed you a firearm, would you be able to  
5 identify that firearm today if you see it again?

6 A Yes, I would.

7 THE COURT: Which exhibit?

8 MS. HEAP: Exhibit -- is it 146?

9 THE CLERK: 146.

10 MS. HEAP: 146.

11 THE COURT: Okay, just trying to keep the record  
12 clean. Thank you.

13 (Pause in the proceedings.)

14 BY MS. HEAP:

15 Q Do you know what kind of ammunition or bullets --  
16 pretend I don't know a lot about guns -- what kind of  
17 projectiles this firearm would expel if shot?

18 A It would be a rifle cartridge, and a 7.62 by 39  
19 caliber would be the headstamp on it.

20 MS. HEAP: I should have thought this through  
21 better. It's quite large.

22 May I approach the witness?

23 THE COURT: Yes.

24 MS. HEAP: Thank you.

25 BY MS. HEAP:

1           Q     Sir, can you explain to -- before we do that, can  
2 you explain to the gentlemen -- the ladies and gentlemen of  
3 the jury what this white, large sticker is at the top of the  
4 exhibit?

5           A     For their viewing, this would be a evidence sticker  
6 on it. It has the event number on it, who impounded it, their  
7 initials and P number or personnel number, signature, and a  
8 description of the evidence. And then down at the bottom  
9 would be signatures from anyone who would be taking possession  
10 of the evidence, opening the box.

11          Q     And in this case, is it fair to say that the officer  
12 or CSA's P number is -- or name is K13574T?

13          A     That's correct.

14          Q     And is that a CSA that you work with?

15          A     Yeah, that would be a CSA.

16          Q     Okay. And were you present when this firearm was  
17 recovered?

18          A     Yes, I was.

19          Q     Let's just show the jury here. And you said -- can  
20 you just talk a little bit about the firearm; explain how it  
21 works and what it is?

22          A     This is a semiautomatic -- this would be considered  
23 a pistol in its configuration. However, it has been modified  
24 to make it a short-barrel rifle.

25                 In essence, with a folding stock on it, had -- this

1 makes it, by legal definition, a short-barrel rifle. A rifle  
2 would be anything a 16-inch barrel or over, which it should  
3 have. By having the fixed stock on it, you need to have a  
4 federal authorization to have it with a 10-inch barrel as it  
5 is in this configuration.

6 This is a magazine-fed, so there would be a magazine  
7 that would have been inserted into the weapon full of the  
8 bullets in it. Every time you pull the trigger, it would  
9 cycle, firing one shot for every single trigger pull.

10 As we found it, this folding -- this folding stock  
11 was not extended. It was collapsed, so it was a small,  
12 concealed -- more concealable aspect of it.

13 Q Can you close it?

14 MS. HEAP: And, Your Honor, permission to admit --  
15 or the State would move to admit Proposed Exhibit 146.

16 THE COURT: Mr. Trejo?

17 MR. TREJO: No opposition.

18 THE COURT: That'll be admitted without objection.

19 (State's Exhibit 146 is admitted.)

20 BY MS. HEAP:

21 Q And showing you State's Exhibit 134. You had  
22 indicated a portion of that was folded in, I guess?

23 A Yes. The stock on it, which you see extended as it  
24 is in this configuration, was folded underneath. And the  
25 magazine, as I described, which would hold the bullets, was

1 inserted in the bottom of the -- of the firearm.

2 MS. HEAP: I'll pass the witness, Your Honor.

3 THE COURT: Mr. Trejo?

4 CROSS-EXAMINATION

5 BY MR. TREJO:

6 Q Hi, Detective. I'm not going to take up too much of  
7 your time. I have a pretty basic question, actually.

8 When your department bags any sort of evidence, is  
9 it standard operating procedure to tag and put a timestamp on  
10 said evidence when it's seized in any criminal case?

11 A On the evidence stickers, it will show a time on  
12 there as the time that it was impounded. Since -- obviously,  
13 if we're referring to property from the vehicle, it would have  
14 been removed from the vehicle, photographed, documented, and  
15 then impounded later on in the day as we are continuing to  
16 work the investigation, so there would be different timestamps  
17 for different pieces of evidence.

18 Q So the timestamp is made when a specific piece of  
19 evidence is seized?

20 A It would be depending on who would be doing the  
21 impound. So it would be -- so, for some evidence, if I was  
22 impounding, I would write down the time that I took possession  
23 of that item.

24 However, there would be -- there's different  
25 standard procedures for when a CSI or a crime scene analyst



1 would be impounding stuff, and I'm not familiar with their  
2 standard operating procedures, as they have a separate policy  
3 manual.

4 Q All right. So, if you impound an item, do you  
5 timestamp the exact or approximate time you seized or  
6 collected that evidence?

7 A It would be depending on who would be impounding it.  
8 I personally would write down the time that I took possession  
9 of it.

10 If he's asking about a very specific piece of  
11 evidence, maybe he can clarify that so I can, you know,  
12 provide a more specific answer to him.

13 MR. TREJO: Requesting permission to access and  
14 publish State's Exhibit 50 through 58, if I'm not mistaken.

15 THE COURT: Those are already admitted, so, yeah. I  
16 don't know which ones those are, though.

17 THE CLERK: Ms. Heap had (indiscernible).

18 MS. HEAP: I have two.

19 THE COURT: You have some still?

20 MS. HEAP: I have two of them. I have 51 and 53, so  
21 the rest of them should be in the pile.

22 THE COURT: And she put -- and she put 51 and 53 on  
23 your table, Mr. Trejo.

24 (Pause in the proceedings.)

25 MR. TREJO: It was actually Exhibit 150 through 158.

1 My apologies to the Court.

2 THE COURT: Okay. And so which one is this one that  
3 you're showing now?

4 MR. TREJO: 150.

5 THE COURT: So Exhibit 150 is the photograph of the  
6 -- why can't I think of the word? It's the photograph of the  
7 -- tell me the word.

8 THE WITNESS: That would be the evidence impound  
9 sticker.

10 THE COURT: Okay. The evidence impound sticker for  
11 a Samsung Galaxy S9 cell phone.

12 THE WITNESS: That's correct.

13 BY MR. TREJO:

14 Q So, in this case, would that be the said tag for  
15 evidence you or personnel from your department would use,  
16 Detective?

17 A Yes. That would be the standard evidence sticker  
18 for a evidence envelope.

19 Q And is that your signature on the tag?

20 A No, it is not. I am not P Number J13952C. My  
21 signature would be B as in boy, 6042P. So I did not impound  
22 this cell phone or recover it.

23 Q Do you recognize that P number, Detective?

24 A That may be Detective Clark's P number, but I'm not  
25 familiar with that. That question might be better reserved

1 for Detective Clark if that is his personnel number for him to  
2 testify to.

3 MR. TREJO: Okay, that will be it. Thank you for  
4 your time. No further questions.

5 THE COURT: Thank you.

6 THE WITNESS: Thank you.

7 THE COURT: Ms. Heap, anything based on that?

8 MS. HEAP: Just briefly, Your Honor.

9 THE COURT: Sure.

10 REDIRECT EXAMINATION

11 BY MS. HEAP:

12 Q Just to be clear, this -- the impound sheet you were  
13 just shown, you did not impound that -- you did not impound  
14 it? You didn't sign that impound sheet, correct?

15 A That's correct. That would be another detective and  
16 who would have recovered that phone.

17 Q Okay. And the phone that you recovered, you gave to  
18 Detective Clark; is that correct?

19 A That's correct.

20 Q And you don't know how he impounded that phone; is  
21 that correct?

22 A That is correct.

23 Q Okay. So just looking at that sheet there doesn't  
24 give you a lot of information as to what phone that is; is  
25 that correct?

1           A     That's correct. I don't know if that would be the  
2 phone from the car or if there was another phone recovered  
3 elsewhere that I'm not aware of.

4           Q     Okay. So, for your testimony, though, the only  
5 phone that you recovered, you gave to Detective Clark?

6           A     That's correct.

7           MS. HEAP: Nothing further.

8           THE COURT: Anything based on that?

9           MR. TREJO: No further questions, Your Honor.

10          THE COURT: Thank you.

11          Questions from the jury? Yes. So we've got a  
12 question, so we'll just wait until you write it out.

13          Parties, approach.

14                         (Bench conference)

15          THE COURT: Question, "Was the weapon loaded with  
16 ammo?" I think that's --

17          MS. HEAP: It's fair.

18          THE COURT: -- a fair question to ask.

19          MR. SCHWARTZER: Yeah.

20          THE COURT: Okay.

21          MS. HEAP: It's fine.

22          MR. TREJO: (Indiscernible).

23          THE COURT: Thank you.

24                         (End of bench conference)

25          THE COURT: Detective, was the weapon loaded with

1 ammo?

2 THE WITNESS: The one found in the vehicle?

3 THE COURT: Yes.

4 THE WITNESS: Yes, it was.

5 THE COURT: Thank you.

6 Any further questions from the audience? I'm sorry,  
7 not the audience, the jury. Too many plays in my life. No  
8 further questions.

9 So, Detective, you are excused. Please do not  
10 discuss your testimony with anyone. Thank you.

11 THE WITNESS: Yes, Your Honor. Thank you.

12 MS. HEAP: And, Your Honor, at this time, while  
13 we're excusing this witness now, we do reserve the right to  
14 recall him. We may have a scheduling issue, and we may need  
15 to recall this witness.

16 THE COURT: Okay.

17 MR. SCHWARTZER: Next witness, Your Honor?

18 THE COURT: Yes.

19 MR. SCHWARTZER: State calls Detective Jeff Clark.

20 THE MARSHAL: All right, sir. And if you'll remain  
21 standing and face the clerk --

22 THE WITNESS: Absolutely.

23 THE MARSHAL: -- she's going to swear you in.

24 JEFFREY CLARK, STATE'S WITNESS, SWORN

25 THE CLERK: Can you please state and spell your name

1 for the record?

2 THE WITNESS: It's Jeffrey, J-e-f-f-r-e-y. Clark,  
3 C-l-a-r-k.

4 THE CLERK: Thank you. You can have a seat.

5 THE COURT: And proceed, Mr. Schwartzer.

6 MR. SCHWARTZER: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. SCHWARTZER:

9 Q Detective Clark, could you tell the ladies and  
10 gentlemen of the jury what you do for a living?

11 A I'm a commercial robbery detective with the Las  
12 Vegas Metropolitan Police Department. We also handle  
13 organized retail theft.

14 Q Now, when you say commercial robbery, what does that  
15 mean?

16 A So the difference between commercial robbery and  
17 street robberies, it's when a bank or a commercial business is  
18 robbed, not something where a citizen's robbed walking down  
19 the street.

20 Q That's fair. And you said you also handle organized  
21 retail theft?

22 A Correct.

23 Q And how long have you been a detective in the  
24 robbery bureau?

25 A Going on four years now.

1 Q And how long have you been in law enforcement?

2 A Almost 30 years.

3 Q Okay. How long have you been with LVMPD?

4 A Thirteen years.

5 Q So, before you were at LVMPD, you were working with  
6 a different agency?

7 A Yes.

8 Q Okay. Now, I want to direct your attention -- well,  
9 before I actually go into the August 4, 2018, can you actually  
10 explain to the ladies and gentlemen of the jury what happens  
11 during a commercial robbery investigation, like how do you get  
12 assigned it, responsibilities, and such?

13 A So the way that Metro handles it is that currently  
14 -- I'm sorry, the numbers change, but at that time, I believe  
15 we had 18 robbery detectives. You had two swing shift and one  
16 day shift.

17 And then each -- on each -- each squad, it's split  
18 up between area commands. And area commands here in Las  
19 Vegas, you know, there's a Northeast Area Command, Southeast  
20 Area Command. So, at the time of this robbery, I believe I  
21 had Spring Valley Area Command. It came out during my time to  
22 respond, so that's why it got assigned to me.

23 Q And what is Spring Valley Area Command?

24 A So Spring Valley Area Command is one of our -- I  
25 guess, if you look at it, if you look at it on TV or whatever,

1 it's a precinct. It's a geographical area, and all the  
2 officers from that area command handle calls in that  
3 geographical area.

4 Q So, generally, that would include the areas between  
5 Sahara and Charleston on Rainbow?

6 A Yes.

7 Q Okay. I'm assuming it's a lot broader than that.

8 A It's actually changed since this event, and it's  
9 changed a couple times, and I'm sure it'll change again with  
10 the growth of the city, so.

11 Q Sure. So, specifically, you were assigned to Spring  
12 Valley?

13 A Yes, that was one of my areas.

14 Q Okay. You had multiple areas?

15 A I believe at the time, I had two, and I couldn't  
16 tell you which they were, because they changed a few times as  
17 well.

18 Q Okay. And you currently are still on the robbery  
19 bureau; is that correct?

20 A Yes. I work day shift now.

21 Q Okay. So I want to direct your attention to August  
22 4th of 2018. Was there an attempt robbery that occurred at a  
23 SuperPawn at 1150 South Rainbow?

24 A Yes.

25 Q And I said attempt robbery, correct?



1 A Correct.

2 Q Okay. Now, do you investigate attempt robberies?

3 A Yes, we do.

4 Q Okay. And an attempt robbery, would that be when  
5 someone attempts to use force but is unable to acquire the  
6 property?

7 A Correct.

8 Q Okay. So, even though no property was actually  
9 taken, it's still Metro's job to investigate these type of  
10 crimes?

11 A Yes.

12 Q Okay. Specifically, do you know what I'm -- the  
13 event I just talked about at the SuperPawn at 1150 Rainbow,  
14 were you assigned to that?

15 A Yes, I was.

16 Q Okay. Did you go out to that scene that morning?

17 A Yes, I did.

18 Q Okay. How do you get that call? Like, how does  
19 that occur?

20 A I believe that was a Saturday, so at that time, we  
21 actually got called out from home. On Saturdays, there's no  
22 day-shift robbery section, so my squad at the time had the  
23 call-out criteria for that day.

24 Q Okay. I'm going to show you what's been marked as  
25 Exhibit --

1 MR. SCHWARTZER: And permission to publish admitted  
2 exhibits, Your Honor?

3 THE COURT: I'm sorry?

4 MR. SCHWARTZER: Permission to publish admitted  
5 exhibits?

6 THE COURT: Admitted. It -- yeah, sorry. It  
7 sounded like you said omitted, and I was like, what? So, yes,  
8 absolutely.

9 MR. SCHWARTZER: Thank you, Your Honor.

10 BY MR. SCHWARTZER:

11 Q Showing you Exhibit 148. This is a Google Map. Do  
12 you recognize this general area?

13 A Yes.

14 Q Okay. There's a little flag right here. Do you see  
15 that?

16 A Correct.

17 Q Is that the -- where the SuperPawn's located?

18 A It is.

19 Q So it's basically Rainbow and Charleston?

20 A Yes, it is.

21 Q So, if we go back, if there was map this way, this  
22 would be like -- it would lead to Oakey; is that correct?

23 A Correct.

24 Q Okay.

25 THE COURT: And just for the record, you're saying

1 -- you're saying "this way," and it looks like you're going to  
2 the bottom part of the -- which would be the bottom part of  
3 the exhibit, which -- was that north or south? Would that  
4 have been north or --

5 MR. SCHWARTZER: That would be --

6 THE WITNESS: That would be south, ma'am.

7 THE COURT: South.

8 BY MR. SCHWARTZER:

9 Q So, south -- the bottom of this exhibit would be  
10 south?

11 A Yes.

12 Q Okay. And then, showing you Exhibit 1, Exhibit 2,  
13 and Exhibit 3, are these all that same SuperPawn?

14 A Yes, they are.

15 Q Okay. When you go out to -- how does your  
16 investigation start when you go out to that scene? Like,  
17 what's the first thing you do when you get there?

18 A First thing we do is get a briefing from the patrol  
19 officer. They will give an initial briefing, do initial  
20 investigation. They'll tell us who our victims are, whether  
21 or not there may be video, possible suspect description.

22 And then, as a squad, whoever shows up will split up  
23 job duties. One person will interview the suspects. One  
24 person, if there's numerous -- I'm sorry. Yes, interview the  
25 suspects if they're on scene. Some will interview the

1 witnesses, and depending on how many witnesses, that may take  
2 several detectives. And then another detective would go and  
3 look for video in the area.

4 Q Okay. In this case, was there any suspect at the  
5 scene?

6 A No.

7 Q Okay. Were there witnesses?

8 A There were.

9 Q Were the witnesses interviewed?

10 A Yes.

11 Q And did you get like a brief recounting of what  
12 occurred?

13 A Yes, we did.

14 Q And what was that brief recounting?

15 A That they had showed up for work that day, and upon  
16 trying to unlock the business, they were approached by  
17 suspects with firearms. And they got scared, jumped into a  
18 car, and took off.

19 Q Okay. And anything about them taking off? Were  
20 they -- about the car or anything like that? Did you get like  
21 a car description?

22 A They did give description of the suspect vehicle.

23 Q Okay.

24 A And when I said take off, I apologize, that was the  
25 victims that took off, and the suspect followed soon

1 thereafter.

2 Q According to the witnesses?

3 A Correct.

4 Q Okay. Now, did you attempt to find -- look at video  
5 from that SuperPawn?

6 A We did.

7 Q Was there any video that showed anything in that  
8 SuperPawn?

9 A There was nothing.

10 Q Okay. So the area of the SuperPawn -- and I just  
11 put it away. The area of that SuperPawn that you were looking  
12 at specifically was what area? Showing you exhibit --

13 A So we -- we looked for video through the entirety,  
14 but these are the front doors here, and you can see the  
15 reflections of the vehicles. You'll see --

16 MR. SCHWARTZER: May I approach, Your Honor?

17 THE COURT: Yes.

18 BY MR. SCHWARTZER:

19 Q So, Detective, got a mouse right here.

20 A Oh, okay.

21 Q And then you can actually draw, and you click on  
22 that pen right there if that helps in any way.

23 A So what you can see here is you can see reflections  
24 in the windows and in the doors, and up here is a roll-up  
25 door. So --

1 Q You have to click the mouse if you want to draw.

2 A Right here, you can see the actual roll-up door.  
3 Here, you can see a lock. That door -- when business is not  
4 in, when they're not open, that door will be down and it'll be  
5 locked. Obviously, a pawn store has jewelry, it has a lot of  
6 things of high value, so people will try to burglarize it  
7 during their off hours and steal the property to turn around  
8 and sell for money.

9 THE COURT: And, Mr. Schwartzer, I'm just going to  
10 make a record of --

11 MR. SCHWARTZER: Sure.

12 THE COURT: -- what he drew. So the line across the  
13 top is above the door saying, "Welcome to SuperPawn," and it  
14 goes from about the -- one-third of the way from the right --  
15 from the left of the photo to -- almost to the very right of  
16 the photo.

17 And then he drew a circle around what appears to be  
18 a lock, and it is about midway from top to bottom of the  
19 photo, and it is between the smaller yellow pillars, Pillar  
20 Number 1 to the far left of the photo, and Pillar Number 2,  
21 which I will say is in the middle of the photo.

22 Is that a fair description?

23 MR. SCHWARTZER: Yes, Your Honor.

24 THE COURT: Okay.

25 MR. SCHWARTZER: May I move on?

1 THE COURT: Yes.

2 MR. SCHWARTZER: All right.

3 BY MR. SCHWARTZER:

4 Q So is there any video -- from your viewing the video  
5 coverage, is there any video from that area right there where  
6 we're looking at?

7 A Nothing that shows the incident, no.

8 Q Okay. Now, where did the suspects come from? What  
9 side of the building?

10 A So it's actually going to be when you showed me the  
11 larger picture. So it'll be all the way to the right of this  
12 picture, which would be the south side of that.

13 Q Okay. Can you hit that garbage can right there?  
14 Thank you.

15 So I'm going to show you now Exhibit 2. Does this  
16 help kind of show where the suspects allegedly came from?

17 A Yes, it does. It would be more towards -- let me  
18 hit this thing again. More towards where this officer's  
19 standing here --

20 Q Okay.

21 A -- over on this side of the building.

22 Q Is there any video coverage in that area in that  
23 parking lot?

24 A Nothing that I remember seeing, no.

25 Q Okay. So the --

1 THE COURT: And just for the record, he is pointing  
2 to -- or he circled an officer who is on the far right of the  
3 Exhibit Number -- which one was that, Mr. --

4 MR. SCHWARTZER: It's Exhibit 2, Your Honor.

5 THE COURT: Exhibit 2. And it is an officer -- he  
6 appears to be the only person in the photograph next to a  
7 Metro SUV.

8 THE WITNESS: And if I can clarify a little bit for  
9 you guys. The car was parked behind where that officer is,  
10 more towards that wall there.

11 MR. SCHWARTZER: Okay.

12 BY MR. SCHWARTZER:

13 Q Now, where were the victims parked?

14 A The victims were parked more -- we'll go all the way  
15 to the left side of the picture where this Jeep is now.

16 Q Okay.

17 A So somewhere in this area to the far left, and it  
18 may have been even farther out. Not being there, I can't see  
19 the exact direction.

20 Q Let me show you a different picture to help.  
21 Showing you Exhibit 1.

22 A Yeah. So a little bit better would be somewhere in  
23 this area here where this vehicle's parked.

24 THE COURT: And the vehicle you're describing --

25 THE WITNESS: Yeah, I'll circle it, ma'am. I



1 apologize.

2 THE COURT: Yeah.

3 THE WITNESS: So, here.

4 THE COURT: And this is to the far left of the  
5 photograph, Exhibit Number -- that was 3, I think, Mr.  
6 Schwartz?

7 MR. SCHWARTZER: It's 1, Your Honor.

8 THE COURT: That's Number 1. And it is a dark gray  
9 or black sedan that is fully shown. And the one -- it's close  
10 to another vehicle that's only partially shown, and another  
11 vehicle that the back of it is partially shown, and it is the  
12 closest to the Jeep that is in the center of the photo.

13 MR. SCHWARTZER: I think that's a very detailed  
14 description, Your Honor. Thank you.

15 THE WITNESS: And I'm showing that as an example of  
16 where the vehicle was. I can't tell you. I don't recall if  
17 that's the exact vehicle. And obviously, this would be after  
18 the victims left and returned.

19 BY MR. SCHWARTZER:

20 Q And that's actually what I want to bring up is the  
21 -- that's the general area you would look for for the victims'  
22 vehicles, correct?

23 A Correct.

24 Q Now, was there any video surveillance of that area?

25 A No, I don't believe so.

1 Q Okay. So --

2 A And that was our big problem in this.

3 Q Okay. So you're left with a -- it's this robbery  
4 with firearms -- or attempt robbery with firearms that  
5 occurred, but in the areas that are important, there was no  
6 video surveillance captured?

7 A Correct.

8 Q Okay. Now, the witnesses were -- victims were  
9 talked to, correct?

10 A Yes.

11 Q And there were about three of them?

12 A I believe so, yes.

13 Q Okay. And you received that information?

14 A Yes, we did.

15 Q Is part of that information -- and you kind of  
16 touched upon it, but some of that information is that they  
17 drove away, correct?

18 A They fled the scene, yes.

19 Q And they gave -- did they give you an idea of like  
20 their path of flight?

21 A They went eastbound on Charleston, at which time  
22 they believe that the suspects followed them. So they were  
23 driving somewhat erratically, stopping and turning, trying to  
24 lose the suspect.

25 Q But specifically what I want to get at there, and I

1 appreciate that for the context, is did you look for video  
2 surveillance for -- from the areas that the victims told you  
3 about?

4 A Yes, I did.

5 Q Okay. Were you able to find anything that you were  
6 actually able to recover?

7 A I was able to recover a still photograph.

8 Q Okay. You weren't -- were you able to recover any  
9 actual video surveillance?

10 A No, we weren't.

11 Q Now, that still photograph, that came from video  
12 surveillance; is that correct?

13 A Correct.

14 Q And it came from like a business on Charleston?

15 A Yes.

16 Q Okay. Was -- why couldn't you get that video  
17 surveillance?

18 A There was no one that knew how to work it. There  
19 was no way -- some of these surveillance systems, and I  
20 believe this is one of them, I've had this problem a few  
21 times, is where the mouse to control the surveillance system  
22 is, where that plugs in, that's also where you download onto a  
23 USB to get that video. And then, by the time we could get  
24 someone out there to do it, it overwrites itself. So it was  
25 overwritten, and we were unable to get it.

1 Q Okay. So you were able to take a still shot of the  
2 suspect's car but not actually get any video?

3 A Correct.

4 Q Okay. So, at the end of the day on August 4th of  
5 2018, there was no video that you were able to acquire  
6 regarding this attempt robbery?

7 A Correct.

8 Q Okay. Did you get a description of the suspects?

9 A Yes, we did.

10 Q Okay. What were the description of the suspects?

11 A If I remember right, they didn't have a good  
12 description of the second suspect. First suspect was in a  
13 leather jacket and a motorcycle helmet.

14 Q Okay. Any identifying details like tattoos, or hair  
15 color, or anything that you could use in order to, like, find  
16 the suspect?

17 A No.

18 Q Okay. So, at the end of the day, what you have is  
19 you have this attempt robbery with firearms, this chase,  
20 correct?

21 A Correct.

22 Q But you don't have really much to go on regarding  
23 suspects?

24 A Correct.

25 Q Okay. But you have -- you have a detail about how

1 the attempt robbery occurred?

2 A Yes.

3 Q Okay. Like where the vehicle was parked?

4 A Yes.

5 Q The suspect's vehicle?

6 A Correct.

7 Q How the suspect approached the individuals?

8 A Correct.

9 Q And how the suspect attempted to get away or did get  
10 away?

11 A Yes.

12 Q Okay. So, by September 3rd of 2018, did you have a  
13 -- you know, before September 3rd of 2018, did you have any  
14 suspects at that time?

15 A No.

16 Q Okay. Now, anything that's recovered in your case  
17 would be under a -- we've already heard about event numbers;  
18 is that correct?

19 A Yes.

20 Q And you would have a specific event number for this  
21 attempt robbery?

22 A Yes, I would.

23 Q Okay. And that event number, we've heard it before,  
24 but that would be 1808041158?

25 A Correct.

1           Q     Okay. Now I want to fast-forward to September 3rd  
2 of 2018. Did something occur at that same SuperPawn?

3           A     There was a robbery with deadly weapon, which also  
4 involved a kidnapping and an officer-involved shooting.

5           Q     Okay. Did you get a detail of the suspect?

6           A     Yes.

7           Q     And what the suspect was wearing?

8           A     Yes.

9           Q     And did that create any interest for you?

10          A     Yes. Obviously, working with so few number of  
11 detectives, we discuss our cases. And actually, when I got  
12 the call about this one, they said, hey, this is going to be  
13 your guy from the last time.

14          Q     Okay. And why would you think that?

15          A     The way he was dressed, where he parked, weapons,  
16 things like that.

17          Q     Okay. So those things -- those things matched?

18          A     Yes.

19          Q     Okay. And was there a suspect taken in custody on  
20 September 3rd, 2018, regarding a robbery that occurred on  
21 September 3rd of 2018?

22          A     Yes.

23          Q     And what was that individual's name?

24          A     That's Mario Trejo.

25          Q     Okay. Now, on September 3rd, 2018, was there a

1 search warrant executed on a vehicle parked in that -- by that  
2 brick wall that we can see in Exhibit 1?

3 A Yes.

4 Q Okay. Was that search warrant executed by FIT  
5 detectives and crime scene analysts?

6 A Yes.

7 Q Is one of those FIT detectives a Detective Blake  
8 Penny?

9 A Yes.

10 Q Did you just see Detective Blake Penny leave this  
11 courtroom?

12 A I did.

13 Q Okay. During -- did Detective Penny after that  
14 search provide you with anything as a result of his search?

15 A The cell phone.

16 Q Okay. A cell phone --

17 A Suspect's cell phone.

18 Q A cell phone?

19 A Yes.

20 Q A cell phone recovered from where?

21 A From the suspect vehicle.

22 Q Okay. What did you do with that cell phone?

23 A It was impounded, and then, later on, it was -- a  
24 search warrant -- I prepared a search warrant to search the  
25 contents of that phone.

1 Q Okay. Specifically, I'm going to go show you  
2 Exhibit 150 here. Do you recognize what's in 150?

3 A Yes. That's the evidence sticker on the evidence  
4 package that would have contained that cell phone.

5 Q Okay. Now, we already went through with Detective  
6 Barry Jones a little bit of what all this means, but  
7 specifically, is this your event number from the August 4th  
8 robbery?

9 A That is.

10 Q Okay, so everything you just previously testified  
11 about?

12 A Yes.

13 Q Okay. And then you have a date of possession; is  
14 that correct?

15 A Yes.

16 Q And what date is that?

17 A 9/3 of 2018.

18 Q And then you have a time of possession. What is  
19 that?

20 A 1400. So that's not the time that I would have  
21 impounded. That's the time that Metro took possession, that  
22 Mr. Trejo no longer has possession of that.

23 Q Can you explain that to me?

24 A So, with this one obviously being a very volatile  
25 scene, being an officer-involved shooting, there's a lot more



1 investigation. Any shooting has a lot more investigation than  
2 just a plain robbery. Only certain people are allowed into  
3 that scene. Only certain people have access to things there.

4           So we have possession of it, nobody else has  
5 possession of it, but it doesn't mean that we've taken that  
6 and put it in our evidence locker yet. There's other times  
7 that I've taken things into possession, and then I put it into  
8 a secure locker, and then sometimes the evidence techs don't  
9 pick it up out of the secure locker until a couple days later.  
10 So it's not technically impounded completely for a few days.

11           Q     Okay. So, when we have 1400, which is 2:00 p.m.  
12 layperson speak, correct?

13           A     Correct.

14           Q     You're talking about the time that Metro made that  
15 scene static?

16           A     Correct.

17           Q     As in, like, no one can go in, no one can go out?

18           A     Correct.

19           Q     You didn't physically have possession of the phone  
20 at 2:00 o'clock?

21           A     No, I did not.

22           Q     Okay. You had physical possession of the phone that  
23 day?

24           A     I believe it was either later that day or the next  
25 day.

1           Q     Okay. But, again, you got it directly from  
2 Detective Penny?

3           A     Yes.

4           Q     Okay. Once you got this phone, the Samsung Galaxy  
5 S9 -- that's an accurate description, I imagine?

6           A     Correct.

7           Q     And that's -- again, I'm referring to Exhibit 150.  
8                 Once you physically got the phone, do you do  
9 anything to it?

10          A     When we take a suspect's phone, we put it into  
11 airplane mode. And the reason we do that is some of your cell  
12 phones can be remote-accessed, which means if someone stole  
13 your phone, and you've got your checking account on there or  
14 some credit cards, you want to be able to remote access that  
15 phone to erase all that, so that suspect or whoever has your  
16 phone that you don't want to have it, you want to get rid of  
17 that.

18                 So it's a safety measure for all of us, but it also  
19 can be used by suspects to erase their tracks. So, to avoid  
20 that, we put it into airplane mode before we impound it so  
21 that it can't be remote-accessed.

22          Q     Okay. And you put it into a sealed envelope?

23          A     Yes.

24          Q     And the sealed envelope, you seal it with tape?

25          A     Correct.

1 Q And that ensures that it -- you know, it stays in --  
2 we know who has access to it?

3 A Yes.

4 Q Okay. So showing you Exhibit 152. Is this the  
5 actual device next to that envelope?

6 A Yes, I believe so.

7 Q Okay. And actually, what I want to show you is 151.  
8 That's the back of that envelope?

9 A Excuse me. Yes, it is.

10 Q Okay. What are we seeing here?

11 A You're seeing that it says 9/7 of '18, so that's  
12 when that was sealed.

13 Q Okay. So you had possession of it at some point,  
14 either the day before or the day after, and you sealed it on  
15 September 7th of 2018?

16 A Correct.

17 Q Okay. How do we know -- how do we know it's you  
18 that sealed it?

19 A My initials and P number. So each Metro officer has  
20 a P number. That would be, in other areas, a badge number.  
21 So 13952 is my P number or badge number, and then my  
22 initials on the outside of it.

23 Q Okay. Now, eventually, you did a search warrant to  
24 get the contents of the phone?

25 A Correct.

1 Q And during the search warrant, you wrote details  
2 about your crime and the crime that occurred on September 3rd,  
3 2018 into it?

4 A Correct.

5 Q And that was eventually granted?

6 A Yes, it was.

7 Q And to be clear, that search warrant wasn't done  
8 till 2021?

9 A No, unfortunately, it was not.

10 Q Okay. And then you -- and then, after you got that  
11 search warrant, it went to DFL, and DFL did what they do?

12 A Did their job, yes.

13 Q Okay. And that's specifically with Detective Barry  
14 Jones?

15 A Yes.

16 Q Okay. Now, during the investigation -- so now what  
17 we -- so we're at the point now where you get this phone from  
18 Detective Penny. You're investigating your robbery on August  
19 4th of 2018; is that correct?

20 A Correct.

21 Q Okay. While you have things that are similar to  
22 your attempt robbery and the September 3rd robbery, do you --  
23 are you attempting to find more discovery -- or more evidence?  
24 Excuse me.

25 A Yes.

1           Q     Okay. Is one of the things you do talk to Mr.  
2 Trejo?

3           A     I did.

4           Q     Where did you go talk to -- well, when -- do you  
5 recall when you went to talk to Mr. Trejo?

6           A     It was a few days later. Obviously, there was a  
7 traumatic experience during that. I'm not sure what the  
8 medical -- what happened medically, but I know that if  
9 anyone's going to the hospital, especially with gunshot  
10 wounds, they're not going to be coherent the first day.  
11 They're not going to be coherent the second day. So I waited  
12 a few days before I went to speak with him.

13          Q     Okay. And now, you don't know the exact date,  
14 you're saying, off the top of your head?

15          A     Not off the top of my head, no.

16          Q     Okay. If I showed you a portion of your statement,  
17 would that help refresh your memory regarding it?

18          A     Absolutely.

19          Q     Okay.

20               MR. SCHWARTZER: Your Honor, I'm approaching with  
21 the statement of Mr. Trejo taken by Jeff Clark.

22               THE COURT: Thank you.

23 BY MR. SCHWARTZER:

24          Q     Show you the first page of that.

25          A     Thursday, September 6th.

1 Q Okay. So that would be three days later?

2 A Correct.

3 Q Okay. And Mr. Trejo was -- where was Mr. Trejo?

4 A I believe -- it's not the ICU. They call it  
5 something else, but he was still in the hospital.

6 Q Okay. And do you recall what hospital?

7 A UMC.

8 Q Okay. And did you check with doctors or anything  
9 like that to see if he was able to talk to you?

10 A Obviously, he was under more care than just the  
11 average patient, so there were nurses in and out. And before  
12 I went in, I asked the nurse because I'm not going to speak to  
13 someone who's not coherent or anything like that. So I asked  
14 her, is he okay to talk? Is he -- and she said that she  
15 thought it was fine.

16 Q Okay. And when you go and talk to a suspect, do you  
17 bring anything with you?

18 A A voice recorder.

19 Q Okay. And did you bring anyone with you -- did you  
20 bring that voice recorder with you on September 6th of 2018?

21 A I did.

22 Q And was there anyone with you when you went to go  
23 speak with Mr. Trejo?

24 A Detective Rafferty.

25 Q Okay. Do you see that individual you spoke to on

1 September 6th of 2018 here in the courtroom today?

2 A I do. He's sitting on the other side here.

3 Q Can you point to him and identify a piece of his  
4 clothing?

5 A The gentleman in the middle with the black shirt on.

6 MR. SCHWARTZER: Let the record reflect  
7 identification of the defendant, Your Honor?

8 THE COURT: It will.

9 MR. SCHWARTZER: Thank you.

10 BY MR. SCHWARTZER:

11 Q Now, before you get into speaking to Mr. Trejo, the  
12 defendant, did you read him anything?

13 A I did. I read him his Miranda rights.

14 Q Okay. Do you read Miranda rights either from a card  
15 or by memory?

16 A It all depends. Mostly by memory. Again, I've been  
17 doing this for a long time, but when it becomes a juvenile,  
18 then I read it by the card because there's a bunch of extra in  
19 there.

20 Q But in this case, do you believe you read by memory?

21 A That was by memory.

22 Q Okay. Now, before you read Miranda, do you put the  
23 recording on?

24 A I did.

25 Q Okay. And does Mr. Trejo understand that there's a

1 recording going on?

2 A Yes. I actually asked him twice if he understood  
3 that it was being recorded.

4 Q Okay.

5 MR. SCHWARTZER: Your Honor, permission to publish  
6 September -- Exhibit 7 for the purposes of laying foundation?

7 THE COURT: Yes.

8 BY MR. SCHWARTZER:

9 Q Now, Detective, while this is connecting to the  
10 Court's Wi-Fi here, did you also -- and we'll get back to that  
11 statement. But as a result of that statement, did you also do  
12 a search warrant as well?

13 A I did.

14 Q And was that search warrant at a specific residence?

15 A It was Mr. Trejo's residence.

16 Q Okay. And specifically, that was done on September  
17 7th of 2018?

18 A Yes.

19 Q Okay. All right, so we're looking at Exhibit 7. Do  
20 you see the file -- the file name?

21 A Yes.

22 Q Do you recognize the file name?

23 A I do. So 1808041158 is going to be the event  
24 number, Mr. Trejo's name, VS is for voluntary statement, and  
25 JC is my initials. That's how the person who types out this



1 transcription knows who it belongs to.

2 Q In fact, you're the individual that provided this  
3 audio to the district attorney's office?

4 A Yes, I did.

5 Q Okay.

6 A It's going to be loud.

7 (Audio is played.)

8 BY MR. SCHWARTZER:

9 Q Recognize that voice?

10 A Yeah, it's me.

11 (Audio is played.)

12 MR. SCHWARTZER: Okay.

13 BY MR. SCHWARTZER:

14 Q This says -- in that recording, you say who you're  
15 doing a recorded interview of, correct?

16 A Correct.

17 Q And that was Mr. Trejo?

18 A Yes.

19 Q And did you only do one interview with Mr. Trejo?

20 A Yes.

21 Q Okay. So is this a -- so is this a copy -- a true  
22 and accurate copy of your statement taken from Mr. Trejo?

23 A Yes, it is.

24 MR. SCHWARTZER: Move for admission of Exhibit 7,  
25 Your Honor.

1 THE COURT: Mr. Trejo?

2 MR. TREJO: No opposition.

3 THE COURT: So that'll be admitted.

4 (State's Exhibit 7 is admitted.)

5 MR. SCHWARTZER: Okay. Your Honor, at this point,  
6 I'm going to publish Exhibit 7 in its entirety.

7 THE COURT: Yes.

8 MR. SCHWARTZER: Ladies and gentlemen, is that too  
9 loud, or was that okay?

10 UNIDENTIFIED SPEAKER: I'm okay.

11 MR. SCHWARTZER: Okay.

12 (Audio is played.)

13 MR. SCHWARTZER: I'm going to stop right there.

14 BY MR. SCHWARTZER:

15 Q You asked him to say yes or no. Why do you say  
16 that?

17 A Because it's going to be a transcription.  
18 Obviously, the person transcribing can't see what's going on  
19 because it's an audio recording. So I need a verbal yes or  
20 no, number one, so that I know that I understood and it wasn't  
21 just a sneeze or a head nod for some reason. It helps the  
22 transcriber as well.

23 Q Thank you.

24 (Audio is played.)

25 BY MR. SCHWARTZER:

1 Q Who was that other voice?

2 A I think that was Detective Rafferty.

3 Q Okay. So that's you; your partner?

4 A Yes.

5 Q So, occasionally, we heard another voice, a female  
6 voice. That was a nurse?

7 A That was one of the nurses, yes.

8 Q Okay. So you have the nurse, you have you,  
9 Detective Rafferty, and Mr. Trejo?

10 A There's also a CO in the room.

11 Q Okay, because at that point, Mr. Trejo was under  
12 arrest for the September 3rd robbery?

13 A Correct.

14 Q Okay.

15 (Audio is played.)

16 BY MR. SCHWARTZER:

17 Q All right, Detective, and that's the full statement  
18 you got from Mr. Trejo?

19 A Yes.

20 Q Okay.

21 THE COURT: Mr. Schwartz, I'm sorry.

22 MR. SCHWARTZER: Oh.

23 THE COURT: We have to take a break.

24 MR. SCHWARTZER: Of course, Your Honor.

25 THE COURT: During the recess, you're admonished not

1 to talk or converse amongst yourselves or with anyone else on  
2 any subject connected with this trial, or read, or watch,  
3 listen to any report of or commentary on the trial of any  
4 person connected with this trial, by any medium of  
5 information, including, without limitation, newspaper,  
6 television, the internet, or radio, or form or express any  
7 opinion on any subject connected with this trial until the  
8 case is finally submitted to you.

9 We will be out until 3:05. Thank you.

10 (Outside the presence of the jurors)

11 (Pause in the proceedings.)

12 THE COURT: Alex, do you need to talk to him real  
13 quick or anything? Okay. Can we bring him in?

14 (Pause in the proceedings.)

15 THE COURT: Anything outside the presence?

16 MR. SCHWARTZER: Not from the State, Your Honor.

17 MR. TREJO: Not from the defense.

18 THE COURT: Okay, thank you. So we can bring the  
19 jury in.

20 (Pause in the proceedings.)

21 (In the presence of the jurors)

22 THE COURT: Will the parties stipulate to the  
23 presence of the jury?

24 MR. SCHWARTZER: State does, Your Honor.

25 MR. TREJO: The defense does.

1 THE COURT: Okay, thank you.

2 Continue, Mr. Schwartzer.

3 THE CLERK: I think there's one missing.

4 MS. HEAP: There's one missing.

5 THE COURT: Wait. Yeah, there is one missing.

6 MR. SCHWARTZER: Oh, yeah, we're missing 15.

7 THE COURT: Now will the parties stipulate to the  
8 presence of the jury?

9 MR. SCHWARTZER: Yes, Your Honor.

10 MR. TREJO: Yes, Your Honor.

11 THE COURT: Okay, thank you.

12 Go ahead, Mr. Schwartzer.

13 BY MR. SCHWARTZER:

14 Q Detective?

15 A Sir.

16 Q All right. So we just spent the last 25 minutes  
17 listening to the voluntary statement you took from Mr. Trejo?

18 A Yes.

19 Q After reading him Miranda rights?

20 A Yes.

21 Q Just a couple of things I want to talk about  
22 regarding the interview itself. How many -- and I know I'm  
23 surprising you with this. How many interviews have you done  
24 with suspects in the course of your career?

25 A Oh, God. Again, it's been over almost 30 years.

1 It's hundreds.

2 Q Okay. And people end up talking to you a lot?

3 A Yes.

4 Q Okay. During the time -- and you've gotten  
5 confessions in other cases as well, right?

6 A Yes.

7 Q Okay. So you've had hundreds of statements from  
8 defendants or suspects?

9 A Yes.

10 Q And you've gotten confessions before?

11 A Yes.

12 Q Is it rare for -- I guess I won't say rare. Is it  
13 -- do -- a lot of these times, do people minimize their roles?

14 A Yes, people try to minimize their roles.

15 Q Okay. Even if they're confessing to you, will they  
16 minimize some of the actions they took?

17 A Absolutely.

18 Q Okay. So that's not something that's rare in your  
19 field?

20 A Not at all.

21 Q Okay. Additionally, you mentioned at some point  
22 during the statement, and I don't know if the jury picked it  
23 up, that you saw the video, right?

24 A Correct.

25 Q And you previously told us that there was no video,

1 right?

2 A Correct.

3 Q Okay. So why do you say you saw a video? What's --  
4 what are you trying to do there?

5 A Because I actually did. I saw the video at the  
6 Chevron of the vehicle pulling through.

7 Q Okay.

8 A If you remember, that was after I asked him to  
9 describe the vehicle for me.

10 Q Okay. So, but to be clear, you didn't have any  
11 video in evidence?

12 A No.

13 Q You just saw a video of a vehicle?

14 A Correct.

15 Q Is one of the things that you do as a detective is  
16 sometimes, I don't want to say fib, but slightly overemphasize  
17 the evidence you may have?

18 A At times.

19 Q Trying to get a statement from an individual?

20 A Correct.

21 Q Okay. Now, you didn't give him the color of the  
22 car, right?

23 A No.

24 Q And why don't you give him the color of the car?

25 A I want to see if what he's telling me is sincere, if

1 he's lying, if he's trying to cover for someone else. I want  
2 to see if he's going to follow along with what I know to be  
3 the events.

4 Q Because you want to make sure you got the right  
5 person?

6 A Correct.

7 Q Okay. So details only someone who was involved in  
8 the crime would know?

9 A Correct.

10 Q And he was able to provide you with those details?

11 A Yes, he was.

12 Q Okay. And there was a couple -- because there was a  
13 -- I mean, as the jury heard, there was a lot of beeping and  
14 loud noises during your statement, I just want to cover a  
15 couple of things real quickly. Specifically, I want to refer  
16 to your investigation, your August 4, 2018 robbery.

17 A Yes.

18 Q Did the defendant admit to being with another  
19 individual?

20 A Yes, he did.

21 Q Did he admit that other individual was there to help  
22 him with the robbery?

23 A Yes, he did.

24 Q Did he, in fact, say that he was -- he encouraged  
25 the individual to be with him?



1           A     Yes, he did.

2           Q     Okay. Do you remember exactly what he said about  
3 getting the individual there?

4           A     He said he kind of -- I can't remember the word he  
5 used, but he kind of pushed him into helping him out because  
6 he was desperate.

7           Q     A guilt trip?

8           A     Yes.

9           Q     Okay. Additionally, did -- did he talk about the  
10 weapons that they had on August 4th of 2018?

11          A     Yes, he did.

12          Q     Okay. Specifically, what weapon did he say he had  
13 in his possession?

14          A     The shotgun, I believe. Or was it the Kel-Tec? I  
15 think he gave the friend that Kel-Tec if I remember correctly.

16          Q     Do you not recall?

17          A     I don't recall.

18          Q     Okay. Would it help --

19          A     I'm sorry.

20          Q     -- look at your statement? Okay. So I'm going to  
21 refer to page 6 of your statement.

22               MR. SCHWARTZER: May I approach, Your Honor?

23               THE COURT: Yes.

24 BY MR. SCHWARTZER:

25          Q     I would ask you to read the bottom of page 6 into

1 page 7, Detective. Let me know when you're done.

2 A Okay. I apologize for that. Yeah, there's too many  
3 guns going around in that conversation.

4 Q I understand. Did that help refresh your memory  
5 regarding what firearms he said he possessed?

6 A Yes.

7 Q What firearm did he say he possessed on August 4th  
8 of 2000 --

9 A He said that he had the AK.

10 Q Okay. Do you recall what he -- now, after reviewing  
11 that statement, does it refresh your memory regarding what he  
12 said his friend -- what weapon his friend had in possession?

13 A The Kel-Tec.

14 Q Okay. Do you recall what kind of vehicle he said  
15 they used?

16 A It was a black or dark blue in color Acura.

17 Q Okay. Now, when he talked about the September 3rd  
18 robbery, did he mention that he happened to know the MOD,  
19 right? Do you recall that part of the statement?

20 A Yes, I do.

21 Q What -- do you recall what a -- do you know what a  
22 MOD is?

23 A It took me a little while to figure out, but it's  
24 manager on duty.

25 Q Okay. Specifically, did he say whether this MOD was

1 involved with him or not?

2 A He said that he knew her from high school.

3 Q Okay. But the fact that she was there during the  
4 robbery, he said that was a coincidence?

5 A Correct.

6 Q Okay. And finally, at the end of that statement,  
7 did you ask him to do something?

8 A That was Detective Rafferty.

9 Q Detective Rafferty asked him to do something?

10 A Yeah, asked him if he wanted to apologize to the  
11 victims, if he would want to write a letter.

12 Q Did he, in fact, write a letter?

13 A He did.

14 Q Did you see him write that letter?

15 A I did.

16 Q Okay. If I showed you it, would you be able to  
17 authenticate it?

18 A Yes.

19 Q Okay.

20 MR. SCHWARTZER: May I approach, Your Honor?

21 THE COURT: Yes.

22 BY MR. SCHWARTZER:

23 Q Showing you what's State's Proposed Exhibit 158, let  
24 me know if you recognize that document.

25 A That's a copy of the letter that was written.

1           Q     Okay. This is a true and accurate copy of that  
2 letter?

3           A     Correct, it is.

4           Q     Okay.

5           MR. SCHWARTZER: Move for admission of Exhibit 158.

6           THE COURT: Mr. Trejo, any objection?

7           MR. TREJO: No objections.

8           THE COURT: It'll be admitted.

9                     (State's Exhibit 158 is admitted.)

10          MR. SCHWARTZER: Permission to publish, Your Honor?

11          THE COURT: Yes, and you said that was Number 158?

12          MR. SCHWARTZER: Correct, Your Honor.

13          THE COURT: Thank you.

14 BY MR. SCHWARTZER:

15          Q     So this is something that Mr. Trejo wrote by his own  
16 volition?

17          A     Yes.

18          Q     By his own hand?

19          A     Yes.

20          Q     Now, this right here on the left, is that from Mr.  
21 Trejo, or is that from yourself?

22          A     That is my handwriting. That is my event number as  
23 well as the second event number.

24          Q     Thank you. Now, the rest of the document, is that  
25 all Mr. Trejo's handwriting?

1           A     Absolutely.

2           Q     Okay. I'm going to have you read this into the  
3 record, okay?

4           A     Yes, sir.

5           Q     All right.

6           A     "To all the people I have hurt physically, mentally,  
7 or emotionally, I have no excuse or right to do what I did.  
8 I'm sorry for putting y'all through this mess. I want to  
9 express the remorse that I have, not because I was shot, but  
10 because I realize the damage I have left behind. I hope one  
11 day I get the chance to apologize face-to-face for my  
12 wrongdoing.

13                    "As for Adriane, I'm especially apologetic for  
14 putting you in this predicament. I knew you well in high  
15 school, and I never thought we would get to this point. I  
16 hope one day I'm worthy for all of your forgiveness.

17                    "Sincerely, Mario B. Trejo."

18                   MR. SCHWARTZER: No further questions of Detective  
19 Clark. I'll pass the witness.

20                   THE COURT: Mr. Trejo?

21                               CROSS-EXAMINATION

22 BY MR. TREJO:

23           Q     Hello, Detective Clark.

24           A     Good afternoon.

25           Q     Let's begin with a little background on events.

1                   When did you first make contact with the defendant  
2 in this case?

3           A       I first made contact with him in the hospital.

4           Q       And where did you find him?

5           A       In the hospital, in his hospital bed.

6           Q       In what physical condition did he appear?

7           A       Obviously, he wasn't in perfect physical condition.  
8 He had been involved in a shooting several days prior.

9           Q       Did he appear lucid and rational in your opinion?

10          A       He absolutely appeared rational. As you heard in  
11 the recording, he was answering questions, giving a full  
12 story. He didn't go off-track.

13          Q       In your presence, did the defendant get any sort of  
14 medication?

15          A       He did, I believe, yes.

16          Q       You had to stop recording for that purpose; is that  
17 correct?

18          A       Yes.

19          Q       So, Detective, what was your original purpose when  
20 you arrived at UMC to make contact with the defendant?

21          A       To interview the defendant in regards to the  
22 previous attempted robbery.

23          Q       Did you speak or ask any questions upon making  
24 contact?

25          A       I probably asked him if he was okay, how he was

1 feeling, if he wanted to do an interview, things like that.

2 Q So we just played the recording of this contact.  
3 Did you ask any questions regarding the investigation prior to  
4 Mirandizing the defendant?

5 A No, I did not.

6 Q Do you recall reading page 6 of the transcripts just  
7 a few seconds ago?

8 A Yes, I read the bottom of page 6 and the top of page  
9 7.

10 Q Can I show you page 6 of the transcripts to refresh  
11 your memory?

12 A Yes.

13 MR. SCHWARTZER: What is he refreshing his memory  
14 for?

15 THE COURT: Yeah, that's not a proper way to do  
16 that. You need to ask -- you need to first find out if he  
17 needs his memory refreshed, so you need to ask a question  
18 first.

19 MR. SCHWARTZER: Thank you, Your Honor.

20 BY MR. TREJO:

21 Q You mentioned a shotgun. At no point prior to that  
22 statement does the defendant or anybody mention any shotgun,  
23 much less a shotgun in the home. Do you recall where you got  
24 information regarding said shotgun?

25 A Up until I heard Detective Chapman's name, I didn't

1 remember where that shotgun came from. But there's another  
2 case that I have no -- I'm not privy to the information of  
3 that, so I can't say what that was about. It was almost four  
4 years ago now. So I'm sure we discussed the content somewhat  
5 of what Detective Chapman's case is, but to say that I  
6 remember any of it at this point, no.

7 Q Was the case you mentioned that Detective Chapman is  
8 charged with the September 3rd allegation?

9 A No.

10 Q Did you or your partner ask the defendant about any  
11 weapons he may have had at -- in the home?

12 A Whatever was on that recording, I asked. Yes, I did  
13 ask if the shotgun was in the home or any other weapons. I  
14 did ask that question, as we heard in the recording.

15 Q Yes, but all that was later on in the record in the  
16 recorded statement.

17 What I'm asking, to cut to the point, is from where  
18 did you get the idea or allegation that the defendant had a,  
19 quote, "shotgun," and the defendant doesn't mention it until  
20 you began asking about it?

21 THE COURT: Can we -- can the parties approach?

22 (Bench conference)

23 MR. SCHWARTZER: My understanding, and I don't have  
24 any discovery on this, is ATF did a unrecorded interview with  
25 him, and that's what's being told about right here. Has



1 nothing to do with -- they didn't ask about August 4th or  
2 anything like that. They asked about other -- like a robbery  
3 series --

4 THE COURT: Okay.

5 MR. SCHWARTZER: -- involving a guy with a  
6 motorcycle helmet.

7 THE COURT: Okay.

8 MR. SCHWARTZER: Again, it's a federal agency. They  
9 never provided me any discovery. I told this to Mr. Trejo  
10 when he asked for his three statements. I said the third  
11 statement by ATF is something that they don't record, so I  
12 don't have a recording, nor would we use it. So I don't -- I  
13 mean, I'm just worried -- I don't --

14 THE COURT: Okay.

15 MR. SCHWARTZER: He's never -- I didn't think this  
16 would come up, so he has not been prepped about -- I don't  
17 know how much he knows about that investigation anyway.

18 THE COURT: So do you know if he knows that that's  
19 where that information's coming from?

20 MR. SCHWARTZER: I don't know.

21 THE COURT: Okay. I'm going to let him answer it  
22 just because if he -- if he knows, then he knows. If he  
23 doesn't, I mean --

24 MR. SCHWARTZER: This is opening a door to  
25 investigation to a series that involves multiple other

1 robberies.

2 THE COURT: Do we have any information as to whether  
3 or not he was involved?

4 MR. SCHWARTZER: No.

5 THE COURT: So, I mean, so here's the thing. Here's  
6 the thing, because if a jury hears about you possibly being  
7 involved in a series of other robberies, they could hold that  
8 against you, and we don't want to do that. So do you want to  
9 -- do you want to allow this -- do you want to continue asking  
10 this series of questions?

11 MR. TREJO: (Indiscernible).

12 THE COURT: Can you say it to Alex, who will then  
13 say it to the recording?

14 And I'm sorry. I am so hot.

15 MR. SCHWARTZER: You're the boss.

16 THE COURT: It's just that it -- I want to make sure  
17 that it's on the record.

18 MR. TREJO: I'm asking --

19 MR. SCHWARTZER: Sh. Sorry.

20 THE INTERPRETER: I'm sorry.

21 MR. SCHWARTZER: It's okay.

22 MR. TREJO: I'm asking because I remember being  
23 asked about a series of robberies but actually, being asked  
24 prior to that recording about information like my phone lock  
25 code, whether a picture on Instagram has certain intent --

1 content. The detective that asked me about alleged sprees  
2 never brought up a shotgun.

3 THE COURT: Okay. Again --

4 MR. SCHWARTZER: Is this -- is this Detective Clark  
5 you're saying asked you this beforehand?

6 MR. TREJO: (Indiscernible).

7 MR. SCHWARTZER: I can't hear. Because I think --

8 (Pause in the proceedings.)

9 MR. SCHWARTZER: Okay, so I'll read it in the  
10 record. "It's hazy, but I remember Clark asking me about  
11 weapons in my home prior to recording. Again, I was on too  
12 many drugs in those days."

13 THE COURT: Okay.

14 MR. SCHWARTZER: So my suggestion would be ask  
15 specifically about the phone, the Instagram, the weapons.  
16 Don't ask about what another detective might have told.

17 THE COURT: Right. So, here -- Mr. Trejo, can you  
18 come closer? So, here's the thing. I don't want you to open  
19 the door to anything about the ATF detectives asking about a  
20 series, because, again, the jury could hold it against you,  
21 thinking that maybe they just didn't catch you on the others  
22 and that you did them. So I don't want you to ask anything  
23 about that. So, again, like Mr. Schwartzer suggested, ask  
24 specifically about, you know, the phone, the Instagram, and --

25 MR. SCHWARTZER: The other guns.

1 THE COURT: -- the other guns. So just make your  
2 questions more specific. Okay?

3 MR. SCHWARTZER: Thank you, Your Honor.

4 THE COURT: Thank you.

5 (End of bench conference)

6 THE COURT: Mr. Trejo, you can continue.

7 BY MR. TREJO:

8 Q Sorry about that, Detective.

9 A Not a problem.

10 Q Do you recall asking the defendant for the password  
11 on his cell phone?

12 A I do not recall that, no.

13 Q Do you know if the defendant ever gave his password  
14 to any detectives?

15 A I don't know.

16 Q Did he ever complain about the drugs he was on  
17 affecting memory or anything of sorts?

18 A When we were speaking about the motorcycle, he did  
19 mention the drugs, but he continued in a coherent  
20 conversation, even correcting me when I changed the name of  
21 the motorcycle.

22 Q He mentions his landlord. Did you -- did any of you  
23 follow up with the landlord?

24 A I believe someone attempted to contact the landlord,  
25 and, again, in the conversation, you heard something about

1 information being given to Detective Chapman.

2           Being four years ago, I'm not sure exactly how we  
3 got into the apartment, whether it was the landlord coming, or  
4 what we do normally instead of kicking a door in, we'll call a  
5 locksmith to come and unlock that door. I can't tell you if  
6 this was one of those times when it was a locksmith or not.  
7 Again, four and a half years ago -- or, I'm sorry, three and a  
8 half, almost four years ago, I don't recall that part.

9           Q     So, in the recorded -- so, in the recorded -- so, in  
10 the recording, the alleged car chase was mentioned. Did you  
11 actually get corroboration from evidence that, in fact, there  
12 was a car chase?

13          A     No. And at the time, like I said, the victims felt  
14 that they were being chased. It may have been 100 percent  
15 coincidence that the vehicles went in the same direction, but  
16 all three of the people in the vehicle felt that they were  
17 being chased. And like I referred to the 911 call, they were  
18 hysterical, thinking that, you know, someone was trying to  
19 kill them now.

20          Q     Were you aware of any civil commitments the  
21 defendant was under while the interview took place?

22          A     Civil commitments as to -- I need to know the --

23          Q     Pretty much a 5150 or anything along that type of  
24 hold.

25                THE COURT: 5150 is not a term in the State of

1 Nevada. That's actually a California term. The term in  
2 Nevada is a Legal 2000.

3 THE WITNESS: I was not aware of a Legal 2000 hold.  
4 BY MR. TREJO:

5 Q Had you been aware, would you still proceed --  
6 proceeded with the interview with the defendant?

7 A That would depend on what that Legal 2000 hold for.  
8 Many times, what a Legal 2000 hold is used for, if  
9 someone's a threat to themselves or others and needs to be in  
10 restricted care. It doesn't mean that they have a diminished  
11 mental capacity or anything like that, not to say that it  
12 can't cover that, but that's not what we usually use it for.  
13 It's when someone's a harm to themself or others.

14 Q That'll be for now, Detective. Thank you.

15 THE INTERPRETER: Oh.

16 BY MR. TREJO:

17 Q Sorry, a few more questions.

18 In your experience, have individuals suspected of a  
19 crime, while speaking to you, given information that could  
20 perhaps protect the people involved?

21 A Like I said, the reason I ask questions the way that  
22 I do, to see if they have knowledge of what happened, which  
23 way, which direction they went, what clothing was involved,  
24 what weapons were involved, what the other people were  
25 involved.

1           Yes, as you heard in the recording, Mr. Trejo did  
2 try to protect that second person, that person who urged him  
3 not to commit that robbery that day.

4           So, yes. Was there a time when people have tried to  
5 protect the others they're with? Absolutely. When, we'll  
6 say, a couple commits a crime, there's many times when one  
7 member of that couple will try to take all the blame, even  
8 though we obviously have evidence to show that they've both  
9 been involved. So, is there times that people cover for other  
10 people? Absolutely.

11          Q     Did you feel that when you interviewed the defendant  
12 that he was perhaps mitigating or taking responsibility for  
13 everything?

14          A     I felt at the time that Mr. Trejo was taking  
15 responsibility for his own actions, even now, hearing that  
16 recording again. Like I said earlier, his manner of speech  
17 was coherent. He kept in one straight line with everything he  
18 was saying. He wasn't searching for answers. This was a  
19 truth that he knew because he had lived it. It wasn't trying  
20 to find something else.

21                Like the DA told you earlier, people sometimes try  
22 to minimize. Was it being minimized? Yes. Was it a cover-up  
23 for someone else who had committed the crime? No.

24          Q     You were responsible for the search warrant on the  
25 cell phone recovered?

1           A     Yes.

2           Q     And was that done in a timely manner or a while  
3 after?

4           A     It was done a while after.  Actually, the search  
5 warrant was written soon thereafter the incident.  It had to  
6 be redone in 2021.  I honestly thought I had submitted it and  
7 gotten it to the DA.  Unfortunately, with the number of cases  
8 that we handle, that was not the case.

9                     In this case, with this type of evidence, it's not  
10 like blood evidence where someone gets a DUI, and within two  
11 hours, you have to have that blood tested to see what the  
12 alcohol is in there.

13                    This is a piece of electronic equipment that was in  
14 airplane mode so nobody could do anything to it.  It was in a  
15 secure facility.  It was here in time for this trial, so there  
16 was nothing -- nothing changed when that cell phone was  
17 searched or the information that was searched within.

18          Q     Were you able to look at the contents retrieved from  
19 the cell phone?

20          A     I briefly looked at them and then passed them on to  
21 the DA's office.  Again, not being in the digital forensics  
22 lab, I don't understand everything that goes through that  
23 computer.  As you saw me working the mouse here, I'm not a big  
24 computer guy, but I did briefly look at it.

25          Q     But you are well versed with text messaging; is that



1 correct?

2 A I can send a text message, yes.

3 Q So did you see the text-related contents in that  
4 phone?

5 A I do know that there was text-related content. To  
6 tell you that I know what it says or I can recall what it  
7 says, not at all. That was a report that was prepared by  
8 Detective Jones, and he would be the expert on that  
9 information.

10 Q As the detective in the matter, were you aware that  
11 there are allegations of a -- of an, quote, "inside person,"  
12 end quote?

13 A Whenever a business is robbed, we will always look  
14 to see if anyone else was involved. So, is that something  
15 that we rule out? Yes, we do. Can it be ruled out right  
16 away, or can it be ruled out down the road? Absolutely.

17 I can tell you by the interview that I did that that  
18 person was not involved.

19 Q But you were aware of the allegation?

20 A I'm aware of all allegations in the case. Again,  
21 same reason why the defendant was interviewed. If there was  
22 information that was provided by him or that he was unaware of  
23 that would rule him out -- an interview of a suspect is not  
24 just to say, this is the guy that did it, or this is the girl  
25 that did it. It's also to say, no, they didn't have anything

1 to do with it. There's been times when I thought someone was  
2 a suspect and then, by easily interviewing them, found out  
3 that that was not the case.

4 Q Would you agree that people aren't always honest?

5 A Absolutely.

6 Q And have you had defendants in the past lie to you  
7 in order to achieve a goal or preserve an objective  
8 successfully?

9 MR. SCHWARTZER: I'm going to object to compound  
10 question.

11 THE COURT: Well, also speculation.

12 MR. SCHWARTZER: And speculation.

13 THE COURT: So, if you want to try and rephrase that  
14 a different way, then you can try it, but as of right now,  
15 that question is not allowed.

16 BY MR. TREJO:

17 Q Have you had defendants in the past lie to you in  
18 order to achieve a goal?

19 A As a police officer, I've had many defendants lie to  
20 me. And most times, defendants will lie to you before they  
21 come out with the truth, whether it's to minimize their  
22 involvement or to deny any involvement whatsoever. So, yes,  
23 in the past, and I'm sure in the present, and in the future,  
24 I'm going to have defendants lie to me.

25 Q And do you know what is commonly known as an

1 informant, or in street terminology, a snitch?

2 A Yes, I know what that is.

3 Q Could you give me your definition?

4 A (Indiscernible).

5 MR. SCHWARTZER: A definition of what?

6 MR. TREJO: Of what an informant or a snitch would  
7 be.

8 MR. SCHWARTZER: I'm going to object to relevance,  
9 Your Honor.

10 THE COURT: So what is the relevance of that, Mr.  
11 Trejo?

12 MR. SCHWARTZER: Your Honor, if this is going to be  
13 a speaking objection, can we approach the bench with the  
14 defendant?

15 THE COURT: Sure.

16 Hold on. You need to approach.

17 (Bench conference)

18 THE COURT: Do you want to bring -- Mario, do you  
19 want to bring your tablet -- your pad to write something? Do  
20 you want to bring your pad to write something?

21 MR. SCHWARTZER: He just --

22 THE COURT: Hold on. (Indiscernible). Come closer  
23 so you can (indiscernible).

24 MR. HENRY: It says, "The relevance is too hard to  
25 explain. I'll withdraw to finish the cross-exam."

1 THE COURT: Okay.

2 MR. SCHWARTZER: If he's withdrawing, then that --

3 THE COURT: Okay. Okay, thank you.

4 (End of bench conference)

5 THE COURT: Mr. Trejo, continue.

6 BY MR. TREJO:

7 Q So, in your opinion, Detective, had there been an  
8 alleged inside person in this matter, and the defendant gave  
9 you this information, would that brand him an informant?

10 A There's a whole set of rules with informants. They  
11 have to be approved by upper chain of command. So, just  
12 someone giving information, it does not count as an informant.  
13 We get information all the time from -- I don't know if you've  
14 seen Crime Stoppers when we put something out in the news, and  
15 an anonymous person says, hey, it looks like this person. So,  
16 no. Just by saying it's this or that, they would not be  
17 considered an informant.

18 And as for this investigation, I did not use an  
19 informant for anything. I tend not to use informants.

20 Q How about what's known as a snitch to those in  
21 custody?

22 A Again, snitch or rat is a term used on the street  
23 for an informant, and it may not be for a technical informant.  
24 It may be for someone who has given information.

25 The only relation that I found to an inside person

1 would have been Mr. Trejo himself, since he had previously  
2 worked at the business.

3 Q You mentioned my work past in the business. Do you  
4 know how long ago prior to 2018 I worked at that location?

5 A I do not recall how long before that. All I know is  
6 what I was told from Mr. Trejo as well as people at the  
7 business that he had previously worked there.

8 Q Allegedly, it was 2012, which is a long time to be  
9 considered an inside person, but I guess that will be -- that  
10 would be it for my question. Thank you, Detective.

11 THE COURT: Anything based on that, Mr. Schwartzer?

12 MR. SCHWARTZER: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. SCHWARTZER:

15 Q All right, Detective. I just want to get into one  
16 topic that Mr. Trejo got into when he was asking you some  
17 questions, specifically about doing -- or interviews with  
18 someone who has a Legal 2000. Remember that line of  
19 questioning by Mr. Trejo?

20 A Yes, yes.

21 Q Okay. So you previously described a Legal 2000 as a  
22 hold on an individual based on either harm to themselves or  
23 others, correct?

24 A Yes.

25 Q It doesn't necessarily mean someone has diminished

1 capacity?

2 A No.

3 Q You can interview people with a Legal 2000?

4 A Yes.

5 Q It's up to you to kind of tell if the person's ask  
6 -- answering your questions in a rational way?

7 A Yes.

8 Q So, in this specific case with Mr. Trejo, he was  
9 asking your -- I mean, we all heard the statement, but he was  
10 answering your questions rationally?

11 A Yes.

12 Q He didn't go off in la-la land when you asked him  
13 about, you know, certain things. He would give you an answer?

14 A Correct.

15 Q You said he corrected you about the motorcycle?

16 A Yes.

17 Q In fact, he also corrected you about the firearm as  
18 well, correct?

19 A Yes.

20 Q So not only is he answering your questions in a  
21 rational manner, he's even correcting you in some of your  
22 questions?

23 A Yes.

24 Q On top of that, he was able to give you details  
25 about your crime, your August 4th crime; is that correct?

1           A     Yes.

2           Q     Only people that were involved in the crime would  
3 know, correct?

4           A     Correct.

5           Q     So it's not like that crime was out in the news, and  
6 everyone could see it, and we would all know that information,  
7 right?

8           A     Correct.

9           Q     So, like the things regarding the -- you know, the  
10 car color, and where the car exited from, and the car's  
11 pathway, stuff like that, that's something only someone who's  
12 involved in the crime could tell you?

13          A     Yes.

14          Q     Okay. And you do that because you want to make sure  
15 people don't lie to you?

16          A     Exactly.

17          Q     You don't want to put, like, an innocent person in  
18 prison?

19          A     No, not at all.

20          Q     Okay. Was there any cause of concern that Mr. Trejo  
21 didn't understand anything you asked him during that interview  
22 that we all heard?

23          A     No. Had there been, I wouldn't have gone on for  
24 that long. I would have stopped the interview. It doesn't  
25 benefit me in any way to speak to an incoherent person.

1 Q Okay.

2 MR. SCHWARTZER: Okay, nothing further. Thanks.

3 THE COURT: Anything based on that, Mr. Trejo?

4 MR. TREJO: No further questions.

5 THE COURT: Questions from the jury? No questions  
6 from the jury.

7 So, Detective, I'm going to thank you. I'm going to  
8 excuse you for now. Do not discuss your testimony with  
9 anyone, and thank you so much.

10 THE WITNESS: Yes, ma'am. Thank you.

11 MR. SCHWARTZER: Your Honor, we don't have anyone --

12 THE COURT: I know. I was just going to let them  
13 know that.

14 Ladies and gentlemen of the jury, it's 4:30. We  
15 need to be out of here by 5:00 o'clock, so we're not going to  
16 start any new witnesses today. Tomorrow, my calendar is very,  
17 very short, so I'm hoping to start at 10:00 o'clock.

18 Is that going to be good for your next witness?

19 MR. SCHWARTZER: We told our witnesses 10:30, but we  
20 can call them.

21 THE COURT: Okay, so 10:00 o'clock. It could be  
22 10:30 if we have any problems getting the State's witnesses.

23 So, during the recess, you are admonished not to  
24 talk or converse among yourselves or with anyone else on any  
25 subject connected to this trial, or read, watch, or listen to



1 any report of or commentary on the trial of any person  
2 connected with this trial, by any medium of information,  
3 including, without limitation, newspapers, television, the  
4 internet, radio, or to form -- or form or express any opinion  
5 on any subject connected with this trial until the case is  
6 finally submitted to you.

7 See you tomorrow morning. Thank you so much.

8 (Outside the presence of the jurors)

9 THE COURT: Anything outside the presence?

10 MR. SCHWARTZER: Nothing from the State, Your Honor.  
11 We will provide Mr. Trejo with our lineup for tomorrow.

12 THE COURT: Okay. He's writing something, so I'm  
13 just going to wait for a --

14 MR. TREJO: Nothing from the defense.

15 THE COURT: Okay. Thank you.

16 So if you can just let him know who you're calling.

17 MR. SCHWARTZER: Do you want me to do it on the  
18 record, Your Honor, or?

19 THE COURT: I don't care.

20 MR. SCHWARTZER: Okay.

21 (Court recessed for the day at 4:24 p.m.)

22 \* \* \* \* \*

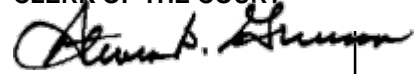
\* \* \* \* \*

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.

A handwritten signature in blue ink, reading "Julie Lord", is enclosed in a thin black rectangular box.

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

THE STATE OF NEVADA,	)	CASE NO. C-18-335315-1
	)	
Plaintiff,	)	DEPT NO. XXIV
vs.	)	
	)	
MARIO BLADIMIR TREJO,	)	
	)	
Defendant.	)	
_____	)	

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE

TUESDAY, APRIL 26, 2022

**RECORDER'S TRANSCRIPT OF PROCEEDING:  
JURY TRIAL - DAY 7**

APPEARANCES:

FOR THE STATE:	HILARY L. HEAP, ESQ. MICHAEL J. SCHWARTZER, ESQ. Chief Deputy District Attorneys
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FOR THE DEFENDANT:	MARIO BLADIMIR TREJO, Pro Se
	ALEXANDER C. HENRY, ESQ. Standby Counsel

ALSO PRESENT:

Ximena Fiene  
*Spanish Interpreter*

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER  
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

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INDEX

INDEX OF WITNESSES

<u>STATE'S WITNESSES:</u>	<u>PAGE</u>
<u>IVAN JAQUEZ</u>	
Direct Examination by Ms. Heap . . . . .	4
Cross-Examination by Mr. Trejo . . . . .	40
Juror Questions . . . . .	77
<u>JENNIFER INCERA</u>	
Direct Examination by Mr. Schwartzner . . . . .	79
Cross-Examination by Mr. Trejo . . . . .	115
Juror Questions . . . . .	123
<u>MELANI HOWARD</u>	
Direct Examination by Ms. Heap . . . . .	124

LIST OF EXHIBITS

<u>STATE'S EXHIBITS:</u>	<u>PAGE</u>
8 . . . . .	149

1                   LAS VEGAS, NEVADA, TUESDAY, APRIL 26, 2022

2                   (Case called at 10:34 a.m.)

3                   (Outside the presence of the jury)

4                   THE COURT: Susie, are we on the -- are we on the  
5 record? Okay.

6                   Case Number -- I'm sorry. State of Nevada versus  
7 Mario Trejo, Case Number C-18-335315-1. Mr. Schwartz and  
8 Ms. Heap are present for the State. Mr. Trejo, the  
9 interpreter, and Mr. Henry are present for Mr. Trejo.

10                  Anything we need to do outside the presence?

11                  MR. SCHWARTZER: Not by the State, Your Honor.

12                  THE COURT: Mr. Trejo?

13                  And can you just say that out loud for him, Alex?

14                  MR. HENRY: Not at the moment.

15                  THE COURT: Okay, thank you. So we can go ahead and  
16 bring the jury in.

17                  (In the presence of the jurors)

18                  THE COURT: Will the parties stipulate to the  
19 presence of the jury?

20                  MS. HEAP: State does, Your Honor.

21                  THE COURT: Mr. Trejo?

22                  MR. HENRY: He says yes, Your Honor.

23                  MR. TREJO: Yes.

24                  THE COURT: Okay, thank you. Please be seated.

25                  And, Ms. Heap, it looks like you're standing, so can

1 you call your witnesses?

2 MS. HEAP: Yes. The State calls Ivan Jaquez.

3 THE MARSHAL: Got a couple steps for you, so hop on  
4 up there. Remain standing and face the clerk. She's going to  
5 swear you in.

6 THE WITNESS: Okay.

7 THE CLERK: Can you please raise your right hand?

8 IVAN JAQUEZ, STATE'S WITNESS, SWORN

9 THE CLERK: Can you please state and spell your name  
10 for the record?

11 THE WITNESS: Ivan Jaquez. It's I-v-a-n,  
12 J-a-q-u-e-z.

13 THE CLERK: Thank you. You can have a seat.

14 THE WITNESS: Thank you.

15 (Pause in the proceedings.)

16 THE COURT: And go ahead, Ms. Heap.

17 MS. HEAP: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS. HEAP:

20 Q Ivan, where are you employed?

21 A Sorry, say that again.

22 Q Where are you employed? Where do you work?

23 A Right now, I work at North Las Vegas Fire  
24 Department. I'm a firefighter -- probationary firefighter,  
25 just got hired.

1 Q And how long have you been a firefighter?

2 A So I got on the fire station, or the -- they call it  
3 the floor, in January 1st. That was our first shift. My  
4 academy started in August, ended in December.

5 Q Okay. I want to take you back to 2018.

6 A Okay.

7 Q In August and September, where were you working at  
8 that time?

9 A At that time, I was working at the pawn shop,  
10 SuperPawn.

11 Q Okay. Was that the SuperPawn at 1150 South Rainbow  
12 Boulevard?

13 A Correct. Yeah.

14 Q Okay. What did you do at the SuperPawn?

15 A I was a pawn broker. What I did there as a pawn  
16 broker was I would sell stuff, make loans for people when they  
17 brought stuff in. That's what I would do as a pawn broker  
18 there.

19 Q Okay. Now, I want to talk about August 4th, 2018.

20 A Okay.

21 Q Well, first, do you know you -- you're here to  
22 discuss two incidents, correct?

23 A Correct.

24 Q One happened in August, and one in September?

25 A Yes.

1 Q Okay. Let's talk about August 4th --

2 A Okay.

3 Q -- of 2018. Were you supposed to work that day?

4 A I was, yeah.

5 Q And what shift were you going to work?

6 A I do not remember the shift.

7 Q Was it opening or closing?

8 A Oh, it was opening. Yes, opening.

9 Q And what time did -- were you supposed to open the  
10 store that day?

11 A If I remember, it was 8:00 or 9:00.

12 Q Okay. And did you open the store by yourself, or  
13 were you there --

14 A No.

15 Q -- with other people?

16 A No. So it was --

17 THE COURT: And hold on for just a second.

18 MS. HEAP: Sure.

19 THE COURT: Mr. Jaquez, just because we're recording  
20 everything, I need you to wait until Ms. Heap answers -- asks  
21 her entire question before you answer --

22 THE WITNESS: Yes.

23 THE COURT: -- just because we don't want to make  
24 the recording garbled. Also --

25 THE WITNESS: Okay.



1 THE COURT: -- I'm just going to preemptively tell  
2 you, if you say "uh-huh" or "uh-uh," that doesn't get recorded  
3 properly.

4 THE WITNESS: Okay.

5 THE COURT: And so I'm just going to need you --

6 THE WITNESS: Okay.

7 THE COURT: -- to say "yes" or "no." So I may have  
8 to remind you of that a couple times.

9 THE WITNESS: Okay.

10 THE COURT: So just --

11 THE WITNESS: Thank you.

12 THE COURT: Thank you.

13 THE WITNESS: Yes, ma'am.

14 BY MS. HEAP:

15 Q So who were you working with that morning?

16 A That morning, I was working with Jennifer and Julie.

17 Q Okay. And did you guys get to open the store that  
18 day?

19 A We did not.

20 Q Okay. What happened?

21 A So, Jennifer was our manager that day. The manager  
22 would usually -- they were the ones that would unlock the --  
23 it was like a roll-up door, so there was locks on it. There  
24 was two locks on it, and one lock was taken off by Jennifer.  
25 She was -- she was kind of aware of, like, the

1 surrounding that day. She noticed there was a suspicious car  
2 to the right of the building.

3 Q Okay. I'm going to stop you for --

4 A Okay.

5 Q -- just a second.

6 A Yeah.

7 Q Prior to Jennifer unlocking the door, when you first  
8 arrived that day, did you drive over with Jennifer, or did you  
9 drive separate cars?

10 A Oh, we -- we all drove separate cars.

11 Q Okay. And do you all go up to the store together?

12 A Yes.

13 Q Okay. Do you all get there at the same time, or do  
14 you have to wait for each other?

15 A We -- we would have to wait for each other.

16 Q Okay. And then would you go to the front of the  
17 store together?

18 A Yes, we would.

19 Q And you said it was you, Jennifer, and who else?

20 A And Julie.

21 Q Okay. What do you do while Jennifer's unlocking the  
22 door?

23 A I was just standing there, kind of on my phone. I  
24 wasn't really paying attention. That's what I was doing.

25 Q Okay. I want to show you State's Exhibit 1. Can

1 you see that? You have a computer screen right in front of  
2 you --

3 A Yes.

4 Q -- or you can look at the TV. Do you recognize that  
5 store?

6 A Yes, I do.

7 Q Is that the SuperPawn that you worked at in August  
8 and September?

9 A Yes.

10 Q Okay. Now, you said you were just kind of standing  
11 there. Do you know whereabouts you were standing?

12 A Yeah. So I was standing -- those yellow -- are they  
13 pillars? Those yellow pillars, kind of in between those.  
14 Let's see.

15 MS. HEAP: And for the record, he's pointing to  
16 approximately the center of the photograph where there's --

17 THE WITNESS: Yeah, center of the --

18 MS. HEAP: -- three yellow pillars --

19 THE WITNESS: Yeah, right there.

20 MS. HEAP: -- in front of the store.

21 BY MS. HEAP:

22 Q I'm going to show you State's Exhibit 3. Do you see  
23 the yellow pillars in this photograph?

24 A Yes, I do.

25 Q Okay. And were you standing there with anyone else,

1 or were you by yourself?

2 A It was me, and then Jennifer was like on the side,  
3 and then Julie was maybe a little more to the left over here,  
4 but all three of us were there.

5 Q And when you say, "on the side," that Jennifer was  
6 on the side, which side was she on --

7 A So I don't remember --

8 Q -- (indiscernible)?

9 A I don't remember which lock she took off first.

10 Q Okay.

11 A Yeah, I don't remember.

12 Q I'm going to show you State's Exhibit 4. When you  
13 talked about her taking off a lock and a roll-up door --

14 A Um-hum.

15 Q -- do you see that in this photograph?

16 A Yes. So that's -- that's the chain. We would have  
17 to, like, pull it. That would make the door go up. And those  
18 are the two locks. We would put them on the side.

19 Q Thank you. So that morning, when Jennifer's taking  
20 off the lock, did you guys take off the locks and go into the  
21 store, or what happened?

22 A No, we never got -- we never got to take off the  
23 second lock.

24 Q Why not?

25 A So, Jennifer noticed a suspicious car. She noticed

1 someone come out of a car with a firearm, and that's when she  
2 screamed, run, like in a panicked mode.

3 Q Did you see anyone?

4 A Yes. When I heard her say, run, I turned around,  
5 looked to my right, and that's when I saw a man coming out of  
6 the car with a firearm on his -- in his left hand and like  
7 kind of charging towards us.

8 Q Was he wearing anything?

9 A He was wearing dark clothing and a black helmet.

10 Q What kind of helmet?

11 A Like a motorcycle helmet.

12 Q And you heard Jennifer say -- what did you hear her  
13 say?

14 A She said -- she said, run, like she was scared. And  
15 so I turned around. I saw what was going on, so I was like,  
16 okay, yeah.

17 Q Did you run?

18 A Yeah, we did. We all -- all three of us ran to the  
19 opposite side where our cars were.

20 Q Okay. You said you saw him carrying a firearm. Do  
21 you remember what that firearm looked like?

22 A I don't. I just know it wasn't like a -- it wasn't  
23 like a pistol or anything like that. I can't really describe  
24 it, but I remember seeing --

25 Q Was it bigger than a pistol?

1           A     It was bigger than a pistol, yes.

2           Q     And you said you looked to your right and saw this  
3 man; is that correct?

4           A     Correct, yes.

5           Q     Okay. Showing you State's Exhibit 5. Do you see  
6 the area in this photograph where the man came from?

7           A     Yes, I do.

8           Q     Approximately where was he when you saw him?

9           A     Okay. So I'm going to point at the screen a little  
10 bit. It's -- it was this parking spot right here. It's this  
11 --

12           MS. HEAP: May I approach the witness?

13           THE COURT: Yeah. I was going to say, Ms. Heap, I  
14 think you can have him use the mouse.

15           THE WITNESS: Oh.

16           MS. HEAP: Hold on one second. So --

17           THE COURT: The pointer. Yeah.

18 BY MS. HEAP:

19           Q     And then you can actually mark.

20           A     Okay.

21           Q     Okay?

22           A     So the car was right here. That's where the car was  
23 parked, and I was standing like right in this area here.

24           MS. HEAP: So, for the record, he circled the area  
25 behind the furthest right tall pillar for where the car was

1 parked, and he was standing near the second short yellow  
2 pillar.

3 BY MS. HEAP:

4 Q And, Ivan, can you just press the trash? Do you see  
5 the little trash icon?

6 A Yes.

7 Q When he was coming at you, was he walking slowly?  
8 Was it fast? Kind of describe how he was moving.

9 A It was like a fast-paced kind of like charge. It  
10 wasn't just a walk.

11 Q And you heard Jennifer say, run?

12 A Yes.

13 Q Where did you run to?

14 A So we ran to the left, to the opposite side of where  
15 this parking spot was at.

16 Q Showing you State's Exhibit 2. Do you recognize  
17 this area?

18 A Yes, I do.

19 Q And approximately where did you run?

20 A So the Jeep, that's Julie's Jeep. It wasn't in that  
21 parking spot when we ran. I think this was taken maybe after  
22 we came back. But we ran towards -- if you see the other car  
23 on the very left, that was mine. So Julie's car was a little  
24 farther than mine, so we all ran that way and kind of hid  
25 behind Julie's Jeep.

1 Q Okay. And for the record, the vehicle on the far  
2 left-hand side, you ran towards that area; is that correct?

3 A Correct. Yeah.

4 Q And that's Exhibit 2. You said you ran to Julie's  
5 Jeep. Did you get into the Jeep?

6 A Yes, we did. We all three got into the Jeep.

7 Q Who was driving?

8 A Julie drove.

9 Q And what seat did you get into?

10 A Me and Jennifer got into the back seats.

11 Q Did you guys go through the same door or separate  
12 doors?

13 A Same door.

14 Q Where did you guys go after that?

15 A After that, we headed out the -- like, that shopping  
16 center onto Charleston, started heading Charleston eastbound.  
17 We were on the phone already with, like, a dispatcher, and --

18 Q So someone called 911?

19 A Yeah.

20 Q Who called 911?

21 A Initially, I had the phone. I called -- I dialed  
22 and everything, and then I gave it to Jennifer, and she was  
23 the one that started talking to the dispatcher.

24 Q While you guys were driving east on Charleston, did  
25 you notice any other cars near you?



1           A     So the car that was suspicious on the right there,  
2 it was like a black Acura. When we -- when we pulled out of  
3 the shopping center, we noticed that it was -- it was, like,  
4 following us for a second. And then Julie made a U-turn, I  
5 think it was on Torrey Pines, the street Torrey Pines, and  
6 then it kind of did the same thing. And that's when we were  
7 like, there's --

8           Q     Okay. So --

9           A     -- I think they're following us.

10          Q     You thought this car was following you?

11          A     Correct.

12          Q     And why did you think it was following you?

13          A     It followed us because, like, all the movements  
14 Julie was doing, like getting onto the left lane kind of fast  
15 and making that U-turn, they were doing almost the same thing.  
16 They even kind of, like, got pretty close to us for a second.  
17 And so that's why I thought they were following us.

18          Q     Okay. So, when Julie changed lanes, the car behind  
19 you, this Acura, changed lanes?

20          A     Correct.

21          Q     And then, when you guys made a U-turn, the car made  
22 a U-turn as well?

23          A     Correct. Yeah.

24          Q     At some point, were you guys able to get away from  
25 this vehicle?

1           A     Yeah, we got away. They ended up, like, taking a  
2 right turn. I'm not -- I don't remember where, but they ended  
3 up taking a different direction. We ended up making a left  
4 turn on Rainbow, going southbound on Rainbow.

5           Q     Did you eventually meet up with police?

6           A     We did.

7           Q     Where at?

8           A     We met up with them. It was a dealership on Sahara  
9 and Rainbow. I don't remember what the dealership was now.

10          Q     Okay.

11          A     But I remember they told us to -- to pull into like  
12 a -- somewhere and that they were going to meet us there, and  
13 that's what we did. It was a dealership on Sahara and  
14 Rainbow.

15          Q     Okay. When you saw this man charging at you with a  
16 firearm, how did you feel?

17          A     I was afraid.

18          Q     What did you think was going to happen?

19          A     I thought they'd stop us, make us open the store,  
20 make us go inside. They would take jewelry, money, and  
21 everything that they wanted.

22          Q     And you say "they." Did you see more than one  
23 person?

24          A     I did not, no. I only saw one person.

25          Q     Okay. When you were -- when you guys were driving

1 in the car, did -- and this vehicle was following you, how did  
2 you feel?

3 A I was afraid as well. Yeah.

4 Q Were you afraid, if they caught up with you, what  
5 might happen?

6 A Yeah. I was afraid they -- they'd stop us or maybe  
7 even like, I don't know, shoot at us or something.

8 Q Now, I want to go a few weeks later to September 3rd  
9 of 2018. Do you remember that day?

10 A I do.

11 Q Were you working that day as well?

12 A Yes, I was.

13 Q Were you working as a pawn broker that day?

14 A Yes.

15 Q And was that a holiday, Ivan?

16 A It was a holiday.

17 Q Do you remember who was working with you that day?

18 A Yeah, I do.

19 Q Who was working with you?

20 A Let's see. It was Melani, Jennifer, Julie,  
21 Jonathan, Giovanni, and Carla.

22 Q Was Jennifer working that day?

23 A Oh, did I say Jennifer? Sorry. It was Adriane, not  
24 Jennifer. She was the manager, Adriane.

25 Q Oh, Adriane was the manager that day?

1           A     Yeah.

2           Q     Okay. And Jennifer was or was not working that day?

3           A     She was not working that day.

4           Q     Okay. Around 1:00 p.m., what were you doing at the  
5 SuperPawn?

6           A     I was helping a -- he was like a regular customer  
7 for me. It was -- it was Hugo (phonetic). I was helping him  
8 with a loan at the time.

9           Q     Okay. Around 1:07 or 1:08, did something happen?

10          A     Yeah, that's when -- that's when Trejo walked into  
11 the store.

12          Q     Okay. And at that time, you don't know who -- you  
13 don't know anybody's name that walked in that store; is that  
14 correct at the time?

15          A     No. At the time, no.

16          Q     Okay. So what did you see?

17          A     Well, I -- at first, I didn't really see anything.  
18 I just remember hearing Julie. She screamed 210, which is  
19 like a code for us we -- there was like a suspicious customer  
20 or something. I just remember hearing her, like, scream 210  
21 like multiple times, and there was a lot of fear in her, like  
22 the way she said it.

23                 And like, thinking back prior a month ago, we had  
24 just had the incident where we were almost robbed. So I kind  
25 of knew there was something going on. I was like, oh, like,

1 it's probably that same guy or something.

2 Q Did you look up and see anything?

3 A At first, no. I just -- I got down, and they have  
4 panic buttons around the, like, the drawers and stuff. And so  
5 I remember I was like, I got to probably hit one of those. So  
6 I got down, like, on my knees, and I looked for one, and I  
7 clicked it. That's what I did.

8 Q Now, during this time, you said you were helping a  
9 regular customer of yours --

10 A Um-hum.

11 Q -- Hugo. Were there also other customers in the  
12 store that day?

13 A Yes, there was.

14 Q At some point, did you see who had entered the store  
15 that caused Julie to scream 210, scared?

16 A Yeah, I saw him once I started, like, walking like  
17 to where I could see him, which was to the left.

18 Q Why did you walk to the left?

19 A I remember -- I just remember him saying, everyone,  
20 get around and like -- like, around the -- where the drawers  
21 were or like the counter was.

22 Q So you were following that person's instructions?

23 A Correct. Yeah.

24 Q Once you were able to see him, can you describe what  
25 he was wearing?

1           A     Yeah. He was wearing like a black jacket, covered  
2 from head to toe, a black motorcycle helmet again, same one  
3 that I saw a month prior. Yep, all dark clothing.

4           Q     Okay. Did he look similar to the person you saw a  
5 month prior?

6           A     Correct. Yeah.

7           Q     Was he carrying anything?

8           A     Yeah, he was carrying a gun.

9           Q     Can you describe the gun?

10          A     Same thing as the month prior. It was a -- not a  
11 pistol, but for sure it was a little bit bigger than that.

12          Q     How many guns did you see?

13          A     I saw one.

14          Q     Did you see any other weapons or anything else he  
15 was wearing?

16          A     No.

17          Q     When he told you to move to the left, what else did  
18 he say? What else was he saying?

19          A     So he told us, get around the counter, everybody,  
20 get on the floor, and then don't move, don't say anything.

21          Q     Did he have the firearm this whole time?

22          A     Yes, he did.

23          Q     Did you -- why did you listen to his instructions?

24          A     I listened to his instructions because I didn't -- I  
25 didn't want to get hurt. I didn't want anyone else to get

1 hurt. I was like, he can take whatever he wanted. I think  
2 life is a lot more important than whatever he wanted.

3 Q Were you scared at that time about what he might do?

4 A Yes, I was.

5 Q I'm going to show you a few exhibits. Showing you  
6 State's Exhibit 52. I'm not sure that changed anything, but  
7 is this the front of the store?

8 A Yes.

9 Q And I want to kind of just describe the layout, so  
10 I'll show you a few more exhibits. State's Exhibit 54. Do  
11 you recognize this photo?

12 A Yes, I do.

13 Q Okay. And what is this a view of in the store?

14 A That's like the jewelry -- jewelry side of the  
15 store.

16 Q So, when you first walk into the store, if you're  
17 walking in, is that to the right or the left?

18 A That is to the right.

19 Q Okay. Showing you State's Exhibit 53. Is that  
20 another angle of that same jewelry counter?

21 A Yeah, it is.

22 Q And this is all to the right?

23 A Yes.

24 Q Showing you State's Exhibit 55. Do you see the area  
25 in this photograph where you said you went to the left when he

1 told you to go to the left?

2 A Yeah. So, this picture, it looks like it was  
3 probably taken behind the counter, so I was behind that. And  
4 then that door -- there's a little door right there that  
5 opens, and that's where we would get out, go to the front.

6 Q Can you just mark where the door is for me?

7 A Yes. That right there is the door.

8 MS. HEAP: And for the record, he circled the middle  
9 area of the photograph, slightly to the left, right before  
10 where the jewelry counter starts.

11 BY MS. HEAP:

12 Q Is that fair?

13 A Correct.

14 Q Can you please press trash? Thanks.

15 So you went out that door and went to the left of  
16 that counter?

17 A So, when I got -- when I went out that door, I went  
18 to the right.

19 Q Okay.

20 A Yeah.

21 Q Showing you State's Exhibit 57. Do you recognize  
22 this photograph?

23 A Yes, I do.

24 Q And do you see the area you went to in this  
25 photograph?



1           A     Yes, I do.

2           Q     Can you please mark on your screen where you went  
3 to?

4           A     So, when we got in front of the counter, he told us  
5 to get in this area on the floor.

6           MS. HEAP: And for the record, he marked the center  
7 of the photograph on the floor area.

8           THE COURT: In front of the black half-wall area,  
9 just to be a little --

10          MS. HEAP: Correct.

11 BY MS. HEAP:

12          Q     And just above where you walked, Ivan, what is this  
13 area where you see sort of white -- I don't know, separators?  
14 I don't know actually what --

15          A     Oh.

16          Q     -- we'd call them. What is that area?

17          A     That area is where we would help customers, so  
18 they'd -- so it was like the counter, we called it. So  
19 there's computers in between each of those spacers, and that's  
20 where we would type our -- the loans and stuff, talk to the  
21 customer, and all that.

22          Q     Can you clear that for me, Ivan?

23          A     Oh, yes.

24          Q     Thank you. Showing you State's Exhibit 59. Is that  
25 another photograph of the same teller areas and the floor that

1 you were on?

2 A Correct. Yes.

3 Q I'm showing you State's Exhibit 60. Is that another  
4 angle of that area?

5 A Yes.

6 Q And when you say you went into that area, did you go  
7 into the area behind -- towards the bottom of the photograph,  
8 behind that -- I'm not sure what that is, maybe a generator?  
9 It's kind of orange.

10 A Yes. We went to -- so, yeah, like, behind it.  
11 Yeah, behind the generator.

12 Q What did you do when you went in that area?

13 A We all got on our bellies and with our heads facing,  
14 from this picture, to the right.

15 Q Okay. Why did you do that?

16 A He -- that's what he told us to do.

17 Q Did you do anything with your hands or feet?

18 A No.

19 Q So you laid on your belly?

20 A Yeah.

21 Q Showing you State's Exhibit 65. Do you recognize  
22 this area?

23 A Yes, I do.

24 Q And what is this area?

25 A That's behind the counter. That's where we would --

1 that's where our tills were, our drawers for our money, and  
2 the computers.

3 Q So this is the opposite side of that counter; is  
4 that correct?

5 A Correct.

6 Q And when this person in the motorcycle helmet and  
7 guns entered the store, is this the area that you were in?

8 A Yes, that's where I was in.

9 Q Once you get down on your belly, do you see this man  
10 again?

11 A Yes, I do.

12 Q What do you see him do?

13 A I see him -- I see him -- he asked for the manager,  
14 and that's when my manager says, hey, I'm the manager. And  
15 tells her to get up and has her go to the -- like, behind this  
16 counter again and into the office. There was an office behind  
17 this counter. He -- that's when he tells her, like, to open  
18 the safe and stuff.

19 Q So, in the manager's office, there's a safe?

20 A Correct.

21 Q You hear him asking for the manager; is that  
22 correct?

23 A Yeah, correct.

24 Q And you hear him asking her to open the safe?

25 A Correct.

1           Q     Is he -- so what's your manager's demeanor? Can you  
2 hear -- without telling me what she said, can you hear her at  
3 this point?

4           A     Yeah, I can.

5           Q     How does she sound to you?

6           A     She's -- she's afraid. She's in a lot of fear.

7           Q     Okay. Did you hear them come back from the  
8 manager's office?

9           A     Yeah. So the safe -- safe has a timer, and I  
10 remember during that time that it had to go through. I  
11 remember just hearing this. I remember them going to the  
12 jewelry side and asking her to open the cases to get more  
13 jewelry from there.

14          Q     Okay. So he takes her over to the jewelry area?

15          A     Correct. Correct.

16          Q     Do you hear anything specific that he's saying, or  
17 he's just saying he wants jewelry?

18          A     I do remember Adriane kind of struggling to open one  
19 of the -- the cases. She sounded nervous, kind of fumbling  
20 through the keys. She did have a lot of keys. And I remember  
21 him saying, like -- or, actually, I remember Adriane saying --

22          Q     Just tell me what you remember him saying.

23          A     I remember him saying, come on, like, how do you not  
24 know which key it is?

25          Q     Okay. Did he go into any other areas?

1           A     No, he did not.

2           Q     Did he go towards the loan counter, or was he asking  
3 for anything besides jewelry?

4           A     Oh, yes.  Actually, I remember now.  He -- he did go  
5 to where these tills were and had her open each till.  And he  
6 got -- I don't -- I didn't see this, but I remember, like,  
7 hearing the tills and getting money, possibly, from there.

8           Q     So is there cash in all of these tills?

9           A     Correct.  Yes.

10          Q     Okay.  Did you hear him say anything in regards to  
11 the cash?

12          A     No.

13          Q     Do you recall?

14          A     No.

15          Q     Do you know if they went back to the office, if the  
16 safe opened?

17          A     I don't remember.

18          Q     What do you -- what do you remember next happening?

19          A     Next, I just kind of remember -- I remember him  
20 coming kind of back around the counter.

21          Q     Which counter?

22          A     The -- like, this counter, kind of going back where  
23 we were on our bellies.

24          Q     So, for the record, you're talking about the loan  
25 counter?

1           A     Yes, the loan counter.

2           Q     And you were referring to Exhibit 65?

3           A     Correct. Yes.

4           Q     So, once he came back to the loan counter, what did  
5 you hear?

6           A     That's when I -- I think he started hearing stuff  
7 outside.

8           Q     Did you hear stuff outside?

9           A     I kind of did, too.

10          Q     What kind of stuff?

11          A     I can't -- I don't -- I don't really know how to  
12 describe it, but.

13          Q     Okay. So you think he heard something outside?

14          A     Yeah, I think he heard something, so --

15          Q     Why do you think that?

16          A     Because he went to go, like, check the door. He  
17 kind of looked -- took a peek out to see if there was  
18 something out there. Yeah.

19          Q     And then what did he do?

20          A     When he -- he noticed there was police out there, he  
21 kind of like -- you can tell he was upset. He, like, started  
22 cussing and was like, damn, and kind of walked back.

23          Q     Did he seem angry at that point?

24          A     He did.

25          Q     And you said he was cussing. Was that just aloud?

1 Was that at anyone specific? Was anyone with him at the time?

2 A There was no one with him at the time, and it wasn't  
3 at anyone at the time.

4 Q Did he leave at that point?

5 A Yeah, he walked back to the -- behind the -- the  
6 loan counter.

7 Q And did he ever exit the store?

8 A No, not when -- not until he had my manager,  
9 Adriane, with her [sic].

10 Q How did -- what did he say to Adriane to get -- to  
11 get her?

12 A He told her, like, come here, we're going outside,  
13 and then that's when they went outside.

14 Q Did she still seem scared at that point?

15 A For sure, yes.

16 Q Okay.

17 A Yes.

18 Q Did you see how they went outside, or did you just  
19 hear it?

20 A I just heard it.

21 Q Okay. Did you hear the door open and close?

22 A Yes, I did.

23 Q What did you hear after the door closed when they  
24 went outside?

25 A So, after they went outside, a few seconds passed,

1 and that's when I heard, like, a gunshot go off.

2 Q What did you think when that gunshot went off?

3 A I -- I don't really know. I was just kind of like  
4 in shock. I wasn't really -- wasn't really sure what was  
5 going on out there.

6 Q Were you scared?

7 A I was, yes.

8 Q Were you scared for your manager?

9 A I was.

10 Q What happened after you heard that gunshot?

11 A So I heard -- I think I heard a few more a few  
12 seconds after that. And then a few seconds after that is when  
13 I heard the door open, and that's when she came in running.

14 Q And by "she," who do you mean?

15 A Adriane came in running.

16 Q Okay. How did she seem?

17 A Oh, she was -- she was crying. She was like -- I  
18 had never seen her like that. She was a -- she's a tough  
19 girl, and seeing her like that was kind of crazy. She was  
20 just crying, bawling her eyes --

21 Q Where did she go when she came in?

22 A Behind the loan counter, just like -- yeah, behind  
23 the loan counter, on her knees just crying.

24 Q Okay. Did you and the other people that were in the  
25 store get up at that point?



1           A     We did. When we saw her run in, I got up and went  
2 straight to her, like, trying to see if anything happened to  
3 her, or, yeah, so (indiscernible).

4           Q     You tried to console her; is that fair?

5           A     Correct.

6           Q     After Adriane came back in, did the police  
7 eventually come in?

8           A     Yes, they did.

9           Q     Okay. And were you guys taken anywhere?

10          A     After the incident, they took us to a Home Depot  
11 right next-door.

12          Q     A Home Depot?

13          A     Oh, sorry. No, not Home Depot. AutoZone. It was  
14 not a Home --

15          Q     I'm going to show you another exhibit. And then  
16 showing you State's Exhibit 148. Do you recognize this area?

17          A     Yes, I do.

18          Q     And do you see the red dot on the left-hand side of  
19 the exhibit?

20          A     Yes.

21          Q     Is that the SuperPawn where you were working that  
22 day?

23          A     Yes.

24          Q     And you said you were taken right next-door. Do you  
25 see in this aerial map where you were taken?

1           A     Yeah. It was the AutoZone right here.

2                   MS. HEAP: And for the record, he circled just below  
3 the red dot. There's a blue dot that says AutoZone. Okay.

4 BY MS. HEAP:

5           Q     You can clear that, Ivan. Thank you.

6                   Where were you taken in the AutoZone?

7           A     So, AutoZone had a -- like, the back -- back area.  
8 That's where they had, like, a table set up for us, and they  
9 had us all just relax there.

10          Q     Did you eventually talk to the police?

11          A     We did, yes.

12          Q     Did you do a recorded interview?

13          A     We did, yes.

14          Q     Did that take place with all the other employees and  
15 customers, or was that separate?

16          A     They interviewed us all separately.

17          Q     And where did the interview take place?

18          A     I went to -- it looked like a detective's car.

19          Q     Okay. I'm going to show you another exhibit.

20                   MS. HEAP: Your Honor, permission to publish State's  
21 Exhibit 9?

22                   THE COURT: And has that one been admitted? I don't  
23 remember.

24                   MS. HEAP: Yes, Your Honor.

25                   MR. SCHWARTZER: Yes.

1 THE COURT: Okay. Yes.

2 MS. HEAP: Thank you.

3 THE COURT: Oh, that's that one. Yeah.

4 MS. HEAP: So we're going to let this start playing.

5 (Video is played.)

6 BY MS. HEAP:

7 Q Do you recognize the cameras that are coming up  
8 right now in Exhibit 9?

9 A Yes, I do.

10 Q Is that the SuperPawn that you worked at, Ivan?

11 A Yes.

12 Q Okay. As these camera angles start coming up, let  
13 me know if you see yourself in any of them.

14 A Yes. I see myself on this one so far. It's the one  
15 that says Loan Counter 3 on top left.

16 Q The left-hand side? Okay.

17 A Yes.

18 THE COURT: And for the record, that's Camera Image  
19 Number 5?

20 MS. HEAP: Correct.

21 BY MS. HEAP:

22 Q Camera Image Number 5, and at the top left of that  
23 camera, it says Loan Counter 3; is that correct?

24 A Correct.

25 Q Now I'm going to fast-forward the cameras to

1 approximately 1:07 or 1:08 p.m. here. Ivan, do you see  
2 yourself in any of these camera angles?

3 A Yes. I see myself third to the right on the top.

4 MS. HEAP: Okay, so pause it for just a second.

5 BY MS. HEAP:

6 Q You said third camera angle on the right-hand side?

7 A Yeah. Yeah, right here. I'm right here.

8 Q Is that -- is that the Loan Counter 1 camera angle?

9 MR. SCHWARTZER: (Indiscernible). He can't see it.

10 MS. HEAP: Oh.

11 MR. SCHWARTZER: Oh, he can see it right there.

12 MS. HEAP: He might see it up there.

13 THE WITNESS: No, I can't.

14 BY MS. HEAP:

15 Q So you put the -- you marked --

16 A Yeah, where your arrow is. Sorry.

17 Q Okay. You marked yourself right there with the  
18 circle, and that's --

19 A Yeah.

20 Q -- Camera Number 3, Loan Counter 1?

21 A Correct.

22 Q Okay. I'm just going to play the video for you.

23 (Video is played.)

24 BY MS. HEAP:

25 Q Do you also see yourself --

1 MS. HEAP: Pause it for just a second.

2 BY MS. HEAP:

3 Q -- in the video or Camera Number 5 where it says  
4 Loan Counter 3? It's the middle one on the left-hand side?

5 A Yes.

6 Q Okay. That's -- you're in that camera? Who else is  
7 in that camera angle with you?

8 A In that camera, it's Julie as well.

9 MS. HEAP: Okay, go ahead and play that. So we're  
10 going to play this camera angle.

11 THE COURT: And for the record, that's Camera Angle  
12 5, Loan Counter 3.

13 MS. HEAP: Thank you, Your Honor.

14 (Video is played.)

15 BY MS. HEAP:

16 Q When you said you were helping one of your regular  
17 customers, do you see him behind the counter in this angle?

18 A Yes, I see him now.

19 Q Okay.

20 MS. HEAP: Pause it. Okay.

21 BY MS. HEAP:

22 Q And what just happened there?

23 A So, Julie ran to the office, and I got down, and I  
24 started looking for the panic button.

25 Q And at the top of the screen, we could see who you

1 described as Julie run off. Is that when she was screaming  
2 210?

3 A Correct.

4 Q Okay. We'll continue playing.

5 (Video is played.)

6 BY MS. HEAP:

7 Q Now, you just made a few motions. Was that you  
8 looking for the panic button you described?

9 A Yeah.

10 Q Okay. And I see that you put your hands up in the  
11 video. Was that at this man's direction?

12 A Yes. I didn't remember that, but I'm sure that's  
13 what he said.

14 Q Okay. And then you can see some people moving  
15 around at the top right-hand -- the top right of the video.  
16 Is that -- were you in that group of people that was moving to  
17 the front of the loan counter area?

18 A Yes.

19 Q Ivan, you're testifying here today. Are you  
20 testifying based on your own memory?

21 A Correct.

22 Q Did anyone -- anyone influence what you're  
23 testifying about, or is this what you experienced and what you  
24 remember?

25 A No, this is what I experienced.

1 MS. HEAP: I'll pass the witness, Your Honor.

2 THE COURT: Mr. Trejo?

3 MR. TREJO: Can I have a five-minute break, Your  
4 Honor, prior to examining?

5 THE COURT: Any opposition?

6 MS. HEAP: No, Your Honor.

7 THE COURT: Okay. So, ladies and gentlemen, we are  
8 going to take a five-minute break.

9 During the recess, you're admonished not to talk or  
10 converse among yourselves or with anyone else on any subject  
11 connected to this trial, or read, watch, or listen to any  
12 report of or commentary on the trial or any person -- of any  
13 person connected with this trial, by any medium of  
14 information, including, without limitation, newspapers,  
15 television, the internet, and radio, or form or express any  
16 opinion on any subject connected with the trial until the case  
17 is submitted to you.

18 It is 11:15. We will come back at 11:20.

19 (Outside the presence of the jurors)

20 THE COURT: And, Mr. Jaquez, can you just please go  
21 out to the little room in the vestibule? Thank you.

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: We are outside the presence of the jury.  
24 Anything that we need to handle outside the  
25 presence?

1 MS. HEAP: Nothing by the State.

2 MR. SCHWARTZER: Nothing by the State.

3 THE COURT: Mr. Trejo?

4 MR. HENRY: He needs to use the bathroom and to  
5 clean the --

6 THE COURT: Okay.

7 MR. HENRY: -- device.

8 THE COURT: Okay.

9 MR. SCHWARTZER: Thank you, Your Honor.

10 THE COURT: Thank you.

11 (Court recessed at 11:14 a.m. until 11:22 a.m.)

12 (Outside the presence of the jurors)

13 MS. HEAP: Not by the State.

14 THE COURT: Nothing by the State?

15 Mr. Trejo, anything outside the presence?

16 MR. TREJO: Not at the moment.

17 THE COURT: Are you ready to proceed?

18 MR. TREJO: Yes.

19 THE COURT: Okay. Bill, can you grab Mr. Jaquez  
20 first before the jury?

21 MR. SCHWARTZER: (Indiscernible) switch it over to  
22 the Elmo.

23 THE COURT: And just so you guys know, if anybody  
24 needs a bathroom break, I've been holding it for 10 minutes.  
25 If you are starting to need one, you all know I will always



1 take a break.

2 MR. SCHWARTZER: Thank you, Your Honor.

3 THE COURT: Thank you. If you can grab the jury.

4 (In the presence of the jurors)

5 THE COURT: Will the parties stipulate to the  
6 presence of the jury?

7 MS. HEAP: We're missing one, Your Honor.

8 THE CLERK: Yeah, you're missing one.

9 THE COURT: Oh, wait. I still don't see who's  
10 missing. Okay, there. Can't see him from the angle I'm at.

11 You all can have a seat. You don't need to keep  
12 standing. You can have a seat, too, Mr. Jaquez. Everybody  
13 can have a seat. I'm just -- okay, here he is.

14 Now will the parties stipulate to the presence of  
15 the jury?

16 MS. HEAP: Yes, Your Honor.

17 THE COURT: Mr. Trejo?

18 MR. TREJO: The defendant stipulates.

19 THE COURT: Okay, thank you. Mr. Trejo, please  
20 proceed.

21 THE INTERPRETER: He needs a few minutes today to  
22 explain how it works.

23 THE COURT: Yeah.

24 THE INTERPRETER: Do you need me to be here or here?

25 THE COURT: It doesn't matter.

1 THE INTERPRETER: It doesn't matter? Okay.

2 THE MARSHAL: Yeah, whatever works for you.

3 CROSS-EXAMINATION

4 BY MR. TREJO:

5 Q Good morning, Mr. Jaquez. Thank you for being here.

6 A Good morning.

7 Q Ivan, were you present at 1150 South Rainbow  
8 Boulevard on September 3rd, 2018?

9 A I was.

10 Q Were you also present at the same location on August  
11 4th, 2018?

12 A I was.

13 Q And was there events alleged to have taken place on  
14 both of those dates?

15 A Yes.

16 Q Did you give statement to detectives of both of  
17 these occasions -- detectives on both of these occasions?

18 A I did give two statements, yeah, on each.

19 Q And were those statements given using all the  
20 details and facts that you personally witnessed?

21 A That is correct. Everything I witnessed,  
22 experienced, that's what I told them.

23 Q At any point prior to giving either of these  
24 recorded statements, did anyone give you information that  
25 could have in any way influenced your testimony?

1           A     No, negative.  There's no information.

2           Q     Let's begin with the August 4th, 2018.  So you claim  
3 that on that day, an individual tried to rob you and your  
4 coworkers and that a car was parked in the lot, waiting.

5                   My question is if on that day you were able to get a  
6 look at that car?

7           A     I was able to see it, yes.

8           Q     Were you -- were you able to take notice of any  
9 details that would have made that car stand out from other  
10 vehicles of similar make and model?

11          A     No.  It was a black Acura.

12          Q     So this event allegedly took place by Rainbow and  
13 Charleston?

14          A     Correct.

15          Q     So was traffic around the area regularly busy?

16          A     It -- no, there was no traffic at the time.

17          Q     Was it -- allow me to rephrase.  Is that area,  
18 Rainbow and Charleston, from your experience, regularly busy  
19 or when -- from your experience, regularly busy when I comes  
20 to traffic -- it comes to traffic?

21          A     Yeah.  Regularly, it's busy in that intersection,  
22 but that day, it was -- I believe -- I don't remember what day  
23 it was.  I think it was a weekend, but it was really slow.  
24 There was no traffic at the time.

25          Q     Okay.  So, eventually, someone approached your

1 coworkers and yourself, and you guys drove off. Were you  
2 scared or in a panic?

3 A Yes, I was.

4 Q When that happened, you guys drove off, according to  
5 you, were you in the back seat?

6 A I was in the back seat, yes.

7 Q So you weren't driving or focused on anything else;  
8 is that correct?

9 A I was not driving. I did take a look back. Because  
10 I wasn't driving, I was able to look back at the car and  
11 stuff, but that's -- that's it.

12 Q And when you were in the back seat of the moving  
13 vehicle, did you notice a lot of other vehicles on the road?

14 A So, when we -- when we pulled out onto Charleston,  
15 honestly, the -- when we pulled out, it was only us, and then  
16 the Acura pulled out the same time, and then it was just  
17 honestly us two on that street for those few seconds.

18 Q And what point do you think or believe that someone  
19 was chasing you?

20 A The moment we made the U-turn, and the Acura made  
21 the U-turn, I was like, that's weird, like, why would they  
22 make a U-turn the same place we did? That's when I thought  
23 they were chasing us.

24 Q What street did you say the U-turn -- the U-turn was  
25 made?

1           A     On Torrey Pines.

2           Q     Was there something unique about that vehicle that  
3 you -- that could lead you to assume I was -- it was the same  
4 vehicle allegedly parked at 1150 South Rainbow Boulevard?

5           A     So it pulled out of, like, the same -- same shopping  
6 center. That's what was very, like, obvious about that to me.

7           Q     But were there any identifying marks or aspects of  
8 that vehicle that could make you think this is the same  
9 vehicle?

10          A     No.

11          Q     Since you were in the back seat, could you see the  
12 driver of that alleged vehicle?

13          A     I did not see him.

14          Q     Was anybody in the alleged vehicle trying to  
15 communicate with you?

16          A     Not that I remember, no.

17          Q     Were they pointing a weapon at you?

18          A     No.

19          Q     Did you see the driver wearing a mask?

20          A     No, I did not see the driver.

21          Q     So could this vehicle have just been another  
22 commuter driving a similar nondescript vehicle?

23          A     Yeah, it could have. I just -- the -- what it  
24 looked like to me was the same vehicle that was suspiciously  
25 parked next to the building.

1           Q     So, Ivan, you mentioned you were in a panic or  
2 scared. Do you think, based on your experience, that when you  
3 are scared or in a panic that focusing or making a clear  
4 picture becomes harder than under normal circumstances?

5           A     Yeah, it makes it a little, I guess, harder for us  
6 to -- I don't know. It's really hard to say. I'm not sure,  
7 but I could say yeah, I guess that could make it a littler  
8 harder.

9           Q     Okay. So, real quick, the complex which 1150 South  
10 Rainbow Boulevard is located is pretty large, right?

11          A     Yeah, it is. It has a few different stores there.

12          Q     Do you recall how many exits this has?

13          A     It has -- I can recall two.

14               MR. TREJO: Permission to publish State's Exhibit  
15 148 on the Elmo?

16               THE COURT: And that's been admitted?

17               MS. HEAP: It has.

18               THE COURT: Yes.

19 BY MR. TREJO:

20          Q     Okay, Mr. Jaquez, is this the complex where 1150  
21 South Rainbow Boulevard is located?

22               THE COURT: And just be a little bit more specific  
23 because there's a lot of things on that.

24               MR. TREJO: Specifically, the corner property edge  
25 by Rainbow and Charleston -- Charleston. The corner property.

1           THE COURT: So you're describing -- it looks like  
2 the -- sort of the center of the exhibit but to the left-hand  
3 side. Does that adequately describe what you're saying, Mr.  
4 Trejo?

5           MR. TREJO: Yes, Your Honor.

6           THE COURT: Ms. Heap?

7           MS. HEAP: Yes, Your Honor.

8           THE COURT: Okay, thank you.

9           THE WITNESS: So, yeah, I recognize this area.

10 BY MR. TREJO:

11           Q     So, by looking at this map, can you tell me how many  
12 exits we see?

13           A     So, yes. There's actually three, not two.  
14 Actually, no, wait. So, sorry. So if we count, like, where  
15 the gas station is, actually -- hold on.

16           THE COURT: Can you use the marker --

17           THE WITNESS: Yeah.

18           THE COURT: -- just so that we see what you're  
19 talking about?

20           THE WITNESS: There's actually four. So there's  
21 going to be --

22           THE COURT: If you go back down to where -- on the  
23 -- go to, yeah, the red. Yeah, so you can put an X or  
24 something where you're talking about, and then I can describe  
25 it for the record.

1 THE WITNESS: Sorry. It's been a while since I've  
2 been there, but, okay. So I remember there's one being here.

3 THE COURT: Okay.

4 THE WITNESS: There's one here --

5 THE COURT: Okay.

6 THE WITNESS: -- here, and here.

7 THE COURT: Okay. So, for the record, he has put  
8 four red circles, one of them -- or, sorry, three of them on  
9 the side that say Rainbow. And one is right next to the --  
10 what is that, like, teardrop -- red teardrop tab. One is a  
11 little bit further higher up, so that would be north -- is  
12 that north -- on the photo. The third being closer to the  
13 corner of Rainbow and Charleston, and then one of the red  
14 circles is on Charleston near the left side of the picture.

15 Does that adequately describe everything, Mr. Trejo?  
16 Mr. Trejo?

17 MR. TREJO: Yes, Your Honor.

18 THE COURT: Ms. Heap?

19 MS. HEAP: Yes, Your Honor.

20 THE COURT: Okay, thank you.

21 BY MR. TREJO:

22 Q For the record, though, we missed one exit. There  
23 is actually five on Charleston Boulevard section of this  
24 complex. There is two exits, the second being where the blue  
25 bus stop marker is located.



1 MS. HEAP: Your Honor, I'm going to object at this  
2 point. Mr. Trejo appears to be testifying, and this line of  
3 questioning has been asked and answered several times by the  
4 witness at this point.

5 THE COURT: I am going to strike that. Mr. Trejo  
6 was testifying. So, for the record, still, there's just the  
7 four that the witness has noted.

8 MR. TREJO: My apologies. I'll move on.

9 BY MR. TREJO:

10 Q Do you believe if someone was most definitely  
11 attempting to chase you guys that it could be really difficult  
12 to guess which exit someone trying to leave the complex could  
13 take in order to allegedly give chase?

14 A No.

15 Q And why is that, Mr. Jaquez?

16 A Wait, sorry. Can you say that last question again?  
17 Okay.

18 Q Do you believe that if someone was most definitely  
19 attempting to chase you guys that it could be really difficult  
20 to guess which exit someone trying to leave the complex could  
21 take in order to allegedly give chase?

22 A Okay, sorry. So, it -- yes, it would be difficult.

23 Q Looking at all of these factors, is it possible that  
24 in your panic, you'd mistaken someone else's similar  
25 nondescript vehicle with the one parked at 1150 South Rainbow

1 Boulevard?

2 A I don't think so, because that day was a holiday.  
3 No other businesses in that shopping center were open. I  
4 remember clearly maybe like three other cars in that whole  
5 complex, including -- and then including the workers'. So it  
6 was -- I don't think it -- I don't think I really thought it  
7 was -- what am I trying to say? Sorry. I don't think I could  
8 have mistaken it like that.

9 Q August 4th was a holiday?

10 A Oh, sorry, that was not. No. I'm confusing it with  
11 the -- the other incident. It was -- it was -- what I meant  
12 to say, it was very early that day. All the other businesses  
13 weren't open. Like, they would open later in the day.

14 Q Now I'd like to talk about September 3rd, 2018. You  
15 claimed, on that day, you witnessed a robbery, and along with  
16 it, a lot of details regarding said robbery, right?

17 A Correct.

18 Q Do you recall your September 3rd, 2018 statement and  
19 the details as you claimed -- do you recall your September  
20 3rd, 2018 statement and the details you claimed on that -- on  
21 said statement?

22 A I do recall most, not all of it.

23 Q Do you remember what gave you warning that a robbery  
24 was happening?

25 A Yes, I do. I remember it was Julie screaming 210.

1 Q And where were you at?

2 A Behind the loan counter.

3 Q That's -- does that counter have dividers?

4 A Yeah, it has those, yeah, dividers.

5 Q And do the dividers block your view of most of the  
6 store?

7 A It does block the view of most of the store, yes.

8 Q So you claim that upon hearing Julie give warning,  
9 you ducked and pressed an alarm; is that correct?

10 A Yes.

11 Q When you ducked, did you lose view of most of the  
12 store and employees over the counter?

13 A Say that again. Sorry, I --

14 Q When you ducked, did you lose view of most of the  
15 store and employees over the counter?

16 A Correct. Yes.

17 Q Do you recall on your statement claiming that Melani  
18 Howard called the police?

19 A I do recall that. At the moment it was happening, I  
20 did not know that was what she did.

21 Q Did someone tell you this happened?

22 A Melani told me she had called the police.

23 Q Did you also claim that other coworkers hit panic  
24 buttons?

25 A I did, yes. Yeah.

1 Q Did you witness this, or did someone tell you this?

2 A They told me this.

3 Q Did the suspect point guns at anybody?

4 A I do not remember that.

5 Q Now, did you also claim that you were made to get on  
6 the floor?

7 A I was -- we were told to get on the floor.

8 Q Do you recall what Adriane did during this time  
9 while you were getting on the floor?

10 A I do not recall.

11 Q A second ago during the State's examination, you  
12 mentioned that the suspect at that time asked for the manager;  
13 is that correct, Mr. Jaquez?

14 A Yes, I remember them asking -- him asking for the  
15 manager when -- when we started moving to the front and got on  
16 the floor.

17 Q All right. Do you recall where you were made to lay  
18 down?

19 A Yes, in front of the loan counter on the floor.  
20 Yeah.

21 MR. TREJO: Permission to obtain and publish defense  
22 exhibits, please?

23 THE COURT: Which ones? 1 through 10?

24 MR. TREJO: 1 through --

25 THE COURT: So that's A through --

1 MR. HENRY: J, J.

2 THE COURT: A through J, and those have all been --  
3 those have all been stipulated, I believe, right?

4 MS. HEAP: I believe so.

5 THE COURT: So, yeah. Yeah, you can.

6 Mr. Jaquez, can you do me a favor and get that trash  
7 can and --

8 THE WITNESS: Yes.

9 THE COURT: -- clear off the marks from this one?  
10 Thank you.

11 BY MR. TREJO:

12 Q If I show you a picture, can you confirm a couple  
13 things for me, Mr. Jaquez?

14 A Yes.

15 Q Tell me, where were you lying -- laying?

16 MR. SCHWARTZER: Your Honor, could we just have the  
17 exhibit letter, please?

18 THE COURT: Yeah. Please state which exhibit you're  
19 showing him.

20 MR. TREJO: A.

21 THE COURT: Exhibit A? Okay, thank you.

22 MR. TREJO: Defendant's Exhibit A.

23 MR. SCHWARTZER: Thank you.

24 THE WITNESS: I'm going to mark on the screen. I --  
25 I was lying right around here.

1           THE COURT: So, for the record, he has drawn a  
2 circle about two-thirds of the way down on the left side of  
3 Exhibit A. It is in front of a brownish kind of counter that  
4 has glass in front, which is to the right of it. There is an  
5 orange something-or-other that's on wheels that's to the left  
6 and higher up on the photo.

7           Is that an adequate description, Mr. Trejo?

8           Ms. Heap?

9           MS. HEAP: Yes, Your Honor.

10          MR. TREJO: Yes.

11          THE COURT: Okay, thank you.

12 BY MR. TREJO:

13          Q     How about the rest of the group?

14          A     So I think there was one person on my left only, and  
15 then the rest of the group was below that area.

16          Q     Which way was your head facing?

17          A     Head was facing to the right if we are talking about  
18 this picture.

19          Q     And from that position, could you see the front  
20 door?

21          A     No.

22          Q     How about the sales floor?

23          A     Yeah, I can see -- if you mean by the sales floor,  
24 like, where that jewelry counter is and stuff like that, yeah,  
25 I could see the -- the jewelry counter.

1           Q     Just to be clear, do you mean a portion of the  
2 jewelry counter or the whole thing?

3           A     I'd say a portion, just like that portion you can  
4 see from the picture now.

5           Q     Could you see the office?

6           A     From where I was, no.

7           Q     How about the other jewelry counters?

8           A     No.

9           Q     Did you claim to have seen the suspect make Adriane  
10 zip-tie the door?

11          A     I do not remember that.

12          Q     Would you like to see a portion of your statement to  
13 refresh your memory, Mr. Jaquez?

14          A     Yeah.

15               MR. TREJO: Permission to approach, Your Honor?

16               THE COURT: Yes. Do you want to show the State  
17 first what you're showing him?

18               MR. SCHWARTZER: Just tell us the page. I know the  
19 statement, just the page.

20               MS. HEAP: Page. What page number?

21               MR. SCHWARTZER: 19? For the record, he's showing  
22 page 19 of the witness's statement to police.

23               THE COURT: Okay, you can approach.

24               MR. SCHWARTZER: Your Honor?

25               THE COURT: Yes.

1 MR. SCHWARTZER: I think we should approach.

2 THE COURT: Can the parties approach?

3 (Bench conference)

4 MR. SCHWARTZER: So, 19, he's talking about another  
5 robbery that happened two years ago where they zip-tied it.  
6 And then he said, oh, they zip-tied it in this -- he zip-tied  
7 it again in this case, too. I think he says that on page 20,  
8 actually.

9 MS. HEAP: Like, basically, like --

10 MR. SCHWARTZER: Very end.

11 MS. HEAP: -- he did last time.

12 MR. SCHWARTZER: So, obviously, I'm a little worried  
13 about getting into another --

14 THE COURT: Right.

15 MR. SCHWARTZER: -- robbery that occurred.

16 THE COURT: Okay. So it's actually probably pretty  
17 good to have the lunch break right now so we can do this  
18 without it being -- without the jury being here and without  
19 him being here. So I'm going to just take a break right now  
20 for lunch, have them come back at 1:15, and we'll talk about  
21 this a little bit so we're not constrained right here.

22 MR. SCHWARTZER: Okay.

23 THE COURT: Yes. What were you going to say, Ms.  
24 Heap?

25 MS. HEAP: I was just going to ask if I could talk



1 to the witness.

2 THE COURT: Okay.

3 (End of bench conference)

4 THE COURT: Hold it. No, leave it on.

5 THE COURT RECORDER: Oh, sorry.

6 (Bench conference)

7 THE COURT: Okay. Okay, thank you. Now you can go  
8 off.

9 (End of bench conference)

10 THE COURT: Ladies and gentlemen, we are going to  
11 take our lunch recess.

12 During the recess, you're admonished not to talk or  
13 converse among yourselves or with anyone else on any subject  
14 connected to this trial, or read, watch, or listen to any  
15 report of or commentary on the trial of any person connected  
16 with this trial, by any medium of information, including,  
17 without limitation, newspapers, television, the internet, and  
18 radio, or form or express any opinion on any subject connected  
19 with this trial until the case is finally submitted to you.

20 We will come back at 1:15.

21 And, Mr. Jaquez, you're also excused until 1:15.

22 Thank you.

23 THE WITNESS: Thank you.

24 THE COURT: And when you get back, if you can just  
25 come inside and go into that little room --

1 THE WITNESS: Okay.

2 THE COURT: -- on the side.

3 THE WITNESS: Thank you.

4 THE COURT: And while you're gone, just don't talk  
5 to anybody about this case.

6 THE WITNESS: Okay, copy that. Thank you.

7 THE COURT: Thank you.

8 (Outside the presence of the jurors)

9 THE COURT: I told him to come into the little room  
10 at 1:15, the vestibule room. So we are now outside the  
11 presence of the jury and the witness.

12 And so, Mr. Schwartzer, please just continue making  
13 your record. I just thought it would be easier to do it while  
14 --

15 MR. SCHWARTZER: It is, Your Honor, and I appreciate  
16 that.

17 So, here's my concern. The page that he gave the  
18 witness to refresh his memory regards a portion in which the  
19 detective -- I think, in this case, it was Detective Nelson  
20 (phonetic), asked the witness about a robbery that had similar  
21 characteristics two years beforehand. And to read it into the  
22 record, it's -- so this is page 19, which is the page that Mr.  
23 Trejo gave the witness:

24 "Detective: You mentioned earlier to me that there  
25 was an incident here a little while back that was kind of the

1 same type of deal?

2 "Ivan: Yeah.

3 "Detective: How long ago was that?

4 "Ivan: That was two years ago.

5 "Detective: Okay.

6 "Ivan: Almost exactly at the same time.

7 "Detective: Okay.

8 "Detective: And just briefly, tell me what happened  
9 in that one.

10 "Ivan: Same thing. It was a Sunday. We had just  
11 opened the door, opened. Same kind of built guy, black  
12 helmet, came in with a firearm. He wasn't alone that time.  
13 He had a girl with him.

14 "Nelson: Okay.

15 "Ivan: And then they did the same thing. They  
16 zip-tied the doors. I didn't know that they zip-tied it at  
17 the time, but they zip-tied it -- zip-tied it, the door -- but  
18 they zip-tied it, the door," is, I guess, how it's in the  
19 transcripts.

20 And then if -- that's page 19, which is all he gave  
21 the witness. Going to page 20, it's then kind of explained,  
22 oh -- and I'll go through it some more.

23 Detective Nelson -- this is page 20, which was not  
24 provided to the witness:

25 "Okay, this robbery was two years ago?

1           "Ivan: They -- about two years ago, yeah. And  
2 actually, they did it this time."

3           So it isn't until page 20 where they talk about  
4 zip-tying the doors in this case. Obviously, we've been in  
5 here for seven days. I don't want Mr. Trejo to open the door  
6 to another robbery in which he was a possible -- in fact, I  
7 think he was, Detective Smith (phonetic) actually talked to  
8 him about it -- is a possible suspect in.

9           So that was why I stopped right there, because I  
10 didn't want -- even though it was Mr. Trejo opening the door,  
11 I wanted to, out of an abundance of caution, make sure he knew  
12 what he was going to get himself into.

13           I think it could be remedied by directly asking him  
14 -- or directly showing him maybe page 20 and that specific  
15 part where the detective asked:

16           "Did they -- they did it this time, too?"

17           "Ivan: Yeah, they had the manager actually do it.  
18 I forgot to say that."

19           THE COURT: Okay. So --

20           MR. SCHWARTZER: But even that, you know, because it  
21 implies the prior robbery, I was worried -- without -- because  
22 Ivan wasn't prepared. We didn't prepare him for this other  
23 robbery being brought up.

24           THE COURT: Right.

25           MR. SCHWARTZER: So I was worried about what the

1 witness was going to say, and that's the reason why I asked to  
2 approach.

3 THE COURT: Right.

4 Mr. Trejo, so, in an abundance of caution, Mr.  
5 Schwartzter wanted to direct you to -- you're representing  
6 yourself, and so he wanted to make sure you don't open the  
7 door. He's going to talk to his witness. I'm sure he or Ms.  
8 Heap will talk to them at lunch about not -- about the witness  
9 not saying anything about the new -- about the other robbery.

10 But you need to make sure your questions are  
11 specific enough so that they don't open the door to try and --  
12 so that we don't have to get a mistrial. You saw how long it  
13 took us to get a jury in this. We don't want to have to do  
14 this again.

15 So I just want you to make sure that you are not  
16 opening the door for the witness to say anything about any  
17 other robberies that are not part of this case. So I just  
18 need you to be a little bit more specific on your questions  
19 and make sure you're doing that. So, do you have any  
20 questions?

21 MR. SCHWARTZER: And I would ask him to use a  
22 different page, since the page he was using had nothing to do  
23 with --

24 THE COURT: Right.

25 MR. SCHWARTZER: -- robbery in question.

1 THE COURT: Right. So if you can go straight to  
2 page 20.

3 MR. TREJO: The reason why I need to ask is because  
4 he's technically making the allegations that in this incident,  
5 he mentions the zip ties. But word of caution is observed and  
6 appreciated. I'll adjust the question to page 20.

7 MR. SCHWARTZER: "Absurd"?

8 THE COURT: I don't think that's what it probably  
9 said.

10 MR. SCHWARTZER: I'm trying to save the trial, but  
11 okay.

12 THE COURT: Okay. So we will -- we will take a  
13 break until 1:15. "Observed."

14 MR. SCHWARTZER: I appreciate that. Thank you.

15 THE COURT: He's saying "observed and" -- "observed  
16 and appreciated."

17 MR. SCHWARTZER: I know. I appreciate that. I  
18 appreciate Mr. Trejo explaining that.

19 THE COURT: Okay.

20 MR. SCHWARTZER: Thank you.

21 THE COURT: Thank you. So we are on a break until  
22 1:15.

23 If the kids from Gorman can stay. I just got to go  
24 to the bathroom at all times. I will come out and talk to you  
25 in just a second, though.

1 UNIDENTIFIED SPEAKER: Okay. Thank you. Yeah,  
2 we'll wait.

3 THE COURT: Anything else outside the presence?

4 MR. SCHWARTZER: Not from the State, Your Honor.

5 THE COURT: Mr. Trejo?

6 Alex, can you just say it for the record? He said,  
7 "Not from the defense."

8 MR. HENRY: No. Yeah, not from the defense.

9 THE COURT: Okay, thank you. Okay, we'll see you  
10 all at 1:15. I'll be right back out.

11 (Court recessed at 12:13 p.m. until 1:18 p.m.)

12 (Outside the presence of the jurors)

13 THE COURT: Are we on the record?

14 THE COURT RECORDER: Yes.

15 THE COURT: Okay. Anything outside the presence  
16 before we bring the witness in?

17 MS. HEAP: Not by the State.

18 THE COURT: Mr. Trejo?

19 MR. TREJO: No.

20 THE COURT: Okay, thank you. Go ahead and bring the  
21 witness in.

22 (Pause in the proceedings.)

23 (In the presence of the jurors)

24 THE COURT: Will the parties stipulate to the  
25 presence of the jury?

1 MS. HEAP: State does.

2 THE COURT: Mr. Trejo?

3 MR. TREJO: Yes, Your Honor.

4 THE COURT: Okay, thank you. Please be seated.

5 And, Mr. Trejo, you can.

6 (Pause in the proceedings.)

7 THE COURT: Do you need to approach?

8 THE INTERPRETER: Yeah.

9 THE COURT: Does everybody need to approach, or just  
10 you?

11 THE INTERPRETER: I wanted to make sure that he's --  
12 I'm pronouncing his last name correctly. Jaquez?

13 THE COURT: I think so.

14 THE INTERPRETER: Okay.

15 THE COURT: I think it's Jaquez, maybe.

16 THE INTERPRETER: Jaquez?

17 THE COURT: Okay.

18 THE WITNESS: Jaquez.

19 BY MR. TREJO:

20 Q Mr. Jaquez, welcome back. So, prior to the break, I  
21 had asked you if you wanted to look at the portion of your  
22 statement. I produced the wrong page. Would you like to look  
23 at page 20 of the statement's transcripts?

24 A Yeah, yeah, that's fine.

25 MR. TREJO: May I approach?



1 THE COURT: Yes.

2 THE WITNESS: Okay.

3 BY MR. TREJO:

4 Q Now, Mr. Jaquez, do you remember stating that a zip  
5 tie was used on the front door in your recorded voluntary  
6 statement?

7 A I do not remember saying that. Yeah, I don't  
8 remember.

9 Q Did the viewing of the --

10 THE INTERPRETER: Excuse me.

11 BY MR. TREJO:

12 Q Did the viewing of the transcript not help refresh  
13 your memory, Mr. Jaquez?

14 A No, I really don't -- I don't remember saying that,  
15 and then I don't really remember it happening or hearing it.  
16 So, it's -- yeah. It's something that, four years ago, I  
17 don't remember now, no.

18 Q So, just to clarify, nobody gave you information  
19 that a zip tie was used?

20 A No. It was just from a previous incident that I  
21 remember zip ties being used, but this -- that incident, the  
22 one we're talking about now, don't recall any zip ties.

23 Q Did you claim to have seen the suspect have Adriane  
24 open or set the safe?

25 A I did not see, but I just heard because there's like

1 -- when you press buttons in the safe, you can hear it, like,  
2 activating and all that.

3 Q So, just to clarify, you heard the buttons on the  
4 safe?

5 A Yeah, the buttons.

6 Q Did you ever hear him order her to set the safe?

7 A Don't remember, but I do remember that they went in  
8 there, and I heard the safe. And like, when the safe would go  
9 off, it would have like an alarm kind of thing when the timer  
10 would be done. But I don't -- him -- don't remember hearing  
11 him, like, saying stuff word-for-word like that, but for sure,  
12 I know they went into the office for the safe.

13 Q Did you claim to have seen him take her to the  
14 jewelry counter?

15 A I -- or, like the part -- the portion I could see of  
16 the jewelry counter, I do remember seeing them there for  
17 partial of the time. And I remember hearing as well, like,  
18 the keys and Adriane being in a lot of distress.

19 Q Did you claim the suspect grabbed or took your  
20 manager?

21 A Yeah. So he asked for who the manager was and told  
22 her to come with him. So, yeah, he -- he, like, told her to  
23 come and told her to do certain things, like go to the office  
24 for the safe, and go to the jewelry, stuff like that.

25 Q Did at some point you make claim that he grabbed her

1 and took her outside?

2 A Yes.

3 Q Did you see this yourself?

4 A I did not. I just remember hearing -- yeah, just  
5 hearing it. I was blocked -- I was blocked from the front  
6 door, so I didn't see it when he actually, like, grabbed her.  
7 I just remember hearing them go outside.

8 Q So could you please clarify what you heard? Was it  
9 just the door opening or something else?

10 MR. SCHWARTZER: Your Honor, could we get a time  
11 frame?

12 THE COURT: Can you make it more specific and say  
13 when you're asking about?

14 BY MR. TREJO:

15 Q When you claim that the person took your manager  
16 outside, what exactly did you hear? Was it just the door  
17 opening or something else?

18 A No, it was the door opening. The door opening and  
19 -- and -- yeah, it was the door. I'm not sure what  
20 (indiscernible).

21 Q So, to be absolutely clear, are you stating you did  
22 not witness your manager being taken?

23 A No, I did not witness it, just heard it. Yeah.

24 Q I'm sorry. You said you heard it. Can you be clear  
25 what you heard exactly?

1           A     I mean, like, just the -- like, them walking  
2 together, and then, like, the door opening. And then, like,  
3 they walked out, and then you kind of -- when they walked out,  
4 you kind of didn't hear nothing for a while. It was, like,  
5 silent in the store. So we're like -- I was like, what's  
6 going on? And that's when, after, I heard the gunshots go  
7 off.

8                     And I noticed that Adriane and him weren't there no  
9 more, so I was like, oh, okay, like, it looks like they both  
10 went out there. I'm not sure exactly what happened, but it  
11 wasn't just him that went out there. He must have took  
12 Adriane with him -- or with -- yeah, with him.

13           Q     So you assumed he took your manager?

14           A     Yeah.

15           Q     Now, after everything was over, did Metro officers  
16 move you and the other nine people in the pawn shop somewhere?

17           A     Not in the pawn shop. First, they took us outside  
18 for a second, and then that's when, after, they moved us to  
19 AutoZone.

20           Q     Around what time were you moved?

21           A     I don't remember.

22           Q     Was it within minutes of the alleged incident?

23           A     It was. It was minutes. It was quick. Yeah, we  
24 were -- we were at -- we were at AutoZone like maybe five, 10  
25 minutes after the incident.

1 Q So would around 1:30 p.m. sound right?

2 A Yes.

3 Q Do you recall if anyone aside from your group of 10  
4 was moved to the AutoZone?

5 A Can you re --

6 Q Do you recall if anyone aside from your group of 10  
7 was moved to the AutoZone?

8 A No.

9 Q Did you meet a man and a woman at AutoZone that  
10 Metro officers left at AutoZone with your group?

11 A I mean, there was -- there was a lot of people  
12 there. I'm not sure what you're trying to ask.

13 Q Was there any additional people placed at AutoZone  
14 aside from the 10 people that were in the shop with you?

15 A There was, like, people that were there to kind of  
16 help us like get through the trauma that, like, I think, like,  
17 Metro would bring and stuff, but that was about it, I think,  
18 that I can remember.

19 Q No additional witnesses?

20 A No, not that I can remember.

21 Q Did your group discuss the details regarding the  
22 allegations of September 3rd, 2018?

23 A When we were at AutoZone, or like -- yeah.

24 Q Yes.

25 A Yeah, we like discussed what had happened, like,

1 because I never knew, like, Melani had called 911 when that --  
2 when she was in there. So we just kind of like talked about  
3 what happened. It was -- like, it was something we all  
4 experienced, and it was crazy.

5 So, for the most part, yeah, we talked for a little  
6 bit, but I think a lot of us were, like, just shocked at what  
7 had happened. But it was more like we were trying to comfort  
8 Adriane, too, because she was -- she was the one that was  
9 really crying the most and was affected the most for sure.

10 Q Did you hear from others details that you yourself  
11 did not witness or have knowledge of?

12 A No.

13 Q You just mentioned that your group did talk about  
14 these crazy events and that you learned details such as  
15 Melani's experience, which you did not witness. That's just  
16 for example.

17 So, if you did not hear from others of these  
18 details, then how exactly did you come up with the knowledge  
19 of these events?

20 A So, okay. So, yeah. So, yeah, we like talked about  
21 certain things, like what each of us experienced. I don't  
22 know. I'm not sure what you're like -- you're trying to get  
23 at. But like, we discussed, I guess, like Melani had a pretty  
24 -- it was kind of different from everyone's experience because  
25 she was not, I think, actually in the group that got in the

1 counter, because I think she actually hid in one of the  
2 drawers behind the jewelry counter. So I didn't even know she  
3 was in there this whole time.

4 So, yeah, she -- or like, whoever had like a  
5 different experience, they would tell us. But for the most  
6 part, we kind of -- I don't know. That's probably the biggest  
7 one I can think of that -- that I was like, oh, I didn't even  
8 know that happened during this whole time, that Melani was  
9 hiding and she had called 911, but, I mean, yeah.

10 Q Did Adriane Serrano-Borjorquez talk about details or  
11 allegations that you could not witness?

12 A Yeah. There's -- there was a few, but like, I can't  
13 remember now, if I'm being honest. She -- yeah. Her  
14 experience for sure was obviously a lot different, too, from  
15 the people who were in the store on the floor, but, I mean,  
16 there's nothing I can remember that she really said.

17 Q Do you recall at what time detectives pulled you out  
18 of AutoZone for your recorded statement?

19 A Yeah, so it took a while. We were in AutoZone for a  
20 while. They would kind of take one person at a time. I would  
21 say my interview was maybe 40 minutes after the incident and  
22 -- yeah, probably about 40 minutes after the incident was my  
23 interview with the detective.

24 Q I actually have a different time based on the  
25 transcripts. Would you like to look at a portion of your

1 statement transcripts that show what time your interview  
2 began?

3 A I mean, I believe you if, like, the time was  
4 different. I don't remember. I just remember it wasn't like  
5 right away we got interviewed, so. But I know it took a  
6 while, but I don't remember how long it was.

7 Q Does 4:00 p.m. on September 3rd, 2018, sound true  
8 and accurate?

9 A Sorry, say that again.

10 Q Does 4:00 p.m. on September 3rd, 2018, sound true  
11 and accurate?

12 A Yeah, I think so. Yeah, because I think we had to  
13 -- sounds about right.

14 Q So would you say that yourself and the other  
15 witnesses were left alone in the AutoZone for hours?

16 A Yeah, we were there for a while. Yeah.

17 Q So would you agree that during this long period and  
18 within the AutoZone, yourself and the rest of the group had  
19 the time and opportunity to learn new information and details  
20 regarding the allegations?

21 A Yeah, we were probably -- we learned different  
22 things about everyone's experience. Yeah, like Adriane's  
23 experience, I don't think she really talked about it a lot.  
24 She -- I think it wasn't until weeks after, we had all met up  
25 and kind of -- she was able to talk about it more. But, yeah,



1 in that time, we did talk about it for sure.

2 Q So, based on the claims made on your statement and  
3 during this testimony today, do you feel that your statement  
4 and testimony would have been different had it not been for  
5 those hours your group spent isolated within that AutoZone?

6 A Very little different, not like -- I don't think it  
7 would have been a big difference. I remember when I was  
8 getting interviewed, I tried my best to like say what I saw or  
9 like witnessed, heard, because I knew -- because I knew it was  
10 like getting -- being recorded and stuff. So I -- I really  
11 was just trying to just say what I saw and heard, so -- but,  
12 yeah, that's what I did.

13 Q Do you feel that hearing new details or facts of an  
14 experience, especially when it's fresh, can contaminate a lot  
15 of persons' opinion or perspective?

16 A Can you ask that question again, please?

17 Q Do you feel that hearing new details or facts of an  
18 experience, especially when it's fresh, can contaminate a lot  
19 of persons' opinion or perspective?

20 MS. HEAP: Objection, Your Honor. Speculation.

21 THE COURT: Mr. Trejo?

22 MR. TREJO: I'm not asking the witness to speculate,  
23 Your Honor. I'm simply asking him to state what he thinks in  
24 regards to that subject based on his personal life experience.

25 THE COURT: And I agree that that's not speculation,

1 Ms. Heap. That sounds like what he was asking.

2 MS. HEAP: That's fine, Your Honor. I guess the  
3 objection was just he was asked people in general. He can ask  
4 it of this witness.

5 THE COURT: Okay, I'm sorry. I may have  
6 misunderstood.

7 So, yeah, go ahead and just change it a little bit.

8 BY MR. TREJO:

9 Q Do you feel that hearing new details or facts of an  
10 experience, especially when it's fresh, can contaminate a lot  
11 of your opinions or perspectives?

12 A I mean, yeah. Sometimes, it can maybe like remind  
13 me of certain things that happened in the incident that I  
14 might have forgotten, but I don't know if it's like a -- I  
15 don't know if it like -- it's like a bad thing. It's more  
16 like it'll bring up memories in a way, like, or kind of little  
17 details that happened and kind of forgot at the moment.

18 Q I'm not implying it's a bad thing. I'm simply  
19 asking if hearing someone else's experience in situations like  
20 this can maybe enhance or add to what you believe to have  
21 seen.

22 MS. HEAP: Your Honor, I'm going to object to asked  
23 and answered at this point. We've gone down this road several  
24 times.

25 THE COURT: Response to that, Mr. Trejo?

1 MR. TREJO: I don't believe this question has been  
2 asked yet. The witness mentioned hearing details of another's  
3 experience can remind him of other details, and I'm simply  
4 inquiring as to if said details can actually, in some way,  
5 enhance his memory of an alleged experience.

6 THE COURT: So --

7 MR. SCHWARTZER: That's exactly what he just asked.

8 THE COURT: Right. That -- I know, Mr. --

9 MR. SCHWARTZER: Oh, sorry.

10 THE COURT: -- Schwartzer. I was just giving --

11 MR. SCHWARTZER: Sorry, it's been a long day.

12 THE COURT: -- him the opportunity.

13 So, Mr. Trejo, that -- I'm going to sustain that.  
14 It is the same question that you just asked, so.

15 BY MR. TREJO:

16 Q So, before I finish, just to be clear, Mr. Jaquez,  
17 you did learn of others' alleged experiences prior to  
18 detectives questioning you, and those experiences contained  
19 information which you then used in your statement; is that  
20 correct?

21 A Yes.

22 MR. TREJO: No further questions for this witness,  
23 Your Honor. May I approach the bench?

24 THE COURT: Yes. Can the parties approach?

25 (Bench conference)

1 MS. HEAP: I could use a bathroom break.

2 THE COURT: I can always use one, so, as soon as we  
3 come back from this -- she said she can use a bathroom break,  
4 and I said I can always use one. So, as soon as we get back  
5 from this, I'll take a break.

6 (Pause in the proceedings.)

7 MR. TREJO: I'm finished, Your Honor. I have to  
8 clarify something with Mr. Henry.

9 THE COURT: Okay. So we're just going to take a  
10 break now, then.

11 MS. HEAP: We can let him go. I'm not going to ask  
12 any more questions.

13 THE COURT: You're going to -- okay. We will still  
14 have to see if the jury has any when we come back, so.

15 MR. SCHWARTZER: Okay.

16 (End of bench conference)

17 THE COURT: Ladies and gentlemen, we are going to  
18 just take about a five-minute break for a bathroom break. It  
19 is 2:15. We'll be back at 2:20.

20 So, during your recess, you are admonished not to  
21 talk or converse among yourselves or with anyone else on any  
22 subject connected with the trial, or read, watch, or listen to  
23 any report of or commentary on the trial of any person  
24 connected with this trial, by any medium of information,  
25 including, without limitation, newspapers, television, the

1 internet, or radio, or form or express any opinion on any  
2 subject connected with the trial until the case is finally  
3 submitted to you.

4 Ms. Heap, do you want to just go?

5 About five minutes. And, sir, if you don't -- do  
6 you need to use the restroom or anything?

7 THE WITNESS: I'm okay. No.

8 THE COURT: Okay, then if you'd just wait in the  
9 little room when the jury gets out.

10 THE WITNESS: Okay.

11 THE COURT: Thank you.

12 (Outside the presence of the jurors)

13 THE COURT: And I will check and see if there's  
14 anything outside the presence before we bring the jury back  
15 in, but --

16 MR. SCHWARTZER: Thank you.

17 THE COURT: -- I'm going to go.

18 (Pause in the proceedings.)

19 THE COURT: Okay. Anything outside the presence?  
20 We're back on the record, right, Susie?

21 THE COURT RECORDER: Yes.

22 THE COURT: Okay. Anything outside the presence?

23 MS. HEAP: Not by the State.

24 THE COURT: Mr. Trejo?

25 MR. TREJO: No, ma'am.

1 THE COURT: Okay, thank you.

2 (Pause in the proceedings.)

3 THE COURT: Okay. So, Bill, can you grab Jaquez?

4 And now can you grab the jury?

5 (In the presence of the jurors)

6 THE COURT: Will the parties stipulate to the  
7 presence of the jury?

8 MS. HEAP: The State does, Your Honor.

9 MR. TREJO: Defense stipulates.

10 THE COURT: Thank you. Have a seat.

11 Ms. -- why can I not think of your last name,  
12 Hilary?

13 MS. HEAP: Heap.

14 THE COURT: Ms. Heap. Ms. Heap, any further  
15 questions based on his cross?

16 MS. HEAP: No, Your Honor. No further questions.

17 THE COURT: Thank you.

18 Do any of the jurors have any questions for this  
19 witness? There are several, so we're just going to wait a  
20 couple minutes. Thank you. Oh, lots. Okay.

21 Can the parties approach?

22 (Bench conference)

23 THE COURT: So there's five questions on this first  
24 one. The first one is, "Why did you hand off the 911 call to  
25 Jennifer," which, yes, I think that can be asked.

1 MR. SCHWARTZER: Um-hum.

2 THE COURT: Any objections?

3 MR. SCHWARTZER: No objection.

4 THE COURT: No objection from the State. None from  
5 Mr. Trejo.

6 "What were you doing during the call?"

7 MR. SCHWARTZER: That's fine.

8 THE COURT: That's fine.

9 "Were you telling Julie where to drive?" I think  
10 that's fine.

11 MR. SCHWARTZER: That's fine.

12 THE COURT: Number 4. "Were you watching the other  
13 vehicle?" I think that's fine as well.

14 MR. SCHWARTZER: Sure.

15 THE COURT: Number 5. "Did you duck down in the  
16 vehicle so any pursuing people would be unable to see you?"

17 I think all of these are fine.

18 MS. HEAP: That's fine.

19 MR. SCHWARTZER: Fine with me.

20 THE COURT: Okay.

21 (End of bench conference)

22 THE COURT: Okay. Sir, why did you hand off the 911  
23 call to Jennifer on the August 4th incident?

24 THE WITNESS: She -- Jennifer -- I was on the phone,  
25 and then Jennifer's like, here, I'll tell them. Like, she --

1 she wanted to, like, be the one talking to them. I didn't  
2 really hand it to her. She was like, I want to do it. I was  
3 like, all right, go ahead.

4 THE COURT: Okay. What were you doing -- what were  
5 you doing during the call?

6 THE WITNESS: While she was on the phone?

7 THE COURT: Yes.

8 THE WITNESS: I was looking back at the car --

9 THE COURT: Okay.

10 THE WITNESS: -- and like kind of looking around and  
11 stuff.

12 THE COURT: Were you telling Julie where to drive?

13 THE WITNESS: I don't remember that, but I don't  
14 think I was, no.

15 THE COURT: Okay. Were you watching the other  
16 vehicle?

17 THE WITNESS: I was, yes.

18 THE COURT: Did you duck down in the vehicle so any  
19 pursuing people would be unable to see you?

20 THE WITNESS: No.

21 THE COURT: Okay, thank you.

22 Any other questions for this witness? No?

23 Anything, Ms. Heap, based on those questions?

24 MS. HEAP: No, Your Honor.

25 THE COURT: Mr. Trejo, anything based on those



1 questions?

2 MR. TREJO: No, Your Honor.

3 THE COURT: Okay, thank you.

4 Mr. Jaquez, you are excused.

5 THE WITNESS: Okay.

6 THE COURT: Please do not discuss your testimony  
7 with anyone. Thank you.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: State's next witness?

10 MR. SCHWARTZER: Jennifer Incera.

11 THE MARSHAL: All right, we got you all the way over  
12 here. Just two steps. Stay standing if you would. Face the  
13 clerk. She's going to swear you in.

14 THE WITNESS: Okay.

15 THE CLERK: Please raise your right hand.

16 JENNIFER INCERA, STATE'S WITNESS, SWORN

17 THE CLERK: Can you please state and spell your name  
18 for the record?

19 THE WITNESS: Uh-huh. Jennifer, J-e-n-n-i-f-e-r,  
20 and my last name is Incera, I-n-c-e-r-a.

21 THE CLERK: Thank you.

22 MR. SCHWARTZER: May I proceed, Your Honor?

23 THE COURT: Yes.

24 DIRECT EXAMINATION

25 BY MR. SCHWARTZER:

1 Q Mind if I call you Jennifer?

2 A Yes, that's fine.

3 Q So, Jennifer, can you tell the ladies and gentlemen  
4 of the jury what you do for a living?

5 A I'm a pawn shop manager.

6 Q Okay. How long have you been doing that?

7 A I've been doing that now for about eight to nine  
8 years.

9 Q Okay. And who are you employed by?

10 A SuperPawn. That's now Cash America.

11 Q Okay.

12 A Um-hum.

13 Q So I want to direct your attention to August of  
14 2018. Were you employed at SuperPawn as a manager?

15 A Yes, I was.

16 Q And what were some of your responsibilities as a  
17 manager?

18 A I would have to open and close the store. I would  
19 have to hire staff. I would have to deal with all the money,  
20 all the jewelry.

21 Q Now, when you say open and close the store, is there  
22 certain protocol that you go through when you open the store?

23 A Yes. We have extra layers of security in the front  
24 of the store. So you have to make sure you take off extra  
25 sets of locks. You usually have a gate, and then you have the

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MARIO TREJO, ) No. 84724  
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Appellant, )  
)  
v. )  
)  
THE STATE OF NEVADA, )  
)  
Respondent. )  
)

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