

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

ROBERT BROWN, JR.,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-14-299234-1

Docket No: 85061

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
ROBERT BROWN, JR. # 6006120,
PROPER PERSON
330 S. CASINO CENTER BLVD.
LAS VEGAS, NV 89101

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

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**THIS SEALED
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CLERK OF THE COURT

INFM
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DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 07/21/14
1:00 PM
J. TOMSHECK

THE STATE OF NEVADA,

Plaintiff,

-vs-

ROBERT BROWN JR.,
#6006120,

Defendant.

CASE NO: C-14-299234-1

DEPT NO: XXIV

INFORMATION

STATE OF NEVADA)
COUNTY OF CLARK) ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That ROBERT BROWN JR., the Defendant(s) above named, having committed the crimes of **INVASION OF THE HOME WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.067 - NOC 50437); BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426); MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); POSSESSION OF FIREARM BY EX-FELON (Category B Felony - NRS 202.360 - NOC 51460); DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE (Category B Felony - NRS 202.287 - NOC 51445) and CHILD ABUSE,**

1 **NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON (Category**
2 **B Felony - NRS 200.508(1); 193.165 - NOC 55228)**, on or about the 7th day of December,
3 2012, within the County of Clark, State of Nevada, contrary to the form, force and effect of
4 statutes in such cases made and provided, and against the peace and dignity of the State of
5 Nevada,

6 COUNT 1 - INVASION OF THE HOME WHILE IN POSSESSION OF A DEADLY
7 WEAPON

8 did then and there wilfully, unlawfully and feloniously forcibly enter an inhabited
9 dwelling, to-wit: 5421 East Harmon Avenue, Apartment No. E13, Las Vegas, Clark County
10 Nevada, without permission of the owner, resident, or lawful occupant, to-wit: NICHOLE
11 NICK, the Defendant did possess and/or gain possession of a deadly weapon consisting of a
12 firearm and/or knife during the commission of the crime and/or before leaving the structure.

13 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

14 did then and there wilfully, unlawfully, and feloniously enter, while in possession of a
15 firearm, with intent to commit assault, battery, and/or murder, that certain building occupied
16 by NICHOLE NICK, located at 5421 East Harmon Avenue, Apartment No. E13, Las Vegas,
17 Clark County, Nevada, the Defendant did possess and/or gain possession of a deadly weapon
18 consisting of a firearm during the commission of the crime and/or before leaving the structure.

19 COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON

20 did then and there wilfully, feloniously, without authority of law, and with malice
21 aforethought, kill NICHOLE NICK, a human being, by shooting and/or stabbing the said
22 NICHOLE NICK to death with a deadly weapon, to wit: a firearm and/or a knife, said killing
23 having been: (1) willful, deliberate, and premeditated; and/or (2) committed during the
24 perpetration or attempted perpetration of Burglary and/or Home Invasion.

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

26 did then and there, without authority of law, and malice aforethought, willfully and
27 feloniously attempt to kill ESTHER MAESTAS, a human being, by shooting the said
28 ESTHER MAESTAS multiple times, with a deadly weapon, to-wit: a firearm.

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

2 did then and there, without authority of law, and malice aforethought, willfully and
3 feloniously attempt to kill KAYLA HIGGINS, a human being, by shooting at the said KAYLA
4 HIGGINS, with a deadly weapon, to-wit: a firearm.

5 COUNT 6 - POSSESSION OF FIREARM BY EX-FELON

6 did then and there wilfully, unlawfully, and feloniously own or have in his possession,
7 or under his control, a weapon, to-wit: a firearm, the said Defendant being an ex-felon, having
8 in 1998, been convicted of Carjacking and Inflict Corporal Injury on Spouse, felonies under
9 the laws of the State of California.

10 COUNT 7 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

11 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or
12 under a structure, discharge a firearm within or from the structure; the structure being within
13 an area designated by a City or County Ordinance as a populated area for the purpose of
14 prohibiting the discharge of weapons; the Defendant committing the crime in the following
15 manner, to-wit: by the said Defendant discharging a firearm within Apartment No. E13,
16 located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada.

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

18 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or
19 under a structure, discharge a firearm within or from the structure; the structure being within
20 an area designated by a City or County Ordinance as a populated area for the purpose of
21 prohibiting the discharge of weapons; the Defendant committing the crime in the following
22 manner, to-wit: by the said Defendant discharging a firearm within Apartment No. E13,
23 located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada.

24 COUNT 9 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

25 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or
26 under a structure, discharge a firearm within or from the structure; the structure being within
27 an area designated by a City or County Ordinance as a populated area for the purpose of
28 prohibiting the discharge of weapons; the Defendant committing the crime in the following

1 manner, to-wit: by the said Defendant discharging a firearm within Apartment No. E13,
2 located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada.

3 COUNT 10 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

4 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or
5 under a structure, discharge a firearm within or from the structure; the structure being within
6 an area designated by a City or County Ordinance as a populated area for the purpose of
7 prohibiting the discharge of weapons; the Defendant committing the crime in the following
8 manner, to-wit: by the said Defendant discharging a firearm within Apartment No. E13,
9 located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada.

10 COUNT 11 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

11 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or
12 under a structure, discharge a firearm within or from the structure; the structure being within
13 an area designated by a City or County Ordinance as a populated area for the purpose of
14 prohibiting the discharge of weapons; the Defendant committing the crime in the following
15 manner, to-wit: by the said Defendant discharging a firearm within Apartment No. E13,
16 located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada.

17 COUNT 12 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

18 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or
19 under a structure, discharge a firearm within or from the structure; the structure being within
20 an area designated by a City or County Ordinance as a populated area for the purpose of
21 prohibiting the discharge of weapons; the Defendant committing the crime in the following
22 manner, to-wit: by the said Defendant discharging a firearm within Apartment No. E13,
23 located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada.

24 COUNT 13 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE

25 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or
26 under a structure, discharge a firearm within or from the structure; the structure being within
27 an area designated by a City or County Ordinance as a populated area for the purpose of
28 prohibiting the discharge of weapons; the Defendant committing the crime in the following

1 manner, to-wit: by the said Defendant discharging a firearm within Apartment No. E13,
2 located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada.

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

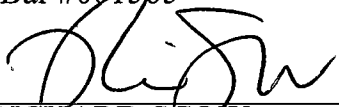
4 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or
5 under a structure, discharge a firearm within or from the structure; the structure being within
6 an area designated by a City or County Ordinance as a populated area for the purpose of
7 prohibiting the discharge of weapons; the Defendant committing the crime in the following
8 manner, to-wit: by the said Defendant discharging a firearm within Apartment No. E13,
9 located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada.

10 COUNT 15 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A
11 DEADLY WEAPON

12 did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit:
13 KAYLA HIGGINS, being approximately 3 years of age, to suffer unjustifiable physical pain
14 or mental suffering as a result of abuse or neglect, and/or cause the said KAYLA HIGGINS to
15 be placed in a situation where she might have suffered unjustifiable physical pain or mental
16 suffering as a result of abuse or neglect, by pointing a handgun and/or shooting at the said
17 KAYLA HIGGINS and/or shooting Nichole Nick and Esther Maestas in her presence, using
18 a deadly weapon, to-wit: a handgun, during the commission of said crime.

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

21 BY

22 
RICHARD SCOW
23 Chief Deputy District Attorney
Nevada Bar #009182

Names of witnesses known to the District Attorney's Office at the time of filing this
Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
BROCIUS, JOHN	4580 Ross Ave., LVN 89110
CUSTODIAN OF RECORDS	CLARK COUNTY CORONER'S OFFICE
ELLSWORTH, RUSSELL D.	LVMPD #13242
HOGANS, DWAYNE	District Attorney Process Server
KEHRLI, MONICA	525 South St., Ryan, IA 52330
MAESTAS, ESTHER	C/O DISTRICT ATTORNEY'S OFFICE
MARRIOTT, DEBORAH	District Attorney Investigator
MERRICK, FRED D.	LVMPD #7549
OLSON, ALANE DR.	ME #0068
PATTERSON, DEBRA	District Attorney Process Server
RAETZ, DEAN D.	LVMPD #4234
ROBERTSON, MARK	C/O DISTRICT ATTORNEY'S OFFICE
STANLAKE, CODY	525 Harris St., Apt. No. 317, Henderson, NV 89015

DA#12F19975X/td/dvu
LVMPD EV#1212074412
(TK2)



CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
RICHARD SCOW
Chief Deputy District Attorney
Nevada Bar #009182
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-14-299234-1

ROBERT BROWN JR.,
#6006120,

DEPT NO: XXIV

Defendant.

NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: ROBERT BROWN JR., Defendant; and

TO: JOSHUA TOMSHECK, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following expert witnesses in its case in chief:

1. OLSON, ALANE, ME #0068, or Designee, is a Medical Examiner employed by the Clark County Coroner's Office. She is an expert in the area of forensic pathology and will give scientific opinions related thereto. She is expected to testify regarding the cause and manner of death of the decedent in this case.

These witnesses are in addition to those witnesses endorsed on the Information or Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert Witnesses has been filed.


///

1 The substance of each expert witness' testimony and a copy of all reports made by or
2 at the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

7 BY

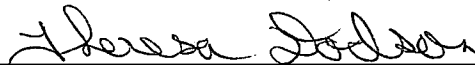
8 
9 RICHARD SCOW
10 Chief Deputy District Attorney
11 Nevada Bar #009182

12 CERTIFICATE OF FACSIMILE TRANSMISSION

13 I hereby certify that service of Notice of Expert Witnesses, was made this 17th day
14 of July, 2014, by facsimile transmission to:

15 JOSHUA TOMSHECK, ESQ.
16 FAX #702-731-6910

17 BY:

18 
19 Theresa Dodson
20 Secretary for the District Attorney's Office

21
22
23
24
25
26
27
28 td/dvu

Curriculum Vitae
ALANE M. OLSON, M.D.
Clark County Coroner's Office
1704 Pinto Ln.
Las Vegas, NV 89106
702-455-1862
e-mail: alo@co.clark.nv.us

EMPLOYMENT

9/12/05 Clark County Coroner's Office
7/1/00-9/9/05 Ellen G.I. Clark, M.D., P.C., Washoe County Coroner/Medical Examiner's Office

EDUCATION

7/99-6/00 Forensic Pathology Fellowship: Milwaukee County Medical Examiner's Office/MCWAH
7/94-6/99 Residency in combined Anatomic and Clinical Pathology: Oregon Health Sciences University, Portland, OR
5/94 MD degree: University of Nevada School of Medicine, Reno, NV
6/87 Bachelor of Science: Microbiology, University of Idaho, Moscow

PROFESSIONAL ACTIVITIES

2001 Co-author, Liquid Petroleum Explosion without Fire, American Board of Medico legal Death Investigators Newsletter.
2000 Co-author, elder abuse presentation, given at September meeting of National Association of Medical Examiners, Indianapolis, IN
1999-2000 Team Teacher and laboratory instructor, MCW sophomore Pathology course
1995-1999 Laboratory instructor, Oregon health Sciences University Medical School sophomore Pathology course
1955-1999 Team teacher, Oregon Health Sciences University Medical Technologist School Pathophysiology course
1998-1998 Autopsy instructor, Oregon Health Sciences University Department of Pathology, incoming residents and student fellows
1997 Hematopathology in-service lecture, Kaiser Permanente Regional Laboratory

LICENSURE

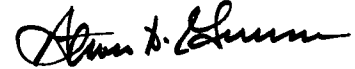
1995-1999 State of Oregon
1999-present State of Wisconsin
2000-present State of Nevada

PROFESSIONAL BOARD CERTIFICATION

Anatomic and Clinical Pathology
Forensic Pathology

Curriculum Vitae
Alane M. Olson
Page 1 of 1

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
RICHARD SCOW
Chief Deputy District Attorney
Nevada Bar #9182
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ROBERT BROWN, JR.,
#6006120

Defendant.

CASE NO: C-14-299234-1

DEPT NO: XXIV

SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: ROBERT BROWN, JR., Defendant; and

TO: JOSH TOMSHECK, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following expert witnesses in its case in chief:

H. GOULDTHORPE, LVMPD P#8646 – is a Latent Print Examiner with the Las Vegas Metropolitan Police Department. She is an expert in the area of latent print examination and comparison and will give scientific opinions related thereto. She will testify regarding the various latent print comparisons that she performed in this case.

DR. KITAE KIM, M.D. – is a trauma surgeon at Sunrise Hospital. He is a medical expert and will testify as to the injuries, diagnosis, treatment, and any other relevant information as to the victim in this case.

1 J. KRYLO, LVMPD P#5954 – is a Firearm/Toolmark Examiner with the Las Vegas
2 Metropolitan Police Department. He is an expert in the area of firearm/toolmark analysis and
3 will give opinions related thereto. He is expected to testify regarding the firearms and bullet
4 trajectory comparison of certain evidence collected from the crime scene(s).

5 S. LYNCH, LVMPD P#13206 – is a Criminalist/Crime Scene Analyst with the Las
6 Vegas Metropolitan Police Department. She is an expert in the area of crime scene analysis
7 and will give opinions related thereto. She is expected to testify regarding the processing of
8 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

9 T. MARTIN, LVMPD P#5946 – is a Criminalist/Crime Scene Analyst with the Las
10 Vegas Metropolitan Police Department. He is an expert in the area of crime scene analysis
11 and will give opinions related thereto. He is expected to testify regarding the processing of
12 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

13 A. NEMCIK, LVMPD P#8504 – is a Criminalist/Crime Scene Analyst with the Las
14 Vegas Metropolitan Police Department. She is an expert in the area of crime scene analysis
15 and will give opinions related thereto. She is expected to testify regarding the processing of
16 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

17 A. PETERSEN, LVMPD P#13579 – is a Criminalist/Crime Scene Analyst with the Las
18 Vegas Metropolitan Police Department. He is an expert in the area of crime scene analysis
19 and will give opinions related thereto. He is expected to testify regarding the processing of
20 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

21 V. ROBERTS, LVMPD P#5714 – is a Criminalist/Crime Scene Analyst with the Las
22 Vegas Metropolitan Police Department. He is an expert in the area of crime scene analysis
23 and will give opinions related thereto. He is expected to testify regarding the processing of
24 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

25 W. SPEAS, LVMPD P#5228 – is a Criminalist/Crime Scene Analyst with the Las
26 Vegas Metropolitan Police Department. He is an expert in the area of crime scene analysis
27 and will give opinions related thereto. He is expected to testify regarding the processing of
28 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

1 K. TAYLOR, LVMPD P#13772 – is a forensic scientist with the Las Vegas
2 Metropolitan Police Department. She is an expert in the area DNA technology and will give
3 scientific opinions related thereto. She is expected to testify regarding the DNA profiling
4 analysis and related procedures she performed in this case.

5 These witnesses are in addition to those witnesses endorsed on the Information or
6 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert
7 Witnesses has been filed.

8 The substance of each expert witness's testimony and a copy of all reports made by or
9 at the direction of the expert witness have been provided in discovery.

10 A copy of each expert witness's curriculum vitae, if available, is attached hereto.

11 STEVEN B. WOLFSON
12 Clark County District Attorney
13 Nevada Bar #1565

14 BY /s/ Richard Scow
15 RICHARD SCOW
16 Chief Deputy District Attorney
17 Nevada Bar #9182

18
19 CERTIFICATE OF FACSIMILE TRANSMISSION

20 I hereby certify that service of the above and foregoing was made this 4th day of
21 August, 2014, by facsimile transmission to:

22 JOSH TOMSHECK, ESQ.
23 FAX: (702) 731-6910

24 BY: /s/ J. Georges
25 Secretary for the District Attorney's Office

26
27
28 jg/VCU

Statement of Qualifications

Name: Heather Gouldthorpe

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 03/09/11

Name: Heather Gouldthorpe P#: 8646 Classification: Forensic Scientist Trainee

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support / AFIS	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
National University	08/2000-01/2001	Forensic Science	MFS
Bowling Green State University	08/1991-05/1995	Sociology	BA
College of Southern Nevada	08/1998-02/2006	N/A	N/A
Grossmont College	08/2002-12/2002	N/A	N/A
University of Nevada - Las Vegas	08/1996-12/1998	N/A	N/A
University of Akron	06/1993-08/1993	N/A	N/A
ADDITIONAL TRAINING / SEMINARS			

Statement of Qualifications

Name: Heather Gouldthorpe

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Basic Statistics/SWAFS	Dallas, TX	09/24/2010
Law and Testimony/SWAFS	Dallas, TX	09/20/2010
Forensic Fingerprint Analysis Basics	Forensic Training Network online course	08/26/2010
History of an Optimized Development 1,2 Indanedione-Zinc Reagent	Las Vegas, NV	10/07/2009
Automated Fingerprint Identification System	West Virginia University Extended Learning online course	04/02/2009
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/09-02/10/2009
GSW-L Latent User Methods and Operations	Las Vegas, NV	09/17- 09/18/2008
Application of Statistics to Ridgeology and ACE-V Methodology	Las Vegas, NV	03/31 - 04/04/2008
Forensic Ridgeology	Las Vegas, NV	02/18 - 02/22/2008
Forensic Photography	Las Vegas, NV	02/14/2008
Forensic Digital Imaging	Las Vegas, NV	01/07 - 01/09/2008
Introduction to Firearms Safety	Las Vegas, NV	10/24/2007
Drivers Training	Las Vegas, NV	07/02/2007
87 th Annual IAI International Educational Conference	Las Vegas, NV	08/04 - 08/10/2002
Nevada State Division for the IAI 3 rd Annual Educational Conference	Las Vegas, NV	04/11 - 04/13/2001
Fingerprinting -State of Nevada P.O.S.T. Basic Certification	Las Vegas, NV	04/16/1997
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
District Court	Latent Prints	1

Statement of Qualifications

Name: Heather Gouldthorpe

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee	03/05/11-Present
Las Vegas Metropolitan Police Department	Forensic Laboratory Technician	06/02/07 - 03/05/11
Las Vegas Metropolitan Police Department	Law Enforcement Support Technician	02/28/07-06/02/07

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
International Association for Identification (IAI)	2007-present
Southwestern Association of Forensic Scientists (SWAFS)	2010-present

PUBLICATIONS / PRESENTATIONS:

Statement of Qualifications

Name: Heather Gouldthorpe

PUBLICATIONS / PRESENTATIONS:

OTHER QUALIFICATIONS:
IAI Certified Latent Print Examiner - November 30, 2010.

Kitae Kim MD



Sunrise Trauma Services LLC
3186 S Maryland Pkwy
Las Vegas, NV 89109

Phone: (702) 731-8099

Fax: (702) 731-8292

Specialty: Traumatic Surgery

Gender: Male

Medical Education & Training:

- **Residency:** Catholic Medical Center of Brooklyn
- **Fellowship:** New York Medical College/Westchester Med

Languages: English

Sunrise Hospital & Medical Center - August 04, 2014

Although every attempt is made to ensure the accuracy of the information contained in this directory, please be aware that physicians' office locations, telephone numbers and status often change after publication.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 07/01/10

Name: James Krylo P#: 5945 Classification: Forensic Scientist II

Current Discipline of Assignment: Firearms / Toolmarks

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks	X	Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	X
Latent Prints	X	Crime Scene Investigations	X
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
California State University, Long Beach	9/76 - 12/80	Criminalistics	B.S.
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
Benelli Shotgun Armorer's Course	Las Vegas, NV	06/10	
Association of Firearm & Toolmark Examiners (AFTE) Annual Training	Las Vegas, NV	05/10	
Introduction to Cartridge Reloading (AFTE)	Las Vegas, NV	05/10	
Scientific Working Group for Firearms/Toolmarks (SWGUN) Meeting	Baton Rouge, LA	04/10	
Shooting, Hunting, Outdoor Trade (SHOT) Show	Las Vegas, NV	01/10	
American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLDLAB) International Accreditation Preparation Course	Henderson, NV	12/09	
Association of Firearm & Tool Mark Examiners (AFTE) Annual Training	Miami, FL	06/09	
Silencer Course (AFTE)	Miami, FL	06/09	
Innov-X Systems XRF Training	Las Vegas, NV	08/08	

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Colt Defense Colt .45 Pistol Armorer's Course	Las Vegas, NV	08/08
AFTE Annual Training Seminar	Honolulu, HI	05/08
Springfield Armory XD Pistol Armorer's Course	Las Vegas, NV	01/08
Scientific Working Group for Firearms/Toolmarks (SWGgun) Meeting	Atlanta, GA	11/07
Innov-X Systems XRF Training	Las Vegas, NV	08/07
Small Arms Review Convention & Gun Show	Las Vegas, NV	08/07
AFTE Annual Training Seminar	San Francisco, CA	06/07
LVMPD Use of Force Seminar	Las Vegas, NV	05/07
SWGgun Meeting	Albuquerque, NM	04/07
Long Mountain Outfitters AK 47 Armorer's Course	Henderson, NV	10/06
LVMPD Civilian Use of Force & Firearm Training	Las Vegas, NV	08/06
Smith & Wesson M & P Pistol Armorer's Class (AFTE)	Springfield, MA	06/06
AFTE Annual Training Seminar	Springfield, MA	06/06
SWGgun Meeting	Las Vegas, NV	4/06
SHOT Show	Las Vegas, NV	2/06
AFTE Annual Training Seminar	Indianapolis, IN	6/05
SWGgun Meeting	Quantico, VA	3/05
Ammo / Firearm Demonstration, Nellis AFB	Las Vegas, NV	2/05
SHOT Show	Las Vegas, NV	1/05
Winchester Ballistic Workshop	Las Vegas, NV	12/04
Front Sight Firearms Training Institute: Defensive Handgun Course	Pahrump, NV	12/04
Forensic Scene Consultants & Forensic Science Services: Forensic Science Shooting Reconstruction Course	Prescott, AZ	11/04
SWGgun Meeting	Quantico, VA	9/04
Full Auto Conversion Workshop (AFTE)	Vancouver, Canada	5/04
AFTE Annual Training Seminar	Vancouver, Canada	5/04
SHOT Show	Las Vegas, NV	2/04
SWGgun Meeting	Quantico, VA	4/03

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
California Association of Criminalists (CAC) / Northwestern Association of Forensic Scientists (NWAFFS) Training Seminar - Colt Armorer's Workshop	Reno, NV	4/03
Southwestern Association of Forensic Scientists (SWAFS) Training Seminar	Scottsdale, AZ	11/02
Mossberg Shotgun Field Armorer's Course (AFTE)	San Antonio, TX	5/02
Hi-Point Firearms Armorer's Course (AFTE)	San Antonio, TX	5/02
Ricochet Analysis Workshop (AFTE)	San Antonio, TX	5/02
AFTE Annual Training Seminar	San Antonio, TX	5/02
National Integrated Ballistic Information Network (NIBIN) Training	Largo, FL	3/02
FBI: Techniques in Firearms Identification Course	Quantico, VA	2/02
SHOT Show	Las Vegas, NV	2/02
Southern California Firearms Study Group	San Bernardino, CA	11/01
Digital Imaging Workshop	Las Vegas, NV	10/01
Digital Imaging Workshop	Las Vegas, NV	9/01
AFTE Annual Training Seminar	Newport Beach, CA	7/01
Forensic Identification Training Seminars: Advanced Shooting Incident Reconstruction	Las Vegas, NV	9/00
AFTE Annual Training Seminar	St. Louis, MO	6/00
Forensic Identification Training Seminars: Shooting Incident Reconstruction	Las Vegas, NV	2/00
AFTE Annual Training Seminar	Williamsburg, Va	7/99
National Forensic Science Technology Center: Laboratory Auditing	Las Vegas, NV	6/99
International Association for Identification (IAI) Nevada State Division Training Conference	Las Vegas, NV	4/99
FBI Bullet Trajectory and Shooting Reconstruction School	Los Angeles, CA	10/98
Washington State Criminal Justice Training Center (WSCJTC) & Washington State Law Enforcement Firearms Instructors Association (WSLEFIA) Training Seminar	Seattle, WA	02/98
International Association of Bloodstain Pattern (IABPA) Analysts Training Seminar	Seattle, WA	11/97
FBI: Gunshot Residue School	Marysville, WA	08/97
Forensic Technology "IBIS" Training Course	Tacoma, WA	08/97
Mnemonic Systems Inc. Introduction to "Drugfire" Course	Washington, DC	08/97

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Remington Shotgun/Rifle Armorer's Course	Bellevue, WA	05/97
Oehler Ballistics Workshop	Fredricksberg, TX	04/96
Heckler & Koch MP5/Rifle Armorer's Course	Tacoma, WA	03/96
WSLEFIA Training Seminar	Seattle, WA	12/95
Colt M16 / AR15 Armorer's Course	OR	10/95
Federal Cartridge Co. Law Enforcement Ammunition and Ballistics Seminar	Tacoma, WA	04/95
WSCJTC & WSLEFIA Training Seminar	Seattle, WA	03/95
Range Management Services Inc.: Managing Lead Hazards in Indoor Firing Ranges	Olympia, WA	11/94
WSLEFIA Training Seminar	Seattle, WA	04/49
Ruger Revolver/Pistol/Rifle Armorer's Course	Tacoma, WA	11/93
WSCJTC & WSLEFIA Training Seminar	Seattle, WA	10/93
SigSauer Pistols Armorer's Course (AFTE)	Raleigh, NC	05/93
Ruger Revolver Familiarization Course (AFTE)	Raleigh, NC	05/93
AFTE Annual Training Seminar	Raleigh, NC	05/93
Smith & Wesson Pistol Armorer's Course	Bellevue, WA	04/93
Beretta Pistol Armorer's Course	Tacoma, WA	10/92
Smith & Wesson Revolver Armorer's Course	Galt, CA	06/92
Glock Pistol Armorer's Course	Oregon City, OR	04/92
WSLEFIA Training Seminar	Seattle, WA	02/92
Oregon State Police Advanced Firearms Training	OR	1992
Washoe County Sheriff's Office Advanced Crime Scene Reconstruction	Reno, NV	02/91
IABPA Training Seminar	Reno, NV	11/90
IAI Pacific Northwest Division Training Seminar	Yakima, WA	05/90
Midwestern Association of Forensic Scientists (MWAFS) Blood Spatter Workshop	MN	04/90
IAI Pacific Northwest Division Training Seminar	Spokane, WA	05/89
WSCJTC Homicide Investigation	Seattle, WA	04/89
Kodak/Nikon Law Enforcement Photography	Tacoma, WA	03/89

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
AFTE Annual Training Seminar	Seattle, WA	1988
Washington State Patrol Leaf Marijuana Identification	Shelton, WA	09/87
FBI: Advanced Latent Fingerprint Techniques	Seattle, WA	12/86
Loctite Corp. Cyanoacrylate Fuming for Latent Fingerprint Techniques		06/85
IAI Pacific Northwest Division Training Seminar	Olympia, WA	05/85
FBI: Fingerprint Identification	Seattle, WA	12/84
(AFTE) Annual Training Seminar	San Mateo, CA	1983
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Federal Court: Washington (Tacoma)	Latent Prints	1
Municipal Court: California (Orange County)	Latent Prints	5
Superior Court: California (Orange County)	Latent Prints	2
Superior Court: Washington (King & Pierce Counties)	Latent Prints	11
Federal Court: Nevada (Las Vegas)	Firearms	2
District Court: Nevada (Clark and Nye Counties)	Firearms	115
Coroner's Inquest : Nevada (Clark County)	Firearms	5
Grand Jury: Nevada (Clark County)	Firearms	14
Justice Court: Nevada (Las Vegas, North Las Vegas and Henderson)	Firearms	10
Federal Grand Jury: Washington (King County)	Firearms	1
Superior Court: Washington (Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Klicitat, Lewis, Mason, Pacific, Pierce, San Juan, Skamania, Snohomish, and Thurston Counties)	Firearms	110
District Court: Washington (Pacific County)	Firearms	1
Juvenile Court: Washington (Pierce and King Counties)	Firearms	4
Coroner's Inquest: Washington (King County)	Firearms	4
Superior Court: California (Orange County)	Firearms	11
Juvenile Court: California (Orange County)	Firearms	1
Grand Jury: California (Orange County)	Firearms	1

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Military Court: USMC El Toro (CA)	Firearms	1

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist II	1998 - present
Washington State Patrol	Forensic Scientist 3	1991 - 1998
Pierce County Sheriff's Department	Identification Officer	1986 - 1991
Seattle Police Department	Identification Technician	1984 - 1986
Orange County Sheriff's Department	Forensic Specialist	1981 - 1984
Anaheim Police Department	Identification Technician	1981

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
Association of Firearm and Toolmark Examiners (AFTE)	1993 - present
Scientific Working Group for Firearms and Toolmarks (SWGUN)	2002 - 2008

PUBLICATIONS / PRESENTATIONS:
<i>BRI 12 GA/.500 Sabot Bullet</i> - AFTE Journal - October 1983
<i>Trigger Pull Statistics</i> - AFTE Journal - January 1985
<i>Drop Testing a 45 Auto Colt 1911</i> - AFTE Journal - Spring 1997
<i>Cartridge Interchangeability in a Norinco Pistol</i> - AFTE Journal - Summer 2000
<i>Slide Failure of a Jennings/Bryco Pistol</i> - AFTE Journal - Spring 2004
<i>Armstrong Precision Strike Three Ammunition</i> - AFTE Journal - Summer 2004

OTHER QUALIFICATIONS:
AFTE Certification in Firearm Evidence Examination and Identification – May 2003
AFTE Certification in Toolmark Evidence Examination and Identification – May 2003
AFTE Certification in Gunshot Residue Evidence Examination and Identification – May 2003
AFTE Distinguished Member - June 2006
AFTE President – 2009 to 2010

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: Shandra Lynch

P# 13206

Date: 06-22-10

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
X	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
George Washington University	Crime Scene Investigations	Master of Forensic Science/ Jan 2008
University of Tennessee	Biochemistry & Molecular Biology	Bachelor of Science/ May 2006
University of Tennessee	Anthropology	Bachelor of Arts/May 2005
University of Tennessee	Psychology	Bachelor of Arts/Dec 2001

TESTIMONY		
<i>Yes</i>	<i>No</i>	

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSA II	03-10-10 to Present
LVMPD	CSA I	03-10-08 to 03-10-10
US Secret Service/Sparks Personnel Service	Forensic Services Division Contractor	01/07 - 02/08
Naval Criminal Investigative Service	Forensic Consultant Division Intern	08/07 - 12/07
Central Leasing	Sales Associate	11/04 - 07/06

Curriculum Vitae

Las Vegas Criminalistics Bureau Statement of Qualifications

Name: Terry Martin

P# 5946

Date: 10-1-03

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
U of Texas-San Antonio	Criminal Justice	Bachelors Degree-1996

TESTIMONY		
<i>Yes</i>	<i>No</i>	

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Sr. Crime Scene Analyst	7-13-98

MARTIN, TERRY

P# 5946

CRIMINALISTICS
BUREAU - FIELD

SENIOR CSA

SS#: 218-

90-1956

DOH: 07-13-98

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
8-96	Criminal Justice	U of Texas- San Antonio	Degree
07-28-98	New Civilian Employee Orientation	LVMPD	14
08-10-98	CAPSTUN for Civilians	LVMPD	1.5
08-10-98	Stress Management	LVMPD	4
08-12-98	Civilian Use of Force & Firearms Training	LVMPD	21
08-12-98	Optional Weapon	LVMPD	
08-13-98	Combat Shooting Simulator - FATS	LVMPD	1
07-13 to 08-14-98	Crime Scene Analyst Academy - Criminalistics Bureau	LVMPD	175
08-10-98	Stress Management	LVMPD	4
10-20-98	Criminalistics Bureau - Field Training	LVMPD	400
12-04-98	Duty Weapon Qualification	LVMPD	2
12-07-98	Training - Motor Home Driving	LVMPD	4
12-23-98	Class II - Driver Training	LVMPD	8
03-30-99	Duty Weapon Qualification/Off-Duty Weapon Qualification	LVMPD	2
04-16-99	Duty Weapon Qualification/Off-Duty Weapon Qualification	LVMPD	2
04-21-99	Critical Procedures Test	LVMPD	2
05-17-99	Forensic Science Certificate	American Institute of Applied Science (AIAS)	260
06-03-00	Optional Weapon	LVMPD	15
08-30 to 09-01-99	Clandestine Laboratory Safety Certification Course, Occasional Site Worker	LVMPD	24
09-08-99	Combat Shooting Simulator/FATS	LVMPD	1

09-13 to 09-17-99	Crime Scene Technology 2	Northwestern University, Traffic Institute	40
09-21-99	Duty Weapon Qualification	LVMPD	2
01-20-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
12-23-00	Crime Scene Analyst Certification Certificate	IAI	
09-20-01	LVMPD Defensive Driving Course	LVMPD	8
12-03 to 12-07-01	Advanced Practical Homicide Investigation	P.H.I. Investigative Consultants, Inc.	40
2-6-02	Crime Scene Analyst (Level 2)	IAI	
03-30-02	Documentation of Footwear & Tire Impressions	LVMPD	1
03-30-02	Forensic Anthropology	LVMPD	1.5
04-01-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
04-01-02	Major Case Prints	LVMPD	3
02-03 to 02-05-03	Shooting Incident Reconstruction - Forensic Identification Training Seminars	LVMPD	24
02-06 to 02-08-03	Advanced Shooting Incident Reconstruction - Forensic Identification Training Seminars	LVMPD	24

Curriculum Vitae

AMY NEMCIK

CSA I, Criminalistics Bureau-Field P# 8504

DOH 10-18-04

EMPLOYMENT HISTORY

2004 – Present **LVMPD**
CSA I

CURRENT CLASSIFICATION

Crime Scene Analyst I

AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.

Crime Scene Analyst II

18 months-2 years continuous service with LVMPD as a Crime Scene Analyst I.

Senior Crime Scene Analyst

Two (2) years as a Crime Scene Analyst II to qualify for the promotion test for Senior Crime Scene Analyst.

Crime Scene Analyst Supervisor

Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, forensic Science, Physical Science or related field.

FORMAL EDUCATION

1998 **University of Utah**
BS – Anthropology

TESTIMONY

District Court, Justice Court, Grand Jury

CLASSROOM TRAINING

1998	Anthropology - Business Degree, University of Utah
10/19/2004	GroupWise 6.0 Calendar Functions, LVMPD. 7 credit hours
10/20/2004	NCIC – Phase II, LVMPD, 8 credit hours
12/08/2004	Child Abuse and Neglect, LVMPD, 2 credit hours

AMY NEMCIK
Curriculum Vitae
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12/16/2004	Drivers Training, LVMPD, 8 credit hours
11/1 to 11/30/2004	Crime Scene analyst Academy, LVMPD, 160 credit hours
12/06/2004	Testifying in Court, LVMPD, 7 credit hours
12/08/2004	Child Abuse and Neglect, LVMPD, 2 credit hours
12/07/2004	WordPerfect 8 Basic, LVMPD, 7 credit hours
12/29/2004	CSA OC Spray/Defensive Tactics, LVMPD, 7 credit hours
2/02 to 2/09/2005	Orientation for Civilian Employees, LVMPD, 35 credit hours
2/23 to 2/25/2005	Clandestine Laboratory Safety Certification, LVMPD, 24 credit hours
3/14 to 3/18/2005	Crime Scene Technology 2: A Crime Scene Practicum Institute of Applied Forensic Technology, 40 credit hours
3/22 to 3/24/2005	Organized and Ritual Violence (Part 1), NSDIAI, 3 credit hours (3/22/2005)
3/22 to 3/24/2005	Nighttime Photographic Techniques, NSDIAI, 3 credit hours (3/23/2005)
3/22 to 3/24/2005	Homicide Issues: A Prosecutor's Perspective on Presenting Cases to a Jury, NSDIAI, 3 credit hours (3/23/2005)
6/10/2005	Firearms Qualification (For April, May, and June), LVMPD
7/2005	Digital Workstation Training (Sheree Norman, CSI Training Coordinator Assistant), LVMPD, 4 credit hours
8/29/2005	Forensic Science 101, American Institute of Applied Science, 230 credit hours
8/30/2005	Firearms Qualification (Quarterly), LVMPD, 2 credit hours
10/26/2005	FATS (Firearms Training Simulator), LVMPD, 1 credit hour
11/11/2005	Completion of Proficiency Exercise – "Recording Major Case Prints", LVMPD, 2 credit hours

AMY NEMCIK
Curriculum Vitae
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2005	Oct-Nov-Dec-Firearms Qualification, LVMPD, 1 credit hour
12/7/2005	Merging Digital Photography/Crime Scene Investigations, (Instructor: Mike Perkins), LVMPD, 4 credit hours
2/1/2006	Firearms Qualifications – 1 st Quarter, LVMPD, 1 credit hour
1/16 to 1/20/2006	Bloodstain Pattern Recognition – Instructor: Craig C. Moore, Niagara Regional Police Service (Canada), LVMPD, 40 credit hours
3/13/ to 3/15/2006	Practical Homicide Investigation, P.H.I. Investigative Consultants Inc., 24 credit hours
3/16 to 3/17/2006	Officer Involved Shootings & In-custody Deaths, LVMPD, 14 credit hours
5/11/2006	Bloodstain Pattern Recognition and Examination of Bloodstained Clothing Workshop, LVMPD, 8 credit hours
6/20/2006	Firearms Qualification – 2 nd Quarter, LVMPD, 1 credit hour

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: Alan Petersen

P# 13579

Date: 03-23-11

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
X	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
SUNY New Paltz	Biology	B.A. August 2001
George Washington Univ.	Forensic Science	M.F.S. Feb 1989
John Jay College of CRJ	Criminal Justice	M.A. Feb 1987
Univ. of MA at Dartmouth	Sociology	B.A. June 1981

TESTIMONY		
<i>Yes</i>	<i>No</i>	
	X	

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSA I / II	09/02/2008 to Present
Board of Cooperative Education	Health & Safety Tech	Dec 2000 to August 2008
O.C. Medical Examiners Office	M.E. Investigator	Jan 2008 to August 2008
SUNY Orange	Adjunct Instructor	Aug 2005 to May 2008
SUNY Orange	Tutor	Sept 1997 to May 2008
D.C. Police Dept	Crime Scene Evid. Tech.	Oct 1995 to Oct 1997
D.C. Pretrial Services Agency	Sr. Lab Assistant	May 1989 to Oct 1995

Curriculum Vitae
Las Vegas Criminalistics Bureau
Statement of Qualifications

Name: Vince Roberts

P# 5714

Date: 10-1-03

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
UNLV	Criminal Justice	Bachelors Degree-1992
TESTIMONY		
Yes	No	
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Sr. Crime Scene Analyst	12-01-097

ROBERTS, VINCENT D.
SENIOR CSA

P# 5714
SS#: 530-60-9111

CRIMINALISTICS BUREAU - FIELD
DOH: 12-01-97

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
06-84	High School Diploma (Las Vegas, NV)	Bishop Gorman H.S.	
07-84 to 07-1985	USAFA Prep. School - United States Air Force Colorado Springs, CO	United States Air Force Academy	1 year
07-85 to 05-1987	United States Air Force Academy - Cadet Colorado Springs, CO	United States Air Force Academy	2 years
08-16-92	Bachelor of Arts Degree (Las Vegas, NV)	Univ. of Nevada	Degree
	USAFA Prep School and USAF Academy included in UNLV degree		
08-92 to 09-92	Dealers' School	National Academy for Casino Dealers	72
07-92 to 03-93	Management Associate Program - Supervisory Development	Mirage Resorts, Inc. & other agencies	17 courses taken (unknown hours)
07-93	Mirage Resorts Floor Supervisor Training Program	Mirage Resorts, Inc.	N/A
01-02-97	CAPSTUN for Civilians	LVMPD	1.5
01-02-97	Personal Protection/Self-Defense	LVMPD	2.5
12-10-97	Civilian Use of Force/Firearms	LVMPD	21
12-10-97	Duty Weapon Qualification	LVMPD	2
12-12-97	New Civilian Employee Orientation	LVMPD	7
01-02-98	Cultural Awareness	LVMPD	4
01-09-98	Crime Scene Analyst Academy	LVMPD	188
01-12-98	Class II - Driver Training	LVMPD	8
01-30-98	Domestic Violence	LVMPD	1
01-10 to 03-20-98	Criminalistics Bureau Field Training	LVMPD	400
02-12-98	Trauma Shooting - Video	LVMPD	30 Min.
02-13-98	Combat Shooting Simulator - FATS	LVMPD	1
02-25-98	Clandestine Lab Dangers - Video	LVMPD	30 Min.
03-07-98	Secondary Devices - Video	LVMPD	30 Min.
03-31-98	Duty Weapon Qualification	LVMPD	2
08-05-98	Critical Procedures Test	LVMPD	2

09-01-98	Optional Weapon	LVMPD	
09-15-98	Certificate of Achievement, graduated course in Forensic Science and Investigation	American Institute of Applied Science	230
12-19-98	Duty Weapon Qualification	LVMPD	2
12-23-98	Training - Motor Home Driving	LVMPD	4
02-23 to 02-25-99	Latent Print Identification (Sponsored by LVMPD)	FBI - Law Enforcement Officers Training School,	24
04-10-99	Critical Procedures Test	LVMPD	2
04-28 to 04-30-99	First Annual Educational Conference - Footwear/Tire Tracks	NSDIAI	2
"	Superglue	NSDIAI	2
"	Laboratory Photography	NSDIAI	2
"	Death Investigation	NSDIAI	2
06-18-99	Duty Weapon Qualification	LVMPD	2
06-30-99	Optional Weapon	LVMPD	1
08-16 to 08-20-99	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
08-30 to 09-01-99	Clandestine Laboratory Safety Certification Course, Occasional Site Worker	LVMPD	24
09-01-99	Duty Weapon Qualification	LVMPD	2
09-03-99	Duty Weapon Qualification	LVMPD	2
09-13 to 09-17-99	Crime Scene Technology 2	Northwestern University, Traffic Institute	40
05-03 to 05-05-00	Second Annual Educational Conference Shoebox Labeling (Also see items below)	NSDIAI	1
"	Gadgets and Gizmos	NSDIAI	2
"	Handwriting	NSDIAI	2
"	Polly Klass	NSDIAI	3
"	Bombing Scenes	NSDIAI	2
"	Galaxy Air Crash	NSDIAI	2
"	Photo FP Tech	NSDIAI	2
"	Child Abuse	NSDIAI	2
"	Drug Fire/IBIS	NSDIAI	2
06-27-00	Handgun Qualification 3	LVMPD	1
08-22-00	Handgun Qualification 3	LVMPD	1

09-06 to 09-08-00	Shooting Incident Reconstruction	LVMPD	24
11-30-00	Driver's Training II	LVMPD	8
01-17-01	Courtroom Testimony for Police Officers - Commission on Peace Officers' Standards and Training	State of Nevada	4
03-19 to 03-21-01	Practical Homicide Investigation	P.H.I., Investigative Consultants, Inc.	24
03-06-01	Handgun Qualification 1	LVMPD	1
03-19-01	Video - In The Blink of an Eye	LVMPD	15 minutes
04-11 to 04-13-01	3 rd Annual Educational Conference - Nevada State Division for the International Association for Identification	NSDIAI	See below
"	Forensic Anthropology	"	1
"	Expert Witness	"	2
"	Death Investigations	"	2
04-19-01	Critical Procedures Test	LVMPD	2
09-18-01	Firearms Qualification @	LVMPD	2
10-01-01	Video - Use of Force	LVMPD	15 Minutes
10-09-01	Bloodstain Pattern Analysis - Angle of Impact Proficiency Exercise - Certificate # 11	LVMPD - Criminalistics Bureau	3
12-18-01	Handgun Qualification 4	LVMPD	1
02-26-02	Handgun Qualification 1	LVMPD	1
04-01-02	Major Case Prints	LVMPD	3
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
04-02-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1
04-02-02	Forensic Anthropology	LVMPD	1.5
04-04-02	Criminal Law	LVMPD	2
06-05-02	Documentation of Footwear & Tire Impressions	LVMPD - Criminalistics Bureau	1
06-14-02	Handgun Qualification 2	LVMPD	1
06-30-02	Employee Drug & Alcohol Abuse Rec/Crisis Interv.	LVMPD	1
08-04 to 08-10-02	87 th International Educational Conference - See below	IAI	

	W-60: Impact Pattern Reconstruction	"	2
08-30-02	Firearms Qualification 3	LVMPD	1
10-02-02	Handgun Qualification 1	LVMPD	
10-30-02	Stress Management	LVMPD	2
01-20 to 01-24-03	Ridgeology Science Workshop - Forensic Identification Training Seminars	LVMPD	40
02-26-03	Handgun Qualification 1	LVMPD	1
03-12-03	Firearms Training Simulator	LVMPD	1
05-30-03	Certified as "Crime Scene Technician" - successfully completed all requirements and tests	IAI	3-hour test
06-10-03	Handgun Qualification 2	LVMPD	1
07-29-03	Firearms Qualification 3	LVMPD	1

Curriculum Vitae
Las Vegas Criminalistics Bureau
Statement of Qualifications

Name: William Speas

P# 5228

Date: 10-1-03

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
X	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
CCSN	Criminal Justice	Associates Degree-2000

TESTIMONY		
Yes	No	

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Crime Scene Analyst II	7-29-96

TRAINING/SEMINARS			
DATE	CLASS TITLE	AGENCY	CREDIT HOURS
08-06-90	Electronic Systems Technology	Community College of the Air Force	Associate Degree
02-25-91	Audiovisual Production Services	Community College of the Air Force	Associate Degree

08-11-95	COMMUNITY COLLEGE OF THE AIR FORCE - SEE ATTACHED FOR PARTICULARS - Medical Laboratory Technician	Applied Science - Medical Laboratory Technician	Associate Degree of Applied Science
05-21-97	To Your Good Health - 90s	LVMPD	7
05-15-00	COMMUNITY COLLEGE OF SOUTHERN NEVADA - SEE ATTACHED FOR PARTICULARS - Criminal Justice - Law Enforcement Emphasis	Applied Science - Criminal Justice - Law Enforcement Emphasis	Associate Degree of Applied Science
02-23 to 02-25-99	Latent Print Identification - (in cooperation with FBI)	Law Enforcement Officers Training School	24
04-28 to 04-30-99	First Annual Educational Conference Opening Ceremonies (2)	NSDIAI	2
"	DNA Evidence	NSDIAI	2
"	Body ID Techniques	NSDIAI	2
"	Superglue	NSDIAI	2
"	Blood Enhancement	NSDIAI	4
"	Child Abuse	NSDIAI	2
"	Traffic Photography	NSDIAI	2
"	Clandestine Labs	NSDIAI	2
"	Laboratory Photography	NSDIAI	2
"	Death Investigations	NSDIAI	2
"	Footwear/Tire Tracks	NSDIAI	2
09-02-99	Active Charter Member - # 00023	NSDIAI	
10-21-99	New Civilian Employee Orientation Course	LVMPD	56
10-25 to 11-18-99	Crime Scene Analyst Academy - followed by	LVMPD	175
11-22-99	Civilian Use of Force/Firearms	LVMPD	21
11-22-99	Optional Weapon	LVMPD	1
	Field Training	LVMPD	400

11-10-00	Certificate - completed Basic Program in Forensic Science	American Institute of Applied Science, Inc.	230
11-29-00	Principles of Crime Scene Diagramming	North LV Police Dept.	8
12-09-99	Driver Training - Class II	LVMPD	8
01-17-01	Commission on Peace Officers' Standards and Training - "Courtroom Testimony for Police Officers"	State of Nevada	4
02-12 to 02-14-01	Clandestine Laboratory Safety Certification Course - Occasional Site Worker	LVMPD	24
04-12-02	Documentation of Footwear & Tire Impressions	LVMPD - Criminalistics Bureau	1
04-19-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD - Criminalistics Bureau	1
04-22-02	Forensic Anthropology	LVMPD - Criminalistics Bureau	1.5
05-06-02	Major Case Prints	LVMPD - Criminalistics Bureau	3

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 03/05/12Name: Kimberly Taylor P#: 13772 Classification: Forensic Scientist, TraineeCurrent Discipline of Assignment: DNA**EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)**

Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Footwear Impressions		Technical Support / Quality	
Quality Assurance			

EDUCATION

<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University Nevada, Reno	08/2002-05/2006	Nutritional Sciences	No
University Nevada, Las Vegas	08/2003-05/2008	Cell/ Molecular Biology	Yes

ADDITIONAL TRAINING / SEMINARS

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Interpreting DNA Mixtures	Las Vegas, NV	01/25/12
Annual Review of NDIS	Las Vegas, NV	01/19/12
Emerging DNA Technologies	Huntington, WV	12/05/11-12/07/11
2011 NSDIAI Quarterly Training	Las Vegas, NV	07/13/11
Testifying in Court	Las Vegas, NV	05/02/11

ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
NCIC Training	Las Vegas, NV	09/24/10	
Driver's Training	Las Vegas, NV	04/09	
New Hire Orientation	Las Vegas, NV	01/09	
COURTROOM EXPERIENCE			
Court	Discipline	Number of Times	
EMPLOYMENT HISTORY			
Employer	Job Title	Date	
Las Vegas Metropolitan Police Department	Forensic Scientist I	03/12 - Present	
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee	03/11 - Present	
Las Vegas Metropolitan Police Department	Forensic Lab Aide	12/08-03/11	
PROFESSIONAL AFFILIATIONS			
Organization	Date(s)		
PUBLICATIONS / PRESENTATIONS:			
OTHER QUALIFICATIONS:			

 *** TX REPORT ***

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1 NWEW
 2 STEVEN B. WOLFSON
 3 Clark County District Attorney
 4 Nevada Bar #1565
 5 RICHARD SCOW
 6 Chief Deputy District Attorney
 7 Nevada Bar #9182
 8 200 Lewis Avenue
 9 Las Vegas, Nevada 89155-2212
 10 (702) 671-2500
 11 Attorney for Plaintiff

DISTRICT COURT
 CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

CASE NO: C-14-299234-1

15 ROBERT BROWN, JR.,
 16 #6006120

DEPT NO: XXIV

17 Defendant.

SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
 [NRS 174.234(2)]

18 TO: ROBERT BROWN, JR., Defendant; and

19 TO: JOSH TOMSHECK, ESQ., Counsel of Record:

20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
 21 NEVADA intends to call the following expert witnesses in its case in chief:

U. S. COURT REPORTER L. J. D. D. #8146 is a Latent Print Examiner with the U. S. Vegas


CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
RICHARD SCOW
Chief Deputy District Attorney
Nevada Bar #9182
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-14-299234-1

ROBERT BROWN, JR.,
#6006120

DEPT NO: XXIV

Defendant.

THIRD SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: ROBERT BROWN, JR., Defendant; and

TO: JOSH TOMSHECK, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following expert witnesses in its case in chief:

R. DAHN, LVMPD P#5941 – is a Criminalist/Crime Scene Analyst with the Las Vegas Metropolitan Police Department. She is an expert in the area of crime scene analysis and will give opinions related thereto. She is expected to testify regarding the processing of the various crime scene(s) in this case, as well as the collection and preservation of evidence.

These witnesses are in addition to those witnesses endorsed on the Information or Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert Witnesses has been filed.

1 The substance of each expert witness's testimony and a copy of all reports made by or
2 at the direction of the expert witness have been provided in discovery.

3 A copy of each expert witness's curriculum vitae, if available, is attached hereto.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #1565

7 BY /s/ Richard Scow
8 RICHARD SCOW
9 Chief Deputy District Attorney
10 Nevada Bar #9182
11

12 CERTIFICATE OF FACSIMILE TRANSMISSION

13 I hereby certify that service of the above and foregoing was made this 5th day of
14 August, 2014, by facsimile transmission to:

15 JOSH TOMSHECK, ESQ.
16 FAX: (702) 731-6910

17 BY: /s/ J. Georges
18 Secretary for the District Attorney's Office
19
20
21
22
23
24
25
26
27

28 jg/VCU

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: Robbie Dahn

P# 5947

Date: 8-28-03

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
UNLV	Criminal Justice	Bachelors Degree

TESTIMONY		
Yes	No	

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Sr. Crime Scene Analyst	1997

DAHN, ROBBIE
P# 5947
CRIMINALISTICS BUREAU - FIELD
SENIOR CSA
DOH: 07-13-97

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
08-15-97	Bachelor of Arts - Criminal Justice	UNLV	
07-28-98	New Civilian Employee Orientation	LVMPD	14
08-10-98	Stress Management	LVMPD	4
08-10-98	Capstun for Civilians	LVMPD	1.50
07-13 to 08-14-98	Crime Scene Analyst Academy - Criminalistics Bureau	LVMPD	175
08-12-98	Civilian Use of Force & Firearms Training	LVMPD	21
08-12-98	Duty Weapon Qualification	LVMPD	2
08-13-98	Combat Shooting Simulator - FATS	LVMPD	1
10-20-98	Criminalistics Bureau - Field Training	LVMPD	400
11-01-98	Nevada State Division of the International Assoc. for Identification (NSDIAI) - Active Charter Member # 00055	NSDIAI	
12-10-98	WordPerfect 8.0	LVMPD	4
01-07-99	Class II - Driver Training	LVMPD	8
02-17-99	Understanding Death and Grief Issues	LVMPD	4
01-12-99	Training - Motor Home Driving	LVMPD	4
03-15-99	International Assoc. for Identification (IAI) - Active Member # 16926	IAI	
03-16-99	Award Presentation and PR Photography	LVMPD	2
03-23 to 03-26-99	Clandestine Laboratory Safety Certification Course	LVMPD	40
04-07-99	Certificate of Achievement, graduated course in Forensic Science and Investigation (AIAS)	American Institute of Applied Science, Inc.	260
04-07-00	Winning Courtroom Confrontations Seminar		4
04-28 to 04-30-99	First Annual Educational Conference Opening Ceremonies (2) Banquet (3)	NSDIAI	
"	Fingerprint Classification	NSDIAI	2
"	Laboratory Photography	NSDIAI	2
"	Death Investigations	NSDIAI	2
"	Traffic Photography	NSDIAI	2

“	Footwear/Tire Tracks	NSDAI	2
“	Superglue	NSDAI	2
05-07-99	Critical Procedures Test	LVMPD	2
09-13 to 09-17-99	Crime Scene Technology 2	Northwestern University, Traffic Institute	40
10-25 to 10-29-99	Basic Fingerprint Classification	FBI	40
05-03 to 05-05-00	Second Annual Educational Conference Shoebox Labeling (Also see items below)	NSDAI	1
“	Gadgets and Gizmos	NSDAI	2
“	Handwriting	NSDAI	2
“	Polly Klass	NSDAI	3
“	WIN-AFIS	NSDAI	2
“	Galaxy Air Crash	NSDAI	2
“	Photo FP Tech	NSDAI	2
“	Child Abuse	NSDAI	2
“	Arson Investigations	NSDAI	2
09-13-00	Trial Testimony for Law Enforcement		
12-23-00	Crime Scene Certification Board - Completed all requirements and tests for - Crime Scene Technician	IAI	
03-19 to 03-21-01	Practical Homicide Investigation	P.H.I. Investigative Consultants, Inc.	24
04-11 to 04-13-01	NSDAI - 3 rd Annual Educational Conference Florazine	NSDAI	2
“	Officer Involved Shootings	NSDAI	3
“	Child Exploitation	NSDAI	2
06-04 to 06-08-01	Bloodstain Evidence Workshop I	Northwestern University Center for Public Safety	40
03-25 to 03-26-02	Medical Death Investigation	Public Agency Training Council - National Crime Justice	16
03-30-02	Documentation of Footwear & Tire Impressions	LVMPD	1
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD Criminalistics Bureau	1
04-02-02	Objective Approach to the Crime Scene	LVMPD	1
04-02-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1

04-02-02	Major Case Prints	LVMPD	3
04-16-02	Forensic Anthropology	LVMPD - Criminalistics Bureau	1.5
07-01-02	Successfully completed all requirements and tests - Qualified as Crime Scene Analyst (Level 2)	International Assoc. for Identification (IAI)	
08-04 to 08-10-02	87 th International Educational Conference - See below	IAI	
“	W-57: Examination of Bloodstained Clothing	“	4
“	W-39: Intermediate Dye Staining Workshop	“	2
“	W-60: Impact Pattern Reconstruction	“	2
“	W-75: Techniques of Electrostatic Lifting at Crime Scenes	“	2
12-18-02	Civilian Use of Force & Firearms Training	LVMPD	24
01-20 to 01-24-03	Advanced Ridgeology Science Workshop	Forensic Identification Training Seminars	40
02-03 to 02-05-03	Shooting Incident Reconstruction - Forensic Identification Training Seminars	LVMPD	24
02-06 to 02-08-03	Advanced Shooting Incident Reconstruction (for LVMPD)	Forensic Identification Training Seminars	24
06-04-03	Evidence Impounding - Areas of Concern	LVMPD	3

*** TX REPORT ***

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1 NNEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

CASE NO: C-14-299234-1

15 ROBERT BROWN, JR.,
16 #6006120

DEPT NO: XXIV

17 Defendant.

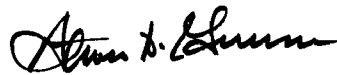
18 THIRD SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
19 [NRS 174.234(2)]

20 TO: ROBERT BROWN, JR., Defendant; and

21 TO: JOSH TOMSHECK, ESQ., Counsel of Record:

22 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following expert witnesses in its case in chief;

R. DAHN, LVMPD P#5941 – is a Criminalist/Crime Scene Analyst with the Las Vegas



CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
RICHARD SCOW
Chief Deputy District Attorney
Nevada Bar #9182
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-14-299234-1

ROBERT BROWN, JR.,
#6006120

DEPT NO: XXIV

Defendant.

NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

TO: ROBERT BROWN, JR., Defendant; and

TO: JOSH TOMSHECK, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
ALSUP, T.	LVMPD P#5782
BALDASSARRE, B.	LVMPD P#13977
BARKER, T.	LVMPD P#4106
BARRINGER, D.	LVMPD P#7178
BRAUN, L.	LVMPD P#12946
BRYANT, K.	LVMPD P#7773
CARROLL, M.	LVMPD P#6439
COLEMAN, S.	LVMPD P#13127

1	COLON, M.	LVMPD P#7585
2	CRUSE, C.	LVMPD P#14299
3	CUSTODIAN OF RECORDS	CCDC
4	CUSTODIAN OF RECORDS	CLARK COUNTY FIRE & RESCUE
5	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
6	CUSTODIAN OF RECORDS	LVMPD RECORDS
7	CUSTODIAN OF RECORDS	MEDICWEST
8	CUSTODIAN OF RECORDS	SUNRISE HOSPITAL
9	DARR, A.	LVMPD P#5485
10	DENNIS, C.	LVMPD P#9811
11	ENGINE #17	CLARK COUNTY FIRE & RESCUE
12	FLOWERS, TIA	c/o CCDA VICTIM WITNESS
13	FRIDAY, P.	LVMPD P#6039
14	GANON, M.	c/o MEDICWEST
15	GILLIS, M.	LVMPD P#6432
16	GRONEMAN, G.	LVMPD P#9489
17	GUSMAN, S.	LVMPD P#9065
18	HENDRICKS, J.	LVMPD P#6091
19	HIGGINS, KAYLA	c/o CCDA VICTIM WITNESS
20	JACOBY, D.	LVMPD P#4591
21	JONES, N.	LVMPD P#9043
22	JUNEMAN, GERALD	c/o CCDA VICTIM WITNESS
23	LEACH, A.	LVMPD P#12898
24	LOVE, D.	LVMPD P#3748
25	MAESTAS, ANGELA	c/o CCDA VICTIM WITNESS
26	MAESTAS, KATHLEEN	c/o CCDA VICTIM WITNESS
27	MAHON, K.	LVMPD P#8922
28	MAINES, M.	LVMPD P#4040

1	MCCARTHY, J.	LVMPD P#4715
2	MCKNIGHT, K.	LVMPD P#13468
3	MORRIS, E.	LVMPD P#13248
4	O'BRIEN, JOHN	c/o CCDA VICTIM WITNESS
5	O'GRADY, A.	LVMPD P#14071
6	PIERCE-STAUFFER, S.	CCME #0028
7	RAPP, C.	LVMPD P#13455
8	REED, R.	LVMPD P#7641
9	RILEY, G.	LVMPD P#13428
10	SACHS, M.	c/o MEDICWEST
11	SCHOFIELD, M.	LVMPD P#3374
12	STEIBER, R.	LVMPD P#3542
13	TENNANT, J.	LVMPD P#9817
14	ZYGMONY, P.	LVMPD P#8558

15 These witnesses are in addition to those witnesses endorsed on the Information or
16 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
17 Witnesses has been filed.

18 STEVEN B. WOLFSON
19 DISTRICT ATTORNEY
20 Nevada Bar #1565

21 BY /s/ Richard Scot
22 RICHARD SCOW
23 Chief Deputy District Attorney
24 Nevada Bar #9182

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JOSH TOMSHECK, ESQ.
FAX: (702) 731-6910

BY: /s/ J. Georges
Secretary for the District Attorney's Office

jg/VCU

*** TX REPORT ***

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1 NWEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

-vs-

CASE NO: C-14-299234-1

12 ROBERT BROWN, JR.,
13 #6006120

DEPT NO: XXIV

Defendant.

NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

TO: ROBERT BROWN, JR., Defendant; and

TO: JOSH TOMSHECK, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

NAMEADDRESS

ALSUP, T.

LVMPD P#5782


CLERK OF THE COURT

NISD
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
RICHARD SCOW
Chief Deputy District Attorney
Nevada Bar #9182
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ROBERT BROWN, JR,
#6006120

Defendant.

CASE NO: C-14-299234-1

DEPT NO: XXIV

NOTICE OF INTENT TO SEEK DEATH PENALTY

COMES NOW, the State of Nevada, through STEVEN B. WOLFSON, Clark County District Attorney, by and through RICHARD SCOW, Chief Deputy District Attorney, pursuant to NRS 175.552 and NRS 200.033 and declares its intention to seek the death penalty at a penalty hearing. Furthermore, the State of Nevada discloses that it will present evidence of the following aggravating circumstances:

1. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a felony involving the use or threat of violence to the person of another. Nev. Rev. Stat. §200.033(2).

On August 14, 1998, the Defendant was convicted in Los Angeles Superior Court of Carjacking in violation of California Penal Code §215(a). Cal. Penal Code §215(a) provides in pertinent part:

"Carjacking" is the felonious taking of a motor vehicle in the possession of another, from his or her person or immediate

1 presence, or from the person or immediate presence of a passenger
2 of the motor vehicle, against his or her will and with the intent to
3 either permanently or temporarily deprive the person in possession
4 of the motor vehicle of his or her possession, **accomplished by**
5 **means of force or fear.**

6 (Emphasis added).

7 In July 1997, the Defendant beat his wife Tonya Brown with a broom stick, causing her
8 to seek refuge in a women's shelter. After the shelter, Tonya moved in with her cousin in
9 hopes the Defendant would not find her, which he eventually did.

10 On November 17, 1997, Tonya left her cousin's apartment and approached her parked
11 vehicle. The Defendant had been waiting at the car with a box-cutting knife and attacked her
12 as she approached. Tonya was able to enter her vehicle and lock the doors, but the Defendant
13 smashed the window and gained access by placing the knife against Tonya's throat and
14 threatening to kill her. As the Defendant got into the driver's seat, he stabbed Tonya multiple
15 times in the neck.

16 Witnesses saw the Defendant abduct Tonya and called the police while following the
17 vehicle. The witnesses observed the Defendant choke and stab Tonya multiple times as she
18 made attempts to escape from the vehicle.

19 Police officers were able to intercept the vehicle shortly after the abduction. They also
20 saw the Defendant attacking Tonya in the vehicle. After a short chase, the Defendant stopped
21 the vehicle at which time Tonya jumped out and ran hysterically to the police. Tonya was
22 covered in blood and had multiple stab wounds.

23 The Defendant was charged with Attempt Murder, Kidnapping, Carjacking, and
24 Assault with a Deadly Weapon Resulting in Great Bodily Injury.

25 The Defendant ultimately pled guilty to the Carjacking and was sentenced on August
26 14, 1998.

27 2. The murder was committed by a person who, at any time before a penalty
28 hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a
felony involving the use or threat of violence to the person of another. Nev. Rev. Stat.
§200.033(2).

1 On August 14, 1998, the Defendant was convicted in Los Angeles Superior Court of
2 Corporal Injury to Spouse in violation of California Penal Code §273.5(a). Cal. Penal Code
3 §273.5(a) provides in pertinent part:

4 (a) Any person who willfully inflicts corporal injury resulting in a
5 traumatic condition upon a victim described in subdivision (b) is
6 guilty of a felony, and upon conviction thereof shall be punished
7 by imprisonment in the state prison for two, three, or four years,
8 or in a county jail for not more than one year, or by a fine of up to
six thousand dollars (\$6,000) or by both that fine and
imprisonment.

9 In July 1997, the Defendant beat his wife Tonya Brown with a broom stick, causing her
10 to seek refuge in a women's shelter. After the shelter, Tonya moved in with her cousin in
11 hopes the Defendant would not find her, which he eventually did.

12 On November 17, 1997, Tonya left her cousin's apartment and approached her parked
13 vehicle. The Defendant had been waiting at the car with a box-cutting knife and attacked her
14 as she approached. Tonya was able to enter her vehicle and lock the doors, but the Defendant
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17 times in the neck.

18 Witnesses saw the Defendant abduct Tonya and called the police while following the
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20 made attempts to escape from the vehicle.

21 Police officers were able to intercept the vehicle shortly after the abduction. They also
22 saw the Defendant attacking Tonya in the vehicle. After a short chase, the Defendant stopped
23 the vehicle at which time Tonya jumped out and ran hysterically to the police. Tonya was
24 covered in blood and had multiple stab wounds.

25 The Defendant was charged with Attempt Murder, Kidnapping, Carjacking, and
26 Assault with a Deadly Weapon Resulting in Great Bodily Injury.

27 The Defendant ultimately pled guilty to the Corporal Injury to Spouse and was
28 sentenced on August 14, 1998.

1 3. The murder was committed by a person who, at any time before a penalty
2 hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a
3 felony involving the use or threat of violence to the person of another. Nev. Rev. Stat.
4 §200.033(2).

5 In this case, the Defendant committed the murder of Nichole Nick on December 7,
6 2012. The Defendant is also charged with the Attempt Murder with Use of a Deadly Weapon
7 of Esther Maestas committed on December 7, 2012. If the Defendant is convicted at trial of
8 the attempt murder of Esther Maestas, this will qualify as a conviction of a felony involving
9 the use or threat of violence to the person of another before a penalty hearing is conducted.

10 On Friday, December 7, 2012, the Las Vegas Metropolitan Police Department
11 (“LVMPD”) call center received multiple telephone calls from residents at the Canyon Pointe
12 Apartments located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada,
13 indicating glass breaking, a woman screaming, and a male entering Apartment E-13 through
14 the broken window. Callers subsequently informed the LVMPD that they heard gunshots after
15 the male entered Apartment E-13.

16 When officers arrived they observed a broken window with shards of glass next to the
17 doorway of Apartment E-13. Officers entered Apartment E-13 to find a white female adult
18 lying on the living room floor with apparent gunshot wounds to her abdomen, leg, and
19 shoulder. That woman was later identified as Esther Maestas. Esther informed the responding
20 officers that Robert Brown, the Defendant, had broken into the apartment and shot her and her
21 daughter. Esther indicated that Robert and Nichole had been arguing earlier in the evening.
22 She told officers that her daughter and granddaughter were in the bedroom.

23 Officers entered the only bedroom of the apartment to find a white female adult
24 deceased from several apparent gunshot wounds. She was later identified as Nichole Nick,
25 the daughter of Esther Maestas and the girlfriend of Robert Brown. In that same bedroom,
26 officers also located an uninjured juvenile female, who was later identified as three-year-old
27 Kayla Higgins, Nichole Nick’s niece and Esther Maestas’ granddaughter. Kayla had been
28 lying on a toddler bed that now had a bullet hole in it.

1 Nichole Nick was lying face up on the floor, twisted and bent slightly at the waist with
2 her back, right hip, and outside of right leg on the carpet. She had been rolled from her right
3 side to her back by officers so that they could check for her pulse. There was blood covering
4 her face and upper body as well as pooled on the carpet inside of her right elbow. Nichole
5 Nick suffered the following injuries: (1) a perforating gunshot entry-wound to her upper right
6 chest/shoulder and a corresponding gunshot exit-wound to her rear left side; (2) perforating
7 gunshot wounds to her upper left thigh; (3) a perforating wound to the back left of her head;
8 (4) a stab wound to her upper left chest; (5) a stab wound to her left armpit; (6) a stab wound
9 to the left side of her neck; (7) a stab wound to the upper left side of her back; (8) and several
10 lacerations to her upper left arm. Clark County Medical Examiner Dr. Alane Olson determined
11 that the cause of death was a gunshot wound to the chest with significant sharp force trauma
12 (stab wounds). The manner of death was homicide.

13 Medics were called for Esther Maestas and they subsequently removed her from the
14 scene prior to the arrival of homicide detectives. She was taken to Sunrise Hospital Emergency
15 Trauma Center where she was immediately taken into surgery.

16 Homicide Detectives D. Raetz, M. Gillis, J. McCarthy, and F. Merrick subsequently
17 responded to the scene. In the living room Detectives observed broken shards of glass in the
18 vicinity of the window, a Verizon Motorola cellular telephone on the south edge of the center
19 seat of the sofa, blood on a pillow of the sofa as well as on the north seat cushion and arm rest.

20 A pony wall separated the living room from the kitchen. On the pony wall Detectives
21 discovered a T-Mobile Samsung cellular telephone. Detectives located a Sprint HTC cellular
22 telephone on the table in the kitchen belonging to Nichole Nick, and a LG cellular telephone
23 in pieces on the floor near the table. The Sprint HTC cellular telephone had blood on the
24 screen of the telephone and the background wallpaper was a photograph of an individual,
25 which matched the driver's license belonging to Robert Brown.

26 The only bedroom and bathroom in the apartment were located off of the kitchen. In
27 the threshold to the bathroom, Detectives discovered blood on the floor of both sides of the
28 door as well as on the lower portions of the exterior of the bathroom door and the west door

1 frame and west wall of the hall. The bathroom itself was otherwise unremarkable. In the
2 bedroom, Detectives observed a toddler bed against the northwest corner and a twin bed at the
3 northeast corner. A blue multi-colored comforter was bunched up on the floor at the southwest
4 corner of the twin bed. Detectives observed blood on the floor at the south end of the bedroom,
5 on the east closet door, on the west portion of the vertical blinds of the window in the north
6 wall, on the sheet and pillow on the twin bed, the west side of the bed, the blue comforter, and
7 on the floor between the two beds.

8 Eight cartridge cases, seven bearing the "R-P 9mm LUGER" headstamps and one
9 bearing a "PMC 9MM LUGER" headstamp, were recovered from the floor of the bedroom.
10 Five were visible upon entering the room, and the other three were found when Detectives
11 moved items in the room.

12 There were multiple bullet holes through the bunched up comforter on the floor at the
13 southwest corner of the twin bed. There were two bullet holes in the mattress and box springs
14 of the bed. Detectives later recovered bullet fragments once the trajectories were traced. A
15 bullet also perforated the west closet door and penetrated into the south wall of the closet.
16 Detectives recovered bullet fragments from the floor of the interior of the wall. A bullet
17 perforated the west bed rail of the pink child's bed where Kayla Higgins had been sleeping
18 before perforating the west wall of the bedroom. That bullet was later recovered from the
19 neighboring apartment under the carpet of the northeast portion of the bedroom of Apartment
20 E-12.

21 The weapon used in the commission of the murder of Nichole Nick and the attempted
22 murders of Esther Maestas and Kayla Higgins was located by a man out walking his dog the
23 following morning. Gerald Juneman reported that he had found a handgun in the gutter of
24 Jimmy Durante Boulevard. He picked the gun up in a plastic shopping bag and took it home.
25 LVMPD Officers subsequently responded to the home to retrieve the weapon. Homicide
26 Detectives responded to Juneman's residence as well and ultimately recovered a Smith &
27 Wesson model 439, 9 mm semi-automatic, bearing serial #TBK5560 from the patrol officers.
28 It appeared as if the gun had been thrown from a moving vehicle as half of the right side wood

1 grip was missing, the magazine was jammed in the magazine well with the magazine floor
2 plate missing, and there was grass and leaf debris on the right side. The hammer of the gun
3 was down, the chamber and the magazine were empty, and the safety was engaged.

4 When Detectives responded to the location where the weapon had been found, they
5 located the missing portion of the wood grip, the magazine floor plate, and the spring. These
6 items were found spread in a line in the west gutter of Jimmy Durante Boulevard indicating
7 that the gun was thrown out of a moving vehicle traveling south on Jimmy Durante. The
8 location was south of both the crime scene and Brown's apartment.

9 All eight 9MM cartridge cases recovered from the crime scene were later determined
10 by LVMPD Forensic Scientist James Krylo to have been fired by the Smith & Wesson. The
11 three bullets recovered from the scene as well as a single bullet recovered at a later date from
12 the apartment by Esther Maestas were all marked with rifling characteristics similar to those
13 made by the Smith & Wesson pistol. However, these bullets could not be conclusively tied to
14 the pistol.

15 Esther Maestas was later interviewed at Sunrise Hospital on December 10, 2012. Esther
16 indicated that after Nichole and Kayla had gone to bed, Esther heard someone attempt to force
17 the apartment door open. The next thing Esther knew, the window next to the door was broken
18 out and the Defendant was coming inside the apartment. The Defendant was carrying a gun
19 in his right hand and something else in his left. Nichole came out of the bedroom and yelled
20 for Esther to call 911. The Defendant shot Esther then went into the bedroom. Esther heard
21 gunshots and followed the Defendant into the bedroom. Esther heard Kayla start crying and
22 saw the Defendant turn the gun towards Kayla, who was lying in the toddler bed. Esther and
23 Nichole both yelled at the Defendant not to shoot the baby. Nonetheless, a bullet hole was
24 found in the toddler bed. The Defendant then turned the gun and shot Esther before shooting
25 Nichole repeatedly. Esther later remembered that the Defendant shot her a few more times
26 when Esther was back in the living room.

27 A warrant was subsequently obtained for the Defendant's arrest. He was located in
28 California in January of 2014 and later extradited to Nevada.

1 The above outlined evidence will establish that the Defendant committed a felony
2 involving the use or threat of violence to the person of Esther Maestas on December 7, 2012.
3 If a jury in this case convicts the Defendant of that attempt murder, with or without the use of
4 a deadly weapon, it will be a qualifying felony conviction before any penalty hearing could be
5 held in this case and an aggravating circumstance pursuant to NRS 200.033(2).

6 4. The murder was committed by a person who, at any time before a penalty
7 hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a
8 felony involving the use or threat of violence to the person of another. Nev. Rev. Stat.
9 §200.033(2).

10 In this case, the Defendant committed the murder of Nichole Nick on December 7,
11 2012. The Defendant is also charged with the Attempt Murder with Use of a Deadly Weapon
12 of Kayla Higgins committed on December 7, 2012. If the Defendant is convicted at trial of
13 the attempt murder of Kayla Higgins, this will qualify as a conviction of a felony involving
14 the use or threat of violence to the person of another before a penalty hearing is conducted.

15 On Friday, December 7, 2012, the Las Vegas Metropolitan Police Department
16 ("LVMPD") call center received multiple telephone calls from residents at the Canyon Pointe
17 Apartments located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada,
18 indicating glass breaking, a woman screaming, and a male entering Apartment E-13 through
19 the broken window. Callers subsequently informed the LVMPD that they heard gunshots after
20 the male entered Apartment E-13.

21 When officers arrived they observed a broken window with shards of glass next to the
22 doorway of Apartment E-13. Officers entered Apartment E-13 to find a white female adult
23 lying on the living room floor with apparent gunshot wounds to her abdomen, leg, and
24 shoulder. That woman was later identified as Esther Maestas. Esther informed the responding
25 officers that Robert Brown, the Defendant, had broken into the apartment and shot her and her
26 daughter. Esther indicated that Robert and Nichole had been arguing earlier in the evening.
27 She told officers that her daughter and granddaughter were in the bedroom.

28 ///

1 Officers entered the only bedroom of the apartment to find a white female adult
2 deceased from several apparent gunshot wounds. She was later identified as Nichole Nick,
3 the daughter of Esther Maestas and the girlfriend of Robert Brown. In that same bedroom,
4 officers also located an uninjured juvenile female, who was later identified as three-year-old
5 Kayla Higgins, Nichole Nick's niece and Esther Maestas' granddaughter. Kayla had been
6 lying on a toddler bed that now had a bullet hole in it.

7 Nichole Nick was lying face up on the floor; twisted and bent slightly at the waist with
8 her back, right hip, and outside of right leg on the carpet. She had been rolled from her right
9 side to her back by officers so that they could check for her pulse. There was blood covering
10 her face and upper body as well as pooled on the carpet inside of her right elbow. Nichole
11 Nick suffered the following injuries: (1) a perforating gunshot entry-wound to her upper right
12 chest/shoulder and a corresponding gunshot exit-wound to her rear left side; (2) perforating
13 gunshot wounds to her upper left thigh; (3) a perforating wound to the back left of her head;
14 (4) a stab wound to her upper left chest; (5) a stab wound to her left armpit; (6) a stab wound
15 to the left side of her neck; (7) a stab wound to the upper left side of her back; (8) and several
16 lacerations to her upper left arm. Clark County Medical Examiner Dr. Alane Olson determined
17 that the cause of death was a gunshot wound to the chest with significant sharp force trauma
18 (stab wounds). The manner of death was homicide.

19 Medics were called for Esther Maestas and they subsequently removed her from the
20 scene prior to the arrival of homicide detectives. She was taken to Sunrise Hospital Emergency
21 Trauma Center where she was immediately taken into surgery.

22 Homicide Detectives D. Raetz, M. Gillis, J. McCarthy, and F. Merrick subsequently
23 responded to the scene. In the living room Detectives observed broken shards of glass in the
24 vicinity of the window, a Verizon Motorola cellular telephone on the south edge of the center
25 seat of the sofa, blood on a pillow of the sofa as well as on the north seat cushion and arm rest.

26 A pony wall separated the living room from the kitchen. On the pony wall Detectives
27 discovered a T-Mobile Samsung cellular telephone. Detectives located a Sprint HTC cellular
28 telephone on the table in the kitchen belonging to Nichole Nick, and a LG cellular telephone

1 in pieces on the floor near the table. The Sprint HTC cellular telephone had blood on the
2 screen of the telephone and the background wallpaper was a photograph of an individual which
3 matched the driver's license belonging to Robert Brown.

4 The only bedroom and bathroom in the apartment were located off of the kitchen. In
5 the threshold to the bathroom, Detectives discovered blood on the floor of both sides of the
6 door as well as on the lower portions of the exterior of the bathroom door and the west door
7 frame and west wall of the hall. The bathroom itself was otherwise unremarkable. In the
8 bedroom, Detectives observed a toddler bed against northwest corner and a twin bed at the
9 northeast corner. A blue multi-colored comforter was bunched up on the floor at the southwest
10 corner of the twin bed. Detectives observed blood on the floor at the south end of the bedroom,
11 on the east closet door, on the west portion of the vertical blinds of the window in the north
12 wall, on the sheet and pillow on the twin bed, the west side of the bed, the blue comforter, and
13 on the floor between the two beds.

14 Eight cartridge cases, seven bearing the "R-P 9mm LUGER" headstamps and one
15 bearing a "PMC 9MM LUGER" headstamp, were recovered from the floor of the bedroom.
16 Five were visible upon entering the room, and the other three were found when Detectives
17 moved items in the room.

18 There were multiple bullet holes through the bunched up comforter on the floor at the
19 southwest corner of the twin bed. There were two bullet holes in the mattress and box springs
20 of the bed. Detectives later recovered bullet fragments once the trajectories were traced. A
21 bullet also perforated the west closet door and penetrated into the south wall of the closet.
22 Detectives recovered bullet fragments from the floor of the interior of the wall. A bullet
23 perforated the west bed rail of the pink child's bed where Kayla Higgins had been sleeping
24 before perforating the west wall of the bedroom. That bullet was later recovered from the
25 neighboring apartment under the carpet of the northeast portion of the bedroom of Apartment
26 E-12.

27 The weapon used in the commission of the murder of Nichole Nick and the attempted
28 murders of Esther Maestas and Kayla Higgins was located by a man out walking his dog the

1 following morning. Gerald Juneman reported that he had found a handgun in the gutter of
2 Jimmy Durante Boulevard. He picked the gun up in a plastic shopping bag and took it home.
3 LVMPD Officers subsequently responded to the home to retrieve the weapon. Homicide
4 Detectives responded to Juneman's residence as well and ultimately recovered a Smith &
5 Wesson model 439, 9 mm semi-automatic, bearing serial #TBK5560 from the patrol officers.
6 It appeared as if the gun had been thrown from a moving vehicle as half of the right side wood
7 grip was missing, the magazine was jammed in the magazine well with the magazine floor
8 plate missing, and there was grass and leaf debris on the right side. The hammer of the gun
9 was down, the chamber and the magazine were empty, and the safety was engaged.

10 When Detectives responded to the location where the weapon had been found, they
11 located the missing portion of the wood grip, the magazine floor plate, and the spring. These
12 items were found spread in a line in the west gutter of Jimmy Durante Boulevard indicating
13 that the gun was thrown out of a moving vehicle traveling south on Jimmy Durante. The
14 location was south of both the crime scene and Brown's apartment.

15 All eight 9MM cartridge cases recovered from the crime scene were later determined
16 by LVMPD Forensic Scientist James Krylo to have been fired by the Smith & Wesson. The
17 three bullets recovered from the scene as well as a single bullet recovered at a later date from
18 the apartment by Esther Maestas were all marked with rifling characteristics similar to those
19 made by the Smith & Wesson pistol. However, these bullets could not be conclusively tied to
20 the pistol.

21 Esther Maestas was later interviewed at Sunrise Hospital on December 10, 2012. Esther
22 indicated that after Nichole and Kayla had gone to bed, Esther heard someone attempt to force
23 the apartment door open. The next thing Esther knew, the window next to the door was broken
24 out and the Defendant was coming inside the apartment. The Defendant was carrying a gun
25 in his right hand and something else in his left. Nichole came out of the bedroom and yelled
26 for Esther to call 911. The Defendant shot Esther then went into the bedroom. Esther heard
27 gunshots and followed the Defendant into the bedroom. Esther heard Kayla start crying and
28 saw the Defendant turn the gun towards Kayla, who was lying in the toddler bed. Esther and

1 Nichole both yelled at the Defendant not to shoot the baby. Nonetheless, a bullet hole was
2 found in the toddler bed. The Defendant then turned the gun and shot Esther before shooting
3 Nichole repeatedly. Esther later remembered that the Defendant shot her a few more times
4 when Esther was back in the living room.

5 A warrant was subsequently obtained for the Defendant's arrest. He was located in
6 California in January of 2014 and later extradited to Nevada.

7 The above outlined evidence will establish that the Defendant committed a felony
8 involving the use or threat of violence to the person of Kayla Higgins on December 7, 2012.
9 If a jury in this case convicts the Defendant of that attempt murder, with or without the use of
10 a deadly weapon, it will be a qualifying felony conviction before any penalty hearing could be
11 held in this case and an aggravating circumstance pursuant to NRS 200.033(2).

12 5. The murder was committed by a person who knowingly created a great risk of
13 death to more than one person by means of a weapon, device or course of action which would
14 normally be hazardous to the lives of more than one person. Nev. Rev. Stat. §200.033(3).

15 In this case, the Defendant committed the murder of Nichole Nick on December 7,
16 2012. During the commission of that crime, the Defendant entered into a course of action
17 where he intentionally shot at multiple people including Nichole Nick, Esther Maestas, and
18 Kayla Higgins.

19 On Friday, December 7, 2012, the Las Vegas Metropolitan Police Department
20 ("LVMPD") call center received multiple telephone calls from residents at the Canyon Pointe
21 Apartments located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada,
22 indicating glass breaking, a woman screaming, and a male entering Apartment E-13 through
23 the broken window. Callers subsequently informed the LVMPD that they heard gunshots after
24 the male entered Apartment E-13.

25 When officers arrived they observed a broken window with shards of glass next to the
26 doorway of Apartment E-13. Officers entered Apartment E-13 to find a white female adult
27 lying on the living room floor with apparent gunshot wounds to her abdomen, leg, and
28 shoulder. That woman was later identified as Esther Maestas. Esther informed the responding

1 officers that Robert Brown, the Defendant, had broken into the apartment and shot her and her
2 daughter. Esther indicated that Robert and Nichole had been arguing earlier in the evening.
3 She told officers that her daughter and granddaughter were in the bedroom.

4 Officers entered the only bedroom of the apartment to find a white female adult
5 deceased from several apparent gunshot wounds. She was later identified as Nichole Nick,
6 the daughter of Esther Maestas and the girlfriend of Robert Brown. In that same bedroom,
7 officers also located an uninjured juvenile female, who was later identified as three-year-old
8 Kayla Higgins, Nichole Nick's niece and Esther Maestas' granddaughter. Kayla had been
9 lying on a toddler bed that now had a bullet hole in it.

10 Nichole Nick was lying face up on the floor; twisted and bent slightly at the waist with
11 her back, right hip, and outside of right leg on the carpet. She had been rolled from her right
12 side to her back by officers so that they could check for her pulse. There was blood covering
13 her face and upper body as well as pooled on the carpet inside of her right elbow. Nichole
14 Nick suffered the following injuries: (1) a perforating gunshot entry-wound to her upper right
15 chest/shoulder and a corresponding gunshot exit-wound to her rear left side; (2) perforating
16 gunshot wounds to her upper left thigh; (3) a perforating wound to the back left of her head;
17 (4) a stab wound to her upper left chest; (5) a stab wound to her left armpit; (6) a stab wound
18 to the left side of her neck; (7) a stab wound to the upper left side of her back; (8) and several
19 lacerations to her upper left arm. Clark County Medical Examiner Dr. Alane Olson determined
20 that the cause of death was a gunshot wound to the chest with significant sharp force trauma
21 (stab wounds). The manner of death was homicide.

22 Medics were called for Esther Maestas and they subsequently removed her from the
23 scene prior to the arrival of homicide detectives. She was taken to Sunrise Hospital Emergency
24 Trauma Center where she was immediately taken into surgery.

25 Homicide Detectives D. Raetz, M. Gillis, J. McCarthy, and F. Merrick subsequently
26 responded to the scene. In the living room Detectives observed broken shards of glass in the
27 vicinity of the window, a Verizon Motorola cellular telephone on the south edge of the center
28 seat of the sofa, blood on a pillow of the sofa as well as on the north seat cushion and arm rest.

1 A pony wall separated the living room from the kitchen. On the pony wall Detectives
2 discovered a T-Mobile Samsung cellular telephone. Detectives located a Sprint HTC cellular
3 telephone on the table in the kitchen belonging to Nichole Nick, and a LG cellular telephone
4 in pieces on the floor near the table. The Sprint HTC cellular telephone had blood on the
5 screen of the telephone and the background wallpaper was a photograph of an individual,
6 which matched the driver's license belonging to Robert Brown.

7 The only bedroom and bathroom in the apartment were located off of the kitchen. In
8 the threshold to the bathroom, Detectives discovered blood on the floor of both sides of the
9 door as well as on the lower portions of the exterior of the bathroom door and the west door
10 frame and west wall of the hall. The bathroom itself was otherwise unremarkable. In the
11 bedroom, Detectives observed a toddler bed against northwest corner and a twin bed at the
12 northeast corner. A blue multi-colored comforter was bunched up on the floor at the southwest
13 corner of the twin bed. Detectives observed blood on the floor at the south end of the bedroom,
14 on the east closet door, on the west portion of the vertical blinds of the window in the north
15 wall, on the sheet and pillow on the twin bed, the west side of the bed, the blue comforter, and
16 on the floor between the two beds.

17 Eight cartridge cases, seven bearing the "R-P 9mm LUGER" headstamps and one
18 bearing a "PMC 9MM LUGER" headstamp, were recovered from the floor of the bedroom.
19 Five were visible upon entering the room, and the other three were found when Detectives
20 moved items in the room.

21 There were multiple bullet holes through the bunched up comforter on the floor at the
22 southwest corner of the twin bed. There were two bullet holes in the mattress and box springs
23 of the bed. Detectives later recovered bullet fragments once the trajectories were traced. A bullet
24 also perforated the west closet door and penetrated into the south wall of the closet. Detectives
25 recovered bullet fragments from the floor of the interior of the wall. A bullet perforated the west
26 bed rail of the pink child's bed where Kayla Higgins had been sleeping before perforating the
27 west wall of the bedroom. That bullet was later recovered from the neighboring apartment under
28 the carpet of the northeast portion of the bedroom of Apartment E-12.

1 The weapon used in the commission of the murder of Nichole Nick and the attempted
2 murders of Esther Maestas and Kayla Higgins was located by a man out walking his dog the
3 following morning. Gerald Juneman reported that he had found a handgun in the gutter of
4 Jimmy Durante Boulevard. He picked the gun up in a plastic shopping bag and took it home.
5 LVMPD Officers subsequently responded to the home to retrieve the weapon. Homicide
6 Detectives responded to Juneman's residence as well and ultimately recovered a Smith &
7 Wesson model 439, 9 mm semi-automatic, bearing serial #TBK5560 from the patrol officers.
8 It appeared as if the gun had been thrown from a moving vehicle as half of the right side wood
9 grip was missing, the magazine was jammed in the magazine well with the magazine floor
10 plate missing, and there was grass and leaf debris on the right side. The hammer of the gun
11 was down, the chamber and the magazine were empty, and the safety was engaged.

12 When Detectives responded to the location where the weapon had been found, they
13 located the missing portion of the wood grip, the magazine floor plate, and the spring. These
14 items were found spread in a line in the west gutter of Jimmy Durante Boulevard indicating
15 that the gun was thrown out of a moving vehicle traveling south on Jimmy Durante. The
16 location was south of both the crime scene and Brown's apartment.

17 All eight 9MM cartridge cases recovered from the crime scene were later determined
18 by LVMPD Forensic Scientist James Krylo to have been fired by the Smith & Wesson. The
19 three bullets recovered from the scene as well as a single bullet recovered at a later date from
20 the apartment by Esther Maestas were all marked with rifling characteristics similar to those
21 made by the Smith & Wesson pistol. However, these bullets could not be conclusively tied to
22 the pistol.

23 Esther Maestas was later interviewed at Sunrise Hospital on December 10, 2012. Esther
24 indicated that after Nichole and Kayla had gone to bed, Esther heard someone attempt to force
25 the apartment door open. The next thing Esther knew, the window next to the door was broken
26 out and the Defendant was coming inside the apartment. The Defendant was carrying a gun
27 in his right hand and something else in his left. Nichole came out of the bedroom and yelled
28 for Esther to call 911. The Defendant shot Esther then went into the bedroom. Esther heard

1 gunshots and followed the Defendant into the bedroom. Esther heard Kayla start crying and
2 saw the Defendant turn the gun towards Kayla, who was lying in the toddler bed. Esther and
3 Nichole both yelled at the Defendant not to shoot the baby. Nonetheless, a bullet hole was
4 found in the toddler bed. The Defendant then turned the gun and shot Esther before shooting
5 Nichole repeatedly. Esther later remembered that the Defendant shot her a few more times
6 when Esther was back in the living room.

7 A warrant was subsequently obtained for the Defendant's arrest. He was located in
8 California in January of 2014 and later extradited to Nevada.

9 The above outlined evidence will establish that the Defendant entered into a course of
10 action where he intentionally shot at multiple people including Nichole Nick, Esther Maestas,
11 and Kayla Higgins, an aggravating circumstance pursuant to NRS 200.033(3).

12 6. The murder was committed while the person was engaged, alone or with others,
13 in the commission of, or an attempt to commit or flight after committing or attempting to
14 commit invasion of the home or burglary, and the person charged killed or attempted to kill
15 the person murdered. Nev. Rev. Stat. §200.033(4).

16 In this case, on December 7, 2012, the Defendant broke through the window of Nichole
17 Nick's apartment wherein he committed the murder of Nichole Nick during the perpetration
18 of an invasion of the home and/or burglary.

19 On Friday, December 7, 2012, the Las Vegas Metropolitan Police Department
20 ("LVMPD") call center received multiple telephone calls from residents at the Canyon Pointe
21 Apartments located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada,
22 indicating glass breaking, a woman screaming, and a male entering Apartment E-13 through
23 the broken window. Callers subsequently informed the LVMPD that they heard gunshots after
24 the male entered Apartment E-13.

25 When officers arrived they observed a broken window with shards of glass next to the
26 doorway of Apartment E-13. Officers entered Apartment E-13 to find a white female adult
27 laying on the living room floor with apparent gunshot wounds to her abdomen, leg, and
28 shoulder. That woman was later identified as Esther Maestas. Esther informed the responding

1 officers that Robert Brown, the Defendant, had broken into the apartment and shot her and her
2 daughter. Esther indicated that Robert and Nichole had been arguing earlier in the evening.
3 She told officers that her daughter and granddaughter were in the bedroom.

4 Officers entered the only bedroom of the apartment to find a white female adult
5 deceased from several apparent gunshot wounds. She was later identified as Nichole Nick,
6 the daughter of Esther Maestas and the girlfriend of Robert Brown. In that same bedroom,
7 officers also located an uninjured juvenile female, who was later identified as three-year-old
8 Kayla Higgins, Nichole Nick's niece and Esther Maestas' granddaughter. Kayla had been
9 lying on a toddler bed that now had a bullet hole in it.

10 Nichole Nick was lying face up on the floor; twisted and bent slightly at the waist with
11 her back, right hip, and outside of right leg on the carpet. She had been rolled from her right
12 side to her back by officers so that they could check for her pulse. There was blood covering
13 her face and upper body as well as pooled on the carpet inside of her right elbow. Nichole
14 Nick suffered the following injuries: (1) a perforating gunshot entry-wound to her upper right
15 chest/shoulder and a corresponding gunshot exit-wound to her rear left side; (2) perforating
16 gunshot wounds to her upper left thigh; (3) a perforating wound to the back left of her head;
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18 to the left side of her neck; (7) a stab wound to the upper left side of her back; (8) and several
19 lacerations to her upper left arm. Clark County Medical Examiner Dr. Alane Olson determined
20 that the cause of death was a gunshot wound to the chest with significant sharp force trauma
21 (stab wounds). The manner of death was homicide.

22 Medics were called for Esther Maestas and they subsequently removed her from the
23 scene prior to the arrival of homicide detectives. She was taken to Sunrise Hospital Emergency
24 Trauma Center where she was immediately taken into surgery.

25 Homicide Detectives D. Raetz, M. Gillis, J. McCarthy, and F. Merrick subsequently
26 responded to the scene. In the living room Detectives observed broken shards of glass in the
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5 screen of the telephone and the background wallpaper was a photograph of an individual,
6 which matched the driver's license belonging to Robert Brown.

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8 the threshold to the bathroom, Detectives discovered blood on the floor of both sides of the
9 door as well as on the lower portions of the exterior of the bathroom door and the west door
10 frame and west wall of the hall. The bathroom itself was otherwise unremarkable. In the
11 bedroom, Detectives observed a toddler bed against northwest corner and a twin bed at the
12 northeast corner. A blue multi-colored comforter was bunched up on the floor at the southwest
13 corner of the twin bed. Detectives observed blood on the floor at the south end of the bedroom,
14 on the east closet door, on the west portion of the vertical blinds of the window in the north
15 wall, on the sheet and pillow on the twin bed, the west side of the bed, the blue comforter, and
16 on the floor between the two beds.

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22 southwest corner of the twin bed. There were two bullet holes in the mattress and box springs
23 of the bed. Detectives later recovered bullet fragments once the trajectories were traced. A bullet
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25 recovered bullet fragments from the floor of the interior of the wall. A bullet perforated the west
26 bed rail of the pink child's bed where Kayla Higgins had been sleeping before perforating the
27 west wall of the bedroom. That bullet was later recovered from the neighboring apartment under
28 the carpet of the northeast portion of the bedroom of Apartment E-12.

1 The weapon used in the commission of the murder of Nichole Nick and the attempted
2 murders of Esther Maestas and Kayla Higgins was located by a man out walking his dog the
3 following morning. Gerald Juneman reported that he had found a handgun in the gutter of
4 Jimmy Durante Boulevard. He picked the gun up in a plastic shopping bag and took it home.
5 LVMPD Officers subsequently responded to the home to retrieve the weapon. Homicide
6 Detectives responded to Juneman's residence as well and ultimately recovered a Smith &
7 Wesson model 439, 9 mm semi-automatic; bearing serial #TBK5560 from the patrol officers.
8 It appeared as if the gun had been thrown from a moving vehicle as half of the right side wood
9 grip was missing, the magazine was jammed in the magazine well with the magazine floor
10 plate missing, and there was grass and leaf debris on the right side. The hammer of the gun
11 was down, the chamber and the magazine were empty, and the safety was engaged.

12 When Detectives responded to the location where the weapon had been found, they
13 located the missing portion of the wood grip, the magazine floor plate, and the spring. These
14 items were found spread in a line in the west gutter of Jimmy Durante Boulevard indicating
15 that the gun was thrown out of a moving vehicle traveling south on Jimmy Durante. The
16 location was south of both the crime scene and Brown's apartment.

17 All eight 9MM cartridge cases recovered from the crime scene were later determined
18 by LVMPD Forensic Scientist James Krylo to have been fired by the Smith & Wesson. The
19 three bullets recovered from the scene as well as a single bullet recovered at a later date from
20 the apartment by Esther Maestas were all marked with rifling characteristics similar to those
21 made by the Smith & Wesson pistol. However, these bullets could not be conclusively tied to
22 the pistol.

23 Esther Maestas was later interviewed at Sunrise Hospital on December 10, 2012. Esther
24 indicated that after Nichole and Kayla had gone to bed, Esther heard someone attempt to force
25 the apartment door open. The next thing Esther knew, the window next to the door was broken
26 out and the Defendant was coming inside the apartment. The Defendant was carrying a gun
27 in his right hand and something else in his left. Nichole came out of the bedroom and yelled
28 for Esther to call 911. The Defendant shot Esther then went into the bedroom. Esther heard

1 gunshots and followed the Defendant into the bedroom. Esther heard Kayla start crying and
2 saw the Defendant turn the gun towards Kayla, who was lying in the toddler bed. Esther and
3 Nichole both yelled at the Defendant not to shoot the baby. Nonetheless, a bullet hole was
4 found in the toddler bed. The Defendant then turned the gun and shot Esther before shooting
5 Nichole repeatedly. Esther later remembered that the Defendant shot her a few more times
6 when Esther was back in the living room.

7 A warrant was subsequently obtained for the Defendant's arrest. He was located in
8 California in January of 2014 and later extradited to Nevada.

9 The above outlined evidence will establish that the Defendant committed the murder of
10 Nichole Nick during the perpetration of an invasion of the home and/or burglary, an
11 aggravating circumstance pursuant to NRS 200.033(4).

12 In addition to the witnesses and evidence outlined above, the State will rely on the
13 autopsy report and findings of Dr. Alane Olson, the crime scene photographs from the Canyon
14 Pointe Apartments from December 7, 2012, from the location of the firearm, and from the
15 autopsy of Nichole Nick. The crime scene photographs, autopsy photographs, the autopsy
16 report of Dr. Olson, the police reports, and the witness statements have been or will be
17 provided to defense counsel. In filing this NOTICE, the State incorporates all pleadings,
18 witness lists, notices, and other discovery materials already provided to the Defendant by the
19 Office of the District Attorney as part of its open-file policy as well as any future discovery
20 received and provided to the Defendant.

21 DATED this 8th day of August, 2014.

22 Respectfully submitted,

23 STEVEN B. WOLFSON
24 Clark County District Attorney
Nevada Bar #1565

25 BY: /s/ Richard Scow
26 RICHARD SCOW
27 Chief Deputy District Attorney
28 Nevada Bar #9182

1 CERTIFICATE OF FACSIMILE TRANSMISSION

2 I hereby certify that service of the above and foregoing was made this 8th day of August,
3 2014, by facsimile transmission to:

4 JOSH TOMSHECK, ESQ.
5 FAX: (702) 731-6910

6 BY: /s/ J. Georges
7 _____
8 Secretary for the District Attorney's Office

 *** TX REPORT ***

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1 **NISD**
 2 STEVEN B. WOLFSON
 3 Clark County District Attorney
 4 Nevada Bar #1565
 5 RICHARD SCOW
 6 Chief Deputy District Attorney
 7 Nevada Bar #9182
 8 200 Lewis Avenue
 9 Las Vegas, Nevada 89155-2212
 10 (702) 671-2500
 11 Attorney for Plaintiff

7 DISTRICT COURT
 8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 ROBERT BROWN, JR.,
 13 #6006120

14 Defendant.

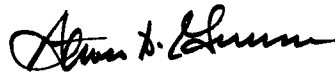
CASE NO: C-14-299234-1

DEPT NO: XXIV

15 **NOTICE OF INTENT TO SEEK DEATH PENALTY**

16 COMES NOW, the State of Nevada, through STEVEN B. WOLFSON, Clark County
 17 District Attorney, by and through RICHARD SCOW, Chief Deputy District Attorney,
 18 pursuant to NRS 175.552 and NRS 200.033 and declares its intention to seek the death penalty
 19 at a penalty hearing. Furthermore, the State of Nevada discloses that it will present evidence
 20 of the following aggravating circumstances:

21 1. The murder was committed by a person who, at any time before a penalty
 22 hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a
 felony involving the use or threat of violence to the person of another. Nev. Rev. Stat.



CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
RICHARD SCOW
Chief Deputy District Attorney
Nevada Bar #9182
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ROBERT BROWN, JR.,
#6006120

Defendant.

CASE NO. C-14-299234-1

DEPT NO. XXIV

ORDER RELEASING MEDICAL RECORDS

Upon the ex parte application and representation of STEVEN B. WOLFSON, Clark County District Attorney, by and through RICHARD SCOW, Chief Deputy District Attorney, that certain records containing protected health information are necessary for the prosecution of the above-captioned criminal case are being held in the custody of SUNRISE HOSPITAL, MEDICWEST, and/or CLARK COUNTY FIRE DEPARTMENT; that said information is relevant and material to a legitimate law enforcement inquiry; that the application was specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and that de-identified information could not reasonably be used;

NOW THEREFORE, pursuant to 45 CFR 164.512(f), and GOOD CAUSE APPEARING, SUNRISE HOSPITAL, MEDICWEST, and/or CLARK COUNTY FIRE DEPARTMENT, shall release to a representative of the DISTRICT ATTORNEY'S OFFICE,

1 any and all medical records concerning diagnosis, prognosis, and/or treatment of ESTHER
2 MAESTAS, whose date of birth is 10/09/1954, for the time period 12/07/2012 and/or
3 12/08/2012.

4 IT IS HEREBY ORDERED.

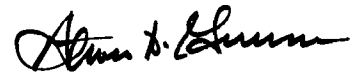
5 DATED this 7th day of August, 2014.

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8 
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DISTRICT JUDGE
10
11 

10 STEVEN B. WOLFSON
11 Clark County District Attorney
12 Nevada Bar #1565

13 BY 

13 RICHARD SCOW
14 Chief Deputy District Attorney
15 Nevada Bar #9182
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CLERK OF THE COURT

1 **EXMT**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10
11 Plaintiff,

11 -vs-

CASE NO. C-14-299234-1

12 ROBERT BROWN, JR.,
13 #6006120

DEPT NO. XXIV

14 Defendant.

15 EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS

16 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
17 District Attorney, through RICHARD SCOW, Chief Deputy District Attorney, and moves this
18 Honorable Court for an Order Releasing evidence which includes protected health information
19 being held by SUNRISE HOSPITAL, MEDICWEST, and/or CLARK COUNTY FIRE
20 DEPARTMENT, consisting of any and all medical records for patient: ESTHER MAESTAS,
21 DOB: 10/09/1954, concerning diagnosis, prognosis and/or treatment given or provided on or
22 about 12/07/2012 and/or 12/08/2012, to be released to a representative of the DISTRICT
23 ATTORNEY'S OFFICE for the purpose of prosecuting the above referenced case charging
24 the crimes of INVASION OF THE HOME WHILE IN POSSESSION OF A DEADLY
25 WEAPON (Category B Felony - NRS 205.067); BURGLARY WHILE IN POSSESSION OF
26 A DEADLY WEAPON (Category B Felony - NRS 205.060); MURDER WITH USE OF A
27 DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165); ATTEMPT
28 MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010,

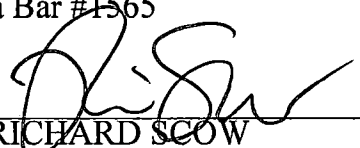
1 200.030, 193.330, 193.165); POSSESSION OF FIREARM BY EX-FELON (Category B
2 Felony - NRS 202.360); DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE
3 (Category B Felony - NRS 202.287) and CHILD ABUSE, NEGLECT, OR
4 ENDANGERMENT WITH USE OF A DEADLY WEAPON (Category B Felony - NRS
5 200.508(1); 193.165),

6 Pursuant to 45 CFR 164.512(f), Movant represents that the information sought is
7 relevant and material to a legitimate law enforcement inquiry; that the request is specific and
8 limited in scope to the extent reasonably practicable in light of the purpose for which the
9 information is sought; and that de-identified information could not reasonably be used.

10 DATED this 5th day of August, 2014.

11 STEVEN B. WOLFSON
12 Clark County District Attorney
13 Nevada Bar #1565

14 BY


15 RICHARD SCOW
16 Chief Deputy District Attorney
17 Nevada Bar #9182
18
19
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23
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25
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27
28


CLERK OF THE COURT

1 **NOTC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 ROBERT BROWN, JR.,
13 #6006120

14 Defendant.

CASE NO: C-14-299234-1

DEPT NO: XXIV

15 **NOTICE OF EVIDENCE IN SUPPORT OF**
16 **AGGRAVATING CIRCUMSTANCES**

17 COMES NOW, the State of Nevada, through STEVEN B. WOLFSON, Clark County
18 District Attorney, by and through RICHARD SCOW, Chief Deputy District Attorney,
19 pursuant to Supreme Court Rule 250, NRS 175.552 and NRS 200.033, and declares its
20 intention to present the following evidence in support of aggravating circumstance at a penalty
21 hearing:

22 The State will rely on all the evidence adduced at the trial of this matter and provided
23 to defense counsel through discovery.

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26 ///

27 ///

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AGGRAVATING CIRCUMSTANCES

On August 8, 2014, the State filed a Notice of Intent to Seek Death Penalty against Robert Brown, Jr., the Defendant. The Notice indicated that the State will present evidence to establish aggravating circumstances delineated in NRS §200.033(2), NRS §200.033(3), and NRS §200.033(4).

1. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a felony involving the use or threat of violence to the person of another. Nev. Rev. Stat. §200.033(2).

On August 14, 1998, the Defendant was convicted in Los Angeles Superior Court of Carjacking in violation of California Penal Code §215(a). Cal. Penal Code §215(a) provides in pertinent part:

"Carjacking" is the felonious taking of a motor vehicle in the possession of another, from his or her person or immediate presence, or from the person or immediate presence of a passenger of the motor vehicle, against his or her will and with the intent to either permanently or temporarily deprive the person in possession of the motor vehicle of his or her possession, **accomplished by means of force or fear.**

(Emphasis added).

To establish this aggravating circumstance during the penalty phase of the trial, the State will rely upon the testimony of Tonya Brown, and/or Beth Michelle, and/or Sonia Allison, and/or John Nasby, and/or Shatanda Crow, and/or the following officers from the Los Angeles Police Department: Officer Bradford (P#32623), Officer Baskett (P#32050), Officer Lee (P#25897), and/or Officer Simola (P#32605). The State will also rely on the police reports, preliminary hearing transcript, the charging documents, as well as the certified judgment of conviction related to this crime.

The testimony of the above witnesses is expected to establish the following facts. In July 1997, the Defendant beat his wife Tonya Brown with a broom stick, causing her to seek refuge in a women's shelter. After the shelter, Tonya moved in with her cousin in hopes the

1 Defendant would not find her, which he eventually did.

2 On November 17, 1997, Tonya left her cousin's apartment and approached her parked
3 vehicle. The Defendant had been waiting at the car with a box-cutting knife and attacked her
4 as she approached. Tonya was able to enter her vehicle and lock the doors, but the Defendant
5 smashed the window and gained access by placing the knife against Tonya's throat and
6 threatening to kill her. As the Defendant got into the driver's seat, he stabbed Tonya multiple
7 times in the neck.

8 Beth Michelle and John Nasby saw the Defendant abduct Tonya and called the police
9 while following the vehicle. While following the vehicle, she observed the Defendant choke
10 and stab Tonya multiple times as she made attempts to escape from the vehicle.

11 Officers from the Los Angeles Police Department were able to intercept the vehicle
12 shortly after the abduction. They also saw the Defendant attacking Tonya in the vehicle. After
13 a short chase, the Defendant stopped the vehicle at which time Tonya jumped out and ran
14 hysterically to the police. Tonya was covered in blood and had multiple stab wounds.

15 Victim advocate Sonia Allison later interviewed Tonya Brown and received a full
16 explanation as to the crimes that occurred.

17 Although the Defendant was charged with Attempt Murder, Kidnapping, Carjacking,
18 and Assault with a Deadly Weapon Resulting in Great Bodily Injury, he ultimately pled guilty
19 to the Carjacking and Corporal Injury to Spouse allegations and was sentenced on August 14,
20 1998.

21 2. The murder was committed by a person who, at any time before a penalty
22 hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a
23 felony involving the use or threat of violence to the person of another. Nev. Rev. Stat.
24 §200.033(2).

25 On August 14, 1998, the Defendant was convicted in Los Angeles Superior Court of
26 Corporal Injury to Spouse in violation of California Penal Code §273.5(a). Cal. Penal Code
27 §273.5(a) provides in pertinent part:
28

1 (a) Any person who willfully inflicts corporal injury resulting in a
2 traumatic condition upon a victim described in subdivision (b) is
3 guilty of a felony, and upon conviction thereof shall be punished
4 by imprisonment in the state prison for two, three, or four years,
5 or in a county jail for not more than one year, or by a fine of up to
six thousand dollars (\$6,000) or by both that fine and
imprisonment.

6 To establish this aggravating circumstance during the penalty phase of the trial, the
7 State will rely upon the testimony of Tonya Brown, and/or Beth Michelle, and/or Sonia
8 Allison, and/or John Nasby, and/or Shatanda Crow, and/or the following officers from the Los
9 Angeles Police Department: Officer Bradford (P#32623), Officer Baskett (P#32050), Officer
10 Lee (P#25897), and/or Officer Simola (P#32605). The State will also rely on the police
11 reports, preliminary hearing transcript, the charging documents, as well as the certified
12 judgment of conviction related to this crime.

13 The testimony of the above witnesses is expected to establish the following facts. In
14 July 1997, the Defendant beat his wife Tonya Brown with a broom stick, causing her to seek
15 refuge in a women's shelter. After the shelter, Tonya moved in with her cousin in hopes the
16 Defendant would not find her, which he eventually did.

17 On November 17, 1997, Tonya left her cousin's apartment and approached her parked
18 vehicle. The Defendant had been waiting at the car with a box-cutting knife and attacked her
19 as she approached. Tonya was able to enter her vehicle and lock the doors, but the Defendant
20 smashed the window and gained access by placing the knife against Tonya's throat and
21 threatening to kill her. As the Defendant got into the driver's seat, he stabbed Tonya multiple
22 times in the neck.

23 Beth Michelle and John Nasby saw the Defendant abduct Tonya and called the police
24 while following the vehicle. While following the vehicle, she observed the Defendant choke
25 and stab Tonya multiple times as she made attempts to escape from the vehicle.

26 Officers from the Los Angeles Police Department were able to intercept the vehicle
27 shortly after the abduction. They also saw the Defendant attacking Tonya in the vehicle. After
28 a short chase, the Defendant stopped the vehicle at which time Tonya jumped out and ran

1 hysterically to the police. Tonya was covered in blood and had multiple stab wounds.

2 Victim advocate Sonia Allison later interviewed Tonya Brown and received a full
3 explanation as to the crimes that occurred.

4 Although the Defendant was charged with Attempt Murder, Kidnapping, Carjacking,
5 and Assault with a Deadly Weapon Resulting in Great Bodily Injury, he ultimately pled guilty
6 to the Carjacking and Corporal Injury to Spouse allegations and was sentenced on August 14,
7 1998.

8 3. The murder was committed by a person who, at any time before a penalty
9 hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a
10 felony involving the use or threat of violence to the person of another. Nev. Rev. Stat.
11 §200.033(2).

12 In this case, the Defendant committed the murder of Nichole Nick on December 7,
13 2012. The Defendant is also charged with the Attempt Murder with Use of a Deadly Weapon
14 of Esther Maestas committed on December 7, 2012. If the Defendant is convicted at trial of
15 the attempt murder of Esther Maestas, this will qualify as a conviction of a felony involving
16 the use or threat of violence to the person of another before a penalty hearing is conducted.
17 Accordingly, the State will rely upon the evidence presented during the guilt phase and the
18 jury's verdict as to Count 3 to support this aggravating circumstance.

19 4. The murder was committed by a person who, at any time before a penalty
20 hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a
21 felony involving the use or threat of violence to the person of another. Nev. Rev. Stat.
22 §200.033(2).

23 In this case, the Defendant committed the murder of Nichole Nick on December 7,
24 2012. The Defendant is also charged with the Attempt Murder with Use of a Deadly Weapon
25 of Kayla Higgins committed on December 7, 2012. If the Defendant is convicted at trial of
26 the attempt murder of Kayla Higgins, this will qualify as a conviction of a felony involving
27 the use or threat of violence to the person of another before a penalty hearing is conducted.
28 Accordingly, the State will rely upon the evidence presented during the guilt phase and the

1 jury's verdict as to Count 4 to support this aggravating circumstance.

2 5. The murder was committed by a person who knowingly created a great risk of
3 death to more than one person by means of a weapon, device or course of action which would
4 normally be hazardous to the lives of more than one person. Nev. Rev. Stat. §200.033(3).

5 In this case, the Defendant committed the murder of Nichole Nick on December 7,
6 2012. During the commission of that crime, the Defendant entered into a course of action
7 where he intentionally shot at multiple people including Nichole Nick, Esther Maestas, and
8 Kayla Higgins. To establish the aggravating circumstances during the penalty phase of the
9 trial, the State will rely upon the evidence and testimony adduced during the guilt phase as
10 elicited from the witnesses listed in the Information, and the State's Notices of Witnesses and
11 Expert Witnesses (all of which are incorporated herein by this reference), and the Jury's
12 verdicts on Counts 3, 4, and 5.

13 On Friday, December 7, 2012, the Las Vegas Metropolitan Police Department
14 ("LVMPD") call center received multiple telephone calls from residents at the Canyon Pointe
15 Apartments located at 5421 East Harmon Avenue, Las Vegas, Clark County Nevada,
16 indicating glass breaking, a woman screaming, and a male entering Apartment E-13 through
17 the broken window. Callers subsequently informed the LVMPD that they heard gunshots after
18 the male entered Apartment E-13.

19 When officers arrived they observed a broken window with shards of glass next to the
20 doorway of Apartment E-13. Officers entered Apartment E-13 to find a white female adult
21 lying on the living room floor with apparent gunshot wounds to her abdomen, leg, and
22 shoulder. That woman was later identified as Esther Maestas. Esther informed the responding
23 officers that Robert Brown, the Defendant, had broken into the apartment and shot her and her
24 daughter. Esther indicated that Robert and Nichole had been arguing earlier in the evening.
25 She told officers that her daughter and granddaughter were in the bedroom.

26 Officers entered the only bedroom of the apartment to find a white female adult
27 deceased from several apparent gunshot wounds. She was later identified as Nichole Nick,
28 the daughter of Esther Maestas and the girlfriend of Robert Brown. In that same bedroom,

1 officers also located an uninjured juvenile female, who was later identified as three-year-old
2 Kayla Higgins, Nichole Nick's niece and Esther Maestas' granddaughter. Kayla had been
3 lying on a toddler bed that now had a bullet hole in it.

4 Nichole Nick was lying face up on the floor; twisted and bent slightly at the waist with
5 her back, right hip, and outside of right leg on the carpet. She had been rolled from her right
6 side to her back by officers so that they could check for her pulse. There was blood covering
7 her face and upper body as well as pooled on the carpet inside of her right elbow. Nichole
8 Nick suffered the following injuries: (1) a perforating gunshot entry-wound to her upper right
9 chest/shoulder and a corresponding gunshot exit-wound to her rear left side; (2) perforating
10 gunshot wounds to her upper left thigh; (3) a perforating wound to the back left of her head;
11 (4) a stab wound to her upper left chest; (5) a stab wound to her left armpit; (6) a stab wound
12 to the left side of her neck; (7) a stab wound to the upper left side of her back; (8) and several
13 lacerations to her upper left arm. Clark County Medical Examiner Dr. Olson determined that
14 the cause of death was a gunshot wound to the chest with significant sharp force trauma (stab
15 wounds). The manner of death was homicide.

16 Medics were called for Esther Maestas and they subsequently removed her from the
17 scene prior to the arrival of homicide detectives. She was taken to Sunrise Hospital Emergency
18 Trauma Center where she was immediately taken into surgery.

19 Homicide Detectives D. Raetz, M. Gillis, J. McCarthy, and F. Merrick subsequently
20 responded to the scene. In the living room Detectives observed broken shards of glass in the
21 vicinity of the window, a Verizon Motorola cellular telephone on the south edge of the center
22 seat of the sofa, blood on a pillow of the sofa as well as on the north seat cushion and arm rest.

23 A pony wall separated the living room from the kitchen. On the pony wall Detectives
24 discovered a T-Mobile Samsung cellular telephone. Detectives located a Sprint HTC cellular
25 telephone on the table in the kitchen belonging to Nichole Nick, and a LG cellular telephone
26 in pieces on the floor near the table. The Sprint HTC cellular telephone had blood on the
27 screen of the telephone and the background wallpaper was a photograph of an individual which
28 matched the driver's license belonging to Robert Brown.

1 The only bedroom and bathroom in the apartment were located off of the kitchen. In
2 the threshold to the bathroom, Detectives discovered blood on the floor of both sides of the
3 door as well as on the lower portions of the exterior of the bathroom door and the west door
4 frame and west wall of the hall. The bathroom itself was otherwise unremarkable. In the
5 bedroom, Detectives observed a toddler bed against northwest corner and a twin bed on the
6 northeast corner. A blue multi-colored comforter was bunched up on the floor at the southwest
7 corner of the twin bed. Detectives observed blood on the floor at the south end of the bedroom,
8 on the east closet door, on the west portion of the vertical blinds of the window in the north
9 wall, on the sheet and pillow on the twin bed, the west side of the bed, the blue comforter, and
10 on the floor between the two beds.

11 Eight cartridge cases, seven bearing the "R-P 9mm LUGER" headstamps and one
12 bearing a "PMC 9MM LUGER" headstamp, were recovered from the floor of the bedroom.
13 Five were visible upon entering the room, and the other three were found when Detectives
14 moved items in the room.

15 There were multiple bullet holes through the bunched up comforter on the floor at the
16 southwest corner of the twin bed. There were two bullet holes in the mattress and box springs
17 of the bed. Detectives later recovered bullet fragments once the trajectories were traced. A
18 bullet also perforated the west closet door and penetrated into the south wall of the closet.
19 Detectives recovered bullet fragments from the floor of the interior of the wall. A bullet
20 perforated the west bed rail of the pink child's bed where Kayla Higgins had been sleeping
21 before perforating the west wall of the bedroom. That bullet was later recovered from the
22 neighboring apartment under the carpet of the northeast portion of the bedroom of Apartment
23 E-12.

24 The weapon used in the commission of the murder of Nichole Nick and the attempted
25 murders of Esther Maestas and Kayla Higgins was located by a man out walking his dog the
26 following morning. Gerald Juneman reported that he had found a handgun in the gutter of
27 Jimmy Durante Boulevard. He picked the gun up in a plastic shopping bag and took it home.
28 LVMPD Officers subsequently responded to the home to retrieve the weapon. Homicide

1 Detectives responded to Juneman's residence as well and ultimately recovered a Smith &
2 Wesson model 439, 9 mm semi-automatic, bearing serial #TBK5560 from the patrol officers.
3 It appeared as if the gun had been thrown from a moving vehicle as half of the right side wood
4 grip was missing, the magazine was jammed in the magazine well with the magazine floor
5 plate missing, and there was grass and leaf debris on the right side. The hammer of the gun
6 was down, the chamber and the magazine were empty, and the safety was engaged.

7 When Detectives responded to the location where the weapon had been found, they
8 located the missing portion of the wood grip, the magazine floor plate, and the spring. These
9 items were found spread in a line in the west gutter of Jimmy Durante Boulevard indicating
10 that the gun was thrown out of a moving vehicle traveling south on Jimmy Durante. The
11 location was south of both the crime scene and Brown's apartment.

12 All eight 9MM cartridge cases recovered from the crime scene were later determined
13 by LVMPD Forensic Scientist James Krylo to have been fired by the Smith & Wesson. The
14 three bullets recovered from the scene as well as a single bullet recovered at a later date from
15 the apartment by Esther Maestas were all marked with rifling characteristics similar to those
16 made by the Smith & Wesson pistol. However, these bullets could not be conclusively tied to
17 the pistol.

18 Esther Maestas was later interviewed at Sunrise Hospital on December 10, 2012. Esther
19 indicated that after Nichole and Kayla had gone to bed, Esther heard someone attempt to force
20 the apartment door open. The next thing Esther knew, the window next to the door was broken
21 out and the Defendant was coming inside the apartment. The Defendant was carrying a gun
22 in his right hand and something else in his left. Nichole came out of the bedroom and yelled
23 for Esther to call 911. The Defendant shot Esther then went into the bedroom. Esther heard
24 gunshots and followed the Defendant into the bedroom. Esther heard Kayla start crying and
25 saw the Defendant turn the gun towards Kayla, who was lying in the toddler bed. Esther and
26 Nichole both yelled at the Defendant not to shoot the baby. Nonetheless, a bullet hole was
27 found in the toddler bed. The Defendant then turned the gun and shot Esther before shooting
28 Nichole repeatedly. Esther later remembered that the Defendant shot her a few more times

1 when Esther was back in the living room.

2 The above outlined evidence will establish that the Defendant entered into a course of
3 action where he intentionally shot at multiple people including Nichole Nick, Esther Maestas,
4 and Kayla Higgins, an aggravating circumstance pursuant to NRS 200.033(3).

5 6. The murder was committed while the person was engaged, alone or with others,
6 in the commission of, or an attempt to commit or flight after committing or attempting to
7 commit invasion of the home or burglary, and the person charged killed or attempted to kill
8 the person murdered. Nev. Rev. Stat. §200.033(4).

9 In this case, On December 7, 2012, the Defendant broke through the window of Nichole
10 Nick's apartment wherein he committed the murder of Nichole Nick during the perpetration
11 of an invasion of the home and/or burglary. The State will rely upon the jury's verdicts on
12 Counts 1, 2, and 3 to establish this aggravating circumstance.

13 In addition to the witnesses and evidence outlined above, the State will rely on the
14 autopsy report and findings of Dr. Alane Olson, the crime scene photographs from the Canyon
15 Pointe Apartments from December 7, 2012, from the location of the firearm, and from the
16 autopsy of Nichole Nick. The crime scene photographs, autopsy photographs, the autopsy
17 report of Dr. Olson, the police reports, and the witness statements have been or will be
18 provided to defense counsel. In filing this NOTICE, the State incorporates all pleadings,
19 witness lists, notices and other discovery materials already provided to Defendant by the
20 Office of the District Attorney as part of its open-file policy as well as any future discovery
21 received and provided to the Defendant.

22 DATED this 19th day of August, 2014.

23 Respectfully submitted,

24 STEVEN B. WOLFSON
25 Clark County District Attorney
Nevada Bar #1565

26
27 BY /s/ Richard Scow
28 RICHARD SCOW
Chief Deputy District Attorney
Nevada Bar #9182

1 CERTIFICATE OF FACSIMILE TRANSMISSION

2 I hereby certify that service of Notice of Evidence in Support of Aggravating
3 Circumstances was made this 19th day of August, 2014, by facsimile transmission to:

4 JOSHUA TOMSHECK
5 FAX: (702) 731-6910

6 BY /s/ Jennifer Georges
7 JENNIFER GEORGES
8 Secretary of the District Attorney's Office

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1 NOTC
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 ROBERT BROWN, JR.,
13 #6006120

14 Defendant.

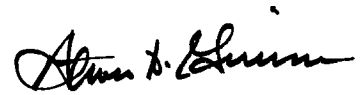
CASE NO: C-14-299234-1

DEPT NO: XXIV

15 NOTICE OF EVIDENCE IN SUPPORT OF
16 AGGRAVATING CIRCUMSTANCES

17 COMES NOW, the State of Nevada, through STEVEN B. WOLFSON, Clark County
18 District Attorney, by and through RICHARD SCOW, Chief Deputy District Attorney,
19 pursuant to Supreme Court Rule 250, NRS 175.552 and NRS 200.033, and declares its
20 intention to present the following evidence in support of aggravating circumstance at a penalty
21 hearing:

22 The State will rely on all the evidence adduced at the trial of this matter and provided
to defense counsel through discovery.



CLERK OF THE COURT

NOTC
PETER S. CHRISTIANSEN, ESQ.
Nevada Bar No. 5254
pete@christiansenlaw.com
CHRISTIANSEN LAW OFFICES
400 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
Telephone: (702) 240-7979
Facsimile: (866) 412-6992

-and-

JOSHUA TOMSHECK, ESQ.
Nevada Bar No. 9210
HOFLAND & TOMSHECK
jtomscheck@hoflandlaw.com
228 South Fourth Street, First Floor
Las Vegas, Nevada 89101
Telephone: (702) 895-6760
Facsimile: (702) 731-6910

Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-14-299234-1
DEPT. NO. XXIV

vs.

ROBERT BROWN, JR.,
#6006120

Defendant.

NOTICE OF APPEARANCE OF COUNSEL

PLEASE TAKE NOTICE that PETER S. CHRISTIANSEN, ESQ. of CHRISTIANSEN
LAW OFFICES, hereby enters his appearance as appointed counsel with JOSHUA
TOMSHECK, ESQ. of HOFLAND & TOMSHECK, for Defendant, ROBERT BROWN, JR.,

...

...

CHRISTIANSEN LAW OFFICES
400 S. Fourth St. Suite 300
Las Vegas, Nevada 89101
702-240-7979 • Fax 866-412-6992

1 in the above-captioned matter. Please update your service lists accordingly.

2 Dated this 21st day of August, 2014.

3 CHRISTIANSEN LAW OFFICES

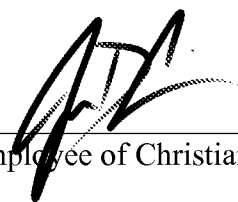
4 By 

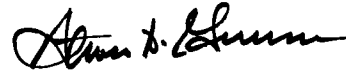
5 PETER S. CHRISTIANSEN, ESQ.

6 *Attorneys for Defendant*

7
8 **CERTIFICATE OF SERVICE**

9 Pursuant to NRCP 5(b), I certify that I am an employee of CHRISTIANSEN LAW
10 OFFICES, and that on this 21st day of August, 2014 I caused the foregoing document entitled
11 *Notice of Appearance of Counsel* to be served upon those persons designated by the parties in
12 the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court
13 eFiling System in accordance with the mandatory electronic service requirements of
14 Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

15
16 
17
18 An employee of Christiansen Law Offices



CLERK OF THE COURT

1 NNEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-14-299234-1

12 ROBERT BROWN, JR.,
13 #6006120

DEPT NO: XXIV

14 Defendant.

SUPPLEMENTAL NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

16 TO: ROBERT BROWN, JR., Defendant; and

17 TO: JOSH TOMSHECK, ESQ., Counsel of Record:

18 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
19 NEVADA intends to call the following witnesses in its case in chief:

20 NAME

ADDRESS

21 ALLISON, SONIA

Address Unknown

22 BASKETT, OFFICER

LAPD #32050

23 BRADFORD, OFFICER

LAPD #32623

24 BROWN, TONYA

c/o CCDA's OFFICE

25 CROW, SHATANDA

c/o CCDA's OFFICE

26 HUBERT, OFFICER

L.A. Superior Court, Office of Probation

27 MICHELLE, BETH

c/o CCDA's OFFICE

28 PULLIAM, DETECTIVE

LAPD #17187

1 These witnesses are in addition to those witnesses endorsed on the Information or
2 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
3 Witnesses has been filed.

4 STEVEN B. WOLFSON
5 DISTRICT ATTORNEY
6 Nevada Bar #1565

7 BY /s/ Richard Scow
8 RICHARD SCOW
9 Chief Deputy District Attorney
10 Nevada Bar #9182
11
12
13
14

15 CERTIFICATE OF FACSIMILE TRANSMISSION

16 I hereby certify that service of the above and foregoing was made this 25th day of
17 August, 2014, by facsimile transmission to:

18 JOSH TOMSHECK, ESQ.
19 FAX: (702) 731-6910

20 BY: /s/ J. Georges
21 Secretary for the District Attorney's Office
22
23
24
25
26
27
28

jg/VCU

*** TX REPORT ***

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1 NNEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-14-299234-1

12 ROBERT BROWN, JR.,
13 #6006120

DEPT NO: XXIV

Defendant.

SUPPLEMENTAL NOTICE OF WITNESSES
[NRS 174.234(1)(a)]

TO: ROBERT BROWN, JR., Defendant; and

TO: JOSH TOMSHECK, ESQ., Counsel of Record:

18 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
19 NEVADA intends to call the following witnesses in its case in chief:

NAMEADDRESS

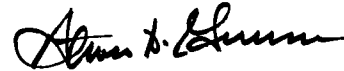
ALLISON, SONIA

Address Unknown

BASKETT, OFFICER

136 LAPD #32050

1 NNEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,
13
14 Plaintiff,

-vs-

CASE NO: C-14-299234-1

13 ROBERT BROWN, JR.,
14 #6006120

DEPT NO: XXIV

15 Defendant.

16 FOURTH SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
17 [NRS 174.234(2)]

18 TO: ROBERT BROWN, JR., Defendant; and

19 TO: JOSH TOMSHECK, ESQ., Counsel of Record:

20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
21 NEVADA intends to call the following expert witnesses in its case in chief:

22 DANIEL COXON, FBI – is an expert in the area of cellular phones and cellular system
23 technology including cell tower generation of calls and ability to determine the location where
24 generated based upon historical records of cellular phone records as well as the creation,
25 functioning, data collection and information received and collected by cellular provider cell
26 sites, its analysis and conclusions that can be drawn and is expected to testify thereto.

27 SPRINT, CUSTODIAN OF RECORDS – is an expert in the area of cellular phones
28 and cellular system technology including cell tower generation of calls and ability to determine

1 the location where generated based upon historical records of cellular phone records as well
2 as the creation, functioning, data collection and information received and collected by cellular
3 provider cell sites, its analysis and conclusions that can be drawn and is expected to testify
4 thereto.

5 These witnesses are in addition to those witnesses endorsed on the Information or
6 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert
7 Witnesses has been filed.

8 The substance of each expert witness's testimony and a copy of all reports made by or
9 at the direction of the expert witness have been provided in discovery.

10 A copy of each expert witness's curriculum vitae, if available, is attached hereto.

11 STEVEN B. WOLFSON
12 Clark County District Attorney
13 Nevada Bar #1565

14 BY /s/ Richard Scow
15 RICHARD SCOW
16 Chief Deputy District Attorney
17 Nevada Bar #9182
18

19 CERTIFICATE OF FACSIMILE TRANSMISSION

20 I hereby certify that service of the above and foregoing was made this 25th day of
21 August, 2014, by facsimile transmission to:

22 JOSH TOMSHECK, ESQ.
23 FAX: (702) 731-6910

24 BY: /s/ J. Georges
25 Secretary for the District Attorney's Office
26
27

28 jg/VCU

*** TX REPORT ***

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1 NNEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #9182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 ROBERT BROWN, JR.,
16 #6006120

17 Defendant.

CASE NO: C-14-299234-1

DEPT NO: XXIV

FOURTH SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

18 TO: ROBERT BROWN, JR., Defendant; and

19 TO: JOSH TOMSHECK, ESQ., Counsel of Record:

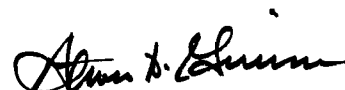
20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
21 NEVADA intends to call the following expert witnesses in its case in chief:

22 DANIEL COXON. FBI - is an expert in the area of cellular phones and cellular system

CASE NO. C299234

DEPT. NO. 2

Electronically Filed
09/11/2014 10:43:46 AM



IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA
CLERK OF THE COURT

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) Case No.
) 12F11975X
ROBERT BROWN, JUNIOR,)
)
Defendant.)

REPORTER'S TRANSCRIPT
OF
PRELIMINARY HEARING

BEFORE THE HONORABLE JOSEPH SCISCENTO
JUSTICE OF THE PEACE

TAKEN ON TUESDAY, JULY 1, 2014
AT 9:30 A.M.

APPEARANCES:

For the State: Richard Scow, Esq.
Colleen Brown, Esq.
Deputy District Attorneys

For the Defendant: Joshua Tomscheck, Esq.
Las Vegas, Nevada

REPORTED BY: ROBERT A. CANGEMI, CCR No. 888

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I N D E X

WITNESSES : D C RD RC FD FC

ESTHER MAESTAS 5 35 62 65 68

DEAN RAETZ 73 87 93

1 LAS VEGAS, NEVADA, TUESDAY, JULY 1, 2014

2 * * * * *

3 THE COURT: State of Nevada versus Robert
4 Brown, 12F19975X.

5 This is the time set for the preliminary
6 hearing.

7 Anybody who is a witness or a potential
8 witness on the Brown matter, please wait outside.

9 Do not discuss your testimony with any other
10 witnesses.

11 I note that we have a few people in here.

12 Is anybody here who is a witness or a
13 potential witness?

14 MS. BROWN: No.

15 THE COURT: I have a second amended criminal
16 complaint.

17 Is there any objection to it being filed at
18 this time?

19 MR. TOMSHECK: Your Honor, Mr. Scow
20 contacted with me yesterday and discussed it with me
21 and gave me a copy.

22 I discussed it.

23 I have no objection.

24 THE COURT: I will have it filed at this
25 time, and we will set the matter for the State's

1 first witness will be?

2 MR. SCOW: Esther Maestas.

3 THE COURT: Is there anybody here who is a
4 potential witness?

5 MS. BROWN: Her family is sitting in back,
6 none of them.

7 THE COURT: The penalty phase is one, and
8 the guilt phase is another, if we do come to that.

9 MS. BROWN: Right.

10 THE COURT: Ms. Maestas, come and take the
11 stand.

12

13 ESTHER MAESTAS,

14

15 who, being first duly sworn to tell the truth, the
16 whole truth, and nothing but the truth, was examined
17 and testified as follows:

18

19 THE CLERK: Please be seated.

20 Please have a seat and state and spell your
21 first and last name for the record.

22 THE WITNESS: Esther Maestas, E-s-t-h-e-r
23 M-a-e-s-t-a-s.

24 THE COURT: Okay.

25 MS. BROWN: Court's indulgence.

1 MR. SCOW: Ready?

2 THE COURT: One second. We will put this
3 matter on hold for in an custody.
4

5 (Recess taken.)
6

7 THE COURT: We are returning to the case of
8 the State of Nevada versus Robert Brown, 12F19975X.

9 The second amended criminal complaint has
10 been filed.

11 Ma'am, you have been sworn in. I need you
12 to state and spell your name for the record.

13 THE WITNESS: Esther Maestas, E-s-t-h-e-r
14 M-a-e-s-t-a-s.

15 THE COURT: State, you may proceed.

16 MR. SCOW: Thank you, Your Honor.
17

18 DIRECT EXAMINATION
19

20 BY MR. SCOW:

21 Q. Esther, who is Nicole Nick?

22 A. She's my daughter.

23 Q. Were you living with her back in December of
24 2012?

25 A. I just came into town. I was staying at her

1 apartment.

2 Q. How long did you stay with her?

3 A. Just like 4 days.

4 Several days.

5 Q. If you can keep your voice up so that we can
6 hear you?

7 A. Okay.

8 Q. Did you get in near the first of December to
9 Las Vegas to stay with Nicole?

10 A. Yes, I did.

11 Q. During that time that, that you were living
12 with Nicole those few days, did you meet Nicole's
13 boyfriend at the time?

14 A. Yes, I did.

15 Q. Who is her boyfriend?

16 A. Robert Brown.

17 Q. You nodded your head to this direction.

18 Is Robert Brown present today?

19 A. Yes.

20 Q. Can you point to him and describe something
21 that he is wearing?

22 A. He is wearing a blue prison top, and has
23 glasses on.

24 MR. SCOW: Your Honor, can the record
25 reflect the identification of the Defendant.

1 THE COURT: It shall.

2 Q. How many times did you meet Robert Brown
3 while you were living with Nicole?

4 A. Well, I went to have dinner with him just
5 actually one time before it happened.

6 I had dinner with him and her at his
7 apartment, 2 nights before the shooting.

8 Q. Did you ever Skype or ever have other
9 contact with Nicole and the Defendant previously?

10 A. Yes. Before I moved to Wyoming, I met him.
11 I was here in Vegas, and I met him.

12 He came over to my apartment. She wanted me
13 to meet him.

14 I met him then. Then I moved to Wyoming and
15 we Skyped on the computer with him and Nicole and me
16 and my boyfriend several times.

17 Q. You had seen him or met him several times
18 leading up to this early December of 2012?

19 A. Yes.

20 Q. Do you know how long they dated?

21 A. About 6 months.

22 Q. Turning to December 6, 2012, up until that
23 time, where was Nicole staying or living?

24 A. She was staying with him in his apartment.
25 She had her own apartment, but she stayed with him

1 in the mean while.

2 Q. Okay.

3 This apartment complex, is that located at
4 5421 East Harmon?

5 A. Yes.

6 Q. That is here in Clark County, Nevada?

7 A. Yes.

8 Q. Was Nicole's apartment E-13 in building E,
9 Number 13?

10 A. Yes, it was.

11 Q. You said that Robert Brown, the Defendant,
12 had an apartment in that same complex?

13 A. Yes, he did, on the other side.

14 She lived in the new part, and he lived in
15 the old part, just like over, not far from hers.

16 Q. When you came to Las Vegas, Nicole was
17 living with the Defendant in his apartment at that
18 time?

19 A. Yes, she was.

20 Q. So you were staying in the Apartment E-13?

21 A. When I came into town, I asked her if it was
22 okay if I stayed at her apartment, and she said
23 yes.

24 And I got key from him -- he gave me the key
25 to the apartment.

1 Q. You got the key to Nicole's apartment from
2 the Defendant?

3 A. Yes.

4 Q. Okay.

5 In this time frame of December 6, did
6 anything change as far as where Nicole was staying;
7 did she continue to stay with the Defendant in his
8 apartment?

9 A. No, I was home, at her apartment, and one
10 day she came over and she said they had got in a
11 fight, and he threw her out.

12 She came. I guess they got into an
13 argument, and she said I feel like --

14 MR. TOMSHECK: I object, Your Honor.

15 It is hearsay about anything she said about
16 the relationship.

17 THE COURT: Overruled.

18 Sustained.

19 MR. SCOW: I am fine with that.

20 THE COURT: Sustained.

21 Q. You became aware that she had been kicked
22 out of the Defendant's apartment at about December
23 6?

24 A. Yes.

25 Q. This is the day before?

1 A. It was 2 days before. It was one
2 day, yes, it was.

3 Q. The day before everything happened
4 that the police came to the apartment?

5 A. Yes.

6 Q. December 7, then, did Nicole stay in
7 her apartment with you over that night
8 December 6, into the 7?

9 A. Yes, she did.

10 Q. What happened December 7?

11 A. She came home from work, and I guess
12 she had been trying to call me.

13 And she asked me how come I wasn't
14 answering my phone. I said the phone wasn't
15 working, and she said; no, the house phone.

16 I said; I didn't know the house phone
17 was hooked up. I tried it. There was no --
18 it wasn't working, and she said; no, I pay
19 the bill every month.

20 MR. TOMSHECK: Your Honor, I object
21 again as to the conversation between the 2.

22 MR. SCOW: This really isn't for the
23 truth of the matter, it is just to set up
24 what they do next.

25 THE COURT: As for her State of mind,

1 I will allow that for that purpose only.

2 Go ahead.

3 A. We got in my truck, and we went to go
4 to storage. She couldn't find the box that
5 her phone was hooked up. It was missing.

6 So we got in the vehicle and went to
7 storage, and we looked for it. It wasn't
8 there, and on the way back she got a text
9 message, and it was from Robert.

10 And he said that he had her stuff on
11 the balcony.

12 MR. TOMSHECK: I object to her
13 testifying as to the text message, unless she
14 actually saw it.

15 THE COURT: Let me stop you there.

16 As to the text message, lay a
17 foundation on that.

18 MR. SCOW: I will.

19 Q. Did you actually see Nicole's phone
20 and see the text message?

21 A. Yes. She showed me the text that he
22 had that her clothes, and that they were on
23 the balcony.

24 THE COURT: Let me stop you before
25 you state what he said.

1 THE WITNESS: Okay.

2 Q. You saw the text message. Did you
3 see or recognize who the text message was
4 from?

5 A. It said Ariel?

6 Q. Do you know who that is?

7 A. Robert Brown.

8 Q. The Defendant?

9 A. Yes.

10 THE COURT: Well, assuming it is from
11 his statement, then I will allow it for that
12 purpose.

13 Lay a foundation, some foundation.

14 It was him. She knows it is his text
15 message. It is statement. I will allow it
16 in for that purpose.

17 Q. What did you see that the test
18 message said?

19 A. Your clothes are on the balcony.

20 Q. The Defendant was telling Nicole that
21 her clothes are on her balcony?

22 A. Uh-huh.

23 Q. Yes?

24 A. Yes.

25 Q. He can't type down uh-huh or uh-huh.

1 Did she seem affected by the text
2 message?

3 A. Yes. She said she was surprised,
4 because normally when they got in a fight, he
5 didn't throw her out.

6 MR. TOMSHECK: I object as to
7 hearsay, again, Your Honor.

8 MR. SCOW: It is just to her state of
9 mind.

10 THE COURT: I will allow it just for
11 that purpose as to the state of mind.

12 Whose?

13 MR. SCOW: Nicole's, her daughter.

14 THE COURT: All right.

15 I allow it for that purpose.

16 Q. Did she speak with him on the phone
17 at all either?

18 A. Not on our way back to the apartment,
19 no.

20 Q. Okay.

21 A. It was just all texting.

22 Q. When you got back to the apartment,
23 did you see anything that corresponded with
24 the text messages that Nicole received?

25 A. As soon we pulled up in parking

1 space, there were bags on top of balcony, laid out
2 on top.

3 Q. Was that near Nicole's door?

4 A. Yes.

5 Q. Whose stuff was it?

6 A. When we got up to the apartment, we grabbed
7 the bags and took them inside, and it was her stuff.

8 Q. Okay.

9 That was her stuff that come from the
10 Defendant's apartment?

11 A. Yes.

12 Q. Did she receive any phone calls after that
13 from the Defendant?

14 A. One time where they were talking on the
15 phone, most of the conversation -- most of the
16 communication was through texting.

17 And then one time they did talk on the
18 phone. I heard her end of the conversation, and
19 they were arguing about the rent.

20 He wanted to know if she was going to pay
21 his rent.

22 MR. TOMSHECK: Judge, I object again as to
23 hearsay as to what she said.

24 THE COURT: As to what she said. I don't
25 know if she hears it from him, or from --

1 MR. SCOW: What she testified to is what she
2 heard from Nicole.

3 THE COURT: Okay.

4 MR. SCOW: Her side of the conversation.

5 THE COURT: I will sustain the objection to
6 that.

7 He wanted some rent?

8 MR. SCOW: right.

9 THE COURT: I will sustain the objection.
10 That had from Nicole, and not from him, the
11 Defendant.

12 Q. Were you able to gather what this
13 conversation was about?

14 A. Yes, because she said --

15 MR. TOMSHECK: Objection.

16 Q. Without going into what she said.

17 THE COURT: Okay.

18 Q. Without telling us what she said, can you
19 tell us what the discussion was about?

20 A. Money.

21 Q. Money?

22 A. Yes.

23 Q. Do you know about what time it was that you
24 had gone to the storage, when you get back and she
25 had this conversation?

1 A. She got home from work at about 7:30, and
2 then from storage, so it was close to 9:30 by the
3 time conversation was over with, the phone call
4 didn't stop.

5 Q. This is in the evening of December 7, 2012?

6 A. Yes.

7 Q. What did you and your daughter do that
8 evening?

9 A After she was done with the phone, with him,
10 we decided to watch a movie.

11 My granddaughter was there, and Nicole and
12 I, so we put in a a movie of Pocahontas.

13 We watched a children's movie, and after the
14 movie over, they were sleepy. They were going to go
15 to bed.

16 I went in the bedroom and made up the bed
17 for Nicole and Kayla, and came back out in the
18 living room, and was going to watch a movie, and I
19 put a movie in.

20 Q. Let me pause you for a second.

21 A. Okay.

22 Q. The baby that was there, what was her name?

23 A. Kayla.

24 Q. How old was she in December of 2012?

25 A. 3 years old.

1 Q. Whose mother was Kayla?

2 A. My other daughter, my youngest daughter
3 Kathleen Maestas.

4 Q. Nicole is Kayla's aunt?

5 A. Correct.

6 Q. Describe the apartment for us, the layout of
7 the apartment?

8 A. The living room was -- the TV was up against
9 the main window.

10 There was a Christmas tree and everything on
11 the right-hand side.

12 And then a couch, and the couch was right by
13 TV.

14 Then there was another couch.

15 Then there was a little bar thing where the
16 kitchen was, and then the bedrooms were on the left-
17 hand side.

18 Q. So there is -- from the entry, there is a
19 front living room area, a kitchen; is that all kind
20 of a one space area?

21 A. Correct.

22 Q. Then a bedroom?

23 A. And a bathroom on the left, the other part.
24 There was a door that went to that section.

25 Q. After you watched the kid movie with Kayla

1 and Nicole, you put Kayla to bed?

2 A. Kayla and Nicole went to bed.

3 Q. You put Kayla to bed?

4 A. Yes.

5 Q. Which bedroom?

6 A. The far bedroom. As you walk into the
7 bedroom, there was a bed on this wall, and another
8 bed on that wall.

9 Kayla went to bed on that wall.

10 Q. The one on the left-hand side?

11 A. Yes.

12 MR. SCOW: Your Honor, I think by stipulation
13 of the parties, the photographs which are marked as
14 State's Proposed Exhibits 3 through 19, I think
15 those will be admitted by stipulation of the parties
16 for purposes of prelim.

17 THE COURT: All right.

18 MR. TOMSHECK: They have previously been
19 shown to me counsel. I have no objection for
20 purposes of today's hearing only.

21 THE COURT: So, for purposes of preliminary
22 hearing, Exhibits 3 through 19 shall be admitted as
23 previously marked.

24 All right.

25 Q. I show you State's Exhibit Number 6 -- are

1 you okay to view some of the photographs in this
2 case?

3 A. Okay.

4 Q. Photograph 6 is a picture of the bedroom?

5 A. Yes.

6 Q. And the bed that's on the left-hand side,
7 the little pink bed, is that where --

8 A. Kayla was sleeping.

9 Q. That's where you put Kayla to bed?

10 A. Yes.

11 Q. And on the right-hand side, the blue sheet
12 with sports pictures on it?

13 A. This is where Nicole was.

14 Q. I am sorry to bring up the emotions of
15 this.

16 So you had testified that after you put
17 Kayla to bed, and Nicole had gone to bed, they are
18 both in that bedroom, and you gone back to the front
19 room to watch TV?

20 A. To watch a movie myself, yes.

21 Q. Tell us what happened while you were in that
22 front room?

23 A. I didn't even get to start watching the
24 movie, when all of a sudden I heard a bang on the
25 front door, like somebody hit the door real hard,

1 bang, and then another bang, like somebody was
2 trying to break in.

3 Q. Was the front door locked at that time?

4 A. Yes, and nothing happened. I stood up. I
5 got scared, and then all of a sudden, the front
6 window started breaking.

7 And as it was breaking, it was fast. He
8 somebody jumped in the window, and it was the
9 Defendant, Robert Brown.

10 He jumped in. He had a gun in one hand, and
11 something else in the other hand. I don't remember
12 what it was.

13 And when he jumped in and had the gun, I
14 screamed. I yelled. I said has a gun, and Nicole
15 from the bedroom said call the cops.

16 Q. Let me stop you right there.

17 You said the window was crashing open.

18 Was it all shattered at once, or was it hit
19 multiple times that glass was breaking; do you
20 recall?

21 A. It happened so fast, I know that I seen the
22 blinds. As they were breaking the glass, I could
23 see that someone was coming in through the window.

24 And then all of a sudden he jumped in the
25 window.

1 It was real fast.

2 Q. The person that came in through the window
3 was the Defendant, Robert Brown?

4 A. Yes.

5 Q. You saw him when he came in?

6 A. Yes, I did.

7 Q. Were there lights on in the apartment or
8 from the TV.

9 The TV was on, and the Christmas tree lights
10 were on.

11 Then I put Christmas tree lights in the
12 windows, so those were on also.

13 Q. You had a good view of the person that came
14 in?

15 A. Yes.

16 Q. And that was the Defendant, Robert Brown?

17 A. Yes, it was.

18 Q. What was he wearing at that time?

19 A. He had all black clothes on.

20 He had a black beanie on.

21 He had gloves on.

22 It was all dark clothing.

23 Pants and a jacket, but I am not sure what
24 kind.

25 Q. It was all black?

1 A. Yes.

2 Q. You saw a gun in one of his hands?

3 A. Yes.

4 Q. And you screamed because you had seen the
5 gun?

6 A. As soon as I seen the gun, I screamed. I
7 was surprised that he had a gun, that it was him
8 that came in and had a gun in his hand.

9 Q. And you heard your daughter in the back?

10 A. During the time of breaking of the glass, I
11 heard her say what the hell.

12 She had not come out into the living room
13 yet, but I heard her yell; what the hell.

14 I went; oh, my God, he has a gun.

15 She yelled from the bedroom; call the cops.

16 Just as she said that, she came through the
17 door, and he came in and he said; oh, yeah, bitch,
18 and pointed the gun, and I thought he shot me.

19 My recollection was that he shot me at the
20 time, and then shot her. I don't know from one
21 point -- I don't know how I got from the point of
22 the living room into the bedroom.

23 I don't remember what happened during that
24 time.

25 Q. Okay.

1 But you remember that soon after the
2 Defendant came into the apartment, you saw the gun,
3 and that he started shooting?

4 A. Um-hum.

5 Q. Yes.

6 A. Yes. Nicole came out and stood there, and
7 he pointed a gun at her.

8 And then from that point on, I don't
9 remember exactly what happened until I came to in
10 the bedroom.

11 Q. So the next thing you know you are in the
12 bedroom; were you standing or --

13 A. I was laying down.

14 I was laying down by the door, and I do
15 remember hearing gunshots.

16 I didn't know I was shot at the time, until
17 I got up tried to get up, and my arm -- I looked at
18 my arm, and it was dangling there.

19 Q. Which arm?

20 A. My left arm. I didn't have use of it.

21 I couldn't put myself up. I didn't have any
22 use of my arm.

23 Q. When you became aware of things and you are
24 in the bedroom, was Robert Brown still there?

25 A. Yes, he was.

1 Q. What was happening at that time?

2 A. He was standing over on the side with my
3 daughter. I don't know.

4 All I know is that I must have passed out at
5 some point.

6 All I remember is coming to, and I heard
7 Nicole say; damn it, Ariel, ow, that hurts. That is
8 twice.

9 He said; do you think you are going to
10 disrespect me and make a fool out of me?

11 He said; do you think you are going to
12 disrespect me and make a fool out of me is what he
13 said.

14 Q. What was he doing when she was saying ouch?

15 A. I couldn't tell what he was doing.

16 To my recollection, I don't know what he was
17 doing at the time.

18 Q. He was close?

19 A. He was hurting her, yes.

20 Q. What happens after that?

21 A. During the time, Kayla woke up.

22 She had been sleeping. She woke up. She
23 sat up and started crying.

24 As soon as she started crying, he
25 immediately pointed the gun at Kayla.

1 When he pointed the gun at Kayla, Nicole and
2 I said; no, not the baby, not the baby.

3 And Nicole took a flying leap from where she
4 was to go out to -- I am sure she was going to try
5 to help save Kayla.

6 She jumped over towards Ariel, and then I
7 heard more gunshots.

8 We went down. Kayla went down. I thought
9 both Kayla and Nicole had been shot at that time.

10 And I was laying down. I couldn't see. I
11 could barely lift my head up, but I could see them
12 both laying down.

13 They weren't moving.

14 Q. Where you were laying down, were you inside
15 the bedroom, or in the hall?

16 A. Inside the bedroom.

17 Q. Okay.

18 A. By the doorway, yes.

19 Q. The picture that we showed you, Exhibit 6,
20 would -- from where this picture was taken, would
21 this be the area that you were at?

22 A. I was right here.

23 Q. And this is near the doorway?

24 A. Yes.

25 Q. So you said you had seen Nicole like move

1 towards Kayla, and there were gunshots, so you heard
2 more than one gunshot at that time?

3 A. Lots. I had heard lots of gunshots.

4 Q. The Defendant pointed the gun at Kayla, who
5 had just woken up right before that?

6 A. Yes.

7 Q. After those gunshots, and you said Nicole
8 had gone to the ground, what happens then?

9 A. Then he had to step over me in order to go
10 out into the other room.

11 He stepped over and going out that way, and
12 then he turned around and shot me like 4 more times
13 as he was going out the door.

14 Q. How many times were you shot?

15 A. I was shot 6 times.

16 Q. Now, is that something that you knew at the
17 time or --

18 A. No, I didn't.

19 I didn't even know I had been shot that many
20 times.

21 When he shot me as he was going out, I felt
22 like something was coming out of me, like I peed, or
23 that blood was coming from my bottom, because I felt
24 the liquid.

25 I know I had been shot. I wasn't sure how

1 many times, and I seen that Nicole and Kayla were
2 not moving.

3 Q. That they were not?

4 A. They were not. They were laying there.

5 I didn't see Kayla. She was laying down,
6 also.

7 And after he left, I told myself I am going
8 to die. I got to go get help.

9 I don't know how I did, but I crawled out to
10 the balcony and knocked on someone else's door, and
11 said we have all been shot. We need help.

12 Then I crawled back into the apartment. I
13 was going to try to get into the bedroom, but I
14 collapsed right there in the living room.

15 It wasn't until -- it was like right away
16 that a policeman came in, security and the
17 paramedics all came in, and they came straight to
18 me, and started taking care of me.

19 Then I turned around and said my daughter
20 and baby, and then they ran into the bedroom to see
21 what is going on with her.

22 And while the paramedics were working on me,
23 they were going here is an exit wound, and it was
24 over and over, and over.

25 That is when I realized that I had been shot

1 so many times.

2 Q. The security guard came in.

3 The Police officers were coming in.

4 Did they ask you who had done this?

5 A. Yes. They came down next to me and asked;
6 do you know who did this to you; yes, it was Robert
7 Brown, my daughter's boyfriend.

8 MR. SCOW: Okay.

9 May I approach the witness, Your Honor?

10 THE COURT: You may.

11 Q. I show you State's Exhibits 14, 15 and 16,
12 and ask you if you recognize these.

13 A. That's me, gosh.

14 Q. 14 you are looking at, is that you?

15 A. Yes.

16 Q. Number 15?

17 A. I don't know.

18 Q. Okay.

19 Then 16?

20 A. Yes, I was shot right here.

21 Yes, that's me.

22 Q. And you pointed to like the upper right, is
23 that your right thigh?

24 A. Yes.

25 Q. There is a swabbing up on the groin area; is

1 that another place that you were shot?

2 A. Yes.

3 Q. This is your leg?

4 A. Yes.

5 Q. Is that your tattoo?

6 A. Yes.

7 Q. Looking back at Number 15, do you recognize
8 that?

9 A. Yes, I was shot there also.

10 Q. Then Exhibits 17 and 18 and 19.

11 Looking first at 17, what is this a picture
12 of?

13 A. My arm.

14 Q. Is that an area where you had been shot?

15 A. Yes.

16 Q. Your left arm?

17 A. Yes.

18 Q. The arm that you had difficulty moving that
19 evening?

20 A. Yes, it is.

21 Q. Number 18, is that another part of your
22 body?

23 A. Yes.

24 Q. Can you tell what part of your body this is?

25 A. My side, I think.

1 Q. I need you to tell me.

2 I can't tell you.

3 Is that too hard to tell?

4 A. Yes, it is.

5 Q. That was Exhibit 18.

6 Then State's Exhibit 19, do you recognize
7 this?

8 A. That's my stomach.

9 Q. The injury there, that's kind to the bottom
10 right, is that some cotton or swabbing inside that
11 injury?

12 A. Right here, my stomach.

13 Q. Was that from a gunshot injury or from
14 surgery?

15 A. From surgery.

16 Q. Okay.

17 Now, at the time, were you aware whether
18 Nicole was alive or dead?

19 A. No, I wasn't, no.

20 Q. Did you learn what happened to her?

21 A. It wasn't until after I got out of recovery
22 that they finally told me.

23 They didn't want to tell me at first,
24 because I was fighting for my life.

25 Then almost I didn't make it, and the

1 doctors told them not to tell me.

2 Q. One of the exhibits, State's Exhibit Number
3 6, was that your daughter on the ground in the room?

4 A. Yes, it is.

5 Q. Okay.

6 As you recovered and got out of the
7 hospital, did you have primary or temporary custody
8 of Kayla?

9 A. Yes, I did.

10 Q. Did you notice any differences in her from
11 before the shooting to after?

12 A. Yes. Kayla had some problems. At first,
13 when I took her to a therapist, they played with her
14 to see how her reaction was, and they said she was
15 okay.

16 They told me to watch out for her for any
17 change of behavior, because the trauma could affect
18 her later on.

19 So she's been pooping her pants, and hiding
20 in the closet.

21 She has been showing a lot of signs, things
22 happening to her now.

23 Q. At the time this happened, was she fully
24 potty trained?

25 A. Yes.

1 Q. Had she been pooping her pants prior to
2 that?

3 A. No.

4 Q. Subsequently, that's been something that
5 she's had to deal with?

6 A. Yes. She's been traumatized.

7 Q. Do you know if she had any dreams or
8 anything like that that resulted from this?

9 A. Sometimes she has dreams, but not real bad.
10 At first she did. She would cry.

11 She cried a lot for her Auntie Nicole.

12 At first she thought the police --

13 MR. TOMSHECK: I object to HER testifying
14 about anything that the child thought.

15 THE COURT: Hold on, Before we continue.

16 As to what she thought, I will sustain it as
17 to what she thought.

18 What you see and observe, and saying I am
19 okay with that, if it is consistent with her
20 actions, but what she is thinking is something
21 different.

22 MR. SCOW: That is fine.

23 Q. You can describe the things that she said
24 and did --

25 A. Okay.

1 Q. -- the things that you observed in her.

2 A. She said that the --

3 MR. TOMSHECK: I have an objection as to
4 what she said as well.

5 Anything she observes or that child does, I
6 have no objection to that.

7 MR. SCOW: The statements are the then
8 existing mental or physical condition relating to
9 whether she had suffered mental harm as a result of
10 this, how it affected her mentally, psychologically,
11 physically.

12 She's allowed to talk about the statements
13 that the girl makes as a result of the abuse.

14 THE COURT: The then existing mental state,
15 I will allow that. The fact that the child was a
16 3-year-old in 2012, this is about when this
17 occurred?

18 MR. SCOW: that's correct.

19 THE COURT: So I will allow it for that
20 purpose.

21 Q. Okay.

22 Does she talk about -- has she spoken about
23 since then, the shooting, what happened in that
24 room?

25 A. Yes. She has actually -- she can tell you

1 that she ducked when it happened. She ducked. She
2 stayed down.

3 And then she knows that he tried to shoot
4 her, she knows that he killed her Aunt Nicole, and
5 that her Auntie Nicole is dead.

6 She had said that I was dead also, but when
7 she seen me in the hospital, she was happy to know
8 that I was alive.

9 Q. Okay.

10 Now, you have some felony convictions, is
11 that correct?

12 A. Yes, I do.

13 Q. Out of Utah in 2009, you have a possession
14 of a controlled substance conviction?

15 A. Yes.

16 Q. And an attempt theft, a misdemeanor
17 conviction?

18 A. Correct.

19 Q. And out of Nevada you have possession of a
20 controlled substance conviction as well?

21 A. Yes.

22 Q. And sale of a controlled substance?

23 A. Yes.

24 Q. And then a trafficking conviction?

25 A. Yes.

1 Q. These are either the early 90s, early 2000?

2 A. Correct.

3 MR. SCOW: I will pass the witness, Your
4 Honor.

5 THE COURT: All right.

6 Cross-examination.

7
8 CROSS-EXAMINATION
9

10 BY MR. TOMSHECK:

11 Q. You go by Esther?

12 A. Yes.

13 Q. Do you mind if I call you Esther?

14 A. Okay.

15 Q. I have a few questions for you, Esther.

16 I know this is probably very traumatic for
17 you, and I certainly emphasize with your loss.

18 But you understand I represent Mr. Brown,
19 right?

20 A. Yes.

21 Q. And you understand that part of my job is I
22 have to ask you questions about what you just
23 testified about, okay?

24 A. Okay.

25 Q. Any time I can ask a question that is not

1 clear, or you don't understand, ask me and I will
2 rephrase it, okay?

3 A. Okay.

4 Q. The State concluded the examination of you
5 by asking you about these felony convictions that
6 you have, yes?

7 A. Yes.

8 Q. And you have at least 4 felony convictions
9 both here and in Utah, correct?

10 A. Correct.

11 Q. Those felony convictions all relate late to
12 the sale or use of controlled substances, correct?

13 A. Correct.

14 Q. In fact, one of those --

15 MR. SCOW: Your Honor, as far as these
16 convictions go he, is only allowed to ask about the
17 name, the year and the State of the conviction.

18 He can't go into anything else about
19 convictions.

20 THE COURT: Counsel, as to getting into the
21 facts, she didn't open the door --

22 MR. TOMSHECK: I didn't ask about the facts.
23 I am not going to ask about the facts.

24 I have a right under State versus Green to
25 ask her about whether she ingested a controlled

1 substance around this time.

2 It affects her ability to perceive.

3 THE COURT: As long as we are not talking
4 about the facts of the case, she hasn't opened the
5 door yet.

6 Q. One conviction was not too long in time
7 before this incident, correct?

8 A. The one in Utah is the last one I had, 4
9 years ago.

10 Q. Which was a couple of years before when this
11 transpired?

12 A. 4 years. It has like been a while.

13 Q. When was the last time that you -- what was
14 the drug of the choice that you used?

15 A. Meth.

16 MR. SCOW: Objection, Your Honor.

17 THE COURT: Where is the relevancy of that,
18 other than you say at the time was she using drugs,
19 that is one thing.

20 MR. TOMSHECK: I have to lay that
21 foundation.

22 There are certain drugs that don't impact
23 perception.

24 THE COURT: If she used heroin 20 years
25 ago --

1 MR. TOMSHECK: If she used Ritalin the day
2 before, that would help her observe things.

3 If she used methamphetamine, that might
4 alter her perception, and I have a right to ask her
5 pursuant to State versus Green.

6 THE COURT: You have a right to ask her
7 about that day, not previous.

8 MR. SCOW: Or drug of choice, get to the
9 point.

10 MR. TOMSHECK: Counsel can't tell me to get
11 to the point and direct it to Your Honor.

12 THE COURT: Let's do this; if you want to
13 ask her about that date if was she using any, and
14 then if she was using something similar to what she
15 used in the past, find out how much she used.

16 Q. When was the last time you ingested
17 methamphetamine prior to December 7, 2012?

18 MR. SCOW: Objection.

19 That's not relevant.

20 THE COURT: That's a bad act or character
21 evidence. It is not affecting her ability to
22 remember, or that it is a collateral fact.

23 Trying to attack her character is not
24 relevant.

25 When was the last time --

1 MR. TOMSHECK: If she says 24 hours or 48
2 hours, it is relevant.

3 THE COURT: You can ask her if she used it
4 in the last 48 hours. I am okay with that, but the
5 last time you used drugs might be 6 years ago.

6 Were you under the influence of drugs at
7 that time, that's an issue.

8 MR. TOMSHECK: She will say no to that.
9 Every witness does.

10 THE COURT: Have you used it within the last
11 48 hours.

12 If you confine it to within that week
13 period, I am okay with that.

14 Q. Were you using drugs in and around the time
15 of December 7, 2012?

16 A. Absolutely fleet.

17 Q. So it is your testimony that you weren't
18 using drugs in the week between December 1 and the
19 7?

20 A. No.

21 Q. It is your testimony that you weren't under
22 the influence of methamphetamine at the time this
23 occurred?

24 A. No.

25 Q. You weren't under the influence of any other

1 controlled substance, alcohol or prescription drugs?

2 A No.

3 Q I am assuming that on December 7, 2012, you
4 did not anticipate this was going to happen, right?

5 A. Absolutely not.

6 Q. You were home watching a movie with your
7 daughter and your granddaughter, correct?

8 A. Correct.

9 Q. And you said it was Pocahontas?

10 A. Yes.

11 Q. And they went to bed, right?

12 A. Yes.

13 Q. And then ultimately you were going to sit
14 down and watch a movie on your own?

15 A. Correct.

16 Q. You were relaxed, right?

17 A. Correct.

18 Q. You certainly weren't anticipating a
19 pounding on the door?

20 A. No.

21 Q. And you weren't anticipating somebody coming
22 through the window?

23 A. Absolutely not.

24 Q. And the furthest thing from your mind is
25 that someone would come in with a gun, correct?

1 A. Correct.

2 Q. But that's your testimony, that that's what
3 happened, right?

4 A. Right.

5 Q. When that happened, that was startling for
6 you; would you agree with that?

7 A. Absolutely.

8 Q. In fact, those incidents as you tried to
9 recount them, you would agree that they happened
10 relatively quickly, right?

11 A. Correct.

12 Q. And part of what you have attempted to do
13 today, and when you talked to the police a few days
14 after this incident is compartmentalize and put in
15 order the things happened as best as you can recall,
16 right?

17 A. Right.

18 Q. And you are not in any way trying to shade
19 the truth, or create a lie, or in any way make up a
20 story about what happened, right?

21 A. Right.

22 Q. You are doing your best to tell us what
23 happened from your memory, right?

24 A. Correct.

25 Q. Certainly as a traumatic event that you

1 weren't expecting that has altered your life, you
2 can allow for the fact that you might not remember
3 everything exactly like it happened?

4 A. Correct.

5 Q. You remember things as best you can, but you
6 agree with me that probably not in perfect order and
7 in perfect consistency of what actually occurred?

8 A. Yes.

9 Q. Okay.

10 You mentioned the on direct examination that
11 there had been an incident that night when you and
12 your daughter had gone somewhere to find something,
13 yes?

14 A. Yes.

15 Q. What was it you were looking for?

16 A. For the box that goes to her telephone, the
17 home phone.

18 Q. The physical cardboard box?

19 A. The box that the wire hooked up to.

20 Q. The stand?

21 A. A box that her phone connected to. There
22 was wire that went into the wall, and the box went
23 from there to the phone.

24 I don't know.

25 Q. Like the phone would go on that box?

1 A. No. It was connected to that box.

2 That box gave her service.

3 I don't know what kind of service she had.
4 That box was needed for her service to be on.

5 Q. It was something the phone had to plug into?

6 A. Correct.

7 Q. Up until that point the phone was plugged
8 into that box, she didn't have service on her land
9 line?

10 A. Right. I picked up the phone. There was no
11 service.

12 She knew she paid the bill. When she
13 looked, the box was gone.

14 She thought that maybe we had put it in
15 storage, because the day before we had went and put
16 some stuff in storage.

17 Q. So you made a decision to go to storage?

18 A. Yes.

19 Q. You told us previously she got off work at
20 7:30?

21 A She got home about 7:30.

22 Q. Where was she working?

23 A. I don't know exactly the name. I have never
24 been there.

25 It was some place on Sunset, a telephone

1 sales place.

2 She just got a promotion.

3 Q. She worked there that day, yes?

4 A. Yes.

5 Q. And then came home, correct?

6 A. Yes.

7 Q. You mentioned it was out on Sunset?

8 A. Yes.

9 Q. Best estimation, how far away from her
10 apartment was that phone store where she was?

11 A. Maybe 20 minutes.

12 Q. You believe she got off of work and came
13 directly home, right?

14 A. She had tried to call. She wanted a ride
15 home. She couldn't get ahold of me to get a ride
16 home.

17 I don't know how she got home that evening.

18 Q. As far as you know, she didn't go anywhere
19 else?

20 A. If she did, she went to cash her check. She
21 got paid that day and cashed the check.

22 I don't know where she went and cashed it
23 at.

24 Q. She got off work and made one stop, and then
25 came home?

1 A. Correct.

2 Q. By your best memory, she got home about
3 7:30?

4 A. Correct.

5 Q. You would agree with me that after she got
6 home is when you went to the storage facility,
7 correct?

8 A. Yes.

9 Q. Do you happen to recall what time it was
10 that you guys watched Pocahontas?

11 A. I would say about 8:30, 8:30, 9:00 o'clock.

12 Q. Did you watch the whole movie?

13 A. Yes, we did.

14 Q. It started about 8:30, 9:00 o'clock?

15 A. Yes.

16 Q. All 3 you stayed wake until it was over?

17 A. Yes.

18 Q. You would agree with me that this testimony
19 you just gave us about the text message and my
20 client dropping off clothes, that all happened while
21 you were at storage, right?

22 A. Correct.

23 Q. How long were you at home before you left to
24 go to storage?

25 A. Maybe 15 minutes.

1 Q. Probably about 7:45 or so you leave to go to
2 storage?

3 A. Um-hum.

4 Q. Yes?

5 A. Yes.

6 Q. How long are you there?

7 A. Maybe 10, 20, 15 minutes at the most.

8 Q. How are was storage from the apartment?

9 A. It was in Henderson on Sunset Highway.

10 Q. How long of a drive?

11 A. 20 minutes.

12 Q. By your best estimates you leave at 7:45 and
13 drive there a little after 8, right?

14 A. Correct.

15 Q. And you look for the box for about 10, 15
16 minutes?

17 A. Correct.

18 Q. Did you find the box?

19 A. No.

20 Q. Then you drive back, right?

21 A. Yes.

22 Q. By now it is about 8:45, close to 9:00
23 o'clock?

24 A. Yes.

25 Q. And then you immediately pop in the movie?

1 A. I believe Nicole took a shower.

2 Q. Okay.

3 A. As far as I remember we settled down and
4 watched the movie.

5 Q. You would agree with me that since you are
6 not there when you are claiming this text message
7 from my client comes in about the clothes, that he
8 wouldn't have been arguing with your daughter or you
9 at the time he drops off the clothes, right; at the
10 apartment?

11 A. I don't know. I don't know when he was --

12 Q. When you left the apartment, were the
13 clothes there?

14 A. No.

15 Q. When you are gone from the apartment is when
16 that text message happens about him dropping off
17 clothes?

18 A. Yes.

19 Q. And when you return, you see bags?

20 A. Yes.

21 Q. You would agree that by your testimony, that
22 he arrives at the apartment when neither you or your
23 daughter are home, correct?

24 A. Yes.

25 Q. Your granddaughter is with you when you go

1 to the storage, right?

2 A. Yes.

3 Q. To the best of your knowledge, there is no
4 one at apartment at that time, right?

5 A. Correct.

6 Q. So, you would agree with me, that there
7 would be no one for my client to be arguing with at
8 the time he dropped off the clothes?

9 A. Correct.

10 Q. At that apartment, correct?

11 A. Correct.

12 Q. So you watch Pocahontas, and the girls go to
13 bed?

14 A. Yes.

15 Q. And then this incident happens when he comes
16 in the door?

17 A. Yes.

18 Q. You --

19 A. Not the door, the window.

20 Q. He pounds on the door first?

21 A. He didn't pound. It was boom, like he tried
22 to kick it in.

23 Q. You hear a loud noise at the door twice?

24 A. Yes.

25 Q. And then the window?

1 A. Yes.

2 Q. And then you see who you identified as my
3 client?

4 A. Yes.

5 Q. You testified on direct examination that the
6 first thing you said is something to effect of; oh,
7 my God, he has a gun?

8 A. Correct.

9 Q. You testified on direct examination that
10 your daughter then said call the cops, correct?

11 A. Correct.

12 Q. When you heard your daughter say to call the
13 cops, did you take that as being said out of fear or
14 anger?

15 A. Fear.

16 Q. Do you recall giving a statement to the
17 police back on the 10 of December of 2012, about 3
18 days after this occurred?

19 A. Do I recall; actually I don't remember
20 giving that statement. Apparently I did.

21 I barely remember.

22 Q. You would agree with me that you went to
23 Sunrise Hospital, right?

24 A. Yes.

25 Q. And you spent sometime in there, correct?

1 A. Yes.

2 Q. Do you recall Detective McCarthy and
3 Detectives Merick coming and talking to you while
4 you were at Sunrise?

5 A. Barely.

6 Q. Were you aware that there was a recording
7 made of a statement that you gave them?

8 A. Yes.

9 MR. TOMSHECK: May I approach the witness,
10 Your Honor?

11 THE COURT: You may.

12 Do you have a copy?

13 MR. SCOW: Yes.

14 MR. TOMSHECK: I am referring Court and
15 counsel to the voluntary statement dated December
16 10, 2012.

17 Q. On page 9 there, the Q's are the questions,
18 and the A's are the answers.

19 They asked you; what did you hear, and you
20 said; I hear the door, and then I hear the window
21 busted in. He came straight in the window.

22 You would agree with me you are telling them
23 about the time that you identified my client coming
24 through the window, correct?

25 A. Yes.

1 Q. And they asked you; did he look at you, did
2 he say anything to you, and I am going to read your
3 answer to you, and you tell me if I got it correct.

4 Um, I don't know. I don't know. I was
5 screaming, and Nicole was screaming.

6 Nicole said; I am going to call the cops to
7 piss him off.

8 Do you recall saying that?

9 A. No.

10 Q. Do you dispute that you said that?

11 A. No, I don't dispute that I said that. I am
12 sure I probably did say that.

13 I was in the hospital. I was very
14 medicated. My recollection now is the same as that
15 one.

16 Q. So, you would agree with me that on December
17 10 you were under the influence of some type
18 medication related to the treatment of your
19 injuries, yes?

20 A. Yes.

21 Q. So, you would agree with me, that that
22 portion of that statement isn't something you would
23 say today, right?

24 A. I don't remember her saying that.

25 My recollection of what happened is

1 different from -- some of it is different from what
2 I said there.

3 Q. So, you would agree with me that because of
4 the trauma of the incident, and because of the
5 influence of the medication that was prescribed to
6 you by doctors, some of what is in the statement
7 might be wrong, correct?

8 A. Correct.

9 Q. And we can't rely on what you said there
10 because of the medication?

11 A. No. I saying some of it I remember, and
12 some of it I don't know.

13 I just know that I -- all I know is he is
14 the one that did it.

15 Whether I remember exactly what was said
16 from here to there, I can't say that.

17 I do know that he is the one that shot us.

18 Q. I am not in any way trying to trick.

19 If you need a minute, take your time.

20 I just want to clarify things, and the get
21 best testimony that you can give us, because you
22 were there and we weren't.

23 Do you understand?

24 A. Yes.

25 Q. You would agree with me that some of what

1 you said there, you would testify differently to
2 today?

3 A. Correct.

4 Q. Okay.

5 the best memory you have today is him coming
6 through the window, those words being yelled, and
7 then what happened?

8 A. Then I here gunshots.

9 Q. Where is he when you hear the first gunshot?

10 A. My recollection is thinking I was in the
11 living room.

12 I don't know. At one point I blacked out,
13 so I don't know what happened from when I was in the
14 living room, until I woke up and I was in the
15 bedroom.

16 I don't know what happened in that time. I
17 do no I heard several gunshots. Where exactly I
18 was, I am not sure.

19 Q. Do you recall Nicole getting out of bed?

20 A. I did not see her out of the bed. I was in
21 the living room, when she came to the bedroom door,
22 and was standing there when she first seen him.

23 Q. Let me ask you some questions about that.

24 The first time you recall hearing a shot, is
25 that when she's standing at the door?

1 A. No. I thought -- to my recollection, I
2 thought he shot me first, and then her.

3 But then I don't know. There were several,
4 several shots.

5 I don't know when I was shot or when she was
6 shot.

7 I don't know.

8 Q. We are just trying to get your best memory.

9 MR. TOMSHECK: Can I you approach the
10 witness, Your Honor?

11 THE COURT: You may.

12 Q. I am showing what's been shown to you as
13 State's Exhibit Number 6.

14 This is the bedroom. You identified this
15 pink bed as the one Kayla was in, and the blue
16 sheeted bed is the one your daughter is in, right?

17 A. Correct.

18 Q. Where is the bedroom door?

19 A. Right here.

20 Q. You are pointing directly to the bottom
21 towards kind of the right center of that?

22 A. The bathroom is here.

23 Q. Okay.

24 A. Then about right here.

25 Q. Okay.

1 Directly below where this pink bag is
2 depicted in State's Exhibit Number 6?

3 A. Right here.

4 Q. Almost dead center in the middle of the
5 photograph, yes?

6 A. Yes.

7 Q. You recall seeing Nicole standing at that
8 door?

9 A. She came through the door.

10 Q. That was before she was shot, yes?

11 A. Yes.

12 Q. At then at some point you hear shots around
13 that time?

14 A. Yes.

15 Q. And you would agree with me that to shoot
16 from outside that door, through that door, the
17 trajectory would be towards the direction of Kayla's
18 bed, yes?

19 A. He was standing right here.

20 Q. If he was standing outside the door, and she
21 was standing in the doorway like you just
22 described.

23 A. I don't know. I have no idea if he shot
24 right then and there.

25 I don't know. I don't know exactly when he

1 shot.

2 Q. Okay.

3 Hypothetically, if he is shoots when he is
4 outside the door and she's standing in the doorway,
5 towards the right center bottom of State's Exhibit
6 Number 6, you would agree with me that the line of
7 fire would be towards Kayla's bed, correct?

8 A. Yes.

9 My recollection is that he was standing over
10 here, and she was here, and he shot that way.

11 Q. That points towards directly at Kayla's bed?

12 A. She was standing in the doorway. If he shot
13 her there, it would go this way. That's what I am
14 thinking.

15 I don't know.

16 MR. SCOW: Just for the record, can she
17 describe where she was indicating, make a record of
18 that?

19 Q. You indicated under that scenario, that he
20 was standing outside, correct?

21 A. In the living room.

22 Q. Let me make a record about what you said,
23 and you tell me it I am wrong.

24 He is standing outside the door, towards the
25 living room area, yes?

1 A. Yes.

2 Q. She was standing in the doorway?

3 A. Correct.

4 Q. And under the scenario, you recall, if he
5 would have shot in that direction, the bullet would
6 have traveled towards the left of that room, yes?

7 A. Yes.

8 THE COURT: Are you okay with that
9 description?

10 MR. SCOW: Yes.

11 Q. You testified on direct about your daughter
12 saying the words ow when she was being confronted by
13 person you identified as my client?

14 A. Yes.

15 Q. Where did that take place?

16 A. Close to the bed.

17 Right where the bed is.

18 Q. Was your daughter standing, kneeling, lying?

19 A. What I heard that -- when I heard her, I
20 didn't see her.

21 I could see him see him standing. He was
22 standing facing me.

23 Nicole was standing. Then she was laying
24 down.

25 Q. You recall at some point you described it as

1 a sensation of you blacked out and then you came to?

2 A. Yes.

3 Q. Did you hear more gunshots after that?

4 A. Yes.

5 Q. In your statement that you gave to the
6 police on December 10, you indicated you thought you
7 heard between 10 and 15 shots, is that still your
8 recollection?

9 A. I don't know. I don't know how many times.
10 I heard I heard a lot of shots.

11 Q. Did you ever see Kayla off of the bed?

12 A. No.

13 Q. It is your testimony that the whole time
14 this transpired, she stayed in the bed?

15 A. Correct.

16 Q. She didn't come run to you?

17 A. No.

18 Q. She didn't go to her aunt?

19 A. Not while I was in the room.

20 Q. Okay.

21 You would agree with me that Kayla didn't
22 get shot, right?

23 A. I know that now.

24 I didn't know that then.

25 Q. Obviously your grand-motherly instinct comes

1 out, and you are petrified that something is going
2 to happen to the innocent 3-year-old?

3 A. Yes.

4 Q. You testified about screaming; not the baby?

5 A. Correct.

6 Q. Because you were concerned that the baby
7 could be harmed?

8 A. Yes.

9 Q. The baby was not physically harmed during
10 this incident, right?

11 A. Correct.

12 Q. Kayla's mother is your daughter as well,
13 right?

14 A. Yes.

15 Q. What is her name?

16 A. Kathleen.

17 Q. Where was Kathleen living in December of
18 2007?

19 A. In Colorado.

20 Q. Why was Kayla in Las Vegas?

21 A. She was living with me. She lived with me
22 prior to me moving to Wyoming; why, because Kathleen
23 had charges in Colorado, so she had to stay in the
24 State of Colorado.

25 Q. Was Kayla born in Colorado?

1 A. No.

2 Q. Where was she born?

3 A. Henderson, Nevada.

4 Q. And then her mother moved to Colorado?

5 A. No. Just barely recently, like a couple of
6 months before this happened.

7 Q. When did you start having physical custody
8 of Kayla?

9 A. I had physical custody of her before I went
10 to Wyoming.

11 Q. When did you go to Wyoming?

12 A. In August of 2012.

13 Q. So 4 months before this incident?

14 A. Yes.

15 Q. Yes?

16 A. Correct.

17 Q. How long before August of 2012 did you take
18 Kayla?

19 A. Probably 6 months.

20 Q. So Kayla lived with her mother until she was
21 past 2 years of age?

22 A. Correct.

23 Q. Then she went to live with you?

24 A. Correct.

25 Q. And you moved to another state, yes?

1 A. And then she stayed with her other
2 grandmother when I went to Wyoming.

3 Q. She actually lived with you, you moved to
4 another state, and she stayed with yet another
5 person who wasn't her mother, yes?

6 A. Correct.

7 Q. And then ultimately came back to the Las
8 Vegas valley?

9 A. Yes.

10 Q. Then in December you were living here?

11 A. I was visiting.

12 Q. When did you arrive in Las Vegas?

13 A. December.

14 Q. So a couple of days before this?

15 A. Yes.

16 Q. Why was Kayla staying with you, if you were
17 just visiting for a couple of days?

18 A. She missed me. We were very close.

19 As soon as I got into town, she stayed with
20 me.

21 Q. And then when -- when you were scheduled to
22 leave Las Vegas?

23 A. After -- I was only staying for a week. I
24 had come down to bring Christmas presents for the
25 grand kids.

1 Q. You were staying from like the fifth to the
2 12?

3 A. I was going to stay a week and go back.

4 Q. Where was Kayla going to live then?

5 A. I was going to take her back with me.

6 Q. To --

7 A. Wyoming.

8 Q. Ultimately did you ever go back to Wyoming?

9 A. No.

10 Q. Kayla is living with whom now?

11 A. Me.

12 Q. Since the time she turned 2, she's lived
13 with 2 different grandmothers and not her own
14 mother, right?

15 A. Yes.

16 MR. TOMSHECK: I pass the witness, Your
17 Honor.

18 THE COURT: Redirect.

19 MR. SCOW: Just a few things, Your Honor.

20
21 REDIRECT EXAMINATION

22
23 BY MR. SCOW:

24 Q. Since this --

25 THE COURT: Do you need more water?

1 THE WITNESS: No.

2 THE COURT: Okay.

3 Proceed.

4 MR. SCOW: Thank you, Your Honor.

5 Q. Since the shooting happened, since the
6 Defendant shot you and your daughter, shot at Kayla
7 back on December 7, 2012, it has been about a year
8 and a half?

9 A. Correct.

10 Q. And in that year and a half time, your
11 memory could have faded a little, that's a natural
12 process, isn't it?

13 A. Absolutely.

14 Q. But as far as what happened in there and who
15 shot the gun, are those things that have faded from
16 your memory?

17 A. Absolutely not.

18 Q. You were asked about the pounding or the
19 banging or kicking, whatever it was that was causing
20 a loud boom on the door, was that something that
21 alerted your senses?

22 A. Yes.

23 Q. That would have taken you from a relaxed
24 state to I am alert now, and aware of what is going
25 on?

1 A. I immediately got up.

2 Q. That happened before the window started
3 breaking?

4 A. Yes.

5 Q. Would the breaking window have alerted your
6 senses even more so?

7 A. Absolutely.

8 Q. So would you have been paying full attention
9 to what was going on after that?

10 A. Yes, I was.

11 Q. And who was coming in that window?

12 A. Yes.

13 Q. And just to make sure that it is clear, you
14 testified that after Nicole was saying ow, that
15 hurts, when the Defendant was right close to her,
16 soon after that is when Kayla sat up and started
17 crying?

18 A. Correct.

19 Q. And that's when the Defendant pointed the
20 gun at Kayla?

21 A. Immediately, yes.

22 Q. As you saw him doing that is when you saw
23 Nicole jump in that direction?

24 A. We both yelled at the same time; don't hurt
25 the baby, and that's when she took a leap towards.

1 Q. That's when you heard more gunshots as
2 well?

3 A. Yes.

4 Q. When the Defendant was pointing a gun at
5 Kayla?

6 A. Correct.

7 Q. When you saw the Defendant jump over you to
8 shoot at you one more time?

9 A. Several times.

10 Q. Several times.

11 After that, you don't know where he went?

12 A. No.

13 Q. You don't know if he was living in
14 California or anything like that?

15 A. No.

16 MR. SCOW: All right.

17 No more questions, Your Honor.

18 THE COURT: Follow-up?

19 MR. TOMSHECK: Just a few.

20
21 RECROSS-EXAMINATION
22

23 BY MR. TOMSHECK:

24 Q. Just to one issue, you have no doubt that
25 the person who fired the gun is the person you

1 identified as my client, right?

2 A. Absolutely.

3 Q. Would you agree with me that you believe he
4 intended to shoot you, yes?

5 At some point while he is in the apartment,
6 he intends to shot you, yes?

7 A. I believe that as he walked out the door he
8 wanted to finish me off and kill me.

9 Q. And he shot you several times, according to
10 your testimony?

11 A. Yes.

12 Q. And you believe that he intended to shoot
13 your daughter?

14 A. Yes.

15 Q. And you know as you sit here today, you know
16 he did that, yes?

17 A. Yes.

18 Q. The prosecutor just asked you a question
19 about this time that you reference that you believe
20 the person you identified as my client pointed the
21 gun at Kayla, right?

22 A. Yes.

23 Q. You would agree with me that at the time
24 that happened, he did not fire the gun, correct?

25 A. No, I don't know that.

1 MR. TOMSHECK: Approach the bench, Your
2 Honor?

3 THE COURT: You may.

4 MR. TOMSHECK: I refer Court and counsel to
5 what purports to be the voluntary statement of
6 Esther Maestas dated December 10, 2010 --

7 THE COURT: The one we have seen previously?

8 MR. TOMSHECK: It is.

9 Q. You just put on a pair of glasses?

10 A. To read, not to see read.

11 Q. Okay.

12 You were asked the question, page 11, here.
13 The Q's are the questions, and the A's are the
14 answers.

15 The detectives are asking you questions and
16 talking about that time where you said; no, not the
17 baby; no, not the baby, yes?

18 A. Yes.

19 Q. And that is the point in time that you
20 indicated to the prosecutor that he was pointing a
21 gun towards Kayla, yes?

22 A. Yes.

23 Q. You were asked; do you think he fired, and
24 you said no, correct?

25 A. Correct.

1 Q. Okay.

2 So at least what you said on December 10th
3 is that he did not fire at that time, yes?

4 A. Apparently.

5 Q. Okay.

6 In fact, You said later on, that's when he
7 turned around and fired at me; yes?

8 A. Correct.

9 Q. Your testimony is he points the gun at
10 Kayla, you scream; not the baby, yes?

11 A. Correct.

12 Q. And then he shots you, correct?

13 A. Correct.

14 MR. TOMSHECK: Nothing further.

15 THE COURT: Anything further?

16 MR. SCOW: Yes.

17
18 FURTHER DIRECT EXAMINATION

19
20 BY MR. SCOW:

21 Q. Showing you the same, page 11, from that
22 same statement, I direct your attention to the 5
23 lines that the defense attorney skipped over.

24 After you had been asked and you said you
25 screamed; no, not the baby when he pointed the gun

1 at the baby?

2 A. Correct.

3 Q. And the question that was asked you was; and
4 do you think he fired, and you kind of started to
5 answer in the middle of his question, and the
6 question ends at that point, you started to say no
7 and continued to say; I don't know.

8 I don't think so. The question was then,
9 okay.

10 And then your last comment about that was I
11 don't know if he had or not?

12 A. Correct.

13 Q. And that's what you said at that time?

14 A. Correct.

15 Q. Then that's when he turned the gun and fired
16 at you, according to what you said?

17 A. Yes.

18 Q. So you weren't sure when you gave this
19 statement?

20 A. Right.

21 Q. As you recall today it is how you testified
22 about what happened?

23 A. Right.

24 MR. SCOW: Nothing else.

25 MR. TOMSHECK: Nothing further, Your Honor.

1 THE COURT: Okay.

2 This witness is free to go.

3 You can leave.

4 Don't discuss your testimony with any other
5 witnesses.

6 State.

7 MR. SCOW: Our next witness is going to be
8 Detective Dean Raetz.

9 Before he walks in the room, I have spoken
10 with defense counsel about State's Proposed Exhibit
11 21, which is the autopsy report with the attached
12 toxicology report for Nicole.

13 In lieu of having the medical examiner come
14 in and testify about the injuries of Nicole Nick, we
15 are going to --

16 THE COURT: Cause and manner?

17 MR. SCOW: Cause and manner and the
18 admission of the autopsy report.

19 MR. TOMSHECK: There is no objection to the
20 admission for purposes of this hearing only, and a
21 stipulation as to cause and manner as well.

22 THE COURT: Exhibit 21, the autopsy report,
23 that will be admitted at the time of the preliminary
24 hearing.

25 And then cause and manner of death will be

1 agreed to at this time for preliminary hearing
2 purposes only.

3 MR. SCOW: The second, Your Honor, is
4 State's Proposed Exhibit 20.

5 We need to make a record of this one. We
6 have here a copy of the judgment conviction for the
7 Defendant from 1998.

8 The date of conviction was August 14, 1998
9 out of State of California, Los Angeles.

10 The conviction is for car jacking and
11 corporal injury to spouse.

12 I will move for admission of this copy. I
13 have a certified copy to keep with my file.

14 Instead of moving to admit the actual
15 certified copy, which we have, and I have shown
16 defense counsel, I move to admit an exact copy of
17 it that is not certified for purposes of the prelim,
18 for Count 6, which is the possession of a firearm by
19 a felon.

20 THE COURT: All right.

21 As to that?

22 MR. TOMSHECK: For purposes of the record, I
23 was provided with a copy of the certified Judgment
24 of Conviction referenced in Count 6.

25 I did review the actual certified copy. A

1 copy of the certified copy that they are introducing
2 today is same or identical.

3 So, pursuant to NRS 52.245. I do not have a
4 bona fide dispute as to its authenticity, and I have
5 no objection.

6 THE COURT: That will be admitted for
7 preliminary hearing purposes.

8 MR. SCOW: It is marked as State's 20.

9 THE COURT: At the time of trial, the
10 issue -- whether it goes to trial, the charge itself
11 of the document can be addressed separate.

12 MR. TOMSHECK: I have no objection for
13 today. We can hash out the admissibility at trial,
14 later.

15 THE COURT: All right.

16
17 DEAN RAETZ,

18
19 who, being first duly sworn to tell the truth, the
20 whole truth, and nothing but the truth, was examined
21 and testified as follows:

22
23 THE CLERK: Please be seated.

24 State and spell your first and last name for
25 the record.

1 THE WITNESS: Dean Raetz, D-e-a-n R-a-e-t-z.

2 THE COURT: State, you may proceed.

3 MS. BROWN: Thank you.

4
5 DIRECT EXAMINATION

6
7 BY MS. BROWN:

8 Q. Sir, what do you do for a living?

9 A. I am a detective the Las Vegas Metropolitan
10 Police Department.

11 Q. Are you a assigned to specific department
12 within the Las Vegas Metropolitan Police Department?

13 A. Yes. I have been assignee to homicide for
14 the last 7 -- a little other 7 years.

15 Q. And you have been assigned as a detective
16 for 7 years?

17 A. Yes.

18 Q. What are your job duties as a detective in
19 the homicide division?

20 A. We have numerous duties.

21 The main one is to investigate and document
22 crime scenes pertaining to homicides.

23 Q. Were you working in that capacity on
24 December 7, 2012?

25 A. Yes.

1 Q. And did you respond to a potential homicide
2 5421 East Harmon Avenue, Apartment E-13?

3 A. Yes.

4 Q. Is that here in Clark County, Nevada?

5 A. Yes.

6 Q. Is that location within an area designated
7 by statute as a populated area?

8 A. Yes, it is.

9 Q. And the discharge of firearms is prohibited
10 within that particular area?

11 A. Yes.

12 Q. When you arrived at 5421 East Harmon Avenue,
13 what was the first thing you did?

14 A. The first thing we do is we are briefed by
15 the first responding officers and detectives.

16 The way it is laid out is obviously for
17 calls for service, the first person that responds
18 are the uniformed patrol officers.

19 Once they ascertain that a crime has been
20 committed that is outside their purview, there is a
21 call for other detectives to come in.

22 During the evening hours we have a major
23 crime and a violent crime unit that works. They
24 respond first, and once they ascertain it is a
25 homicide, then they notify the homicide detail, and

1 request detectives to come out and take over the
2 investigation.

3 Q. So you came in to take over the
4 investigation?

5 A. Yes.

6 Q. As part of the investigation, were you
7 assigned to document the scene?

8 A. Yes, I was.

9 MS. BROWN: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 MS. BROWN: I have what has been admitted as
13 State's 3, 4, 5 and 7, by stipulation, also 6.

14 Q. I am showing the witness State's Exhibit
15 Number 3, 4, 5, 6 and 7; if you can take a look at
16 those and let me know when you are finished?

17 A. Okay.

18 Q. Do these fairly and accurately depict the
19 scene at 5421 East Harmon, Apartment E-13 on
20 December 8, 2012, at this point?

21 A. Yes.

22 Q. And when you arrived at the location, I
23 direct your attention to State's Exhibit Number 3;
24 what is depicted in State's Exhibit 3?

25 A. This is the front door and the living room

1 window of Apartment E-13.

2 Q. And that's how it looked on December 8,
3 2012?

4 A. Yes.

5 Q. Showing you State's Exhibit 4, what is
6 depicted in State's Exhibit Number 4?

7 A. The front window. It shoes the left side is
8 broken out with a chair underneath it.

9 Q. Was there glass chards as depicted in
10 State's Exhibit 4?

11 A. Yes. It has got glass chards on the
12 air-conditioning, the top, and then on the floor,
13 and then you can see one large one on the chair.

14 Q. And State's Exhibit 5, what is depicted?

15 A. The interior of the same window.

16 Q. Are there glass chards in there?

17 A. Yes. You can see some on the printer, the
18 AC, and others on the floor area.

19 Q. So, there is glass chards inside and outside
20 of that window?

21 A. Yes.

22 Q. I am showing you State's Exhibit Number 6,
23 do you recognize what is depicted in State's Exhibit
24 Number 6?

25 A. Yes. This is the single bedroom of the one

1 bedroom one bath apartment.

2 Q. Is that the location where you recall
3 conducting your investigation?

4 A. The investigation was of the entire
5 apartment, but this is where the homicide occurred.

6 Q. Showing you State's Exhibit 7, do you recall
7 what is depicted in State's Exhibit Number 7?

8 A. This is a close-up view of the west panel or
9 the side rail of the child's bed located in the
10 north west corner of that bedroom.

11 Q. I see that there appears to be a mark on the
12 bed.

13 A. That is a bullet defect, a hole of the
14 projectile as it passes through.

15 Q. So there is a bullet hole in the child's
16 bedroom?

17 A. Yes.

18 Q. Directing your attention back to State's
19 Exhibit 6, you indicated that this is the room where
20 the homicide occurred?

21 A. Correct.

22 Q. Were you able to identify the individual who
23 was the victim of that particular homicide?

24 A. Nicole Nick.

25 Q. And were you able to ascertain if was the

1 proper occupant of 5421 East Harmon?

2 A. Not on the lease. The lease had been rented
3 out by a friend and sublet to her.

4 Q. Were you able to find any documentation of
5 anything indicating that she used that as her
6 address?

7 A. Yes.

8 Q. What kind of documentation did you have?

9 A. I don't remember specifics. I believe there
10 were utility bills.

11 Q. Paperwork?

12 A. Yes, that had her name and that address.

13 Q. Did you observe any particular injuries on
14 Nicole Nick, and I can give you State's Exhibit 6.

15 A. There's a bullet wound on her upper left
16 thigh.

17 And then numerous traumatic injury to the
18 left arm and the armpit.

19 MS. BROWN: May I approach to publish the
20 photos?

21 THE COURT: Yes.

22 MS. BROWN: And may I also have permission
23 to approach the witness with State's Exhibit Number
24 8, 9, 10, 11, 12 and 13?

25 THE COURT: You may.

1 Q. I am now showing you State's Exhibit Number
2 8, who are we looking at there?

3 A. Nicole Nick, the victim.

4 Q. Are there any particular injuries that you
5 can see on State's Exhibit 8?

6 A. These are traumatic injuries to the armpit
7 that I stated.

8 Q. Showing you State's Exhibit 9, do you see
9 any injuries to that?

10 A. This is the gunshot wound to the side.

11 Q. And this is a picture of the torso of
12 Ms. Nick?

13 A. Yes.

14 Q. State's Exhibit 10, what are we looking at
15 there?

16 A. That is her forehead and upper -- the lower
17 portion of her left arm.

18 Q. Were there any injuries depicted on her arm
19 in this photograph?

20 A. There was a large amount of blood on the
21 face and upper body, as well as arms, where they
22 weren't visible at the time, or couldn't be
23 ascertained at the time.

24 Q. Okay.

25 And state's Exhibit Number 11, is this a

1 close-up of the traumatic injury to the armpit that
2 you were talking about?

3 A. Yes, it is.

4 Q. State's Exhibit 12?

5 A. That is the bicep and the forearm of the
6 left arm.

7 After the coroner's investigator gets there,
8 they do a cursory examination of the body, and it
9 wasn't until the body was moved that that was seen.

10 Q. More traumatic injury to the body?

11 A. Yes.

12 Q. Were you responsible for going through the
13 scene to determine whether there was any additional
14 evidence left behind?

15 A. We do that in partnership with the crime
16 scene analyst.

17 MS. BROWN: May I publish, Your Honor?

18 THE COURT: You may.

19 Q. Did you specifically walk around with the
20 crime scene examiner?

21 A. Yes.

22 Q. And you already indicated that there was a
23 bullet hole or a bullet fragment on the child's bed
24 located in the bedroom?

25 A. A hole.

1 Q. Did you find any bullet casings?

2 A There were 8 cartridge casings recovered
3 from the bedroom.

4 Q. I show you State's Exhibit 13.

5 MS. BROWN: May I approach again?

6 THE COURT: Yes.

7 Q. Do you see -- do you know what is depicted
8 in State's Exhibit 13?

9 A. Yes, these were 3 of the 4 that were visible
10 of the cartridge casings visible when we first
11 entered the room.

12 Q. Right on the floor in front of Nicole Nick's
13 deceased body?

14 A. Yes.

15 Q. 8 in total?

16 A. Yes.

17 MS. BROWN: May I publish, Your Honor?

18 THE COURT: You may.

19 Q. Were you involved in the preparation of a
20 diagram regarding the evidence that you found at the
21 scene?

22 A. No.

23 Q. Have you have reviewed the diagram regarding
24 where the evidence was found?

25 A. Yes.

1 Q. You have?

2 A. Yes.

3 Q. And were you able to use the diagram in your
4 memory, deciding whether or not this diagram is
5 accurate with regards to where the evidence was
6 found?

7 A. Yes.

8 MR. TOMSHECK: I have seen it. I have no
9 objection.

10 Q. State's Proposed Exhibit 1 and 2.

11 MR. TOMSHECK: I already have reviewed those
12 and said no objection.

13 THE COURT: Exhibits 1 and 2 are admitted
14 for preliminary hearing purposes.

15 MS. BROWN: Yes. That shortens the
16 questioning.

17 May I approach the witness?

18 THE COURT: You may.

19 MS. BROWN: Thank you.

20 Q. Showing you State's Exhibit Number 1, you
21 indicated that there were 8 cartridge casings
22 found.

23 Can you tell us where in relation to
24 Ms. Nick's body they were located?

25 A. There was one soon as you walked in the

1 bedroom door, there was a tall dresser
2 against the east wall on the right-hand side
3 of the door as you walked in one.

4 There was one at the base of the
5 wall.

6 I apologize. There 5 visible to the
7 eye when you first walked into the room.

8 There were 3 more -- the first one I
9 described labeled number one.

10 Q. Yes.

11 A. There were 3 more in a line just past
12 her body. Those are labeled 2, 3 and 5.

13 Then there was another one, the fifth
14 one, labeled 4, on the far side of the room,
15 close to the bedroom.

16 It was under the window of the north
17 wall.

18 Q. Those were the particular cartridge
19 casings available when you walk into the
20 room?

21 A. Yes.

22 Q. What about the remainder?

23 A. The rest of them -- when we first
24 arrived, we document the scene as found.

25 Then we try not to move anything else

1 until the body is remove.

2 Once the body is removed, then we do a more
3 complete thorough search of the crime scene to
4 document and recover any further evidence.

5 Once that was done, we found 2 more
6 cartridge casings under the bedding that had come
7 off of the bed in the northeast corner of the room.

8 Then there was another one found in the
9 child's bed itself.

10 MS. BROWN: Your Honor, may I retrieve
11 Exhibit 6, please?

12 THE COURT: Sure.

13 Q. Now, we are looking at State's Exhibit
14 Number 6, is this the dresser that you were talking
15 about right here?

16 A. Yes, it is.

17 Q. And this was the bed that you located the
18 bedding off of, where there were additional
19 cartridge casings?

20 A. Yes.

21 Q. This is the child's bed?

22 A. Yes.

23 Q. Now, showing you State's Exhibit 2.

24 A. That is the diagram of -- the first diagram
25 was a diagram of the entire apartment.

1 The second one is a diagram of the bedroom
2 itself.

3 Q. And it depicts the trajectory of the bullets
4 at that point?

5 A. Correct, the ones we were able to find the
6 impacts to.

7 Q. Now, you also indicated that there is
8 some -- a bullet hole.

9 Were you able to find any fragments to any
10 other bullet located in at bedroom?

11 A. Yes. We ended up recovering projectiles and
12 fragments of projectiles for 7 of the bullets that
13 night, when we were processing the scene.

14 The eighth one was turned over to us by the
15 family of the victim. They recovered it while they
16 were emptying the apartment out.

17 Q. Were any bullet holes coming from the
18 window in that bedroom?

19 A. No. It appears that all of the shots were
20 fired from inside the room.

21 Q. State's Exhibit 2 indicated this shows the
22 impact of some of those bullets?

23 A. Correct.

24 Q. Can you tell the Court where the bullets
25 impacted, please.

1 A. We had 2 bullets that impacted the twin size
2 bed that was in the northeast corner.

3 This diagram only shows one impact. That's
4 the one that actually had perforated through the bed
5 and penetrated into the wall.

6 There another one that penetrated that lower
7 portion and went into the floor.

8 The first one I just described is marked
9 number 13 on this diagram.

10 We have another one, the one that perforated
11 through the child's bed, and perforated the common
12 wall between E-13 and E-12, and was recovered in the
13 flooring of bedroom of Apartment E-12.

14 Q. Is that the apartment next door to E-13?

15 A. Yes. That is labeled 18 on the diagram.

16 Label number 17 also perforated the common
17 wall into the bedroom of apartment E-12, and was
18 recovered laying on top of the floor after going
19 through some boxes that were in the room.

20 Label number 6 is the projectile that
21 perforated the closet door on the south side of the
22 room, and then penetrated into the wall, the common
23 wall between the closet and the bathroom.

24 Q. And State's Exhibit Numbers 1, 2 and 6
25 accurately depict the scene as you saw it on that

1 day?

2 A. Yes.

3 MS. BROWN: May I publish, Your Honor?

4 THE COURT: You may.

5 MS. BROWN: Court's indulgence.

6 I will pass the witness.

7 THE COURT: All right.

8 Cross-examination.

9
10 CROSS-EXAMINATION

11
12 BY MR. TOMSHECK:

13 Q. Good afternoon, detective. It is about a
14 minute after.

15 In total, at the scene, there were how many
16 shell casings recovered?

17 A. 8 cartridge casings.

18 Q. Okay.

19 Ultimately do yourself or other members of
20 the Las Vegas Metropolitan Police Department obtain
21 possession of a firearm that you believe is
22 responsible for firing those 8 shell casings?

23 A. Yes, we did, the following morning.

24 Q. And how it that you came into contact with
25 that item?

1 A. The call center, the metro call center
2 received a call from an individual who was walking
3 that morning, and on his walk he found a broken
4 firearm on the road.

5 Jimmy Durante, which is southeast of the
6 location of this apartment complex basically exits
7 the southeast gate, the southern gate on the east
8 side of the complex on Jimmy Durante, and traveled
9 down the road just within a quarter to a half mile
10 in the road.

11 The gun was in the roadway, in the gutter.

12 Q. And ultimately you requested forensic
13 testing to be done on the firearm?

14 A. Yes.

15 Q. And that is done at the lab at the Las Vegas
16 Metropolitan Police Department?

17 A. Correct.

18 Q. It is done by a forensics tool mark examiner
19 by the name of James Crile, you are familiar with
20 that individual?

21 A. Yes.

22 Q. And he identified all 8 shell casings coming
23 from that firearm, right?

24 A. Yes.

25 Q. That is not the only forensics testing that

1 you requested in this case, correct?

2 A. Correct.

3 Q. And it was provided to me in discovery that
4 there's are some report of examinations done for not
5 only firearms and tool marks, but also latent
6 prints, correct?

7 A. Correct, yes.

8 Q. And the requester on those documents is D.
9 Raetz from homicide, and that's you?

10 A. Correct.

11 Q. You requested that latent fingerprint
12 processing be done for purposes of comparison, yes?

13 A. Yes.

14 Q. There was also provided to me in discovery a
15 report of examination for biology and DNA with a
16 requester by the name of D. Raetz from the robbery
17 and homicide bureau, and that's you, correct?

18 A. Yes.

19 Q. You requested that DNA analysis be done on
20 items of evidence at the scene, as well as on that
21 firearm that you just testified to, correct?

22 A. Correct.

23 Q. You are aware that the firearm presented no
24 DNA sufficient to compare to anyone, correct?

25 A. Correct.

1 Q. You are aware that there is no DNA that
2 would attribute that firearm to be in the possession
3 of my client?

4 A. Correct.

5 Q. You would agree with me that no latent
6 prints were developed from that firearm either, yes?

7 A. True.

8 Q. Thus, there is no fingerprint comparison
9 from that gun to my client, correct?

10 A. Correct.

11 Q. You would agree with me that no DNA is
12 located at the crime scene which is matched to my
13 client, correct?

14 A. The DNA testing requested was limited to
15 blood; and, correct, there was no DNA recovered from
16 blood on the scene.

17 Q. You are aware that there was blood in
18 several places both inside and outside of that
19 Apartment E-13, correct?

20 A. Correct.

21 Q. And you would agree with me that the
22 allegation as purported by the witnesses was that
23 the person identified as my client came through a
24 window, yes?

25 A. The primary entry was through a window, the

1 initial entry, yes.

2 Q. A glass window, correct?

3 A. Yes.

4 Q. That was broken, yes?

5 A. Yes.

6 Q. And you would agree with me that there was
7 no evidence that the person climbing through that
8 window was injured and left blood behind, yes?

9 A. Correct.

10 Q. And you would agree with me that there is no
11 evidence that my client left any blood behind as a
12 result, correct?

13 A. Yes.

14 Q. Were you present at the time of autopsy?

15 A. Yes.

16 Q. During the autopsy, how many entry wounds
17 were identified in the body of Nicole Nick?

18 A. I would have to review the autopsy report.
19 To my recollection, there were 2.

20 Q. Okay.

21 We have already heard testimony today from
22 the surviving victim in this case, Esther Maestas,
23 you are familiar with her, correct?

24 A. Yes.

25 Q. And her testimony was she was shot 6 times,

1 correct?

2 A. That is her testimony, but I believe she's
3 incorrect.

4 Q. Okay.

5 You base that on what?

6 A. She had 6 bullet wounds. She was not
7 holding any projectiles. It was my belief that she
8 was shot 3 times.

9 Q. You have an understanding that there were
10 some projectiles that traveled outside of the
11 apartment and went a through wall?

12 A. Yes.

13 Q. Were you able to retrieve those?

14 A. Yes.

15 Q. How many did you projectiles did you
16 retrieve?

17 A. I can't remember if there were 4 or 5 full
18 projectiles, but we retrieved fragments in 7
19 separate locations to account for the 8.

20 Q. So you believe based on your review of the
21 evidence at the scene that there were 8 shots fired
22 at the scene?

23 A. Yes.

24 Q. That is based on 8 shell casings being
25 recovered, correct?

1 A. Yes.

2 Q. And your investigation ultimately revealed
3 that there were 8 complete projectiles and/or
4 fragments of projectiles to account for those 8
5 shots, correct?

6 A. True.

7 Q. And you would agree with me that the minor
8 child in the residence at the time was not shot
9 during this incident, you would agree with that,
10 yes?

11 A. She was not injured, no.

12 Q. She was not physically shot, correct?

13 A. Correct.

14 MR. TOMSHECK: Nothing further, Your Honor.

15 THE COURT: Any follow-up based on that?

16 MS. BROWN: Briefly, Your Honor.

17
18 REDIRECT EXAMINATION

19
20 BY MS. BROWN:

21 Q. Detective you have been doing this type of
22 investigation for quite a while, right?

23 A. Over 7 years, correct.

24 Q. And you would agree that if somebody was
25 wearing gloves, you wouldn't expect to find prints

1 or DNA on anything that they might have touched?

2 A. Correct.

3 That's usually the case.

4 Q. Was there an allegation during the
5 investigation that either Esther or Nicole drew any
6 blood from Mr. Brown?

7 A. No, there was no indication that he was
8 injured.

9 Q. And you also indicated that Esther was --
10 you believe she was shot 3 times?

11 A. Yes.

12 Q. You indicated that while she had 6 wounds,
13 you believe they were what?

14 A. Every bullet that struck her passed through
15 her body and exited.

16 Q. They were entrance and exit wounds?

17 A. Correct.

18 Q. But someone who has never been shot before
19 might think they were shot 6 times?

20 A. Correct.

21 MS. BROWN: Court's indulgence.

22 Q. You were asked on cross-examination whether
23 or not you had observed the autopsy in this case?

24 A. Yes.

25 Q. And during your observation of the autopsy,

**PLEADING
CONTINUES
IN NEXT
VOLUME**