

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMEL JACQKEY GIBBS,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Apr 29 2022 02:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-21-355769-1
Related Case A-21-844881-W
Docket No: 84569

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
JAMEL GIBBS # 1056675,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

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

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1 **IND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LEAH BEVERLY
6 Chief Deputy District Attorney
7 Nevada Bar #12556
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,

CASE NO: C-21-355769-1

-vs-

DEPT NO: X

JAMEL GIBBS, aka,
Jamel Jacqkey Gibbs,
#2662590

Defendant.

INDICTMENT

STATE OF NEVADA }
COUNTY OF CLARK } ss.

The Defendant above named, JAMEL GIBBS, aka, Jamel Jacqkey Gibbs, accused by the Clark County Grand Jury of the crime(s) of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001) and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460), committed at and within the County of Clark, State of Nevada, on or about the 3rd day of March, 2021, as follows:

COUNT 1- MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought, kill JAYLON TIFFITH, a human being, with use of a deadly weapon, to wit: a firearm, by shooting into the body of the said JAYLON TIFFITH with said firearm, the said killing having been willful, deliberate and premeditated.

//


1 COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

2 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
3 his custody or control, a firearm, to wit: a firearm, the Defendant being a convicted felon,
4 having in 2010, been convicted of Attempt Murder with Deadly Weapon With Intent to
5 Promote Further or Assisted a Criminal Gang, in Case No. C256470, in the Eighth Judicial
6 District Court, Clark County, a felony under the laws of the State of Nevada.


7
8 DATED this 4th day of May, 2021.

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

11
12 BY


13 LEAH BEVERLY
14 Chief Deputy District Attorney
Nevada Bar #12556

15
16
17 ENDORSEMENT: A True Bill

18
19 
20 Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

TERRIEL, BRIONTA – C/O CCDA, 200 Lewis Avenue, LV, NV 89101

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

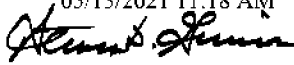
CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

19BGJ287X/21CRN000371/mcb-GJ
NLVPD EV# 2103697
(TK)

WARR

Electronically Filed
05/13/2021 11:18 AM

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS, aka,
Jamel Jacqkey Gibbs
ID#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

WARRANT FOR ARREST

INDICTMENT WARRANT

THE STATE OF NEVADA,

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

An Indictment having been found on the 6th day of May, 2021, in the above entitled Court, charging Defendant JAMEL GIBBS, aka, Jamel Jacqkey Gibbs, above named, with the crime(s) of: (1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); (1) CT = OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460.

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

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

Dated this 13th day of May, 2021

GIVEN under my hand this 6TH day of May, 2021.


TIERRA JONES
DISTRICT COURT JUDGE

4EB E69 28F6 14AE
Tierra Jones
District Court Judge

DA# 19BGJ287X/21CRN000371/mcb
NLVPD EV#2103697
08/20/1991; BMA; 530-59-9697;
(TK)

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS, aka,
Jamel Jacqkey Gibbs,
ID#2662590

Defendant.

CASE NO: C-21-355769-1
DEPT NO: X

INDICTMENT WARRANT RETURN

An Indictment having heretofore been found on the 6th day of May, 2021, in the above entitled Court, charging Defendant JAMEL GIBBS, aka, Jamel Jacqkey Gibbs, above named, with the crime(s) of: (1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); (1) CT = OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460, and upon finding the said Indictment, the court issued a warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the ____ day of _____ 2021.

JOSEPH LOMBARDO
Sheriff, Clark County, Nevada

BY: _____

Deputy

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
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**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
7 - 10
WILL FOLLOW VIA
U.S. MAIL**

DISTRICT COURT
CLARK COUNTY, NEVADA

Alvin S. Shinn
CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS, aka,
Jamel Jacqkey Gibbs,
ID#2662590

Defendant.

CASE NO: C-21-355769-1
DEPT NO: X

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I hereby certify that I received a certified copy of the Indictment Warrant and served the same by arresting the within Defendant on the 13th day of May 2021.

JOSEPH L OMBARDO
Sheriff, Clark County, Nevada

BY:

[Signature]
Deputy

05-13-21 17:34 DSD RSU

Electronically Filed
05/13/2021 11:18 AM

Thomas S. Jones
CLERK OF THE COURT

WARR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS, aka,
Jamel Jacqkey Gibbs
ID#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

WARRANT FOR ARREST

INDICTMENT WARRANT

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GIVEN under my hand this 6TH day of May, 2021.

Tierra Jones
TIERRA JONES
DISTRICT COURT JUDGE

4EB E69 28F6 14AE
Tierra Jones
District Court Judge

DA# 19BGJ287X/21CRN000371/mcb
NLVPD EV#2103697
08/20/1991; BMA; 530-59-9697;
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3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs
9

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT

THE STATE OF NEVADA,

Plaintiff,

VS.

JAMEL GIBBS, aka Jamel Jacqkey
Gibbs,

Defendant.

GJ Case No. 19BGJ287X
DC Case No. C355769

Taken at Las Vegas, Nevada

Wednesday, May 5, 2021

1:36 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

00:00:59 1 GRAND JURORS PRESENT ON MAY 5, 2021:
2
3 STEVE LURVEY, Foreperson
4 NOEL WELLMAN, Secretary
00:00:59 5 DANIEL STACK, Assistant Secretary
6 JOHN FINKOWSKI
7 PAUL GILLENWATER
8 MARK GOODMAN
9 JEFFREY GRUBER
00:00:00 10 JEFF HILL
11 WILLIAM LISTON
12 JOHN PELKEY
13 GERALD REID
14 MANOLO SAEMZ
00:00:00 15 SUSAN ZEMAN
16 WALTER ZUKOWSKI
17
18
19
00:00:00 20
21
22
23 Also present at the request of the Grand Jury:
24 Leah Beverly
25 Chief Deputy District Attorney
00:00:00

1

INDEX OF WITNESSES

2

EXAMINED

3

BRIONTA TERRELL

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INDEX OF EXHIBITS

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GRAND JURY EXHIBITSIDENTIFIED

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EXHIBIT 1 - PROPOSED INDICTMENT

5

00:00:01

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EXHIBIT 2 - INSTRUCTIONS

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EXHIBIT 3 - JOC

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EXHIBIT 4 - DEATH CERTIFICATE

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8

EXHIBIT 5 - PHOTOGRAPH

12

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EXHIBIT 6 - OVERHEAD MAP

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00:00:01

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00:00:02

1 LAS VEGAS, NEVADA, MAY 5, 2021

2 * * * * *

00:00:02

4 DONNA J. McCORD,

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

13:36:13

9 MS. BEVERLY: Good morning or afternoon,
10 excuse me, good afternoon, everybody. My name is Leah
11 Beverly. I'm a Chief Deputy District Attorney with the
12 Clark County District Attorney's office. Today I'm
13 presenting the case of State of Nevada versus Jamel
14 Gibbs under Grand Jury case number 287 --

13:36:34

15 A JUROR: 19BGJ287.

13:36:58

16 MS. BEVERLY: 19BGJ287X against Jamel
17 Gibbs. A copy of the proposed Indictment has been
18 marked as Grand Jury Exhibit Number 1. A copy of the
19 instructions has been marked as Grand Jury Exhibit
20 Number 2. These instructions are for the crimes of
21 murder with use of a deadly weapon as well as possession
22 of firearm by prohibited person. Have all of you been
23 instructed on those two crimes prior to today?

13:37:14

24 A JUROR: Yeah.

25 MS. BEVERLY: Does anyone need me to read

13:37:16 1 the instructions to you? Okay. One of the instructions
2 on the possession of firearm by prohibited person
3 indicates that you will only be allowed to consider the
4 Judgment of Conviction solely for the purpose of whether
13:37:27 5 or not a person is a prohibited person. Can everyone
6 follow that instruction?

7 A JUROR: Yes.

8 A JUROR: Uh-huh.

9 MS. BEVERLY: Okay. Before I call the
13:37:35 10 witness in I'm going to draw your attention to Grand
11 Jury Exhibit Number 3. That is a Judgment of Conviction
12 for Jamel Gibbs under C256470 from 2010 for various
13 charges including attempt murder with use of a deadly
14 weapon with the intent to promote, further or assist a
13:37:56 15 criminal gang.

16 I'm also going to draw your attention to a
17 certified death certificate for Jaylon Tiffith. That is
18 Grand Jury Exhibit Number 4 as a certified record of
19 death. The State's first witness is going to be Brionta
13:38:18 20 Terrell.

21 THE FOREPERSON: Please raise your right
22 hand.

23 You do solemnly swear that the testimony
24 that you're about to give upon the investigation now
13:38:45 25 pending before this Grand Jury shall be the truth, the

13:38:45 1 whole truth, and nothing but the truth, so help you God?

2 THE WITNESS: Yes.

3 THE FOREPERSON: You're advised that you're

4 here today to give testimony in the investigation

13:39:03 5 pertaining to the offenses of murder with use of a

6 deadly weapon, ownership or possession of a firearm by a

7 prohibited person involving Jamel Gibbs.

8 Do you understand this advisement?

9 THE WITNESS: Yes.

13:39:17 10 THE FOREPERSON: Please state your first

11 and last name and spell them both for the record.

12 THE WITNESS: Brionta Terrell,

13 B-R-I-O-N-T-A, last name Terrell, T-E-R-R-E-L-L.

14 THE FOREPERSON: Thank you.

13:39:28 15 **BRIONTA TERRELL,**

16 having been first duly sworn by the Foreperson of the

17 Grand Jury to testify to the truth, the whole truth

18 and nothing but the truth, testified as follows:

19

13:39:28 20 EXAMINATION

21 BY MS. BEVERLY:

22 Q Ma'am, because we all have to wear our

23 masks we just need to speak as best as you can as loud

24 as you can into that microphone so we can all hear you

13:39:40 25 in the back too, okay?

13:39:41 1 A Okay.

2 Q Ma'am, I want to draw your attention to May
3 (sic) the 3rd of 2021 at about 6:30 in the evening,
4 okay? On that day were you with your cousin and your
13:39:52 5 four-year-old son?

6 A Yes.

7 Q Okay. What was your cousin's name?

8 A Jaylon Tiffith.

9 Q Okay. And then I don't want you to tell me
13:39:58 10 your son's name but you had your four-year-old son in
11 the back too; is that correct?

12 A Yes.

13 Q Did you arrive at about 6:00, 6:30 in the
14 evening at the location of 3940 Scott Robinson, the
13:40:11 15 Hidden Canyon Villas apartment complex over in North Las
16 Vegas?

17 A Yes.

18 Q Is that located here in Clark County?

19 A Yes.

13:40:20 20 Q Okay. I'm going to show you on the
21 overhead what has been marked as Grand Jury Exhibit
22 Number 6. Can you see that up there?

23 A Yes.

24 Q Okay. So right here would be the Hidden
13:40:35 25 Canyon Village apartments; is that right?

13:40:39 1 A Yes.

2 Q The top part of the screen, that's

3 Alexander; is that right?

4 A Yes.

13:40:43 5 Q And then over here to the left would be

6 Scott Robinson; is that right?

7 A Yes.

8 Q Okay. Why were you and your cousin

9 Mr. Tiffith at that apartment complex that evening?

13:40:58 10 A To drop off Nevaeh.

11 Q Okay. Who's Nevaeh?

12 A His daughter.

13 Q How old is Nevaeh?

14 A Eight.

13:41:05 15 Q Who lived in that apartment complex?

16 A Jaylon's baby mother.

17 Q What's her name?

18 A Mimi.

19 Q Okay. Do you know her real name?

13:41:16 20 A Makayla.

21 Q Okay. And did anybody else live there?

22 A Gibbs.

23 Q Okay. So you and Mr. Tiffith were going to

24 drop off Nevaeh back to her mother; is that fair to say?

13:41:32 25 A Yes.

13:41:32 1 Q So I assume Mimi, as you call her, and
2 Mr. Tiffith are not in a relationship; is that right?

3 A No.

13:41:41 4 Q Do you know who Mimi is in a relationship
5 with?

6 A Gibbs.

7 Q Okay. So what happens when you guys first
8 get to the apartment complex to drop off Nevaeh?

9 A We drop her off.

13:41:51 10 Q Okay. Is Mimi's apartment located
11 somewhere here in the Hidden Canyon Village apartments?

12 A Yes.

13 Q Okay. So if we're looking at the screen
14 here, do you see where my pen is?

13:42:04 15 A Yes.

16 Q Okay. Is that the entrance to the
17 apartment complex?

18 A Yes.

19 Q Okay. And then is Mimi's apartment
13:42:10 20 somewhere back here, like building 6 or 7, back in the
21 apartment complex?

22 A Yes.

23 Q Okay. So you guys go and you drop off
24 Nevaeh. Do you get out of the car when you're dropping
13:42:20 25 off Nevaeh?

13:42:21 1 A No.

2 Q Does Jaylon just go up to the apartment or
3 how does that work?

4 A Mimi actually came up to the car and she
13:42:29 5 picked Nevaeh up. Jaylon got out of the car.

6 Q Okay. How long were you guys at the
7 apartment dropping off Nevaeh?

8 A Approximately like three minutes.

9 Q Okay. So pretty easy drop off?

13:42:42 10 A Uh-huh.

11 Q Is a yes?

12 A Yes.

13 Q Okay. At the time that you were dropping
14 Nevaeh off, did you see the person you called Gibbs

13:42:53 15 there when you dropped Nevaeh off originally?

16 A Yes.

17 Q Where was he?

18 A In the garage.

19 Q So is this like a townhouse or is it like
13:43:00 20 an apartment?

21 A It's a townhouse.

22 Q Okay. So Mimi comes out to get Nevaeh and
23 you see Gibbs in the apartment complex, I mean, excuse
24 me, the garage?

13:43:09 25 A Yes.

13:43:09 1 Q I'm going to show you on the screen Grand
2 Jury Exhibit 5. Do you recognize this person?
3 A Yes.
4 Q Who's that?
13:43:18 5 A Jamel Gibbs.
6 Q And that's the person who was in the
7 relationship with Mimi, right?
8 A Yes.
9 Q So you guys are there for about three
13:43:26 10 minutes. Anything unusual happen at that time?
11 A No.
12 Q What happens after you and Mr. Tiffith drop
13 off Nevaeh?
14 A We leave.
13:43:34 15 Q Okay. Where do you go?
16 A Down the street before -- or, well, down
17 the street.
18 Q Okay. And does something happen when you
19 get down the street?
13:43:45 20 A Mimi calls Jaylon.
21 Q Okay. And what happens when Mimi calls
22 Jaylon?
23 A She said that Nevaeh's phone was left in
24 the car.
13:43:54 25 Q Okay. And just for the record for the

13:43:57 1 Grand Jury's edification, Mimi's statements are not
2 being used for the truth of the matter, they are being
3 used for the effect on Mr. Tiffith and Miss Terrell to
4 see what they did next.

13:44:09 5 So once you hear that from Mimi what did
6 you and Mr. Tiffith do?

7 A We head back to the apartments.

8 Q When you're going back to the apartments do
9 you go back into this entrance?

13:44:20 10 A No.

11 Q Okay. Where do you go?

12 A We stopped on the side.

13 Q Can you actually come up to the screen and
14 kind of point to where you guys go?

13:44:29 15 A Her apartment isn't showing.

16 Q Let's move it up a little.

17 A JUROR: It's zoomed out.

18 BY MS. BEVERLY:

19 Q Oh, you know what, let me zoom in, that's
13:44:38 20 probably why. There we go. Okay.

21 A We stopped on this -- we stopped on the
22 side right by her apartment.

23 Q Okay.

24 A On the street.

13:44:50 25 Q So this is Ramble Ridge, so kind of like a

13:44:53 1 side street behind the apartments?

2 A Yes.

3 Q Who's driving?

4 A Me.

13:45:01 5 Q So you guys go to the side street closer to

6 where Mimi lives, right?

7 A Yes.

8 Q And what happens when you get close to

9 Mimi's apartment building?

13:45:10 10 A We wait for her to come outside.

11 Q Okay. And what happens, does Mimi come

12 outside?

13 A No.

14 Q What happens?

13:45:16 15 A She said she was gone.

16 Q Okay. And what happens next?

17 A We were going to leave the phone so we

18 started to come inside of the apartments.

19 Q Okay. So you drive back down Ramble; is

13:45:34 20 that correct?

21 A Yes.

22 Q And then go back around to the front

23 entrance of the complex; is that correct?

24 A Yes.

13:45:39 25 Q Do you actually go in the apartment

13:45:41 1 complex?

2 A No.

3 Q Okay. What did you do?

4 A Gibbs and Mimi were coming out of the

13:45:46 5 apartments so we stopped.

6 Q Okay. Were they walking, were they

7 driving?

8 A They were driving.

9 Q Could you see who was in their vehicle?

13:45:55 10 A Yes.

11 Q Who was in their vehicle?

12 A Just the two of them and Nevaeh.

13 Q Okay. Do Mimi and Gibbs stop where you

14 guys are in front of the complex?

13:46:09 15 A Yes, they made a U-turn.

16 Q Okay. Can you actually come up here and

17 show us where your vehicle is and then where Mimi's

18 vehicle is? I'm going to zoom in a little bit.

19 A Okay. So my vehicle would be right here

13:46:27 20 because these are the gates. So my vehicle would be

21 right here, Mimi and Gibbs came around and stopped

22 behind us.

23 Q Okay. What happened when Mimi -- well,

24 who's driving Mimi's car?

13:46:42 25 A Gibbs.

13:46:42 1 Q Okay. And where is Mimi in the car?
2 A In the passenger side.
3 Q Okay. What happens when Mimi and Gibbs
4 stop their vehicle behind yours?
13:46:52 5 A They get out the car.
6 Q Okay. And what happens next?
7 A They start arguing with us, trying to fight
8 us.
9 Q Okay. Do both Mimi and Gibbs get out of
13:47:02 10 the vehicle?
11 A Yes.
12 Q When Gibbs gets out of the vehicle do you
13 see that he -- does he have anything with him?
14 A Yes.
13:47:08 15 Q What does he have with him?
16 A A gun.
17 Q Can you describe the gun at all?
18 A I believe it was either silver or black.
19 Q Okay. When Mimi and Gibbs get out you say
13:47:21 20 they start trying to fight you?
21 A Yes.
22 Q Okay. And what is Jaylon doing?
23 A Trying to stop them, stop Mimi.
24 Q Does Jaylon or Mr. Tiffith get out of the
13:47:33 25 vehicle at all?

13:47:34 1 A Yes.

2 Q Okay. Where does he go when he gets out of
3 your vehicle?

4 A To try to hand Mimi the phone. He comes on
13:47:42 5 the side.

6 Q Okay. Trying to give Mimi Nevaeh's phone,
7 correct?

8 A Yes.

9 Q Are you still sitting in the car when
13:47:50 10 Mr. Tiffith gets out of the car?

11 A Yes.

12 Q So once Mr. Tiffith gets out of the car and
13 is trying to hand Mimi the phone, what is Mimi doing?

14 A Trying to fight me.

13:48:00 15 Q Like how was she trying to do that?

16 A She was throwing rocks at the car.

17 Q Okay. And what is Gibbs doing while Mimi
18 is throwing rocks?

19 A Yelling.

13:48:11 20 Q What is he yelling?

21 A Cursing.

22 Q You can say it.

23 A Okay. Um, he was saying remember all that
24 ish you were talking and what's up now and whatcha all
13:48:28 25 trying to do now and just rapidly yelling and cussing.

13:48:35 1 Q Did you know Gibbs prior to this incident
2 on March the 3rd?

3 A No.

13:48:45 4 Q Okay. Did you ever have any problems with
5 him?

6 A No.

7 Q Okay. When you and Jaylon dropped off
8 Nevaeh just a few minutes before were there any
9 problems?

13:48:53 10 A No.

11 Q Okay. So when Gibbs is yelling at you and
12 saying these things do you even really know what's going
13 on?

14 A No.

13:49:01 15 Q Okay. What is Jaylon doing while Mimi's
16 throwing the rocks and Gibbs is cursing at you?

17 A Holding Mimi to make her stop throwing the
18 rocks.

19 Q Okay.

13:49:14 20 A He wasn't paying Gibbs too much attention
21 during that time.

22 Q Okay. Is Gibbs at all yelling at Jaylon?

23 A Yes.

24 Q Okay. What is Gibbs saying to Jaylon?

13:49:28 25 A Now, that I'm not sure but more than

13:49:31 1 positive he just talking about fighting, wanting to
2 fight Jaylon, calling him a B, calling him out of his
3 name.

4 Q Okay. And I don't want you to tell me what
13:49:49 5 Jaylon said. How was Jaylon's demeanor, how was Jaylon
6 acting?

7 A Calm.

8 Q Tell us what happens -- and there's some
9 tissue there if you need it -- tell us what happens --
13:50:02 10 well, let me ask you this. Did you ever get out of your
11 vehicle?

12 A I was pulled out.

13 Q Okay. Tell us how that happened.

14 A She began to throw rocks at the car, at my
13:50:16 15 car, and I told her to stop because my baby was in the
16 back seat. A brick actually came inside of the car. I
17 opened the door and she pulled me out of the vehicle.

18 Q Where is Jaylon when you got pulled out of
19 the vehicle?

13:50:33 20 A He was right there.

21 Q Okay. And where is Gibbs?

22 A On the side of the car.

23 Q Does he still have the gun that you
24 described earlier?

13:50:43 25 A Yes.

13:50:46 1 Q Okay. What happens next?
2 A Me and Mimi started fighting.
3 Q Okay.
4 A Um, the fight led to the front of the car.
13:50:59 5 Jaylon was trying to break it up. Gibbs at the time, I
6 don't know what he was doing because I was fighting.
7 Q Okay.
8 A He came, Gibbs came and punched me, punched
9 on me in the back of my head and he swung me.
13:51:20 10 Q Okay. Does he still have the gun at this
11 point?
12 A Yes.
13 Q Okay. What happens or where is Jaylon when
14 Gibbs is punching you?
13:51:29 15 A I believe he was trying to get his
16 daughter.
17 Q Was he by now Mimi's car?
18 A Yes.
19 Q Okay. And Nevaeh was in Mimi's car?
13:51:38 20 A Yes.
21 Q In the back seat?
22 A Yes.
23 Q Okay. What happens next?
24 A Gibbs swung me and I heard a gunshot.
13:51:47 25 Q Okay. Did you -- okay, let me ask you

13:51:52 1 this. Did you see Gibbs doing anything with the gun
2 prior to you hearing the gunshot?

3 A Flashing it, waving it around.

4 Q Okay. And how many gunshots did you hear?

13:52:05 5 A One.

6 Q And what happened after you heard the
7 gunshots, or the gunshot, excuse me?

8 A They tried to -- well, Mimi tried to get
9 inside of the car, Gibbs was already inside of the car
13:52:19 10 and he drove off.

11 Q Inside of Mimi's car?

12 A Yes.

13 Q So you hear the gunshot and then you see
14 Gibbs driving off?

13:52:26 15 A Yes.

16 Q Okay. And Mimi did not get in the car?

17 A She couldn't. He drove off too fast.

18 Q Do you see where your cousin Mr. Tiffith
19 is?

13:52:36 20 A Yes.

21 Q Where is he?

22 A On the floor.

23 Q Okay. Did you see any injuries to him?

24 A Yes.

13:52:41 25 Q Okay. What did you see?

13:52:44 1 A Sorry.

2 Q It's okay.

3 A A gunshot to his head I believe.

4 Q Okay. Were you able to phone 911?

13:52:53 5 A Yes.

6 Q Okay. And then I assume police and medical

7 arrived; is that right?

8 A Yes.

9 Q Okay. When police and medical arrived was

13:53:00 10 Mimi still there?

11 A She ran.

12 Q Okay. When all of this happened was there

13 anybody else outside or around other than you Mimi,

14 Gibbs and Jaylon?

13:53:18 15 A No.

16 Q Okay. Not the kids but adults.

17 A No.

18 Q Okay. So just the four of you?

19 A Yes.

13:53:24 20 Q Did you see anyone with a gun other than

21 Gibbs?

22 A No.

23 Q Have you talked to Mimi since this

24 incident?

13:53:40 25 A No.

13:53:44 1 Q And are you aware that Mr. Tiffith died as
2 a result of this?

3 A Yes.

4 Q Okay.

13:53:58 5 I have no further questions for this
6 witness. Do any members of the Grand Jury have any
7 questions?

8 THE FOREPERSON: By law these proceedings
9 are secret and you are prohibited from disclosing to
13:54:04 10 anyone anything that transpired before us including any
11 evidence presented to the Grand Jury, any event
12 occurring or a statement made in the presence of the
13 Grand Jury or any information obtained by the Grand
14 Jury.

13:54:04 15 Failure to comply with this admonition is a
16 gross misdemeanor punishable up to 364 days in the Clark
17 County Detention Center and a \$2,000 fine. In addition
18 you may be held in contempt of court punishable by an
19 additional \$500 fine and 25 days in the Clark County
13:54:04 20 Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes.

23 THE FOREPERSON: Thank you and you're
24 excused.

13:54:49 25 MS. BEVERLY: Okay. That's the State's

13:54:50 1 only witness so I'm going to ask that you deliberate at
2 this point.

3 A JUROR: Okay. This is March 3rd, not
4 May?

13:55:01 5 MS. BEVERLY: March, yes, correct. Is that
6 what my Indictment says?

7 A JUROR: It says March.

8 A JUROR: It says March. I heard you say
9 May.

13:55:12 10 MS. BEVERLY: I think I accidentally said
11 May but originally she testified as to March. Thank
12 you.

13 (At this time, all persons, except the
14 members of the Grand Jury, exited the room at 1:55 and
13:55:15 15 returned 1:56.)

16 THE FOREPERSON: Mrs. District Attorney, by
17 a vote of 12 or more Grand Jurors a true bill has been
18 returned against the defendant charging all counts in
19 Grand Jury case number 19BGJ287X.

13:56:58 20 We instruct you to prepare an Indictment in
21 conformance with the proposed Indictment previously
22 submitted to us.

23 MS. BEVERLY: Thank you, guys.

24 (Proceedings concluded.)

13:57:09 25 --oo0oo--

13:57:09

1

REPORTER'S CERTIFICATE

2

3

STATE OF NEVADA)

: ss

4

COUNTY OF CLARK)13:57:09

5

6

I, Donna J. McCord, C.C.R. 337, do hereby

7

certify that I took down in Shorthand (Stenotype) all of

8

the proceedings had in the before-entitled matter at the

9

time and place indicated and thereafter said shorthand

13:57:09

10

notes were transcribed at and under my direction and

11

supervision and that the foregoing transcript

12

constitutes a full, true, and accurate record of the

13

proceedings had.

14

Dated at Las Vegas, Nevada,

13:57:09

15

May 17, 2021.

16

17

/S/DONNA J. MCCORD

18

Donna J. McCord, CCR 337

19

13:57:09

20

21

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13:57:09

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13:57:09

1

AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the preceding

13:57:09

5

TRANSCRIPT filed in GRAND JURY CASE NUMBER 19BGJ287X:

6

7

8

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

9

13:57:09

10

-OR-

11

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

12

13

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

14

-OR-

13:57:09

15

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

16

17

18

/S/DONNA J. MCCORD
Signature

19

May 17, 2021
Date

13:57:09

20

Donna J. McCord
Print Name

21

22

Official Court Reporter
Title

23

24

25

A JUROR: [8] 5/14 5/23 6/6 6/7 13/16 24/2 24/6 24/7 BY MS. BEVERLY: [2] 7/20 13/17 MS. BEVERLY: [8] 5/7 5/15 5/24 6/8 23/24 24/4 24/9 24/22 THE FOREPERSON: [7] 6/20 7/2 7/9 7/13 23/7 23/22 24/15 THE WITNESS: [4] 7/1 7/8 7/11 23/21	actually [5] 11/4 13/13 14/25 15/16 19/16 addition [1] 23/17 additional [1] 23/19 administration [1] 26/15 admonition [2] 23/15 23/21 adults [1] 22/16 advised [1] 7/3 advisement [1] 7/8 affirm [1] 26/4 AFFIRMATION [1] 26/1 AFORESAID [1] 1/4 after [2] 12/12 21/6 afternoon [2] 5/9 5/10 against [2] 5/16 24/18 aka [1] 1/10 Alexander [1] 9/3 all [12] 5/22 7/22 7/24 16/17 16/25 17/23 17/24 18/22 22/12 24/13 24/18 25/7 allowed [1] 6/3 already [1] 21/9 also [2] 2/23 6/16 any [9] 18/4 18/8 21/23 23/6 23/6 23/10 23/11 23/13 26/8	back [13] 7/25 8/11 9/24 10/20 10/20 13/7 13/8 13/9 14/19 14/22 19/16 20/9 20/21 been [7] 5/5 5/17 5/19 5/22 7/16 8/21 24/17 before [7] 1/4 6/9 6/25 12/16 18/8 23/10 25/8 before-entitled [1] 25/8 began [1] 19/14 behind [3] 14/1 15/22 16/4 being [2] 13/2 13/2 believe [3] 16/18 20/15 22/3 best [2] 5/7 7/23 Beverly [2] 2/24 5/11 bill [1] 24/17 bit [1] 15/18 black [1] 16/18 both [2] 7/11 16/9 break [1] 20/5 brick [1] 19/16 BRIONTA [4] 3/3 6/19 7/12 7/15 building [2] 10/20 14/9	comes [2] 11/22 17/4 coming [1] 15/4 complex [10] 8/15 9/9 9/15 10/8 10/17 10/21 11/23 14/23 15/1 15/14 comply [1] 23/15 concluded [1] 24/24 conformance [1] 24/21 consider [1] 6/3 constitutes [1] 25/12 contain [1] 26/8 Contains [1] 26/11 contempt [1] 23/18 Conviction [2] 6/4 6/11 copy [2] 5/17 5/18 correct [5] 8/11 14/20 14/23 17/7 24/5 Could [1] 15/9 couldn't [1] 21/17 counts [1] 24/18 COUNTY [6] 1/2 5/12 8/18 23/17 23/19 25/4 court [4] 1/1 1/5 23/18 26/22 cousin [3] 8/4 9/8 21/18 cousin's [1] 8/7 crimes [2] 5/20 5/23 criminal [1] 6/15 cursing [2] 17/21 18/16 cussing [1] 17/25	16/12 17/15 17/25 18/12 21/18 23/6 23/21 25/6 does [13] 5/25 11/2 11/3 12/18 14/11 16/13 16/15 16/24 17/2 19/23 20/10 26/4 26/8 doing [6] 16/22 17/13 17/17 18/15 20/6 21/1 don't [3] 8/9 19/4 20/6 Donna [7] 1/25 5/4 25/6 25/17 25/18 26/18 26/20 door [1] 19/17 down [5] 12/16 12/16 12/19 14/19 25/7 draw [3] 6/10 6/16 8/2 drive [1] 14/19 driving [5] 14/3 15/7 15/8 15/24 21/14 drop [7] 9/10 9/24 10/8 10/9 10/23 11/9 12/12 dropped [2] 11/15 18/7 dropping [3] 10/24 11/7 11/13 drove [2] 21/10 21/17 duly [2] 5/5 7/16 during [1] 18/21
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F fast [1] 21/17 federal [2] 26/13 26/15 few [1] 18/8 fight [5] 16/7 16/20 17/14 19/2 20/4 fighting [3] 19/1 20/2 20/6 filed [1] 26/5 fine [2] 23/17 23/19 FINKOWSKI [1] 2/6 firearm [3] 5/22 6/2 7/6 first [5] 5/5 6/19 7/10 7/16 10/7 Flashing [1] 21/3 floor [1] 21/22 follow [1] 6/6 following [1] 5/6 follows [1] 7/18 foregoing [1] 25/11 Foreperson [2] 2/3 7/16 four [3] 8/5 8/10 22/18 four-year-old [2] 8/5 8/10 front [3] 14/22 15/14 20/4 full [1] 25/12 further [2] 6/14 23/5	19/23 20/10 21/1 22/20 gunshot [5] 20/24 21/2 21/7 21/13 22/3 gunshots [2] 21/4 21/7 guys [8] 10/7 10/23 11/6 12/9 13/14 14/5 15/14 24/23 H had [3] 8/10 25/8 25/13 hand [3] 6/22 17/4 17/13 happen [2] 12/10 12/18 happened [4] 15/23 19/13 21/6 22/12 happens [14] 10/7 12/12 12/21 14/8 14/11 14/14 14/16 16/3 16/6 19/8 19/9 20/1 20/13 20/23 has [4] 5/17 5/19 8/21 24/17 have [10] 5/22 7/22 16/13 16/15 18/4 19/23 20/10 22/23 23/5 23/6 having [2] 5/5 7/16 he [22] 11/17 16/13 16/13 16/15 17/2 17/2 17/4 17/20 17/23 18/20 19/1 19/20 19/23 20/6 20/8 20/9 20/10 20/15 20/17 21/10 21/17 21/21 head [3] 13/7 20/9 22/3 hear [4] 7/24 13/5 21/4 21/13 heard [3] 20/24 21/6 24/8 hearing [1] 21/2 held [1] 23/18 help [1] 7/1 her [11] 5/7 9/17 9/19 9/24 10/1 10/9 13/15 13/22 14/10 18/17 19/15 here [10] 7/4 8/18 8/24 9/5 10/11 10/14 10/20 15/16 15/19 15/21 hereby [2] 25/6 26/4 Hidden [3] 8/15 8/24 10/11 HILL [1] 2/10 him [6] 16/13 16/15 18/5 19/2 19/2 21/23 his [4] 9/12 19/2 20/15 22/3 Holding [1] 18/17 how [8] 9/13 11/3 11/6 17/15 19/5 19/5 19/13 21/4 huh [2] 6/8 11/10 I I'm [9] 5/11 5/12 6/10 6/16 8/20 12/1 15/18 18/25 24/1 IDENTIFIED [1] 4/3 IMPANELED [1] 1/4	incident [2] 18/1 22/24 including [2] 6/13 23/10 INDEX [2] 3/1 4/1 indicated [1] 25/9 indicates [1] 6/3 INDICTMENT [5] 4/4 5/17 24/6 24/20 24/21 information [1] 23/13 injuries [1] 21/23 inside [5] 14/18 19/16 21/9 21/9 21/11 instruct [1] 24/20 instructed [1] 5/23 instruction [1] 6/6 instructions [5] 4/5 5/19 5/20 6/1 6/1 intent [1] 6/14 investigation [2] 6/24 7/4 involving [1] 7/7 is [48] ish [1] 17/24 isn't [1] 13/15 it [10] 11/19 13/16 16/18 17/22 19/9 20/5 21/3 21/3 24/7 24/8 It's [3] 11/21 13/17 22/2 J Jacqkey [1] 1/10 JAMEL [7] 1/10 1/10 5/13 5/16 6/12 7/7 12/5 Jaylon [19] 6/17 8/8 11/2 11/5 12/20 12/22 16/22 16/24 18/7 18/15 18/22 18/24 19/2 19/5 19/5 19/18 20/5 20/13 22/14 Jaylon's [2] 9/16 19/5 JEFF [1] 2/10 JEFFREY [1] 2/9 JOC [1] 4/6 JOHN [2] 2/6 2/12 Judgment [2] 6/4 6/11 JUDICIAL [1] 1/1 JURORS [2] 2/1 24/17 JURY [19] 1/4 2/23 4/3 5/14 5/18 5/19 6/11 6/18 6/25 7/17 8/21 12/2 23/6 23/11 23/13 23/14 24/14 24/19 26/5 Jury's [1] 13/1 just [8] 7/23 11/2 12/25 15/12 17/25 18/8 19/1 22/18 K kids [1] 22/16 kind [2] 13/14 13/25 know [6] 9/19 10/4 13/19 18/1 18/12 20/6 L Las [4] 1/14 5/1 8/15 25/14 last [2] 7/11 7/13	law [2] 23/8 26/13 Leah [2] 2/24 5/10 leave [2] 12/14 14/17 led [1] 20/4 left [2] 9/5 12/23 like [6] 10/20 11/8 11/19 11/19 13/25 17/15 LISTON [1] 2/11 little [2] 13/16 15/18 live [1] 9/21 lived [1] 9/15 lives [1] 14/6 located [2] 8/18 10/10 location [1] 8/14 long [1] 11/6 looking [1] 10/13 loud [1] 7/23 LURVEY [1] 2/3 M Ma'am [2] 7/22 8/2 made [2] 15/15 23/12 Makayla [1] 9/20 make [1] 18/17 MANOLO [1] 2/14 many [1] 21/4 MAP [1] 4/9 March [6] 18/2 24/3 24/5 24/7 24/8 24/11 March 3rd [1] 24/3 MARK [1] 2/8 marked [3] 5/18 5/19 8/21 masks [1] 7/23 matter [2] 13/2 25/8 may [10] 1/15 2/1 5/1 8/2 23/18 24/4 24/9 24/11 25/15 26/18 McCord [7] 1/25 5/4 25/6 25/17 25/18 26/18 26/20 me [17] 5/10 5/25 8/9 11/24 13/19 14/4 17/14 19/4 19/10 19/17 20/2 20/8 20/9 20/9 20/24 20/25 21/7 mean [1] 11/23 medical [2] 22/6 22/9 members [2] 23/6 24/14 microphone [1] 7/24 Mimi [32] Mimi's [10] 10/10 10/19 13/1 14/9 15/17 15/24 18/15 20/17 20/19 21/11 minutes [3] 11/8 12/10 18/8 misdemeanor [1] 23/16 Miss [1] 13/3 more [2] 18/25 24/17 morning [1] 5/9 mother [2] 9/16 9/24 move [1] 13/16 Mr. [11] 9/9 9/23 10/2 12/12 13/3 13/6 16/24	17/10 17/12 21/18 23/1 Mr. Tiffith [11] 9/9 9/23 10/2 12/12 13/3 13/6 16/24 17/10 17/12 21/18 23/1 Mrs. [1] 24/16 Mrs. District [1] 24/16 much [1] 18/20 murder [3] 5/21 6/13 7/5 my [9] 5/10 10/14 15/19 15/20 19/14 19/15 20/9 24/6 25/10 N name [9] 5/10 7/11 7/13 8/7 8/10 9/17 9/19 19/3 26/20 need [3] 5/25 7/23 19/9 NEVADA [7] 1/2 1/7 1/14 5/1 5/13 25/3 25/14 Nevaeh [16] 9/10 9/11 9/13 9/24 10/8 10/24 10/25 11/5 11/7 11/14 11/15 11/22 12/13 15/12 18/8 20/19 Nevaeh's [2] 12/23 17/6 next [5] 13/4 14/16 16/6 20/1 20/23 no [18] 1/9 1/9 1/25 10/3 11/1 12/11 13/10 14/13 15/2 18/3 18/6 18/10 18/14 22/15 22/17 22/22 22/25 23/5 NOEL [1] 2/4 North [1] 8/15 not [8] 6/5 10/2 13/1 18/25 21/16 22/16 24/3 26/8 notes [1] 25/10 nothing [2] 7/1 7/18 now [5] 6/24 17/24 17/25 18/25 20/17 NRS [2] 26/2 26/13 number [10] 5/14 5/18 5/20 6/11 6/18 8/22 24/19 26/5 26/8 26/11 Number 2 [1] 5/20 Number 3 [1] 6/11 Number 4 [1] 6/18 Number 6 [1] 8/22 O obtained [1] 23/13 occurring [1] 23/12 off [15] 9/10 9/24 10/8 10/9 10/23 10/25 11/7 11/9 11/14 11/15 12/13 18/7 21/10 21/14 21/17 offenses [1] 7/5 office [1] 5/12 Official [1] 26/22 Oh [1] 13/19 okay [83] old [3] 8/5 8/10 9/13 once [2] 13/5 17/12
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<p>O</p> <p>One [2] 6/1 21/5 only [2] 6/3 24/1 oo0oo [1] 24/25 opened [1] 19/17 originally [2] 11/15 24/11 other [2] 22/13 22/20 our [1] 7/22 out [18] 10/24 11/5 11/22 13/17 15/4 16/5 16/9 16/12 16/19 16/24 17/2 17/10 17/12 19/2 19/10 19/12 19/17 19/18 outside [3] 14/10 14/12 22/13 over [2] 8/15 9/5 overhead [2] 4/9 8/21 ownership [1] 7/6</p> <p>P</p> <p>p.m [1] 1/16 part [1] 9/2 passenger [1] 16/2 PAUL [1] 2/7 paying [1] 18/20 PELKEY [1] 2/12 pen [1] 10/14 pending [1] 6/25 person [10] 5/22 6/2 6/5 6/5 7/7 11/14 12/2 12/6 26/9 26/11 persons [1] 24/13 pertaining [1] 7/5 phone [6] 12/23 14/17 17/4 17/6 17/13 22/4 PHOTOGRAPH [1] 4/8 picked [1] 11/5 place [1] 25/9 Plaintiff [1] 1/8 Please [2] 6/21 7/10 point [3] 13/14 20/11 24/2 police [2] 22/6 22/9 positive [1] 19/1 possession [3] 5/21 6/2 7/6 preceding [1] 26/4 prepare [1] 24/20 presence [1] 23/12 present [2] 2/1 2/23 presented [1] 23/11 presenting [1] 5/13 pretty [1] 11/9 previously [1] 24/21 Print [1] 26/20 prior [3] 5/23 18/1 21/2 probably [1] 13/20 problems [2] 18/4 18/9 proceedings [6] 1/20 5/7 23/8 24/24 25/8 25/13 program [1] 26/15 prohibited [5] 5/22 6/2 6/5 7/7 23/9 promote [1] 6/14 proposed [3] 4/4 5/17</p>	<p>24/21 public [1] 26/15 pulled [3] 19/12 19/17 19/18 punched [2] 20/8 20/8 punching [1] 20/14 punishable [2] 23/16 23/18 purpose [1] 6/4 Pursuant [1] 26/2</p> <p>Q</p> <p>questions [2] 23/5 23/7</p> <p>R</p> <p>raise [1] 6/21 Ramble [2] 13/25 14/19 ran [1] 22/11 rapidly [1] 17/25 read [1] 5/25 real [1] 9/19 really [1] 18/12 recognize [1] 12/2 record [4] 6/18 7/11 12/25 25/12 REID [1] 2/13 relationship [3] 10/2 10/4 12/7 remember [1] 17/23 Reported [1] 1/25 Reporter [1] 26/22 REPORTER'S [2] 1/20 25/1 request [1] 2/23 required [1] 26/12 result [1] 23/2 returned [2] 24/15 24/18 Ridge [1] 13/25 right [13] 6/21 8/24 8/25 9/3 9/6 10/2 12/7 13/22 14/6 15/19 15/21 19/20 22/7 Robinson [2] 8/14 9/6 rocks [5] 17/16 17/18 18/16 18/18 19/14 room [1] 24/14</p> <p>S</p> <p>SAEMZ [1] 2/14 saying [3] 17/23 18/12 18/24 says [3] 24/6 24/7 24/8 Scott [2] 8/14 9/6 screen [4] 9/2 10/13 12/1 13/13 seat [2] 19/16 20/21 secret [1] 23/9 Secretary [2] 2/4 2/5 security [2] 26/8 26/11 shall [1] 6/25 she [11] 11/4 12/23 14/15 14/15 17/15 17/16 19/14 19/17 21/17 22/11 24/11 shorthand [2] 25/7</p>	<p>25/9 show [3] 8/20 12/1 15/17 showing [1] 13/15 sic [1] 8/3 side [7] 13/12 13/22 14/1 14/5 16/2 17/5 19/22 Signature [1] 26/18 silver [1] 16/18 since [1] 22/23 sitting [1] 17/9 so [26] 7/1 7/24 8/24 9/23 10/1 10/7 10/13 10/23 11/9 11/19 11/22 12/9 13/5 13/25 13/25 14/5 14/17 14/19 15/5 15/19 15/20 17/12 18/11 21/13 22/18 24/1 social [2] 26/8 26/11 solely [1] 6/4 solemnly [1] 6/23 some [1] 19/8 something [1] 12/18 somewhere [2] 10/11 10/20 son [2] 8/5 8/10 son's [1] 8/10 Sorry [1] 22/1 speak [1] 7/23 specific [1] 26/13 spell [1] 7/11 ss [1] 25/3 STACK [1] 2/5 start [2] 16/7 16/20 started [2] 14/18 20/2 state [6] 1/7 5/13 7/10 25/3 26/13 26/16 State's [2] 6/19 23/25 statement [1] 23/12 statements [1] 13/1 Stenotype [1] 25/7 STEVE [1] 2/3 still [4] 17/9 19/23 20/10 22/10 stop [6] 15/13 16/4 16/23 16/23 18/17 19/15 stopped [5] 13/12 13/21 13/21 15/5 15/21 street [6] 12/16 12/17 12/19 13/24 14/1 14/5 submitted [1] 24/22 supervision [1] 25/11 sure [1] 18/25 SUSAN [1] 2/15 swear [1] 6/23 sworn [2] 5/5 7/16 swung [2] 20/9 20/24</p> <p>T</p> <p>T-E-R-R-E-L-L [1] 7/13 Taken [1] 1/14 talked [1] 22/23 talking [2] 17/24 19/1 tell [5] 8/9 19/4 19/8 19/9 19/13 TERRELL [6] 3/3 6/20</p>	<p>7/12 7/13 7/15 13/3 testified [2] 7/18 24/11 testify [1] 7/17 testimony [2] 6/23 7/4 than [3] 18/25 22/13 22/20 Thank [4] 7/14 23/23 24/11 24/23 that's [4] 9/2 12/6 13/19 23/25 their [3] 15/9 15/11 16/4 them [3] 7/11 15/12 16/23 then [7] 8/9 9/5 10/19 14/22 15/17 21/13 22/6 there [10] 8/22 9/21 11/15 12/9 13/20 18/8 19/9 19/20 22/10 22/12 there's [1] 19/8 thereafter [1] 25/9 these [4] 5/20 15/20 18/12 23/8 these are [1] 15/20 things [1] 18/12 think [1] 24/10 those [1] 5/23 three [2] 11/8 12/9 throw [1] 19/14 throwing [4] 17/16 17/18 18/16 18/17 Tiffith [13] 6/17 8/8 9/9 9/23 10/2 12/12 13/3 13/6 16/24 17/10 17/12 21/18 23/1 time [6] 11/13 12/10 18/21 20/5 24/13 25/9 tissue [1] 19/9 Title [1] 26/22 to-wit [1] 26/13 today [3] 5/12 5/23 7/4 told [1] 19/15 too [4] 7/25 8/11 18/20 21/17 took [1] 25/7 top [1] 9/2 townhouse [2] 11/19 11/21 transcribe [1] 5/6 transcribed [1] 25/10 transcript [3] 1/20 25/11 26/5 transpired [1] 23/10 tried [2] 21/8 21/8 true [2] 24/17 25/12 truth [7] 6/25 7/1 7/1 7/17 7/17 7/18 13/2 try [1] 17/4 trying [10] 16/7 16/20 16/23 17/6 17/13 17/14 17/15 17/25 20/5 20/15 turn [1] 15/15 two [2] 5/23 15/12</p> <p>U</p> <p>U-turn [1] 15/15 Uh [2] 6/8 11/10 Uh-huh [2] 6/8 11/10</p>	<p>Um [2] 17/23 20/4 under [3] 5/14 6/12 25/10 undersigned [1] 26/4 understand [2] 7/8 23/21 unusual [1] 12/10 up [10] 8/22 11/2 11/4 11/5 13/13 13/16 15/16 17/24 20/5 23/16 upon [1] 6/24 us [9] 15/17 15/22 16/7 16/8 19/8 19/9 19/13 23/10 24/22 use [3] 5/21 6/13 7/5 used [2] 13/2 13/3</p> <p>V</p> <p>various [1] 6/12 Vegas [4] 1/14 5/1 8/16 25/14 vehicle [14] 15/9 15/11 15/17 15/18 15/19 15/20 16/4 16/10 16/12 16/25 17/3 19/11 19/17 19/19 versus [1] 5/13 Village [2] 8/25 10/11 Villas [1] 8/15 vote [1] 24/17</p> <p>W</p> <p>wait [1] 14/10 walking [1] 15/6 WALTER [1] 2/16 want [3] 8/2 8/9 19/4 wanting [1] 19/1 wasn't [1] 18/20 waving [1] 21/3 we're [1] 10/13 weapon [3] 5/21 6/14 7/6 wear [1] 7/22 Wednesday [1] 1/15 well [5] 5/21 12/16 15/23 19/10 21/8 WELLMAN [1] 2/4 were [14] 8/4 9/8 9/23 11/6 11/13 14/17 15/4 15/6 15/6 15/8 17/24 18/8 22/4 25/10 what's [3] 9/17 17/24 18/12 whatcha [1] 17/24 when [19] 10/7 10/24 11/15 12/18 12/21 13/8 14/8 15/23 16/3 16/12 16/19 17/2 17/9 18/7 18/11 19/18 20/13 22/9 22/12 where [16] 10/14 11/17 12/15 13/11 13/14 14/6 15/13 15/17 15/17 16/1 17/2 19/18 19/21 20/13 21/18 21/21 whether [1] 6/4 while [2] 17/17 18/15 who [5] 9/15 10/4 12/6</p>
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W**who...** [2] 15/9 15/11**who's** [4] 9/11 12/4
14/3 15/24**whole** [2] 7/1 7/17**why** [2] 9/8 13/20**will** [1] 6/3**WILLIAM** [1] 2/11**wit** [1] 26/13**witness** [4] 6/10 6/19
23/6 24/1**WITNESSES** [1] 3/1**work** [1] 11/3**Y****Yeah** [1] 5/24**year** [2] 8/5 8/10**yelling** [5] 17/19 17/20
17/25 18/11 18/22**yes** [50]**you** [99]**you're** [6] 6/24 7/3 7/3
10/24 13/8 23/23**your** [15] 6/10 6/16
6/21 7/10 8/2 8/4 8/4
8/7 8/10 8/10 9/8 15/17
17/3 19/10 21/18**yours** [1] 16/4**Z****ZEMAN** [1] 2/15**zoom** [2] 13/19 15/18**zoomed** [1] 13/17**ZUKOWSKI** [1] 2/16

Heather S. Hume
CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada

PLAINTIFF

-VS-

Jamel Gibbs

DEFENDANT

CASE NO: C-21-355769-1

DEPT. NO: 10

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

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

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

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

Dept. No. 10, the Honorable Judge Jones Presiding, on the 21st day of
May, 2021.

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

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

Dated this 17th day of May, 2021.

SIGNATURE: *Larry B.*

PHONE: 702-871-3345

IT IS HEREBY ORDERED THAT:

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

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

[] The media request is **granted**. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that a ~~Dated this 18th day of May, 2021~~ Dated this 18th day of May, 2021 impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.

[] **OTHER:** _____

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

Dated this _____ day of _____, 20____.

Tierra Jones
DISTRICT COURT JUDGE

E6A 4D6 C625 4974
Tierra Jones
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
14
15
16
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27
28



1 **MOT**

2 **CRAIG A. MUELLER**

3 Nevada Bar No. 4703

4 **CRAIG MUELLER & ASSOCIATES**

5 808 7th Street.

6 Las Vegas, NV 89101

7 (702) 382-1200 P

8 (702) 940-1235 F

9 Attorney for Defendant

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 JAMEL GIBBS,

16 Defendant.

Case No. C-21-355769-1

Dept No. X

NOTICE OF MOTION AND MOTION
TO REQUEST PERMISSION TO
ATTEND HIS MOTHER'S FUNERAL
SERVICES

17
18 COMES NOW the Defendant JAMEL GIBBS by and through his attorney, Craig A. Mueller,
19 Esq. of the law firm MUELLER & ASSOCIATES, and moves this Honorable Court to place this
20 matter on calendar to request permission to attend his mother's funeral services.
21

22 DATED this 21ST day of May 2021.

23 Respectfully Submitted,

24 MUELLER & ASSOCIATES

25 By: /s/ Craig A. Mueller

26 Craig A. Mueller, Esq.

27 Nevada Bar No. 4703
28

1 **NOTICE OF MOTION**

2 TO: THE STATE OF NEVADA, Plaintiff, and,

3 TO: STEVEN B WOLFSON, ESQ., District Attorney:

4 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring
5 the forgoing Motion on for hearing before this court on the ____ of _____ 2021, at the
6 hour of _____ a.m., or as soon thereafter as counsel may be heard.
7

8 DATED this 21ST day May 2021.

9 Respectfully Submitted,
MUELLER & ASSOCIATES

10
11 By/s/ Craig A. Mueller
12 Craig A. Mueller, Esq.
13 Nevada Bar No. 4703
Attorney for Defendant

14 The Defendant's mother Wilma Turner, passed away May 13, 2021 and her funeral services are
15 scheduled for May 29, 2021. Defendant is respectfully requesting that he is allowed to attend his
16 mother's services and say goodbye to her.
17

18 **CERTIFICATE OF SERVICE**

19
20 I hereby certify on this 20th day of May, 2021, I delivered a true and correct copy of the
21 foregoing **MOTION** upon each of the parties by electronic service through Odyssey/Wiznet, the
22 Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R.9; and via facsimile,
23 addressed as follows:
24

25 **motions@clarkcountynyda.com**

26
27 By/s/ Rosa Ramos
28 An Employee of Mueller & Associates



To whom it may concern,

This letter is to verify the death of Wilma Turner, who passed away May 13th, 2021. Jamel Gibbs and the family have funeral services scheduled Saturday, May 29th, 2021.

To the Airlines: Please make available any discounts offered to those who must fly during such an unfortunate time.

To Employers: Please accept this as verification that the above named employee was attending a funeral and/or making arrangements.

Should there be any concerns, please call us at (702) 464-8560. Thank you.

A handwritten signature in black ink, appearing to read "G. Horsch", with a horizontal line extending to the right.

Gwendalina Horsch

Funeral Arranger Assistant

State of Nevada

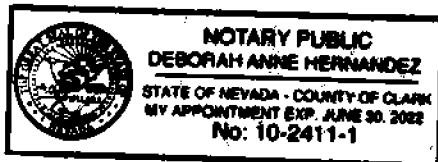
County of Clark

This instrument was acknowledged before me on May 20, 2021 by

Carlos Turner.

Deborah Anne Hernandez

Notarial Officer



DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
5/24/2021 7:53 AM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Jamel Gibbs

Case No.: C-21-355769-1

Department 10

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Request Permission to Attend his Mother's Funeral Services in the above-entitled matter is set for hearing as follows:

Date: June 07, 2021

Time: 8:30 AM

Location: RJC Courtroom 14B
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer
Deputy Clerk of the Court



NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #012556
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-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

STATE'S NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
[NRS 174.234]

TO: JAMEL GIBBS, aka Jamel Jacqkey Gibbs, Defendant; and
TO: CRAIG MUELLER, Esquire, 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>
ANDERSON, H.	NLVPD P#2645
ANDREWS-LOSEA, M.	NLVPD P#2618
BAJALIA, A.	NLVPD P#2635
BEINKE, J.	NLVPD P#
BOOKER, V.	NLVPD P#2141
CARRILLO, C.	NLVPD P#2507
CHEAL, CAMERON	Clark County Coroner Investigator

1	CHERRIER, P.	NLVPD P#2231
2	COOK, M.	NLVPD P#2201
3	CUSTODIAN OF RECORDS	CCDC
4	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
5	CUSTODIAN OF RECORDS	LVMPD RECORDS
6	CUSTODIAN OF RECORDS	NEW FRONTIER AMORY LLC
7	CUSTODIAN OF RECORDS	PURELY STORAGE
8	DENNISON, L.	NLVPD P#
9	EMRY, K.	NLVPD P#2522
10	FORSBERG, S.	NLVPD P#2143
11	FRIEDMAN, K.	NLVPD P#2579
12	GILIAM, L.	NLV CITY MARSHALL P#1693
13	GOMEZ	NLVPD P#
14	HARDER, R.	NLVPD P#1694
15	HOWELLS, M.	NLVPD P#2638
16	HUDSON, J.	NLVPD P#1272
17	JOHNSON, R.	NLVPD P#
18	KIECANA, D.	NLVPD P#2639
19	KOBAK, JOSI	C/O DISTRICT ATTORNEY'S OFFICE
20	LEWIS, WYNISHA	C/O DISTRICT ATTORNEY'S OFFICE
21	LYNN, DEVIN	C/O DISTRICT ATTORNEY'S OFFICE
22	LYONS, S.	NLVPD P#2408
23	MANFRE, ASHLEY	C/O DISTRICT ATTORNEY'S OFFICE
24	MARTINEZ, M.	NLVPD P#2457
25	MCCABE, J.	NLVPD P#2578
26	NELLIS, J.	NLVPD P#1407
27	OLANG, M.	NLVPD P#2707
28	OLANG, M.	NLVPD P#2707

1	PARKER, MICHEALA	C/O DISTRICT ATTORNEY'S OFFICE
2	PEREZ, J.	NLVPD P#0966
3	RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
4	RIGSBY, D.	NLVPD P#2543
5	SALINAS, R.	NLVPD P#2599
6	SANTOS, A.	NLVPD P#1810
7	SILVA, W.	NLVPD P#1276
8	SMITH	NLVPD P#
9	SPRAGUE, S.	NLVPD P#
10	SURLES, NATASIA	C/O DISTRICT ATTORNEY'S OFFICE
11	TERRELL, BRIONTA	C/O DISTRICT ATTORNEY'S OFFICE
12	TIFFITH, MATTIE	C/O DISTRICT ATTORNEY'S OFFICE
13	TORRES, S.	NLVPD P#2617
14	TORRES, S.	NLVPD P#2617
15	WALCH, M.	NLVPD P#2414
16	WELLS, D.	NLVPD P#1949
17	WHITAKER, REGINALD	C/O DISTRICT ATTORNEY'S OFFICE
18	WIESE, S.	NLVPD P#
19	WILSON, DODIE	C/O DISTRICT ATTORNEY'S OFFICE
20	WILSON, TAYLOORR	C/O DISTRICT ATTORNEY'S OFFICE

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

23 FISCHER, PATRICK – NLVPD P#1647 (or designee): LATENT PRINT
 24 EXAMINER - Expert in the science and techniques of fingerprint comparison, and
 25 comparisons done in this case and any reports prepared therefrom.

26 GRAZIANO, THERESA – NLVPD P#1740 (or designee): LATENT PRINT
 27 EXAMINER - Expert in the science and techniques of fingerprint comparison, and
 28 comparisons done in this case and any reports prepared therefrom.

1 HATTEN, MARK – LVMPD #9794 (or designee): FIREARMS/TOOLMARK
2 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
3 expected to testify thereto, including, but not limited to, the forensic science underlying
4 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
5 microscopic comparison tools, technology, and findings, National Integrated Ballistic
6 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
7 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
8 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
9 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
10 homemade) examination, serial number restoration, and firearms modification or homemade
11 firearms examination).

12 MURIE, DR. BEN (or designee): A medical doctor, employed by the Clark County
13 Coroner's Office as a Deputy Medical Examiner/Forensic Pathologist. She is an expert in the
14 area of forensic pathology and will give scientific opinions related thereto. She is expected to
15 testify regarding the cause and manner of death of Jaylon Tiffith.

16 NIEMANN, CARINA – NLVPD P#2542 (or designee): CRIME SCENE ANALYST:
17 Expert in the identification, documentation, collection and preservation of evidence and is
18 expected to testify as an expert to the identification, documentation, collection and
19 preservation of the evidence in this case.

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

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

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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 Clark County District Attorney
6 Nevada Bar #001565

7 BY /s/ LEAH C. BEVERLY
8 LEAH C. BEVERLY
9 Chief Deputy District Attorney
10 Nevada Bar #012556

11 CERTIFICATE OF ELECTRONIC FILING

12 I hereby certify that service of the foregoing, was made this 27th day of May, 2021, by
13 Electronic Filing to:

14 CRAIG MUELLER, ESQ.
15 E-mail Address: electronicservice@craigmuellerlaw.com
16 craig@craigmuellerlaw.com

17 /s/ Laura Mullinax
18 Secretary for the District Attorney's Office
19
20
21
22
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28 21CRN000371/lm/GU

Curriculum Vitae
Patrick M. Fisher
North Las Vegas Police Department
1301 E. Lake Mead Blvd.
North Las Vegas, NV 89030
702-633-1802
Pager: 702-691-0614

QUALIFICATION SUMMARY

Crime scene investigator since 2000.

Extensive training and experience in the use of powders and chemicals to develop latent finger prints on a variety of surfaces in the field and in lab situations.

Processed well over 1300 crime scenes from burglaries to homicides.

Over 15 years experience as a professional photographer with extensive detailed knowledge of ambient and strobe lighting, film formats from 35mm to 4x5 and digital cameras and programs.

Successfully completed detailed tasks and projects under deadline and high-pressure conditions.

EDUCATION/CERTIFICATIONS

B. A. Major: Advertising, Photography and Film Sequence. Minor: Marketing.

Texas Tech University, Lubbock, TX. 1984

Crime Scene Technician, International Association for Identification (IAI) February 2002.

TRAINING

Forensic Science 101, American Institute of Applied Science, February 2005.

Bloodstain Evidence Workshop II, Northwestern University, 40 Hrs. April 2004.

Bloodstain Evidence Workshop I, Northwestern University, 40 Hrs. March 2004

Crime Scene Technology Workshop III, Northwestern University, 40 Hrs. January 2004

Crime Scene Technology Workshop II, Northwestern University 40 Hrs. January 2004

Crime Scene Investigator Training & Evaluation Program, North Las Vegas Police Department, completed February 2004

Collection and Preservation of Biological Evidence, Tucson Police Department, 2 Hrs. April 2003

Arizona Post Tactical Driving Evaluation, Southern Arizona Law Enforcement Training Center, Tucson, AZ, 8 Hrs. November 2002

Forensic Fingerprint Classification and Identification, International Association for Identification, Scottsdale, AZ, 40 Hrs. November 2001
Crime Scene Spanish, Tucson Police Department, Tucson, AZ. 16 Hrs. July 2002

WORK HISTORY

11/03-present	Crime Scene Investigator On-scene latent fingerprint processing of evidence, evidence collection, transport, and booking; diagram scenes for use in court; photograph scenes and autopsies. Laboratory fingerprint processing with powders and chemicals. Make fingerprint comparisons of latent prints and known prints. Create reports of my actions and observations and provide testimony in various courts. North Las Vegas Police Department, North Las Vegas, NV
04/00-11/03	Crime Scene Specialist Document crime scenes with photography, on-scene processing for latent fingerprints with powders and chemicals, and evidence preservation and collection. Complete fingerprint comparisons. Write reports and provide courtroom testimony.
3/93-4/00	Freelance Photographer Produce illustrations and images for editorial and commercial use in magazines, books and calendars. Market stock photos, and services, negotiate contracts and pricing to editorial and commercial clients. Created a filing system to speed location and retrieval of images based on content that shortened response times to client's request. Partial List of Clients: Wescor Partners, Arizona Highways, Texas Highways, Browntrout Publishers and Southwestern Products, Inc. Patrick Fischer Photography, Tucson, AZ.

Curriculum Vitae

Theresa Graziano

Past & Present Positions:

Community Service Officer

North Las Vegas Police Department

November 2004 – April 2015

Crime Scene Analyst I

North Las Vegas Police Department

April 2015 – October 2016

Crime Scene Analyst II

North Las Vegas Police Department

October 2016- December 2019

Senior Crime Scene Analyst

North Las Vegas Police Department

December 2019- present

Certifications/Memberships:

Certified Crime Scene Investigator

International Association for Identification

August 5, 2016 (valid thru 8/5/2021)

Certified Crime Scene Analyst

International Association for Identification

August 29, 2019 (valid thru 8/29/2024)

ODV (drug testing)

North Las Vegas Police Department

June 2016

International Association for Identification

Membership #32897

International Association of Bloodstain Pattern Analysts

Membership #4538

New Hire Crime Scene Training:

Crime Scene Analyst Field Training & Evaluation Program

North Las Vegas Police Department (16 weeks)

576 hours April 1, 2015 – October 14, 2015

Crime Scene Analyst Academy

Las Vegas Metropolitan Police Department

270 hours July 20, 2015 - September 30, 2015

Additional Crime Scene Training: (251 hours)

Death & Homicide

Public Agency Training Council

35 hours December 7, 2015 – December 11, 2015

Forensic Pathology for Investigators

Public Agency Council

16 hours December 7, 2016 – December 8, 2016

Crime Scene Reconstruction I

Bevel Gardner & Associates

40 hours March 6, 2017 – March 10, 2017

Basic Bloodstain Pattern Recognition Course

See More Forensics

40 hours March 27, 2017 – March 31, 2017

LEICA Training

Precision Survey Supply

40 hours June 19, 2017 – June 23, 2017

IMS 360 Training (Leica)

Precision Survey Supply

40 hours December 11, 2017 – December 15, 2017

Shooting Incident Reconstruction

TriTech Forensics

40 hours January 13, 2020 – January 17, 2020

Latent Print Training: (145 hours)

Foundations of Fingerprint Comparison

Texas Forensic Science Academy (online)

16 hours May 31, 2015

Latent Print Suitability

Las Vegas Metropolitan Police Department

9 hours October 28, 2015

Introduction to the Science of Friction Ridge Examination

Ron Smith & Associates

40 hours December 14, 2015 – December 18, 2015

Scientific Analysis (ACE-V): From the Laboratory to the Witness Stand

Ron Smith & Associates

40 hours May 2, 2016 – May 6, 2016

Logical Latent Analysis

Tritech Forensics

16 hours January 30, 2017 - January 31, 2017

Palm Print Comparison Techniques

Ron Smith & Associates

24 hours May 17, 2017 – May 19, 2017

Las Vegas Metropolitan Police Department
Forensic Laboratory

CURRICULUM VITAE

Date: 05-04-2018

Name: HATTEN, MARK, S. P#: 9794 Classification: POII

Current Discipline of Assignment: FIREARMS/TOOLMARKS - NIBIN SQUAD

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	X
Latent Prints		Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support / DNA	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
Moreno Valley High School	September 1990-June 1993	General	Yes
Riverside City College	September 1993-June 1995	Criminal Justice	No
Community College of the Air Force	October 2001 – June 2002	Meteorology	No
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
LVMPD Police Academy	LVMPD Police Academy	01/30/2007 to 06/30/2007	
Patrol Rifle Certification # P0760999	LVMPD Firearms Range	02/22/13	
Precision Handgun Course Certification # P0761002	LVMPD Firearms Range	09/24/13	

Las Vegas Metropolitan Police Department
Forensic Laboratory

[illegible]

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Multiple Jurisdictions	Testified as Police Officer	Multiple

Las Vegas Metropolitan Police Department
Forensic Laboratory

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>
LVMPD	Police Officer	01/30/2007 to Current
U.S. Air Force	Combat Weather Forecaster	04/16/1997 to 04/30/2018

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
N/A	

PUBLICATIONS / PRESENTATIONS:
N/A

OTHER QUALIFICATIONS:
N/A

Curriculum Vitae

Ben Joseph Murie, D.O.

PERSONAL DATA

Position: Medical Examiner
Clark County Office of the Coroner/Medical Examiner
Las Vegas, NV

Address: 1704 Pinto Ln
Las Vegas, NV 89106

Office Email: Ben.murie@clarkcountynv.gov
Office phone: (702) 455-3210
Birthdate: 9/21/1984
Place of Birth: Cedar City, Utah
Citizenship: U.S. citizen

EMPLOYMENT

July 2020-present Clark County Office of the Coroner/Medical Examiner

EDUCATION

Postgraduate training:

Jul 2019-Jun 2020 Forensic Pathology Fellowship Program, University of New Mexico, Office of the Medical Investigator. Albuquerque, NM

Jul 2015-Jun 2019 Anatomic and Clinical Pathology Residency Program, Penn State Health-Milton S. Hershey Medical Center. Hershey, PA.

Graduate:

Jul 2011-May 2015 Lake Erie College of Osteopathic Medicine, Erie, PA. Doctor of Osteopathic Medicine.

Undergraduate:

Aug 2007-May 2011 Southern Utah University, Cedar City, UT. Bachelor of Science, Biology major.

Aug 2006-May 2007 University of Utah, Salt Lake City, UT. General studies.

Jan 2006-May 2006 Dixie State University, Saint George, UT. General studies.

LICENSURE AND CERTIFICATION

Jul 2020-Dec 2021	Nevada State Board of Osteopathic Medicine, License status: active
Jun 2019	Board Certification, Diplomate of American Board of Pathology, Anatomic and Clinical Pathology.
Oct 2020	Board Certification, Diplomate of American Board of Pathology, Forensic Pathology.
May 2019-May 2021	Basic Life Saving (BLS), American Heart Association.

HONORS & AWARDS

Oct 2017	Scholarship to attend course at Woodward Center - "Teaching in Today's Changing Environment," Penn State Health-Milton S. Hershey Medical Center. Hershey, PA.
May 2011	"Outstanding Service" academic award, College of Science, Southern Utah University.
2008-2009	Dean's list, Southern Utah University.
2002	Eagle Scout Award, Boy Scouts of America.

COMMITTEES AND PROFESSIONAL ACTIVITIES

Jan 2018-2019	Chief Resident in Pathology. Penn State Health-Milton S. Hershey Medical Center. Hershey, PA.
Jun 2017-Jul 2018	Coordinator. Monthly Residency Program Directors Section (PRODS) meeting. Penn State Health-Milton S. Hershey Medical Center. Hershey, PA.
Sep 2017	Inspector. College of American Pathologists-Laboratory Accreditation Program, Mock Inspection, Decedent Care Services, Department of Pathology. Penn State M. S. Hershey Medical Center. Hershey, PA.
Jul 2016-Jun 2017	Medical Student Rotation Liaison. Department of Pathology. Penn State Health-Milton S. Hershey Medical Center. Hershey, PA.
Apr 2016	Inspector. College of American Pathologists-Laboratory Accreditation Program, Mock Inspection, Histology and Immunohistochemistry Laboratory, Department of Pathology. Penn State M. S. Hershey Medical Center. Hershey, PA.

TEACHING ACTIVITIES

Graduate Medical Education:

2016	Pediatric mortality and morbidity conference. Presented two pediatric autopsy findings for discussion with the associated clinical team of residents, fellows, and faculty. Duration: 2 hours
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Aug 2016, Sep 2017	Orientation sessions: Normal Histology of Gynecologic Tract. Responsibilities: Orientation session for PGY1 Pathology Residents. Duration: 2 hour.
Jul 2018	Orientation sessions: Normal Histology of Gastrointestinal Tract. Responsibilities: Orientation session for PGY1 Pathology Residents. Duration: 1 hour.
Sep 2018	Medical student presentation: Introduction to pathology/forensic pathology. Gave a presentation to the pathology interest group at Penn State Hershey Medical center. Duration: 1 hour.
Apr 2019	Pathology didactic session, Adrenal gland pathology. Duration: 1 hour.
2015-2018	Laboratory instructor: Lung Gross Pathology Laboratory for 2nd year medical students – 1 contact hour. Responsibilities: assistance to students with examination of gross pathology specimens.
	Laboratory instructor: Cardiovascular Pathology Laboratory for 2nd year medical students - 2 contact hour. Responsibilities: assistance to students with examination of gross pathology specimens.
	Laboratory instructor: Renal Gross Pathology Laboratory for 2nd year medical students – 1 contact hour. Responsibilities: assistance to students with examination of gross pathology specimens.
	Laboratory instructor: Gastrointestinal Gross Pathology Laboratory for 2nd year medical students – 2 contact hours. Responsibilities: Assisted students with examination of gross pathology specimens.
	Laboratory instructor: General Neoplasia Gross Pathology for 1 st year medical students – 4 contact hour. Responsibilities: assistance to students with examination of gross pathology specimens.

Undergraduate Medical education

2011-2013	Anatomy laboratory instructor, Lake Erie College of Osteopathic Medicine. Responsibilities: Introduced basic concepts of anatomy to visiting high school and college students- 6 contact hours.
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Undergraduate Education

2008-2011	Laboratory teaching assistant, Southern Utah University, College of Science. Responsibilities: Assisted professors in teaching anatomy and physiology lab sessions for students. Assisted in proctoring exams and grading, and also organized review sessions.
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2008-2011 Lead tutor for science and math, Southern Utah University.
Responsibilities: Worked as tutor for math and science and organized schedules of other tutors, and conducted training meetings

RESEARCH AND QUALITY PROJECTS

Quality and Assurance Projects

2015 Correlation of urine cytology with surgical specimens. Cytology Laboratory, Department of Pathology, Penn State M.S. Hershey Medical Center, Hershey, PA.

2016 Correlation of cytology and surgical pathology for pancreatic neuroendocrine tumors. Cytology Laboratory, Department of Pathology, Penn State M.S. Hershey Medical Center, Hershey, PA.

Correlation of cytology and surgical pathology of breast specimens. Cytology Laboratory, Department of Pathology, Penn State M.S. Hershey Medical Center, Hershey, PA.

Quality and Improvement Projects

2015-2016 Development of Patient Satisfaction Survey in Apheresis Clinic. Blood Bank and Transfusion Medicine, Department of Pathology, Penn State M.S. Hershey Medical Center, Hershey, PA.

2016-2018 Evaluation of Lead Levels in Donor Population. Department of Pathology, Penn State M.S. Hershey Medical Center, Hershey, PA.

2018-2019 Look back on cerebrospinal and synovial fluid cultures to determine the utility in holding specimens longer for detection of *Propionibacterium acnes*. Departments of Pathology and Microbiology, Penn State M.S. Hershey Medical Center, Hershey, PA.

Research

2010-2011 Study of migration patterns of local Sage Grouse population. Responsibilities: Used radio telemetry to track a population of birds during and after mating season. Collected data for future analysis. Southern Utah University & Utah State University.

ABSTRACTS:

Murie, B., Newell, J. "Type IV Glycogen Storage Disorder (Andersen Disease) in an 8 Week Old Infant. Case Report & Poster Presentation. National Association of Medical Examiners 2017 Annual Meeting. Scottsdale AZ.

Murie B, Fanburg-Smith JC, King JL, Flemming D, Aynardi M. Penn State Health, MS Hershey MC, Departments of Pathology, Radiology, Orthopaedics. "Novel Pathologic-Scoring for Charcot Arthropathy, with Intraneural Observations". Presented as poster at United States and Canadian Academy of Pathology (USCAP) annual meeting in 2019. National Harbor, MD.

Stauch CM, King JL, **Murie B**, Kim M, Waning D, Fanburg-Smith JC, Elfar J, Aynardi M. "A Viable Animal Model for Neuroarthropathic Changes in Wild-Type Rodents". American Orthopaedic Foot and Ankle Society 2019. Chicago, IL.

Murie B, Rautman A, Decker L, Edgar H. "Putting the Pieces Together Again: A Case of Dismemberment Using a Circular Saw." Presented as poster at National Association of Medical Examiners 2020 Annual Meeting (virtual). Denver, CO..

PUBLICATIONS

Mechelle M. Lewis PhD, Guangwei Du MD, PhD, Jennifer Baccon MD, PhD, Amanda M. Snyder PhD, **Ben Murie DO**, Felicia Cooper MS, Christy Stetter BS, Lan Kong PhD, Christopher Sica PhD, Richard B. Mailman PhD, James R. Connor PhD, Xuemei Huang MD, PhD. *Susceptibility MRI captures Nigral Pathology in Patients with Parkinsonian Syndromes*. Journal: Movement Disorders; May 14, 2018.

VOLUNTEERING

2016-2017

Boy Scouts of America, Pennsylvania Dutch Council.

Scout leader over 11 year-old boy scouts. 2 contact hours weekly.

Responsibilities: Organize weekly meetings, teaching survival skills, leadership traits, and teamwork principles.

2013-2015

Adult church leader. Erie, PA

Responsibilities: Taught lessons in a Sunday-school like setting. Assisted with organization of home visits to members of the congregation. Helped to evaluate if physical needs of members of the congregation were being met.

1 **MOT**

2 **CRAIG A. MUELLER**

3 Nevada Bar No. 4703

4 **CRAIG MUELLER & ASSOCIATES**

5 808 7th Street.

6 Las Vegas, NV 89101

7 (702) 382-1200 P

8 (702) 940-1235 F

9 Attorney for Defendant

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 JAMEL GIBBS,

16 Defendant.

Case No. C-21-355769-1

Dept No. X

NOTICE OF MOTION AND MOTION
TO REQUEST PERMISSION TO
ATTEND HIS MOTHER'S FUNERAL
SERVICES WITH AN ORDER
SHORTENING TIME

17
18 COMES NOW the Defendant JAMEL GIBBS by and through his attorney, Craig A. Mueller,
19 Esq. of the law firm MUELLER & ASSOCIATES, and moves this Honorable Court to place this
20 matter on calendar to request permission to attend his mother's funeral services.
21

22 DATED this 27th day of May 2021.

23 Respectfully Submitted,

24 MUELLER & ASSOCIATES

25 By: /s/ Craig A. Mueller

26 Craig A. Mueller, Esq.

27 Nevada Bar No. 4703
28

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2 Upon the application of Defense Counsel and good cause being shown, the following NOTICE
3
4 OF MOTION AND MOTION TO REQUEST PERMISSION TO ATTEND HIS MOTHER'S
5 FUNERAL SERVICES WITH AN ORDER SHORTENING TIME shall be heard on a shortened
6 time in the above-entitled Court on the 2nd day of June, 2021 at the hour
7 of 8 : 30 A . M. in Department 10 .

Dated this _____ day of May, 2021

DISTRICT COURT JUDGE

13	8CB 101 EEE5 0BFF
14	Tierra Jones
	District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Shortening Time was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/27/2021

15 District Attorney

motions@clarkcountyda.com

16 Leah Beverly

leah.beverly@clarkcountyda.com

17 Craig Mueller

electronicservice@craigmuellerlaw.com

18 Rosa Ramos

rosa@craigmuellerlaw.com

19 Department 10

dept10lc@clarkcountycourts.us



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #012556
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-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

**STATE'S SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT
WITNESSES
[NRS 174.234]**

TO: JAMEL GIBBS, aka Jamel Jacqkey Gibbs, Defendant; and

TO: CRAIG MUELLER, Esquire, 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:

NAME

ADDRESS

ANDERSON, H.

NLVPD P#2645

ANDREWS-LOSEA, M.

NLVPD P#2618

BAJALIA, A.

NLVPD P#2635

BEINKE, J.

NLVPD P#

BOOKER, V.

NLVPD P#2141

CARRILLO, C.

NLVPD P#2507

CHEAL, CAMERON

Clark County Coroner Investigator

1	CHERRIER, P.	NLVPD P#2231
2	COOK, M.	NLVPD P#2201
3	CUSTODIAN OF RECORDS	CCDC
4	CUSTODIAN OF RECORDS	FACEBOOK, INC,
5	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
6	CUSTODIAN OF RECORDS	LVMPD RECORDS
7	CUSTODIAN OF RECORDS	NEW FRONTIER AMORY LLC
8	CUSTODIAN OF RECORDS	PURELY STORAGE
9	DENNISON, L.	NLVPD P#
10	EMRY, K.	NLVPD P#2522
11	FORSBERG, S.	NLVPD P#2143
12	FRIEDMAN, K.	NLVPD P#2579
13	GILIAM, L.	NLV CITY MARSHALL P#1693
14	GOMEZ	NLVPD P#
15	HARDER, R.	NLVPD P#1694
16	HOWELLS, M.	NLVPD P#2638
17	HUDSON, J.	NLVPD P#1272
18	JOHNSON, R.	NLVPD P#
19	KIECANA, D.	NLVPD P#2639
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21	LEWIS, WYNISHA	C/O DISTRICT ATTORNEY'S OFFICE
22	LYNN, DEVIN	C/O DISTRICT ATTORNEY'S OFFICE
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24	MANFRE, ASHLEY	C/O DISTRICT ATTORNEY'S OFFICE
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26	MCCABE, J.	NLVPD P#2578
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28	OLANG, M.	NLVPD P#2707

1	OLANG, M.	NLVPD P#2707
2	PARKER, MICHEALA	C/O DISTRICT ATTORNEY'S OFFICE
3	PEREZ, J.	NLVPD P#0966
4	RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
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6	SALINAS, R.	NLVPD P#2599
7	SANTOS, A.	NLVPD P#1810
8	SILVA, W.	NLVPD P#1276
9	SMITH	NLVPD P#
10	SPRAGUE, S.	NLVPD P#
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19	WIESE, S.	NLVPD P#
20	WILSON, DODIE	C/O DISTRICT ATTORNEY'S OFFICE
21	WILSON, TAYLOORR	C/O DISTRICT ATTORNEY'S OFFICE

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 23 NEVADA intends to call the following expert witnesses in its case in chief:

24 FISCHER, PATRICK – NLVPD P#1647 (or designee): LATENT PRINT
 25 EXAMINER - Expert in the science and techniques of fingerprint comparison, and
 26 comparisons done in this case and any reports prepared therefrom.

27 //

28 //

1 GRAZIANO, THERESA – NLVPD P#1740 (or designee): LATENT PRINT
2 EXAMINER - Expert in the science and techniques of fingerprint comparison, and
3 comparisons done in this case and any reports prepared therefrom.

4 HATTEN, MARK – LVMPD #9794 (or designee): FIREARMS/TOOLMARK
5 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
6 expected to testify thereto, including, but not limited to, the forensic science underlying
7 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
8 microscopic comparison tools, technology, and findings, National Integrated Ballistic
9 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
10 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
11 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
12 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
13 homemade) examination, serial number restoration, and firearms modification or homemade
14 firearms examination).

15 MURIE, DR. BEN (or designee): A medical doctor, employed by the Clark County
16 Coroner's Office as a Deputy Medical Examiner/Forensic Pathologist. She is an expert in the
17 area of forensic pathology and will give scientific opinions related thereto. She is expected to
18 testify regarding the cause and manner of death of Jaylon Tiffith.

19 NIEMANN, CARINA – NLVPD P#2542 (or designee): CRIME SCENE ANALYST:
20 Expert in the identification, documentation, collection and preservation of evidence and is
21 expected to testify as an expert to the identification, documentation, collection and
22 preservation of the evidence in this case.

23 WELLS, D. – NLVPD P#1949 (or designee): Expert in field of computer analysis
24 including but not limited to the collection and examination of data contained within electronic
25 storage devices and/or cellular phones, including but not limited to, the collection,
26 interpretation and reconstruction of following data: digitally stored records of user and/or
27 device created data, including stored communications such as voice, text, Email, messaging
28 and/or social media content, photos, graphic files or videos, geo-location information, stored

1 internet browser and application data, contacts and call history, stored documents, software
2 applications, and other digitally stored records, information and data.

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

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

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

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

11
12 BY /s/ LEAH C. BEVERLY
13 LEAH C. BEVERLY
14 Chief Deputy District Attorney
Nevada Bar #012556

15
16 CERTIFICATE OF ELECTRONIC FILING

17 I hereby certify that service of the foregoing, was made this 3rd day of June, 2021, by
18 Electronic Filing to:

19 CRAIG MUELLER, ESQ.
20 E-mail Address: electronicservice@craigmuellerlaw.com
craig@craigmuellerlaw.com

21 /s/ Laura Mullinax
22 Secretary for the District Attorney's Office

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28 21CRN000371/lm/GU



EPAP
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556
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-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

**EX PARTE APPLICATION FOR ORDER REQUIRING
MATERIAL WITNESS TO POST BAIL**

COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, by and through LEAH C. BEVERLY, Chief Deputy District Attorney, and makes application to the above-entitled Court that an Order be entered herein requiring TAYLORR S. WILSON be taken into immediate custody as a material witness for the purpose of posting bail for her appearance in the jury trial of the above-entitled matter for the said reason of attempting to avoid testifying before the Eighth Judicial District Court.

Further application is made that the Court set bail in the amount of NO BAIL and if the said witness fails to post bail in the amount of NO BAIL for her appearance as a witness in this matter that the Court further direct and order that said witness be delivered into the custody of the Sheriff of Clark County, pending final disposition of the jury trial in the above entitled matter on or until further Order of this Court.

//

1 This application is made pursuant to the provision of NRS 178.494 and is based upon
2 Affidavits attached hereto which are incorporated herein by this reference.

3 DATED this 13th day of July, 2021.

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

7 BY /s/ LEAH C. BEVERLY
8 LEAH C. BEVERLY
9 Chief Deputy District Attorney
10 Nevada Bar #12556
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A F F I D A V I T

STATE OF NEVADA)
COUNTY OF CLARK) ss:

LEAH C. BEVERLY, being first duly sworn deposes and says:

That she is employed in the Office of the Clark County District Attorney, State of Nevada and is engaged in the prosecution of criminal matters and has been so employed for the period of 10 years.

This matter has been set for jury trial, said hearing to commence at or about 9:00 a.m. on the 19th day of July, 2021 in said Court.

Your affiant will advise the Court that one TAYLORR S. WILSON, ID#2829624 of Las Vegas, Clark County, Nevada, is in fact a material witness in the above-captioned matter.

Your affiant will further advise the Court on information and belief that said witness is avoiding testifying before the Eighth Judicial District Court in which she is a material and essential witness.

On July 7, 2021, Affiant's investigator Matthew Trammell made contact with said material witness via phone. Mr. Trammell explained the upcoming trial to said witness and advised said witness of her need to be present and testify at the trial. Per investigator Trammell's email to affiant on July 7, 2021, he relayed "Just talked with witness Taylorr Wilson. She advised me that she doesn't want anything to do with the case. She advised me several times she will not come to court." Ms. Wilson is a material witness in that the Defendant Gibbs made several incriminating statements to Ms. Wilson as he was on the run from police. Additionally, the Defendant was located at Ms. Wilson's house at the time of arrest. These statements and behavior of Defendant are material to the instant case given that it is the State's belief that Defendant intends to go with a self defense theory.

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THEREFORE, your affiant would respectfully pray that this Honorable Court under the authority of NRS 178.494 issue an Order directing that any police officer of this State shall forthwith take the said TAYLORR S. WILSON, ID#2829624 into custody and forthwith convey to the jail of the County of Clark, State of Nevada, for incarceration to insure her presence before the Eighth Judicial District Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 13, 2021
(Date)

/s/ LEAH C. BEVERLY
(Signature)



EPAP
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556
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-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

**EX PARTE APPLICATION FOR ORDER REQUIRING
MATERIAL WITNESS TO POST BAIL**

COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, by and through LEAH C. BEVERLY, Chief Deputy District Attorney, and makes application to the above-entitled Court that an Order be entered herein requiring MICHAELA PARKER be taken into immediate custody as a material witness for the purpose of posting bail for her appearance in the jury trial of the above-entitled matter for the said reason of attempting to avoid testifying before the Eighth Judicial District Court.

Further application is made that the Court set bail in the amount of NO BAIL and if the said witness fails to post bail in the amount of NO BAIL for her appearance as a witness in this matter that the Court further direct and order that said witness be delivered into the custody of the Sheriff of Clark County, pending final disposition of the jury trial in the above entitled matter on or until further Order of this Court.

//

1 This application is made pursuant to the provision of NRS 178.494 and is based upon
2 Affidavits attached hereto which are incorporated herein by this reference.

3 DATED this 13th day of July, 2021.

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

7 BY /s/ LEAH C. BEVERLY
8 LEAH C. BEVERLY
9 Chief Deputy District Attorney
10 Nevada Bar #12556
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A F F I D A V I T

STATE OF NEVADA)
COUNTY OF CLARK) ss:

LEAH C. BEVERLY, being first duly sworn deposes and says:

That she is employed in the Office of the Clark County District Attorney, State of Nevada and is engaged in the prosecution of criminal matters and has been so employed for the period of 10 years.

This matter has been set for jury trial, said hearing to commence at or about 9:00 a.m. on the 19th day of July, 2021 in said Court.

Your affiant will advise the Court that one MICHAELA PARKER, ID#2837059 of Seattle, Washington, is in fact a material witness in the above-captioned matter.

Your affiant will further advise the Court on information and belief that said witness is avoiding testifying before the Eighth Judicial District Court in which she is a material and essential witness.

Affiant's investigator Matthew Trammell made the following representations to Affiant "On approximately 4/20/21, I was asked to locate and serve witness Micheala Parker for Grand Jury set for 5/5/21. I mailed the subpoena to the address on file of 3940 Scott Robinson #1011. I also attempted to call her on her phone of 702-619-1595. During this time I also drove to the apartment complex and was able to confirm that Micheala had moved from that address and was no good any longer. The manager had no new information on Micheala Parker. I used my Investigator databases to attempt to locate new contact information but was unable to find any. On 6/24/21 I was again asked to attempt to locate and serve witness Micheala Parker for trial set for 7/19/21. I have checked the databases I have access to. I attempted to make contact with a possible relative but had negative results. I was provided a possible phone number and email for Micheala. I attempted to call and text the number with negative results. I have also emailed the email I was provided but have had negative results in contacting Micheala Parker.

As of today I have not been able to make contact with Micheala Parker. Affiant's lead detective, Shane Forsberg, with the North Las Vegas Police Department also attempted to

1 contact Ms. Parker. When he called the number he had for her, the phone did not ring and her
2 voicemail was not set up. Ms. Parker is a material witness in that she is an eyewitness to the
3 murder, she gave multiple statements to police implicating Gibbs in the shooting. She was
4 found with Gibbs at the time of arrest, her apartment was searched where matching
5 ammunition was located, and she is the mother to the victim's child, which is the basis of this
6 entire shooting.

7 THEREFORE, your affiant would respectfully pray that this Honorable Court under
8 the authority of NRS 178.494 issue an Order directing that any police officer of this State shall
9 forthwith take the said MICHAELA PARKER, ID#2837059 into custody and forthwith
10 convey to the jail of the County of Clark, State of Nevada, for incarceration to insure her
11 presence before the Eighth Judicial District Court.

12 I declare under penalty of perjury that the foregoing is true and correct.

13 Executed on July 13, 2021
14 (Date)

/s/ LEAH C. BEVERLY
(Signature)

21
22
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28 21CRN000371/lm/GU

Heather L. Hume
CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556
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-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

**ORDER REQUIRING MATERIAL WITNESS TO POST
BAIL OR BE COMMITTED TO CUSTODY**

STATE OF NEVADA }
COUNTY OF CLARK } ss:

TO: Any Sheriff, Constable, Marshal,
Policeman or Peace Officer in
the State of Nevada

An ex parte application upon sworn affidavit having been presented to this Court pursuant to NRS 178.494, wherein it appears that the testimony of TAYLORR S. WILSON, ID#2829624 is material to the jury trial in the above-entitled matter, and it further appearing to the Court by the way of affidavit that the attendance of said witness in the jury trial of this matter by subpoena is impracticable;

YOU ARE THEREFORE commanded forthwith to place said witness in your immediate custody for the purpose of said witness posting bail with the above entitled court in the amount of NO BAIL in order to secure the attendance of said witness TAYLORR S.

1 WILSON, ID#2829624 before the Court on the 21st day of July, 2021, at 9:00 a.m., in the jury
2 trial of the above entitled matter.

3 IT IS FURTHER ORDERED and directed that if said witness TAYLORR S. WILSON,
4 ID#2829624 fails to post bail in the sum of NO BAIL to secure her attendance as a witness in
5 the jury trial in the above-stated matter as above provided, then you are further commanded to
6 deliver said witness into the custody of the Sheriff of Clark County pending final disposition
7 of the jury trial in the above-entitled matter or until further Order of this Court.

8 YOU ARE FURTHER ORDERED to direct the Sheriff of the County of Clark, State
9 of Nevada, to make the said TAYLORR S. WILSON, ID#2829624 available in custody in the
10 Eighth Judicial District Court of the State of Nevada, in and for the County of Clark at 9:00
11 a.m. on the 21st day of July, 2021, for the testimony in the captioned matter and further
12 disposition by this Court.

13 You are further ordered that if the said TAYLORR S. WILSON is incarcerated pursuant
14 to this order, she shall be brought before me or in my absence another Judge of the Eighth
15 Judicial District Court within seventy-two (72) hours after the beginning of her detention for
16 the purpose of determining whether the bail previously set should be modified and whether
17 the detention of the material witness should continue and in addition so that a schedule for the
18 periodic review of whether the amount of bail required should be modified and whether
19 detention should continue.

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39B 0F8 2CB8 5527
Tierra Jones
District Court Judge

21CRN000371/lm/GU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/14/2021

15 District Attorney

motions@clarkcountyda.com

16 Leah Beverly

leah.beverly@clarkcountyda.com

17 Craig Mueller

electronicservice@craigmuellelaw.com

18 Rosa Ramos

rosa@craigmuellelaw.com

19 Department 10

dept10lc@clarkcountycourts.us

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C355769

DEPT NO: 10

WARRANT OF ARREST

FOR MATERIAL WITNESS TAYLORR S. WILSON, ID#2829624

THE STATE OF NEVADA,

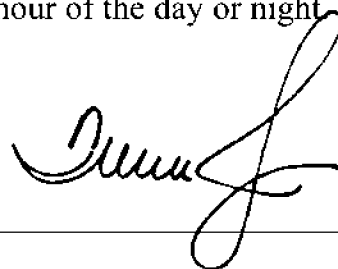
To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An affidavit upon oath has been this day laid before me by LEAH C. BEVERLY accusing TAYLORR S. WILSON, ID#2829624 thereof of being a Material Witness;

YOU ARE THEREFORE COMMANDED forthwith to arrest the above named TAYLORR S. WILSON, ID#2829624 and bring her before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark after it is determined that the said TAYLORR S. WILSON, ID#2829624, is in the custody of the Sheriff of Clark County, State of Nevada, or in case of my absence or inability to act, before the nearest and most accessible Magistrate in this County.

Dated this 14th day of July, 2021

And I direct that this Warrant may be served at any hour of the day or night



F2B A26 9807 C410
Tierra Jones
District Court Judge

DA#21CRN000371/lm/GU
NLVPD EV#2103697/FORSBERG #2143
07301992/BFA/530691544
(TK)

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C355769

DEPT NO: 10

SHERIFF'S RETURN

I hereby certify that I received the above and foregoing Warrant on the ____ day of _____, 20__, and served the same by arresting the within named TAYLORR S. WILSON, ID#2829624, and bringing _____ into Court this ____ day of _____, 20__.

JOSEPH LOMBARDO,
Sheriff, Clark County, Nevada

BY _____
Deputy

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Warrant was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/14/2021

15 District Attorney

motions@clarkcountyda.com

16 Leah Beverly

leah.beverly@clarkcountyda.com

17 Craig Mueller

electronicservice@craigmuellerlaw.com

18 Rosa Ramos

rosa@craigmuellerlaw.com

19 Department 10

dept10lc@clarkcountycourts.us

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556
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-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

**ORDER REQUIRING MATERIAL WITNESS TO POST
BAIL OR BE COMMITTED TO CUSTODY**

STATE OF NEVADA }
COUNTY OF CLARK } ss:

TO: Any Sheriff, Constable, Marshal,
Policeman or Peace Officer in
the State of Nevada

An ex parte application upon sworn affidavit having been presented to this Court pursuant to NRS 178.494, wherein it appears that the testimony of MICHAELA PARKER, ID#2837059 is material to the jury trial in the above-entitled matter, and it further appearing to the Court by the way of affidavit that the attendance of said witness in the jury trial of this matter by subpoena is impracticable;

YOU ARE THEREFORE commanded forthwith to place said witness in your immediate custody for the purpose of said witness posting bail with the above entitled court in the amount of NO BAIL in order to secure the attendance of said witness MICHAELA

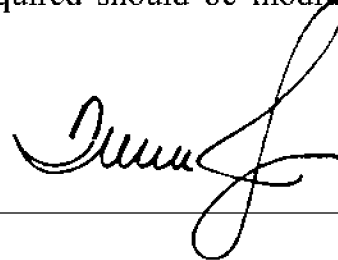
1 PARKER, ID#2837059 before the Court on the 21st day of July, 2021, at 9:00 a.m., in the jury
2 trial of the above entitled matter.

3 IT IS FURTHER ORDERED and directed that if said witness MICHAELA PARKER,
4 ID#2837059 fails to post bail in the sum of NO BAIL to secure her attendance as a witness in
5 the jury trial in the above-stated matter as above provided, then you are further commanded to
6 deliver said witness into the custody of the Sheriff of Clark County pending final disposition
7 of the jury trial in the above-entitled matter or until further Order of this Court.

8 YOU ARE FURTHER ORDERED to direct the Sheriff of the County of Clark, State
9 of Nevada, to make the said MICHAELA PARKER, ID#2837059 available in custody in the
10 Eighth Judicial District Court of the State of Nevada, in and for the County of Clark at 9:00
11 a.m. on the 21st day of July, 2021, for the testimony in the captioned matter and further
12 disposition by this Court.

13 You are further ordered that if the said MICHAELA PARKER is incarcerated pursuant
14 to this order, she shall be brought before me or in my absence another Judge of the Eighth
15 Judicial District Court within seventy-two (72) hours after the beginning of her detention for
16 the purpose of determining whether the bail previously set should be modified and whether
17 the detention of the material witness should continue and in addition so that a schedule for the
18 periodic review of whether the amount of bail required should be modified and whether
19 detention should continue.

Dated this 14th day of July, 2021



9D8 860 45F9 879E
Tierra Jones
District Court Judge

21CRN000371/lm/GU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs
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14 Service Date: 7/14/2021

15 District Attorney

motions@clarkcountyda.com

16 Leah Beverly

leah.beverly@clarkcountyda.com

17 Craig Mueller

electronicservice@craigmuellerlaw.com

18 Rosa Ramos

rosa@craigmuellerlaw.com

19 Department 10

dept10lc@clarkcountycourts.us

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

WARRANT OF ARREST

FOR MATERIAL WITNESS MICHAELA PARKER, ID#2837059

THE STATE OF NEVADA,

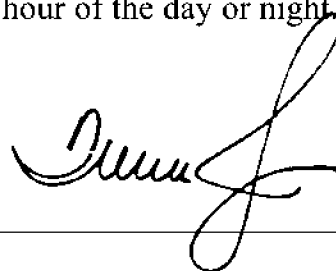
To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An affidavit upon oath has been this day laid before me by LEAH C. BEVERLY accusing MICHAELA PARKER, ID#2837059 thereof of being a Material Witness;

YOU ARE THEREFORE COMMANDED forthwith to arrest the above named MICHAELA PARKER, ID#2837059 and bring her before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark after it is determined that the said MICHAELA PARKER, ID#2837059, is in the custody of the Sheriff of Clark County, State of Nevada, or in case of my absence or inability to act, before the nearest and most accessible Magistrate in this County.

And I direct that this Warrant may be served at any hour of the day or night

Dated this 14th day of July, 2021



EB9 56F 1C33 799C
Tierra Jones
District Court Judge

DA#21CRN000371/lm/GU
NLVPD EV#2103697/FORSBERG #2143
12221992/BFA/530713509
(TK)

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

SHERIFF'S RETURN

I hereby certify that I received the above and foregoing Warrant on the ____ day of _____, 20__, and served the same by arresting the within named MICHAELA PARKER, ID#2837059, and bringing _____ into Court this ____ day of _____, 20__.

JOSEPH LOMBARDO,
Sheriff, Clark County, Nevada

BY _____
Deputy

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs

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15 District Attorney

motions@clarkcountyda.com

16 Leah Beverly

leah.beverly@clarkcountyda.com

17 Craig Mueller

electronicservice@craigmuelเลอร์law.com

18 Rosa Ramos

rosa@craigmuelเลอร์law.com

19 Department 10

dept10lc@clarkcountycourts.us

ORIGINAL

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

JURL

JUL 20 2021

DISTRICT COURT

BY,

Teri Berkshire
TERI BERKSHIRE, DEPUTY

CLARK COUNTY, NEVADA

The State of Nevada

Plaintiff(s),

-vs-

JAMEL GIBBS

Defendant(s).

CASE NO. C355769

DEPT. NO. X

JURY

1. JULIAN OLIVARES

7. BRANDON RIZK

2. LETICIA SAUCEDO

8. MONET GAY

3. EULOGIO RAMO

9. EDWARD HOURIGAN

4. DOMINICK MATTEUCCI

10. ROBERT LAROSA

5. APRIL GILL

11. CHRISTY STIEVE

6. CRAIG BRAGG

12. YOLANDO TURNER

ALTERNATES SECRET FROM ABOVE

1. KEANNA HERRERA

2. MIKAELA BAYARDI

C-21-355769-1
JURL
Jury List
4961701



ORIGINAL

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

JURL

JUL 21 2021

DISTRICT COURT BY, 

TERI BERKSHIRE, DEPUTY

CLARK COUNTY, NEVADA

The State of Nevada

Plaintiff(s),

CASE NO. C355769

DEPT. NO. X

-vs-

JAMEL GIBBS

Defendant(s).

AMENDED JURY

- | | |
|-----------------------|--------------------|
| 1. JULIAN OLIVARES | 7. BRANDON RIZK |
| 2. LETICIA SAUCEDO | 8. MONET GAY |
| 3. EULOGIO RAMO | 9. EDWARD HOURIGAN |
| 4. DOMINICK MATTEUCCI | 10. ROBERT LAROSA |
| 5. APRIL GILL | 11. CHRISTY STIEVE |
| 6. CRAIG BRAGG | 12. YOLANDO TURNER |

ALTERNATES SECRET FROM ABOVE

1. EXCUSED
2. MIKAELA BAYARDI

C-21-355769-1
AJUR
Amended Jury List
4961700



JUL 23 2021

1 **SAO**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 BINU G. PALAL
6 Chief Deputy District Attorney
7 Nevada Bar #10178
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

BY, 
TERI BERKSHIRE, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 JAMEL GIBBS,
13 #2662590

14 Defendant.

CASE NO: C355769

DEPT NO: X

15 **STIPULATION AND ORDER**

16 COMES NOW, the Defendant, JAMEL GIBBS, by and through his counsel, CRAIG
17 MUELLER, and the State of Nevada, by and through BINU G. PALAL, Chief Deputy District
18 Attorney, and pursuant to NRS 175.552(2), hereby agree and stipulate to the following:

- 19 1. Should the jury in the above-captioned case return a verdict of guilty on
20 any offense, including First Degree Murder, the parties hereby waive the
21 penalty hearing before the jury as normally required under NRS
22 175.552(1)(a);
23 2. Pursuant to NRS 175.552(2), both parties agree that the sentence on any
24 charge for which the Defendant may be convicted shall be imposed by
25 this Honorable Court after a pre-sentence investigation is conducted by
26 the Department of Parole and Probation;
27 3. That as a result of the foregoing, counsel shall not discuss or mention the
28 issue of penalty or punishment in the voir dire, opening statements or

C-21-355769-1
SAO
Stipulation and Order
4961702



1 closing arguments, or otherwise discuss the nature of penalty or
2 punishment at any time before the jury.
3
4

5 DATED this 23rd day of July 2021.
6

7 ATTORNEY FOR DEFENDANT

8 BY: 

9 CRAIG MUELLER
Attorney for Defendant
Nevada Bar #4703
10

CLARK COUNTY DISTRICT
ATTORNEY

11 BY: 

12 BINU G. PALAL
Chief Deputy District Attorney
Nevada Bar #10178
13

14 
15 JAMEL GIBBS

16 IT IS SO ORDERED.
17

18 
19 DISTRICT JUDGE
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1 VER

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

2:11 PM
JG

JUL 23 2021

5 THE STATE OF NEVADA,

6 Plaintiff,

7 -vs-

8 JAMEL GIBBS,

9 Defendant.
10

BY, 

TERI BERKSHIRE, DEPUTY

CASE NO: C-21-355769-1

DEPT NO: X

11 VERDICT

12 We, the jury in the above entitled case, find the defendant JAMEL GIBBS, as
13 follows:

14 **COUNT 1** – MURDER WITH USE OF A DEADLY WEAPON

15 *(Please check the appropriate box, select only one)*

16 ☐ Guilty of First Degree Murder With Use Of A Deadly Weapon

17 ☐ Guilty of First Degree Murder

18 ☒ Guilty of Second Degree Murder With Use of a Deadly Weapon

19 ☐ Guilty of Second Degree Murder

20 ☐ Guilty of Voluntary Manslaughter With Use Of A Deadly Weapon

21 ☐ Guilty of Voluntary Manslaughter

22 ☐ Not Guilty
23

24 DATED this 23 day of July, 2021

25
26 
27

FOREPERSON

28 C-21-355769-1

VER

Verdict

4961705



JUL 23 2021

DISTRICT COURT
CLARK COUNTY, NEVADA

BY 
TERI BERKSHIRE, DEPUTY

2:11pm

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS,

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

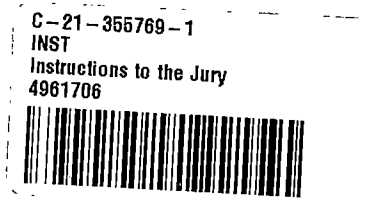
INSTRUCTIONS TO THE JURY

(INSTRUCTION NO. 1)

MEMBERS OF THE JURY:

It is now my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the Court.



45

INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

INSTRUCTION NO. 3

An Indictment is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Indictment that on or about the 3rd day of March, 2021 the Defendant JAMEL GIBBS committed the offenses of MURDER WITH USE OF A DEADLY WEAPON that the Defendant did willfully, unlawfully, feloniously and with malice aforethought, kill JAYLON TIFFITH, a human being, with use of a deadly weapon, to wit: a firearm, by shooting into the body of the said JAYLON TIFFITH, the said killing having been willful, deliberate and premeditated.

It is the duty of the jury to apply the rules of law contained in these instructions to the facts of the case and determine whether or not the Defendant is guilty of the offense charged.

INSTRUCTION NO. 4

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 5

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

INSTRUCTION NO. 6

1 In this case the defendant is accused in an Indictment alleging an open charge of
2 murder. This charge includes and encompasses murder of the first degree, murder of the
3 second degree, and voluntary manslaughter.

4 The jury must decide if the defendant is guilty of any offense and, if so, of which
5 offense.
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INSTRUCTION NO. 7

Murder is the unlawful killing of a human being, with malice aforethought, whether express or implied. The unlawful killing may be effected by any of the various means by which death may be occasioned.

INSTRUCTION NO. 8

Malice aforethought means the intentional doing of a wrongful act without legal cause or excuse or what the law considers adequate provocation. The condition of mind described as malice aforethought may arise, not alone from anger, hatred, revenge or from particular ill will, spite or grudge toward the person killed, but may result from any unjustifiable or unlawful motive or purpose to injure another, which proceeds from a heart fatally bent on mischief or with reckless disregard of consequences and social duty. Malice aforethought does not imply deliberation or the lapse of any considerable time between the malicious intention to injure another and the actual execution of the intent but denotes rather an unlawful purpose and design in contradistinction to accident and mischance.

INSTRUCTION NO. 9

Express malice is that deliberate intention unlawfully to take away the life of a fellow creature, which is manifested by external circumstances capable of proof.

Malice may be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

INSTRUCTION NO. 10

The prosecution is not required to present direct evidence of a defendant's state of mind as it existed during the commission of a crime, and the jury may infer the existence of a particular state of mind from the circumstances disclosed by the evidence.

INSTRUCTION NO. 11

Murder of the first degree is murder which is perpetrated by means of any kind of willful, deliberate, and premeditated killing. All three (3) elements -- willfulness, deliberation, and premeditation -- must be proven beyond a reasonable doubt before an accused can be convicted of first-degree murder.

INSTRUCTION NO. 12

Willfulness is the intent to kill. There need be no appreciable space of time between formation of the intent to kill and the act of killing.

INSTRUCTION NO. 13

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

INSTRUCTION NO. 14

A deliberate determination may be arrived at in a short period of time. But in all cases the determination must not be formed in passion, or if formed in passion, it must be carried out after there has been time for the passion to subside and deliberation to occur. A mere unconsidered and rash impulse is not deliberate, even though it includes the intent to kill.

INSTRUCTION NO. 15

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

INSTRUCTION NO. 16

Premeditation need not be for a day, an hour, or even a minute. It may be as instantaneous as successive thoughts of the mind. For if the jury believes from the evidence that the act constituting the killing has been preceded by and has been the result of premeditation, no matter how rapidly the act follows the premeditation, it is premeditated.

INSTRUCTION NO. 17

The law does not undertake the measure in units of time the length of the period during which the thought must be pondered before it can ripen into an intent to kill which is truly deliberate and premeditated. The time will vary with different individuals and under varying circumstances.

INSTRUCTION NO. 18

The true test is not the duration of time, but rather the extent of the reflection. A cold, calculated judgment and decision may be arrived at in a short period of time, but a mere unconsidered and rash impulse, even though it includes an intent to kill, is not deliberation and premeditation as will fix an unlawful killing as murder of the first degree.

INSTRUCTION NO. 19

Murder of the Second Degree is murder with malice aforethought, but without the admixture of premeditation and deliberation.

All murder which is not Murder of the First Degree is Murder of the Second Degree.

Voluntary Manslaughter is the unlawful killing of a human being, without malice aforethought and without deliberation or premeditation.

For the sudden, violent impulse of passion to be irresistible resulting in a killing, which is Voluntary Manslaughter, there must not have been an interval between the assault or provocation and the killing sufficient for the voice of reason and humanity to be heard; for, if there should appear to have been sufficient time for a cool head to prevail and the voice of reason to be heard, the killing shall be attributed to deliberate revenge and determined by you to be murder. The law assigns no fixed period of time for such an interval but leaves its determination to the jury under the facts and circumstances of the case.

It is a killing upon a sudden quarrel or heat of passion, caused by a provocation sufficient to make the passion irresistible.

The provocation required for Voluntary Manslaughter must either consist of a serious and highly provoking injury inflicted upon the person killing, sufficient to excite an irresistible passion in a reasonable person, or an attempt by the person killed to commit a serious personal injury on the person killing.

INSTRUCTION NO. 21

The heat of passion which will reduce a homicide to Voluntary Manslaughter must be such an irresistible passion as naturally would be aroused in the mind of an ordinarily reasonable person in the same circumstances. A defendant is not permitted to set up his own standard of conduct and to justify or excuse himself because his passions were aroused unless the circumstances in which he was placed and the facts that confronted him were such as also would have aroused the irresistible passion of the ordinarily reasonable man if likewise situated. The basic inquiry is whether or not, at the time of the killing, the reason of the accused was obscured or disturbed by passion to such an extent as would cause the ordinarily reasonable person of average disposition to act rashly and without deliberation and reflection and from such passion rather than from judgment.

INSTRUCTION NO. 22

When it is impossible to commit a particular crime without committing, at the same time and by the same conduct, another offense of lesser grade or degree, the latter is, with respect to the former, a "lesser included offense."

If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the offense charged, he may, however, be found guilty of any lesser included offense, if the evidence is sufficient to establish his guilt of such lesser offense beyond a reasonable doubt.

The offense of Murder which actually charges the defendant with First Degree Murder necessarily includes the lesser offense of Second Degree Murder.

If you are convinced beyond a reasonable doubt that the crime of murder has been committed by a defendant, but you have a reasonable doubt whether such murder was of the first or of the second degree, you must give the defendant the benefit of that doubt and return a verdict of murder of the second degree.

Voluntary Manslaughter is a lesser included offense of both First and Second Degree Murder. Thus, you may only return a verdict of Voluntary Manslaughter if you first rule out First and Second Degree Murder.

INSTRUCTION NO. 23

The jury is instructed that upon the question of intent the law presumes a man to intend the reasonable and natural consequences of any act intentionally done; and this presumption of law will always prevail, unless, from a consideration of all the evidence bearing upon the point, the jury entertain a reasonable doubt whether such intention did exist.

INSTRUCTION NO. 24

You are instructed that if you find a defendant guilty of murder or voluntary manslaughter you must also determine whether or not a deadly weapon was used in the commission of this crime.

If you find beyond a reasonable doubt that a deadly weapon was used in the commission of such an offense, then you shall return the appropriate guilty verdict reflecting "With Use of a Deadly Weapon".

If, however, you find that a deadly weapon was not used in the commission of such an offense, but you find that it was committed, then you shall return the appropriate guilty verdict reflecting that a deadly weapon was not used.

INSTRUCTION NO. 25

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

You are instructed that a firearm is a deadly weapon.

INSTRUCTION NO. 26

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

INSTRUCTION NO. 27

The flight of a person after the commission of a crime is not sufficient in itself to establish guilt; however, if flight is proved, it is circumstantial evidence in determining guilt or innocence.

The essence of flight embodies the idea of deliberately going away with consciousness of guilt and for the purpose of avoiding apprehension or prosecution. The weight to which such circumstance is entitled is a matter for the jury to determine.

The killing of another person in self-defense is justified and not unlawful when the person who does the killing actually and reasonably believes:

1. That there is imminent danger that the assailant will either kill him or cause him great bodily injury; and

2. That it is absolutely necessary under the circumstances for him to use in self-defense force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to himself.

1
2 The right of self-defense is not generally available to an original aggressor, that is a
3 person who has sought a quarrel with the design to force a deadly issue and thus through his
4 fraud, contrivance or fault, to create a real or apparent necessity for making a felonious
5 assault.

6 The original aggressor is only entitled to exercise self-defense, if he makes a good
7 faith endeavor to decline any further struggle before the mortal blow was given.

8 However, where a person without voluntarily seeking, provoking, inviting, or
9 willingly engaging in a difficulty of his own free will, is attacked by an assailant, he has the
10 right to stand his ground and need not retreat when faced with the threat of deadly force.

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in self-defense, the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

Actual danger is not necessary to justify a killing in self-defense. A person has a right to defend from apparent danger to the same extent as he would from actual danger. The person killing is justified if:

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and
3. A reasonable person in a similar situation would believe himself to be in like danger.

INSTRUCTION NO. 32

The killing is justified even if it develops afterward that the person killing was mistaken about the extent of the danger.

INSTRUCTION NO. 33

If evidence of self-defense is present, the State must prove beyond a reasonable doubt that the defendant did not act in self-defense. If you find that the State has failed to prove beyond a reasonable doubt that the defendant did not act in self-defense, you must find the defendant not guilty.

INSTRUCTION NO. 34

An honest but unreasonable belief in the necessity for self-defense does not negate malice and does not reduce the offense from murder to manslaughter.

INSTRUCTION NO. 35

If a person kills another in self-defense, it must appear that the danger was so urgent and pressing that, in order to save his own life, or to prevent his receiving great bodily harm, the killing of the other was absolutely necessary; and the person killed was the assailant, or that the slayer had really, and in good faith, endeavored to decline any further struggle before the mortal blow was given.

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 37

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his opinion as to any matter in which he is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

INSTRUCTION NO. 39

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 40

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 41

In arriving at a verdict in this case as to whether the defendant is guilty or not guilty, the subject of penalty or punishment is not to be discussed or considered by you and should in no way influence your verdict.

During the course of this trial, and your deliberations, you are not to:

(1) Communicate with anyone in anyway regarding this case or its merits-either by phone, text, internet, or other means

(2) Read, watch, or listen to any news or media accounts or commentary about the case;

(3) Do any research, such as consulting dictionaries, using the internet, or using reference materials;

(4) Make any investigation, test any theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own

INSTRUCTION NO. 43

When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesman here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room

1
2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed
4 by the foreperson. The officer will then return you to court where the information sought
5 will be given you in the presence of, and after notice to, the district attorney and the
6 Defendant and his/her counsel.

7 Playbacks of testimony are time-consuming and are not encouraged unless you deem
8 it a necessity. Should you require a playback, you must carefully describe the testimony to
9 be played back so that the court recorder can arrange his/her notes. Remember, the court is
10 not at liberty to supplement the evidence.
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INSTRUCTION NO. 45

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN: 

DISTRICT JUDGE



MOT
CRAIG MUELLER, ESQ.
Nevada Bar No. 4703
MUELLER, AND ASSOCIATES, INC.
808 S. 7th Street
Las Vegas, Nevada 89101
Phone No. (702) 382-1200
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

JAMEL GIBBS

Defendant.

Case No: C-21-355769-1

Dept No. 10

MOTION FOR A NEW TRIAL

COMES NOW Defendant JAMEL GIBBS , by and through his attorney CRAIG MUELLER, ESQ. moves to place this matter on calendar for bail setting.

MUELLER AND ASSOCIATES, INC.

By /s/ Craig Mueller
CRAIG MUELLER, ESQ.
Nevada Bar No. 4703
808 S. 7th Street
Las Vegas, Nevada 89101
(702) 382-1200
Attorney for Defendant

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NOTICE OF MOTION

TO: THE STATE OF NEVADA, Plaintiff; and,
TO: ITS COUNSEL OF RECORD, STEVEN B. WOLFSON, District Attorney;
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned
will bring the foregoing Motion on for hearing before this court, on the _____ day of
_____ 2021, at the hour of _____. m. or as soon thereafter as counsel may
be heard.

DATED this 28th day of July, 2021.


By _____
CRAIG MUELLER, ESQ.
Attorney for Defendant

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **BACKGROUND**

3 On July 23, 2021, MR. JAMIL GIBBS (MR. GIBBS) was found guilty of Second
4 Degree Murder with Use of a Deadly Weapon pursuant to a jury trial. Sentencing is set
5 for September 10, 2021.
6

7 **ARGUMENT**

8 **DEFENDANT MAKES THIS MOTION FOR A NEW TRIAL AND REQUESTS THAT**
9 **THIS COURT ORDER PREPARATION OF THE TRANSCRIPTS**
10

11 NRS 176.055 provides, in pertinent part:

- 12 1. The court may grant a new trial to a defendant if required as a matter of
13 law or on the ground of newly discovered evidence.
14 2. If trial was by the court without a jury, the court may vacate the judgment
15 if entered, take additional testimony and direct the entry of a new judgment.
16 3. Except as otherwise provided in NRS 176.09187, a motion for a new trial
17 based on the ground of newly discovered evidence may be made only
18 within 2 years after the verdict or finding of guilt.
19 4. A motion for a new trial based on any other grounds must be made
20 within 7 days after the verdict or finding of guilt or within such further time
21 as the court may fix during the 7-day period.
22 . . .
23 7. If the court grants a motion made pursuant to subsection 5, the court:
24 (a) Shall vacate the judgment and dismiss the accusatory pleading; and
25 (b) May take any additional action that the court deems appropriate under
26 the circumstances.

27 This Motion is timely filed under NRS 176.055(4). At this time, the trial transcripts
28 need to be prepared and defense needs to review the trial transcripts to determine which
issues to raise to supplement this Motion for a New Trial.

26 **CONCLUSION**

1 For the foregoing reasons, the Defendant respectfully requests that this Honorable
2 Court order the trial transcripts to be prepared and allow defense time to review those
3 transcripts, and supplement the Motion for a New Trial, if necessary.
4

5 DATED this 28th day of July, 2021.

6 RESPECTFULLY SUBMITTED:

7 By: 
8 CRAIG MUELLER
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DECLARATION OF COUNSEL

STATE OF NEVADA)

) ss.
COUNTY OF CLARK)

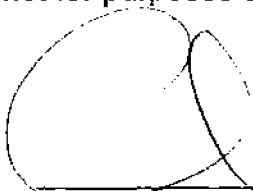
CRAIG MUELLER, ESQ., swears and affirms that:

1. He is an attorney, duly-licensed to practice law in the State of Nevada, and maintains a law office at 808 S. 7th St. Las Vegas, Nevada 89101;

2. He is informed and believes that the facts and information contained within this Motion are true and correct, which facts and information are hereby incorporated by reference as if stated in full herein;

3. This Motion is made in good faith and not for purposes of delay.

Dated July 28, 2021.



CRAIG MUELLER, ESQ.

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
7/28/2021 4:13 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Jamel Gibbs

Case No.: C-21-355769-1
Department 10

NOTICE OF HEARING

Please be advised that the Defendant's Motion for a New Trial in the above-entitled matter is set for hearing as follows:

Date: August 30, 2021
Time: 8:30 AM
Location: RJC Courtroom 14B
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer
Deputy Clerk of the Court



OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH BEVERLY
Chief Deputy District Attorney
Nevada Bar #012556
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-

JAMEL GIBBS, aka Jamel Jacqkey Gibbs,
#2662590

Defendant.

CASE NO: C-21-355769-1

DEPT NO: X

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR NEW TRIAL

DATE OF HEARING: August 30, 2021
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through LEAH BEVERLY, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion For New Trial.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

//

//

//

//

1 POINTS AND AUTHORITIES

2 STATEMENT OF THE CASE

3 An Indictment was filed on May 6, 2021 charging Jamel Gibbs (Hereinafter
4 “Defendant”) with one count of Murder with Use of a Deadly Weapon and one count of
5 Ownership or Possession of Firearm by Prohibited Person. Trial proceeded on July 20, 2021.
6 On July 23, 2021, the jury returned a verdict of guilty of Second Degree Murder with Use of
7 a Deadly Weapon. Sentencing is scheduled for September 10, 2021. Defendant filed the instant
8 Motion for New Trial on July 28, 2021. The State’s Opposition follows:

9 ARGUMENT

10 In the instant Motion, Defendant request a new trial based on nothing the State can
11 ascertain. Essentially, Defendant files this motion asking for transcripts of the trial but setting
12 forth not one single claim of substance as the basis for a new trial. Defendant claims he needs
13 to review the trial transcripts to supplement his motion for new trial. That is not permitted.
14 This is not an appeal. Defendant cites to NRS 176.055 as the law governing a new trial request.
15 That is not even the correct statute. The correct statute is NRS 176.515. Defendant’s claims
16 are without merit and should be summarily denied.

17 APPLICABLE LAW:

18 NRS 176.515 states:

- 19 1. The court may grant a new trial to a defendant if required as a
20 matter of law or on the ground of newly discovered evidence.
21 2. If trial was by the court without a jury, the court may vacate the
22 judgment if entered, take additional testimony and direct the entry
23 of a new judgment.
24 3. Except as otherwise provided in NRS 176.09187, a motion for a
25 new trial based on the ground of newly discovered evidence may
26 be made only within 2 years after the verdict or finding of guilt.
27 4. A motion for a new trial based on any other grounds must be made
28 within 7 days after the verdict or finding of guilt or within such
further time as the court may fix during the 7-day period.

27 Defendant has failed to make a claim that there is newly discovered evidence. He has
28 failed to make a claim that there are “other grounds” that would entitle him to even file this

1 motion. This is simply a request for transcripts to go on a fishing expedition of the trial and
2 raise claims that are not appropriate in a motion for new trial. As Defendant has failed to allege
3 any claims in the instant motion, it should be denied.

4 **CONCLUSION**

5 Based upon the foregoing points and authorities, the State respectfully requests that
6 Defendant's Motion for New Trial be denied.

7 DATED this 29th day of July, 2021.

8 Respectfully submitted,

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

12 BY /s/ LEAH C. BEVERLY
13 LEAH C. BEVERLY
14 Chief Deputy District Attorney
15 Nevada Bar #12556

16 **CERTIFICATE OF ELECTRONIC FILING**

17 I hereby certify that service of the foregoing, was made this 3rd day of June, 2021, by
18 Electronic Filing to:

19 CRAIG MUELLER, ESQ.
20 E-mail Address: electronicservice@craigmuellerlaw.com
craig@craigmuellerlaw.com

21 /s/ Laura Mullinax
22 Secretary for the District Attorney's Office
23
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28 21CRN000371/LCB/lm/GU

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MOT
CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
CRAIG MUELLER & ASSOCIATES, INC
808 S. Seventh Street
Las Vegas, Nevada 89101
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA

Plaintiff,

vs.

JAMEL GIBBS,

Defendant.

Case No. C-21-355769-1

Dept. No. X

**REQUEST FOR TRANSCRIPTS OF
PROCEEDINGS**

To: Court Reporter: Victoria Boyd

Defendant requests preparation of transcripts of the proceedings in this court as follows:

Judge or Officer hearing the Proceeding: Judicial Officer Tierra Jones

Dates of proceedings for which transcripts are being requested: July 22, 2021 and July 23,
2021

Specific portions of the transcript being requested:

Number of Copies required: 1

I hereby certify that on the 28TH day of September 2021, I ordered the transcripts listed above
from the court reporter named above.

DATED this 28 day of September, 2021.

/s/ Craig A. Mueller
CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703

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Clark County District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155
motions@clarkcountydacounty.com
pdmotions@clarkcountydacounty.com

An Employee of Mueller & Associates, INC.

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U.S. MAIL**

Heather A. Smith

CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMEL GIBBS aka
Jamel Jacqkey Gibbs
#2662590

Defendant.

CASE NO. C-21-355769-1

DEPT. NO. X

JUDGMENT OF CONVICTION

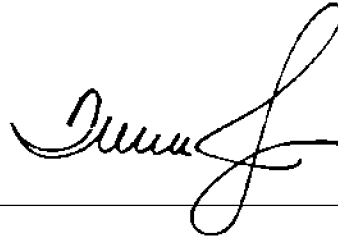
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crime of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; and the matter having been tried before a jury and the Defendant having been found guilty of the crime of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; thereafter, on the 8th day of October, 2021, the Defendant was present in court for sentencing with counsel CRAIG A. MUELLER, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee \$5,000.00 Restitution payable to Victims of Crime and \$3.00 DNA Collection Fee, the Defendant is

1 SENTENCED as follows: LIFE with a MINIMUM parole eligibility of TEN (10) YEARS plus
2 a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM
3 parole eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon in the
4 Nevada Department of Corrections (NDC), with ONE HUNDRED NINETY-NINE (199)
5 DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have
6 been previously imposed, the Fee and Testing in the current case are WAIVED.
7

8
9 Dated this 12th day of October, 2021

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16 Tierra Jones
17 District Court Judge
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-355769-1

7 vs

DEPT. NO. Department 10

8 Jamel Gibbs
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/12/2021

15 District Attorney	motions@clarkcountyda.com
16 Leah Beverly	leah.beverly@clarkcountyda.com
17 Craig Mueller	electronicservice@craigmuellerlaw.com
18 Rosa Ramos	rosa@craigmuellerlaw.com
19 Department 10	dept10lc@clarkcountycourts.us
20 Patrick Hardy	pmhardy@strategicpi.com
21 Craig Mueller	craig@craigmuellerlaw.com
22 Victoria Boyd	boydv@clarkcountycourts.us

23
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1 **NOT**
2 **JAMEL GIBBS**
3 Inmate Name, ID 02662590
4 **Clark County Detention Center**
5 330 South Casino Center Blvd.
6 Las Vegas, NV 89101
7 **High Desert State Prison**
8 P.O. Box 650
9 Indian Springs, Nevada 89070-0650
10 **IN PROPER PERSON**

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

10 THE STATE OF NEVADA

11 Plaintiff,

12 vs.

13 JAMEL GIBBS,

14 Defendant.

Case No. C-21-355769-1
Dept No. 10

NOTICE OF APPEAL

15
16
17 PURSUANT TO NRS 266.595, notice is hereby given that JAMEL GIBBS, the Defendant
18 above named, hereby appeals to the Supreme Court of Nevada from the Final Judgment of Conviction
19 entered in this action on the October 12, 2021.

20 DATED this 15th day of October 2021.

21
22
23 By /s/ Jamel Gibbs

24 JAMEL GIBBS
25 Inmate Name, ID 02662590
26 **Clark County Detention Center**
27 330 South Casino Center Blvd.
28 Las Vegas, NV 89101
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650
IN PROPER PERSON

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 JAMEL GIBBS aka JAMEL JACQKEY GIBBS,

14 Defendant(s),
15

Case No: C-21-355769-1

Dept No: X

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Jamel Gibbs

20 2. Judge: Tierra Jones

21 3. Appellant(s): Jamel Gibbs

22 Counsel:

23 Jamel Gibbs #2662590
24 330 S. Casino Center Blvd.
Las Vegas, NV 89101

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: May 6, 2021

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 18 day of October 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Jamel Gibbs



MOT

CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
CRAIG MUELLER & ASSOCIATES, INC.
808 S. Seventh Street
Las Vegas, NV 89101
Phone: (702) 382-1200
Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiffs,

vs.

JAMEL GIBS,

Defendant.

Case No. C-21-355769-1

**MOTION AND NOTICE OF MOTION TO
WITHDRAW AS ATTORNEY OF
RECORD AND REQUEST
APPOINTMENT OF APPELLATE
COUNSEL**

COMES NOW, CRAIG A. MUELLER, ESQ., of the law firm CRAIG MUELLER & ASSOCIATES, INC., and brings this Motion to Withdraw as Attorney of Record and Request appointment of Appellate Counsel.

This motion is made and based upon the Memorandum of Points and Authorities attached hereto, the Declaration of Counsel and any oral argument allowed at the time of hearing.

Dated this 16th day October 2021.

Respectfully Submitted By:

/s/ Craig Mueller

Craig A. Mueller, Esq.
Nevada Bar No. 4703

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TO: ITS COUNSEL OF RECORD, Clark County District Attorney:

CRAIG MUELLER & ASSOCIATES, INC.

MEMORANDUM OF POINTS AND AUTHORITIES

The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows:

- 2

1
2 3. Upon the order of the court or judge thereof on the application of the attorney or the
3 client.

4 After judgment or final determination, an attorney may withdraw as attorney of record at
5 any time upon the attorney's filing a withdrawal, with or without the client's consent.
6

7 EDRC Rule 7.40 states:
8

9 (a) When a party has appeared by counsel, the party cannot thereafter appear
10 on the party's own behalf in the case without the consent of the court. Counsel who
11 has appeared for any party must represent that party in the case and shall be
12 recognized by the court and by all parties as having control of the case. The court in
its discretion may hear a party in open court although the party is represented by
counsel.

13 (b) Counsel in any case may be changed only:

14 (1) When a new attorney is to be substituted in place of the attorney
15 withdrawing, by the written consent of both attorneys and the client, which must be
16 filed with the court and served upon all parties or their attorneys who have appeared
in the action, or

17 (2) When no attorney has been retained to replace the attorney withdrawing,
by order of the court, granted upon written motion, and

18 (i) If the application is made by the attorney, the attorney must include in an
19 affidavit the address, or last known address, at which the client may be served with
20 notice of further proceedings taken in the case in the event the application for
withdrawal is granted, and the telephone number, or last known telephone number, at
21 which the client may be reached and the attorney must serve a copy of the application
upon the client and all other parties to the action or their attorneys, or

22 (ii) If the application is made by the client, the client must state in the
23 application the address at which the client may be served with notice of all further
24 proceedings in the case in the event the application is granted, and the telephone
number, or last known telephone number, at which the client may be reached and
25 must serve a copy of the application upon the client's attorney and all other parties to
the action or their attorneys.

26 (c) No application for withdrawal or substitution may be granted if a delay of
the trial or of the hearing of any other matter in the case would result.
27
28

1 Counsel and Plaintiff in this matter have reached an unsolvable impasse regarding the strategy
2 and future action of this case, and it is in the client's best interest in this matter to seek other
3 representation. Therefore, Craig A. Mueller, Esq., of the law office of Craig Mueller & Associates, Inc.,
4 respectfully requests that this Honorable Court grant this Motion to Withdraw as Attorney of Record.
5

6 For the foregoing reasons, Defense Counsel respectfully request this Honorable Court allow the
7 withdrawal of Craig A. Mueller, Esq., as the Defendant's counsel and appoint appellate counsel to the
8 Defendant.
9

10 DATED, this 18th day of October 2021.

11 Respectfully Submitted By:

12 CRAIG MUELLER & ASSOCIATES, INC.
13

14 By: /s/ Craig Mueller

15 Craig A. Mueller, Esq.

16 Nevada Bar No. 4703
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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
10/19/2021 3:56 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Jamel Gibbs

Case No.: C-21-355769-1
Department 10

NOTICE OF HEARING

Please be advised that the [32] Defendant Motion and Notice of Motion to Withdraw as Attorney of Record and Request Appointment of Appellate Counsel in the above-entitled matter is set for hearing as follows:

Date: November 01, 2021
Time: 8:30 AM
Location: RJC Courtroom 14B
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Kadir Beckom
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Kadir Beckom
Deputy Clerk of the Court



REQT
Jeannie N. Hua, Esq.
Nevada Bar no. 5672
5550 Painted Mirage Road
Suite 320
Las Vegas, Nevada 89149
(702) 239-5715
huajeannie@gmail.com
Attorney for Defendant
JAMEL GIBBS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JAMEL GIBBS,	}	No. C-21-355769
Appellant,		
vs.		Dept. X
THE STATE OF NEVADA,		
Respondent.	}	

REQUEST FOR TRANSCRIPT OF PROCEEDINGS

TO: Francesca Haak

Appellant requests preparation in of transcripts of the proceedings before the district court, as follows:

Judge or officer hearing the proceedings: Hon. Tierra Jones
Date or dates of proceedings: 08/30/2021
Portions of the transcripts requested: hearing for motion for a new trial.

I hereby certify that on this date I ordered these transcripts from the court reporter named above, and that Appellant proceeds in forma pauperis and is therefore exempt pursuant to NRAP 9(a) and 24(a) from payment of the reporter's fees.

Dated: December 23, 2021.

1
2 /s/ Jeannie Hua
3 JEANNIE N. HUA, ESQ.
4 Bar No. 5672
5 Law Office of Jeannie Hua
6 5550 Painted Mirage Road
7 Suite 320
8 Las Vegas, Nevada 89149
9 (702) 239-5715
10 Attorney for Appellant

11 **CERTIFICATE OF SERVICE**

12 I certify that on the 23rd day of December, 2021, I served a copy of Request for
13 Transcript of

14 Proceedings upon the following persons via electronic transmission:

15 Francesca Haak
16 Court Recorder
17 haakf@clarkcountycourt.us

18 Alexander Chen
19 Chief Deputy District Attorney
20 Alexander.chen@clarkcountyda.com

21 Dated this 23rd day of December, 2021

22 _____ /s/ Jeannie Hua
23
24
25
26
27
28



REQT
Jeannie N. Hua, Esq.
Nevada Bar no. 5672
5550 Painted Mirage Road
Suite 320
Las Vegas, Nevada 89149
(702) 239-5715
huajeannie@gmail.com
Attorney for Defendant
JAMEL GIBBS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JAMEL GIBBS,	}	No. C-21-355769-1
Appellant,		
vs.		Dept. X
THE STATE OF NEVADA,		
Respondent.	}	

REQUEST FOR TRANSCRIPT OF PROCEEDINGS

TO: Stacey Ray

Appellant requests preparation in of transcripts of the proceedings before the district court, as follows:

Judge or officer hearing the proceedings: Hon. Tierra Jones
Date or dates of proceedings: 07/23/202
Portions of the transcripts requested: instruction to the jury and verdict

I hereby certify that on this date I ordered these transcripts from the court reporter named above, and that Appellant proceeds in forma pauperis and is therefore exempt pursuant to NRAP 9(a) and 24(a) from payment of the reporter's fees.

1 Dated: December 23, 2021.

2 /s/ Jeannie Hua
3 JEANNIE N. HUA, ESQ.
4 Bar No. 5672
5 Law Office of Jeannie Hua
6 5550 Painted Mirage Road
7 Suite 320
8 Las Vegas, Nevada 89149
9 (702) 239-5715
10 Attorney for Appellant

11 **CERTIFICATE OF SERVICE**

12 I certify that on the 23rd day of December, 2021, I served a copy of Request for
13 Transcript of

14 Proceedings upon the following persons via electronic transmission:

15 Stacey Ray
16 Court Recorder
17 rays@clarkcountycourt.us

18 Alexander Chen
19 Chief Deputy District Attorney
Alexander.chen@clarkcountyda.com

20 Dated this 23rd day of December 2021

21 _____
22 /s/ Jeannie Hua
23
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REQT
Jeannie N. Hua, Esq.
Nevada Bar no. 5672
5550 Painted Mirage Road
Suite 320
Las Vegas, Nevada 89149
(702) 239-5715
huajeannie@gmail.com
Attorney for Defendant
JAMEL GIBBS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JAMEL GIBBS,	}	No. C-21-355769-1
Appellant,		
vs.		Dept. X
THE STATE OF NEVADA,		
Respondent.	}	

REQUEST FOR TRANSCRIPT OF PROCEEDINGS

TO: Tricia Garcia

Appellant requests preparation in of transcripts of the proceedings before the district court, as follows:

Judge or officer hearing the proceedings: Hon. Tierra Jones

Date or dates of proceedings: 06/02/2021

Portions of the transcripts requested: motion hearing

I hereby certify that on this date I ordered these transcripts from the court reporter named above, and that Appellant proceeds in forma pauperis and is therefore exempt pursuant to NRAP 9(a) and 24(a) from payment of the reporter's fees.

Dated: December 23, 2021.

1 /s/ Jeannie Hua
2 JEANNIE N. HUA, ESQ.
3 Bar No. 5672
4 Law Office of Jeannie Hua
5 5550 Painted Mirage Road
6 Suite 320
7 Las Vegas, Nevada 89149
8 (702) 239-5715
9 Attorney for Appellant

10
11 **CERTIFICATE OF SERVICE**

12 I certify that on the 23rd day of December, 2021, I served a copy of Request for
13 Transcript of

14 Proceedings upon the following persons via electronic transmission:

15 Tricia Garcia
16 Court Recorder
17 tgarcia@clarkcountycourt.us

18 Alexander Chen
19 Chief Deputy District Attorney
20 Alexander.chen@clarkcountyda.com

21 Dated this 23rd day of December, 2021

22 _____ /s/ Jeannie Hua
23
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REQT
Jeannie N. Hua, Esq.
Nevada Bar no. 5672
5550 Painted Mirage Road
Suite 320
Las Vegas, Nevada 89149
(702) 239-5715
huajeannie@gmail.com
Attorney for Defendant
JAMEL GIBBS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JAMEL GIBBS,	}	No. C-21-355769-1
Appellant,		
vs.		Dept. X
THE STATE OF NEVADA,		
Respondent.	}	

REQUEST FOR TRANSCRIPT OF PROCEEDINGS

TO: Victoria Boyd

Appellant requests preparation in of transcripts of the proceedings before the district court, as follows:

Judge or officer hearing the proceedings:	Hon. Tierra Jones
Date or dates of proceedings:	05/21/201, 07/12/2021, 07/13/2021, 07/14/2021, 07/20/2021, 07/21/2021, 07/22/2021, and 09/10/2021.
Portions of the transcripts requested:	Status checks, calendar call, voir dire, jury trial, and sentencing.

1 I hereby certify that on this date I ordered these transcripts from the court
2 reporter named above, and that Appellant proceeds in forma pauperis and is
3 therefore exempt pursuant to NRAP 9(a) and 24(a) from payment of the reporter's
4 fees.

5 Dated: December 23, 2021.

6 /s/ Jeannie Hua
7 JEANNIE N. HUA, ESQ.
8 Bar No. 5672
9 Law Office of Jeannie Hua
10 5550 Painted Mirage Road
11 Suite 320
12 Las Vegas, Nevada 89149
13 (702) 239-5715
14 Attorney for Appellant

15 **CERTIFICATE OF SERVICE**

16 I certify that on the 23rd day of December, 2021, I served a copy of Request for
17 Transcript of

18 Proceedings upon the following persons via electronic transmission:

19 Victoria Boyd
20 Court Recorder
21 boydv@clarkcountycourt.us

22 Alexander Chen
23 Chief Deputy District Attorney
24 Alexander.chen@clarkcountyda.com

25 Dated this 23rd day of December, 2021

26 _____/s/ Jeannie Hua
27 _____
28



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 JAMEL GIBBS,

12 Defendant.

CASE#: C-21-355769-1

DEPT. X

13 BEFORE THE HONORABLE TIERRA JONES
14 DISTRICT COURT JUDGE
THURSDAY, JULY 22, 2021

15 **RECORDER'S TRANSCRIPT OF JURY TRIAL**

16
17 APPEARANCES:

18 For the Plaintiff:

BINU G. PALAL, ESQ.
LEAH C. BEVERLY, ESQ.

19
20 For the Defendant:

CRAIG A. MUELLER, ESQ.

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25 RECORDED BY: VICTORIA BOYD, COURT RECORDER

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1 Las Vegas, Nevada, Thursday, July 22, 2021

2
3 [Case called at 8:31 a.m.]

4 [Outside the presence of the jury]

5 THE COURT: -- 55769, State of Nevada v. Jamel Gibbs. May
6 the record reflect Mr. Gibbs is present with his attorney. Deputy District
7 Attorney is on behalf of the State. We are outside the presence of our
8 jury. Okay. This next witness is the witness that you wanted to address
9 the forfeiture by wrongdoing with; is that correct?

10 MR. PALAL: Yes, Your Honor.

11 THE COURT: All right. So we need to argue that first so that
12 you can -- I can make a decision, so we can determine how the testimony
13 of this witness will proceed. State, I have read the bench memorandum
14 that you submitted regarding the forfeiture by wrongdoing as well as
15 I did go through and relisten to the three calls that you had attached.
16 Two of them are from July 11th and one of them is from July 15th,
17 where the Defendant is talking to random people. There's several
18 people involved in those calls. So I did go through and listen to those
19 again, as well as I took my own notes.

20 Mr. Palal, you also mentioned in the email that I got from my
21 law clerk today that you believed I was going to rely on Mr. Mueller's
22 representations regarding the last time he had had contact with Michaela
23 [phonetic] Parker and that if that was the case, you wanted his
24 investigator to be questioned regarding when is the last time he had
25 contact with her.

1 MR. PALAL: That's correct, Your Honor.

2 THE COURT: And I'm assuming that's based on call number
3 three, where there's references between Mr. Gibbs and whoever he's
4 talking to about whether or not she talked to the investigator?

5 MR. PALAL: That's correct.

6 THE COURT: Okay. Do you have anything else that you
7 would like to add to your --

8 MR. PALAL: No, Your Honor. Just to very briefly summarize
9 my argument. We discussed this briefly, when Mr. Mueller made his
10 presentation. I want, for the record, to say that I 100 percent believe and
11 I'm not questioning Mr. Mueller's representations to this Court. That
12 aside, I believe that the conduct on the phones goes beyond mere
13 acquiescing to Michaela Parker's absence and goes to colluding with her
14 in the absence. I think him sending his emissaries or the people on the
15 line to talk to her and then his subsequent instructing to tell her to break,
16 what I believe is him saying telling her to break her phone.

17 Now, he doesn't say phone. He used an expletive instead,
18 but I believe that it's clear from the context that he's telling her to break
19 her phone, that she may or may not have already broken her phone and
20 already made an independent decision to not show up I think is not
21 relevant to the extent that the analysis in the *Anderson* Court says a
22 witness can have already made a decision not to show up and still there
23 be forfeiture by wrongdoing. It's -- what we're looking at is the
24 Defendant's intent to compromise the integrity of the judicial
25 proceeding.

1 And I think here from the jail call, there could be no question
2 that the Defendant's intending to compromise the integrity of the judicial
3 proceeding. He's -- it's not just man, I wish she wasn't here. That of,
4 course, he's allowed to say. It's not just oh man, I hope she doesn't
5 show up. That obviously is not forfeiture by wrongdoing. Your Honor, I
6 think he goes one step further when he's asking people to reach out to
7 her and giving instructions to what to say. And know this Court's read
8 my memo and listened to the calls and read the case, so with that, I'll
9 just submit.

10 THE COURT: Okay. Mr. Mueller, your response?

11 MR. MUELLER: I did have time to read the *Anderson*
12 decision last night and go through it. I hired someone to get a
13 memorandum of law done, but they were not able to get it done in
14 sufficient time, since I -- the notice was so short. I intend to respond
15 orally. The law of the land is *Crawford v. Washington*, the right to
16 confront and cross-examine witnesses. The -- my colleague is missing
17 several key points here and context in this case is everything.

18 In the *Anderson* case, there was the district attorney, the
19 defense attorney, the investigator all met with this witness. There was in
20 some fashion and opportunity to confront and cross-examine this
21 witness. They had all talked to her. Mr. Anderson, apparently
22 representing himself, had taken steps to see that she did not show up.
23 That's not this case. My colleague seems to be losing context here.
24 These people, Ms. Parks [sic] and Mr. Gibbs, were living together as man
25 and wife, common law man and wife. That she would feelings

1 independent and desires to act or not act as she sees fit, is not only
2 proper, it's almost certainly the case.

3 Now, Ms. Parker hired me on behalf of Mr. Gibbs. I've --
4 right up front, I've -- this issue's forcing this out on front. I've shown the
5 Court my retainer agreement and her name. The date matches with the
6 date he was arrested, and she contemporaneously told me she was
7 leaving, not because I knew enough about the case to understand or
8 even care. I was just concerned about getting paid. And I know she told
9 me she was leaving because I said great, now I'm never going to get the
10 balance of my fee. So I know that she said that. All right. So she left
11 town.

12 Number two. My investigator is court-appointed. He is not
13 an employee. He does not work for me. He does not keep hours with
14 me. He does not keep time with me. He does not have a key to my
15 office. He does not have access to my computer system. He is an
16 independent businessman with an independent business license. He
17 does work for other attorneys. I, my office, is not imputed to have
18 knowledge of what Mr. Hardy knows and doesn't know. He writes me
19 reports. He goes sees clients in jails or nearly indigent clients in jail for
20 me and helps work with them, but that is far from Mr. Gibbs procuring
21 the absence or Mr. -- what Mr. Hardy knows or doesn't know is not
22 relevant.

23 Number three. My colleague -- and I believe he wasn't
24 paying attention, or the hour was late, but there was two co -- two phone
25 calls concatenated into one. The four minute -- the video -- the audio

1 that he has presented and proposed that you use this morning is four
2 minutes and 14 seconds. It is a first phone call purportedly from Mr.
3 Gibbs to some unknown person who can only apparently speak in grunts
4 and groans.

5 THE COURT: Hold on. Hold on. I think we're talking about --
6 you're talking about the call in reference to what they plan to play today?

7 MR. MUELLER: Yes.

8 THE COURT: Is that what you're talking about?

9 MR. MUELLER: Okay. You're right.

10 THE COURT: Yeah.

11 MR. MUELLER: I've jumped two issues together.

12 THE COURT: Yes.

13 MR. MUELLER: Let me back up. Okay. Thank you, Your
14 Honor. I'm getting a little head of myself.

15 Having said that, there no forfeiture by wrong doing. There
16 is not an effort anywhere by Mr. Gibbs to change Ms. Parker's
17 disposition and desire not to come. That desire of not to come was
18 manifest, A, when she and Mr. Gibbs apparently or per the evidence that
19 they adduced yesterday, moved their location and were making an effort
20 not to be found collectively by the police. So we know that she
21 potentially thinks that either he or she might have some reason not to
22 want to talk to the authorities.

23 Then I know that she clearly doesn't want to talk to the
24 authorities when she hires me and tells me she's leaving town
25 immediately. Mr. Gibbs is not the procuring agent by any way, shape or

1 form of her not coming to court. Nothing in those phone calls
2 established that and is -- and what the Court is getting asked to do
3 violates the law of the land, which is *Crawford v. Washington*. And when
4 I finally had a chance to read the *Anderson* decision, Judge Silver and
5 Stiglich agree. They say, yes, this does, in fact, violate the confrontation
6 clause. We don't address that here, okay?

7 That's the -- so they don't even -- nobody in this *Anderson*
8 decision even disagrees that this is not in accordance with constitutional
9 provisions. They simply said because of the circumstances in this case,
10 i.e., the three of them sitting in the room together, that it would be okay
11 to use this testimony, since he actually clearly had made some effort to
12 prevent her from testifying or told her not to testify. The other additional
13 element that seems to be missing here is control. If I've read this case
14 right -- and I got handed this yesterday, so if I read this case right, it
15 appears that the person who didn't testify is this guy's daughter.

16 THE COURT: That's correct.

17 MR. MUELLER: Now, his parental daughter, you know, his
18 parental authority. If my -- you know, to the day he died, my dad, at 80
19 years old told me to do something, I might have groaned a little bit, but
20 I'd probably done it.

21 THE COURT: Right.

22 MR. MUELLER: Okay. So there's a difference -- a different
23 element here. Men and women fall in with each other and fall out with
24 each other all the time. The fact that she's favorably disposed to him
25 and doesn't want to be brought to court or apparently that's the

1 reasonable inference, is not reasonably -- not anywhere remotely the
2 same mechanism that they are using this Anderson case to admittedly
3 violated the state -- the federal constitutional clause in *Crawford v.*
4 *Washington*. I believe if you let -- any sort of admission by wrongdoing
5 or forfeiture is immediately going to be reversed as error, plain error.
6 And I think the Court -- or the Prosecution is leading you down a path
7 here.

8 THE COURT: Thank you, Mr. Mueller. Mr. Palal?

9 MR. PALAL: Yes, briefly. I want to address the context of
10 Anderson.

11 THE COURT: Okay.

12 MR. PALAL: I was the DA on the case.

13 THE COURT: Okay.

14 MS. BEVERLY: I think Mr. Mueller's reading it incorrectly
15 when he says the defense attorney was at the proffer by Ms. Anderson.
16 It was Ms. Anderson's defense attorney, Augustus Claus, and his
17 investigator that were there, along with me and my investigator in the
18 proffer by Ms. Anderson. It wasn't the --

19 THE COURT: Anderson's lawyer.

20 MR. PALAL: Yeah. Mr. Anderson's --

21 THE COURT: No.

22 MR. PALAL: -- lawyer.

23 THE COURT: Right.

24 MR. PALAL: Okay. So that being said, the context of
25 Anderson is not [indiscernible]. You know, I -- like -- I'm deeply

1 concerned about the representations I'm hearing about Mr. Mueller's
2 investigator. It appears to me that now Mr. Mueller's trying to wash his
3 hands of his investigator's conduct, saying that he's not an agent of Mr.
4 Mueller. I'm not trying to -- my only thought was Mr. Mueller said that
5 he -- Ms. Parker told him he's not coming back into town, and he never
6 talked to her again, which I -- again, I accept at face value.

7 MR. MUELLER: Actually, respectfully, I said I recollect -- have
8 a vague recollection of talking to her briefly one or two more times.

9 MR. PALAL: Okay.

10 MR. MUELLER: I have no independent recollection of those
11 calls after that date --

12 MR. PALAL: Oh.

13 MR. MUELLER: -- after that date. I want the record to be
14 completely clear.

15 THE COURT: Okay.

16 MR. PALAL: Okay. That being said, now when you want to
17 confirm -- determine whether or not the investigator had contact with
18 her, now -- like he's just an independent agent, could be doing anything,
19 not on behalf of Mr. Mueller or his client, which also brings up another
20 question that we'll deal with later, because that's an inconsistent position
21 from what he took earlier in trial when he said how dare the State listen
22 to a three-way call with my investigator, because he's an agent of me.

23 MR. MUELLER: Well, I don't doubt that he's an agent. I
24 never --

25 THE COURT: Well, here's the issue. I mean, I never signed a

1 Widdis motion. I'm looking in Odyssey right now, because I was like, I
2 don't recall, but I sign a lot of things, so I can't sit here from my own
3 independent recollection and tell you whether or not I signed a Widdis
4 motion to pay this guy, but I'm looking in Odyssey. I have never signed
5 a Widdis motion that does not appear.

6 Do you have a Widdis motion that I signed to pay him?

7 MR. MUELLER: It's -- I don't know that it's been signed. I
8 know it's been submitted; I think twice. Please sign it, because I --
9 otherwise I've got to come out of pocket to pay.

10 THE COURT: Well, Mr. Mueller, my app was clean as of
11 yesterday, so I've signed everything I have up through yesterday, so
12 unless it was -- but I don't have one here that has been filed or anything.
13 So I'm not aware of whether or not I signed a Widdis motion so that the
14 Court would start paying him. I just don't -- and like I said, I sign
15 hundreds of things every week, so I have no independent recollection of
16 whether or not I signed that.

17 But taking that as face value, because this is the issue with
18 the investigator. The testimony regarding the investigator -- I mean, the
19 call in call three that says she -- he says there's a huge dispute and I
20 couldn't make heads or tails as whether or not she actually talked to the
21 investigator, because Mr. Gibbs is saying the investigator told him he
22 talked to her. The person on the other end of the phone is saying no, she
23 said that the guy called her, but she never actually talked to him. So
24 based on the back and forth between Mr. Gibbs and that person -- I don't
25 know if she talked to the man or not. I have absolutely no idea.

1 But I will tell you this. In regards to her representations to
2 Mr. Mueller, I am not going to consider as part of my decision and the
3 reason that I'm not going to do that is because that could bring up some
4 huge conflict issues, if there is a conviction in this case in post-conviction
5 as to whether or not your loyalties were divided between her and your
6 client, because the State is representing that she's an adverse witness to
7 your client, so if you have -- were retained by an adverse witness and are
8 now in possession of some sort of information that could be later be
9 used against your client, I think that's a huge problem in your
10 representation with your client.

11 So in an attempt to correct the record and because I don't
12 believe it's necessary for the decision I'm going to make regarding this
13 forfeiture for wrongdoing, I am not going to consider any
14 representations that Ms. Parker made to Mr. Mueller.

15 So do you have anything else you want to add, Mr. Palal?

16 MR. PALAL: No, Your Honor.

17 THE COURT: All right. Here's the issue with the forfeiture for
18 wrongdoing. In the *Edwards* case that you cited, it says, "A defendant's
19 joint effort with a witness to secure the latter's unavailability, regardless
20 of whether the witness already decided on his own not to testify, may be
21 sufficient to support a forfeiture by wrongdoing."

22 The affidavit that was submitted in support of the material
23 witness warrant for Ms. Parker states, "You guys couldn't get her for the
24 grand jury, because it states that on April 20th of 2021, Matthew
25 Trammell [phonetic] made an effort to reach out to her and could not

1 find her." That was in preparation of the grand jury, and she never
2 testified at the grand jury. On June 24th of 2021, you guys again -- I'm
3 assuming Mr. Trammell again attempted to reach out to her in an effort
4 to get her here for this jury trial. So based on representations made by
5 the State of Nevada, as of April 20th, you guys had no idea where
6 Michaela Parker was.

7 The calls that were submitted in support of the forfeiture for
8 wrongdoing do not occur until July 11th and based upon the nature of
9 those calls, the Defendant talks about maybe she got a new man. He
10 talks about tell her I thought we was rockin'. He talks about tell her that I
11 love her. The person he's on the phone with call number three says, "I
12 don't even have a way to in touch with her," because now she has no
13 means of communication, no means of social media. There's a
14 discussion that she's not responding to anyone on social media.

15 So the evidence that has been put forth by the State of
16 Nevada has failed to show that the Defendant is in a joint effort with her,
17 because you guys had lost contact with her back in April and these calls
18 don't even occur until three months later. So I don't have any evidence
19 that in April, he was involved in her losing contact with the DA's office.
20 And it's not like she showed back up and now she's gone again. Based
21 on this affidavit in support of the reason I issued a warrant for her, I don't
22 believe that you guys have ever had any contact with her. So based
23 upon that in regards to her, it's going to be denied.

24 Now, in regards to Ms. Wilson, I have a question. In call
25 number three, where it says, "Tell Taylor to keep refusing. Don't forget,"

1 the person says, "I'm going to contact her."

2 Do we have any evidence that person actually contacted her?

3 MR. PALAL: No, Your Honor.

4 THE COURT: Okay. Because the person says, "I'm going to
5 contact her," and he says, "Don't forget."

6 The person says, "I would never forget that."

7 He says, "Be on top of Taylor for me."

8 And Mr. Gibbs says, "She already doing her thing."

9 And again, you guys didn't have any contact with Taylor as
10 early as July 7th. The call that's submitted regarding Taylor is on July
11 15, so it appears Taylor was already in the wind, and he is directing this
12 person to get in touch with Taylor, but I don't have any evidence this
13 person actually got in touch with Taylor and that is the reason that
14 Taylor's not here. So for those reasons, the forfeiture for wrongdoing is
15 going to be denied.

16 MR. MUELLER: Thank you, Your Honor.

17 THE COURT: All right. Let's move on to the call. You intend
18 to introduce that through this detective?

19 MR. PALAL: Yes.

20 THE COURT: State, what is the relevance of this call?

21 MR. PALAL: The abridged version?

22 THE COURT: Yes.

23 MR. PALAL: Yeah.

24 THE COURT: That's the only thing I had time --

25 MR. PALAL: Yeah.

1 THE COURT: -- to listen to. I apologize.

2 MR. PALAL: Okay. So the --

3 THE COURT: Because it's my understanding that's what you
4 were admitting. Not --

5 MR. PALAL: That's --

6 THE COURT: -- the entire thing.

7 MR. PALAL: Yeah. I wanted to --

8 THE COURT: Where he's --

9 MR. PALAL: -- give the Court reference in case there's a
10 question about the editing, so I just put the abridgement. The relevance
11 is it gives Mr. Gibbs' entire version of the course of events, right? He --

12 THE COURT: Well, describing the scene.

13 MR. PALAL: Yeah. Well, he says --

14 THE COURT: The fight.

15 MR. PALAL: -- the -- yeah, he describes the fight, which Mr.
16 Mueller brought into question with --

17 THE COURT: Uh-huh.

18 MR. PALAL: -- about whether or not that fight even
19 occurred --

20 THE COURT: Okay.

21 MR. PALAL: -- where it occurred, the credibility of her
22 recollection of events. And so Mr. Gibbs stating -- mirroring her
23 recollection of the events is certainly relevant when it comes to Ms.
24 Brionte's credibility and to what actually occurred that night.

25 THE COURT: Mr. Mueller?

1 MR. MUELLER: My colleague is -- jumps over a couple very
2 troubling creeks and doesn't seem to build the bridge properly. Number
3 one. The call from this unknown third party is this first -- there's a
4 second call of the day. Apparently -- and I listened to it without context,
5 same as you did. Mr. Gibbs, according to the State, called an unknown
6 party. That unknown party then called Mr. Hardy.

7 THE COURT: Okay.

8 MR. MUELLER: When Mr. Hardy picks up, there is no
9 preamble. Hello. This is a collect call from Clark County Detention
10 Center. There is no mechanism to put Mr. Hardy on notice that this is a
11 jail call.

12 THE COURT: But Mr. Hardy's working this case. Doesn't he
13 know where Jamel Gibbs is?

14 MR. MUELLER: He might have. He might not have. If we --
15 if he goes up, we can ask him. But the answer is, there's also a way to
16 set up an attorney-client account, so you call with confidentiality. Now,
17 I -- now that --

18 THE COURT: Which is fine, but the confidentiality, the
19 privilege problem you have is using a third party. Because when Mr.
20 Gibbs reached out to someone else to use their account, therein
21 disseminates the privilege.

22 MR. MUELLER: The other practical problem is he -- at least I
23 thought he was, my court-appointed investigator. I'll run the Widdis
24 motion down today, but the answer is is he's working on behest in my
25 office to help put the defense together.

1 THE COURT: Right.

2 MR. MUELLER: Now, he's talking to my investigator. That's
3 the phone call and that's privileged information coming and going.

4 THE COURT: It's privileged, until he waives it, by using the
5 three-way call.

6 MR. MUELLER: I respectfully -- I don't see that that
7 necessarily -- okay -- taking that idea and reasoning to its logical
8 conclusion. If Hardy doesn't know it's a three-way call, which it's -- it
9 doesn't sound like he does, because if you hear him pick up. Hello.
10 There's no intro. There's no introduction and you can read the
11 unabridged version, too. It's very obvious he doesn't know or is not put
12 on notice that it's a three-way call. That means they can get to attorney-
13 client privilege they want to by editing these -- or by using these phones.
14 And how can I get a court-appointed investigator, if he can't talk to the
15 clients?

16 THE COURT: He can talk to the client, if the client directly
17 calls him.

18 MR. MUELLER: I --

19 THE COURT: Which is exactly what the CCDC phone is
20 designed to do. Mr. Gibbs can call you, because you are his lawyer and
21 they know not to record that call, because you are his lawyer. When Mr.
22 Gibbs and whoever it is that he's with inside the jail decide they're going
23 to go around the perimeters and use three-way, therein is when we have
24 the problem with the privilege.

25 MR. MUELLER: I'm very, very uncomfortable with this line of

1 reasoning, Judge. I don't -- people inside of my office are talking to
2 my -- presumably, I mean, inside. I'm going to say my investigator
3 talking to my client over the phone and what my investigator appears to
4 believe is a private conversation. Now, that's the problem with my
5 editing -- the editing here. If you go back and listen to the unabridged
6 versions, there's no preamble when the party picks up. There's no
7 indication at all that this is a jail call or that he knows it's a jail call that's
8 being recorded.

9 THE COURT: So when somebody calls out of the jail and
10 calls their lawyer, is there a preamble on that call?

11 MR. MUELLER: Yes. And I -- and he'll vouch for me. I
12 invariably say just the F up and don't talk about the case on the phone,
13 right?

14 THE DEFENDANT: Yes.

15 THE COURT: Right, but --

16 MR. MUELLER: Okay. I --

17 THE COURT: -- Mr. Hardy works for you, is working this
18 case. He knows as of -- as we sit here right this second, Jamel Gibbs is
19 in custody.

20 MR. MUELLER: Your Honor, at the moment right now, I've
21 got 37 cases set for trial, thanks to COVID, all right? It's four times
22 normal what it's ever been. I don't know the names of all my cases set
23 for jury trial right now.

24 THE COURT: Well, they're talking about the trial strategy, so
25 Mr. Hardy is 110 percent aware that they are talking about the trial

1 strategy --

2 MR. MUELLER: I --

3 THE COURT: -- that this case -- Mr. Mueller, stop talking over
4 me -- that this case is going to trial rather quickly, because they
5 discussed all of that. So he knows exactly who he's talking to.

6 MR. MUELLER: Yes, Judge. I -- your reasoning on that point
7 is not arguable or is inarguable. Having said that -- may I consider for
8 just a moment, Judge?

9 THE COURT: Sure.

10 MR. MUELLER: All right. I believe it to be -- and I understand
11 the Court's reasoning, and it's to -- and I understand. Having said that,
12 we are presuming the admission of evidence on what we subjectively
13 believe a third party knew or didn't know. And that's kind of -- that's
14 very dangerous territory, because what Hardy knew or didn't know -- say
15 I'm walking down the street and I get a call from one of my clients in the
16 jail and I'm talking to somebody else or talking to you at lunch. We see
17 each other. I'm like hey, what's up?

18 Now you gotta snap back into courtroom mode and know
19 that this guy is in jail without a phone call. I mean, that's -- I think that's
20 going to get us all in trouble in the long run. I don't think that's a good
21 system. If they had played, "Hello. This is the jail calling. If you want
22 this call," and that's all in the recording, okay. And they talk. All right. I
23 don't know that I have an objection to that. But in this instance, there's
24 no indication that Hardy knew that this was a three-way call or even in
25 that matter, that it was a jail call. And it wasn't that particularly long a

1 call and it was fairly, for the most part, an innocuous recitation. In the
2 case, Hardy's actually just got back from the scene and was questioning
3 Gibbs about the --

4 THE COURT: Right.

5 MR. MUELLER: -- locations of the cars --

6 THE COURT: Right.

7 MR. MUELLER: -- which as you say, you know, I objected
8 yesterday about the one picture could not necessarily portraying the
9 position of the car instead of using a body to mark where the car was.
10 So where the cars were was not immediately obvious to Mr. Hardy nor I.

11 THE COURT: Okay.

12 MR. MUELLER: Now, they're trying to clarify a point at trial
13 and here we go. And so Mr. Gibbs is explaining or his recollections to
14 the investigator to run a trial point down. And now we're going to hear
15 that conversation in front of the jury. I respectfully believe that that's
16 attorney-client privilege and work product. And the fact that it was
17 inadvertently recorded or inappropriately recorded is unfortunate for Mr.
18 Gibbs, but it also doesn't make it admissible. It's work product. And if I
19 say I'm sitting at the desk looking at these pictures, I -- Pat, where the
20 hell was his car at?

21 He says, well, let me talk to Gibson about it and he finds --
22 talks to Gibbs, comes back and comes up with a story, hey, that's what
23 an investigator is for. I just -- now instead of getting the useful
24 information, I now have to defend an off-handed comment solicited by
25 my investigator. And respectfully, I believe that's work product. I

1 believe we're going to get in trouble. That Hardy was probably aware
2 that he was in jail. All right. I'll have to concede that's -- I'm not going to
3 sit here and try to defend that proposition. But, if I got a call out of the
4 blue at 2:00 in the morning from some guy named Jose, you know, I
5 don't know that I would connect two and two together, because there's
6 too many clients right now.

7 Hopefully, it'll clear up when the backlog clears up, but right
8 now we're swamped over there. Everyone's swamped from my -- all
9 accounts. I don't think that's just my office.

10 THE COURT: No, it's me, too, Mr. Mueller.

11 MR. MUELLER: I appreciate --

12 THE COURT: I'm living it with you guys.

13 MR. MUELLER: So respectfully, Judge, I believe the State's
14 going to -- is asking you to do something that's inappropriate and I do
15 not -- I've got to object to the admission of this phone call.

16 THE COURT: Okay.

17 MR. PALAL: Okay. Your Honor, if I -- I need -- I want to
18 clarify the record, just so we have it clear, Your Honor.

19 THE COURT: Okay.

20 MR. PALAL: So I sent the Court two versions of the
21 recording. One is the unedited version. One is the -- what I proposed to
22 present to the jury. The unedited version, Mr. Hardy, I believe is the
23 investigator's name.

24 THE COURT: Yeah.

25 MR. PALAL: He says to Mr. Gibbs, "Hey, I -- this is being

1 recorded." He says to Mr. Gibbs, "This is being recorded." So like they --
2 during the course of the conversation, he knows.

3 THE COURT: Okay. Hold on just one second. Mr. Mueller,
4 do you dispute that representation? Because in all --

5 MR. MUELLER: I --

6 THE COURT: -- honesty, I did not have time.

7 MR. MUELLER: I --

8 THE COURT: I was listening to the jail calls for the forfeiture
9 by wrongdoing, so I have not had an opportunity to review the entirety
10 of that call. Do you dispute -- yes or no? Do you dispute that Mr. Hardy
11 says to Mr. Gibbs on the phones, "This is being recorded?"

12 MR. MUELLER: I listened to the first version. I -- somebody
13 walked into the office. I might very well have missed that. I'm not going
14 to lie. I did listen to the edited version in detail, which is what I told my
15 colleague I -- why I objected to it. I do not remember that in the edited
16 version coming in.

17 MR. PALAL: Yeah. In the edited --

18 THE COURT: It's not in the edited version --

19 MR. PALAL: No.

20 THE COURT: -- because I heard that, because I heard that,
21 but --

22 MR. MUELLER: Okay.

23 THE COURT: -- Mr. Palal is representing in the entire version,
24 Mr. Hardy says this call is being recorded.

25 MR. PALAL: Right. So he tells -- like -- so he cautions Mr.

1 Gibbs in what they can talk about. Mr. Gibbs also indicates that he
2 knows it's being recorded, and he would, because he's in jail. The
3 second thing, though, is whether or not the investigator knows it's being
4 recorded or not is immaterial, because the investigator doesn't hold the
5 privilege. Mr. Mueller doesn't hold the privilege. The only person that
6 holds the privilege is Mr. Gibbs. And so when Mr. Gibbs makes a three-
7 way phone call, he is waving the privilege.

8 That is the privilege holder. He is the person that then -- the
9 only person that can waive it. If Mr. Mueller decided, hey, Mr. Gibbs, I'm
10 going to waive your privilege, wouldn't mean anything. Mr. Gibbs is the
11 only person that can do that and in this instance, he did.

12 THE COURT: And Officer, correct me if I'm wrong, but
13 they're not supposed to be making three-way calls?

14 UNIDENTIFIED SPEAKER: No.

15 THE COURT: So that would be the reason you guys don't
16 admonish somebody on the third portion of the call that this is being
17 recorded?

18 UNIDENTIFIED SPEAKER: Yes.

19 THE COURT: Because you guys are not aware they're
20 making three-way calls?

21 UNIDENTIFIED SPEAKER: Yeah. They're not supposed to.

22 THE COURT: All right. All right. Well, I agree with the State
23 that Mr. Gibbs is the only person who holds the privilege in this case.
24 Mr. Gibbs waived that privilege when he decided to make a three-way
25 call and I will accept Mr. Palal's representations that your investigator

1 told him the call was being recorded, so that they knew that, but it
2 doesn't matter, because your investigator doesn't hold the privilege and
3 Mr. Gibbs waived that privilege, so I will allow the admission of the
4 edited version of that call.

5 Now, Mr. Palal, I am going to need the complete version of
6 that call to be placed on a CD and admitted as a Court's exhibit. The
7 edited version will come in as whatever exhibit you guys have it
8 numbered as. I'm also going to need those three calls for the forfeiture
9 by wrongdoing to be admitted as Court's exhibits and I'm going to need
10 you to file that bench memo.

11 MR. PALAL: Okay.

12 THE COURT: Okay. Any other matters we need to deal with
13 outside the presence of the jury?

14 MR. MUELLER: No.

15 MR. PALAL: I don't know if the Court wanted to discuss
16 instructions or not --

17 THE COURT: The problem is it's 9:05. We told the jury to be
18 here at 9:00, so we're just going to have to take another break and do
19 that.

20 MR. PALAL: All right. That's fine.

21 THE COURT: Is your next witness here?

22 MR. PALAL: Yeah. He was here, yes.

23 THE COURT: Okay.

24 MR. PALAL: He was in our office earlier, so I'm assuming
25 that he's here, but let me just check.

1 THE COURT: Okay. Can you check before we bring the jury?

2 [Pause]

3 MR. PALAL: Your Honor, Ms. Beverly is asking if you can
4 give indulgence for two minutes. She's trying to deal with her Justice
5 Court case.

6 THE COURT: Yes.

7 [Pause]

8 MS. BEVERLY: I am so sorry.

9 THE COURT: It's okay. And just before we-- is that the only
10 jail call you're ever going to introduce?

11 MR. PALAL: No. Actually, now that you mention it, no.
12 The -- as the State had mentioned last night, the State intends to
13 introduce five jail calls. We had removed the preamble from the --
14 indicating that the Defendant's in custody --

15 THE COURT: Okay.

16 MR. PALAL: -- during those phone calls. I also did my best
17 to edit out any extraneous information in there. If Mr. Mueller wants to
18 take this time to review that, fine, but I didn't hear any objections other
19 than the general jail call objection last night.

20 THE COURT: Any other objections, Mr. Mueller?

21 MR. MUELLER: Yes, Judge. I'm very uncomfortable with
22 these jail calls as a proposition of law. Number two, we've got five --
23 would it -- if -- maybe my colleague can get a proffer to the Court as to
24 what the purpose is of admitting five phone calls is.

25 THE COURT: Okay. Why are you admitting five calls, Mr.

1 Palal?

2 MR. PALAL: All right. So the first two are within like -- are
3 basically two minutes and one minutes. They're conversations between
4 the Defendant and Michaela.

5 THE COURT: Okay.

6 MR. PALAL: The Defendant tells Michaela, "Why did you get
7 in a fight with that girl? Why'd you fight that little girl?" I think that's
8 relevant, because it establishes -- further buttresses the credibility of
9 Brionte's statement, especially given the cross-examination as to
10 whether or not this fight even occurred, who was the instigator. And Mr.
11 Gibbs also says, "I'll take responsibility for what I did, but you gotta take
12 responsibility for what you did."

13 THE COURT: Okay.

14 MR. PALAL: So that's an admission of guilt, Your Honor.
15 The other call is one of the forfeiture by wrongdoing calls. It is where
16 he's trying to instruct the two witness -- or trying to have his agents
17 instruct the two witnesses to not show up is the longer -- the last one.
18 That -- Your Honor, the case law --

19 THE COURT: It's that third call?

20 MR. PALAL: Yeah. The third call.

21 THE COURT: Okay.

22 MR. PALAL: The caselaw is very clear on that. Instructing a
23 witness not to show up is showing of a consciousness of guilt and is
24 absolutely relevant to the case. They call -- there's a call with the
25 investigator and then there's the call discussing the events that occurred

1 where he says why -- there's no reason for Michaela -- essentially, I'm
2 paraphrasing, there's no reason for Michaela to have fought that little
3 girl. He's talking to another person. There's no reason why to have
4 fought that little girl. I don't know why she did that. She's the one that's
5 acting childish. She's acting like a child. She's the one that is acting
6 childish. Again, it goes to the credibility of the Brionte Taylor as to her
7 version of events of what led up to this fight.

8 MR. MUELLER: I'm going to object to any conversations, any
9 phone calls with Michaela. She's not here. That is confrontation under
10 *Crawford v. Washington*, number one. And number two, my colleague's
11 incorrect. I've never -- and Defense does not contest that there was a
12 brawl there. We've spent a lot of time going through the details of the
13 brawl. Defense contended, and I believe successfully showed that the
14 participant, Ms. Taylor, Brianna [sic] couldn't reasonably be respected
15 to -- expected to recall those details clearly, because she was throwing
16 haymakers at somebody else with -- for most of the event.

17 So -- but that there was a fight, we do not context. That's not
18 admissible for the purpose of fight. That's actually just bolstering or
19 but -- bolstering. There's no reason to play that. And since Michaela is
20 not here and can't be found by anybody, we can't confront or cross-
21 examine a witness or get any explanation from her, so I -- respectfully,
22 that's *Crawford v. Washington*. That's an inappropriate phone call.
23 That's an inappropriate phone call.

24 That Mr. Gibbs had an opinion as why his then girlfriend was
25 misbehaving is not -- how's that evidence? We're here on a murder trial,

1 not on Parker's brawling. We've already heard from the other young
2 lady that Parker started the fight by throwing rocks at her car. That's her
3 recollection at least, the participant's recollection, so I respectfully
4 submit that those jail calls should not be admitted.

5 THE COURT: Mr. Palal?

6 MR. PALAL: One, it's -- doesn't implicate Crawford, because
7 jail calls are nontestimonial. The second aspect is the fight is at issue.
8 What led up to this, particularly, since we just gave you self-defense
9 instructions as part of Mr. Mueller's case. How this whole thing starts is
10 of critical importance. And so the State would submit that Mr. Gibbs'
11 interpretation -- because self-defense is both subjective and objective, is
12 absolutely relevant to his guilt or innocence.

13 THE COURT: Well, I mean, in light of the fact that there's a
14 possible self-defense in this case, the questioning of the witness who
15 was actually involved in the fight -- and I do agree with the State that the
16 case law is clear jail calls are nontestimonial. They are the Defendant's
17 statements, and he was notified that they could be used against him
18 before any of those statements were made on the jail phone. So based
19 upon that, the Court is going to allow the admission of the five calls that
20 are referenced. All right. Anything else outside the presence?

21 MS. BEVERLY: No.

22 THE COURT: All right. Bring in the jury, Brian. Mr. Mueller,
23 can you and your client put your mask on?

24 MR. MUELLER: Sure.

25 THE MARSHAL: All rise for the jury.

1 [Jury in at 9:10 a.m.]

2 THE MARSHAL: All present, Your Honor.

3 THE COURT: Okay. You may all be seated. Good morning,
4 ladies and gentlemen. We are back on the record in C-355769, State of
5 Nevada v. Jamel Gibbs. May the record reflect that Mr. Gibbs is present
6 with his attorney. Deputy District Attorney is on behalf of the State. Do
7 both parties stipulate to the presence of our jury?

8 MS. BEVERLY: Yes, Your Honor.

9 MR. MUELLER: Yes, Your Honor.

10 THE COURT: State, you may call your next witness.

11 MS. BEVERLY: Shane Forsberg.

12 SHANE FORSBERG, STATE'S WITNESS, SWORN

13 THE CLERK: Please be seated, stating your full name,
14 spelling your first and last name for the record.

15 THE WITNESS: Shane Forsberg, S-H-A-N-E F-O-R-S-B-E-R-G.

16 THE COURT: State, whenever you're ready.

17 MS. BEVERLY: Thank you.

18 DIRECT EXAMINATION

19 BY MS. BEVERLY:

20 Q We've been instructed that you can -- while you're up there
21 testifying, you can actually take off your mask.

22 A Thank you.

23 Q Thank you. That little black box in front of you is a
24 microphone. Make sure you speak right into that so the members of the
25 jury can hear you, okay?

1 A Yes.

2 Q Okay. Sir, how are you currently employed?

3 A I'm a detective with North Las Vegas Police Department.

4 Q And how long have you been with the North Las Vegas
5 Police Department?

6 A Almost 14 years.

7 Q Okay. What is your current assignment with North Las
8 Vegas?

9 A I'm a homicide and violent crimes detective.

10 Q Okay. Prior to being on homicide and violent crimes, were
11 you in another unit of North Las Vegas?

12 A I've been in the problem solving unit as well as I was a
13 member of the FBI criminal apprehension team.

14 Q Okay. As a homicide and violent crimes detective with North
15 Las Vegas, do you work a certain shift or are you kind of on an on-call
16 shift?

17 A I work Tuesday through Friday 7:00 to 5:00 and I'm also on
18 call one week every month.

19 Q Okay. Do -- does North Las Vegas have like a group of
20 homicide detectives that go up on a particular homicide, get the
21 homicide and then another group gets it? Does that make sense? Or is
22 it --

23 A Well, typically, patrol would respond to a homicide. They'd
24 determine the -- you know, the initial investigative details and the
25 detective bureau is notified. If it's after hours, the detectives on call will

1 respond and handle the investigation.

2 Q I want to direct your attention to March the 3rd of 2021. On
3 that day, did you become in a shooting investigation and later homicide
4 investigation occurring at 3940 Scott Robinson in North Las Vegas, Clark
5 County?

6 A Yes, I did.

7 Q Did that involve the death of Jaylon Tiffith?

8 A Yes.

9 Q And specifically, that address that at Scott Robinson. Is that
10 the Hidden Canyon Village Apartments?

11 A Yes.

12 Q Now, when a call comes out regarding a shooting or a
13 homicide, are you the first person to respond or do patrol detectives
14 respond first?

15 A Patrol always are the first responders.

16 Q Does patrol then notify your bureau whether or not you and
17 your associates maybe need to respond to the scene?

18 A Yeah. Patrol officers gather initial investigative details, notify
19 their sergeant, who in turn notifies the detective bureau.

20 Q In this particular case, were you assigned to the -- well,
21 actually, you were -- patrol notified you to come out. Is that fair to say?

22 A That's fair.

23 Q Okay. And were you assigned to be the lead investigator on
24 this particular case involving Mr. Tiffith?

25 A I was.

1 Q Okay. Do you have knowledge of the entirety of the
2 investigation regarding the death of Mr. Tiffith?

3 A Yes.

4 Q Okay. So to your knowledge, approximately what time did
5 the 911 call come out regarding the shooting over at the apartment
6 complex?

7 A The initial calls were received at about 18:45 hours.

8 Q Okay. What time is that for us nonmilitary people?

9 A 6:45 p.m.

10 Q Okay. I am going to show you up on the overhead --

11 MS. BEVERLY: Oh. Thank you. Oh, I'm sorry. Permission to
12 publish?

13 THE COURT: Yes.

14 BY MS. BEVERLY:

15 Q I'm going to show you on the overhead. You can actually
16 see it on your screen, too, there. Can you see it on there?

17 A Yes.

18 Q Okay. What has been previously admitted as State's Exhibit
19 Number 39. Is this the area of the Hidden Canyon Village Apartments
20 over on Scott Robinson?

21 A Yes.

22 Q So up to the top of the page, we have West Alexander. Is
23 that correct?

24 A Yes.

25 Q Okay. Down on the bottom, where -- it's cut off the map, but

1 what's the major cross-street down on the bottom?

2 A Gowan. And further south is Cheyenne.

3 Q Okay. So once the 911 call came out at approximately 6:45,
4 what time did patrol officers begin to arrive?

5 A They were dispatched at 6:48, arrived around 6:52.

6 Q At what point do you get notified of your need to respond to
7 the scene on March the 3rd?

8 A It was at least an hour, maybe two, later.

9 Q Okay. So a little -- after 7:00, 8:00?

10 A Correct.

11 Q Okay. And then do you, in fact, respond to this specific
12 location where this shooting occurred?

13 A Yes.

14 Q And who do you respond with?

15 A Detectives Hudson, Santos and Sergeant Nellis as well as CSI
16 personnel.

17 Q Okay. And those detectives are other members of the
18 homicide violent crime squad --

19 A Yes.

20 Q -- with North Las Vegas? Okay. When you get onto the
21 scene located here at the apartment complex, what is the first thing that
22 you and your team do upon arriving?

23 A We meet with the primary responding patrol officer, who's
24 gathered the initial details and get a brief of his findings up to that point.

25 Q And when you say brief, is that like a summary of the

1 information known so far?

2 A Yeah. It's relaying the intel gathered up to that point.

3 Q Okay. And then do you begin your investigation on this
4 death?

5 A Yes.

6 Q When you arrived at the scene -- excuse me -- was Jaylon
7 Tiffith still at the scene?

8 A Yes.

9 Q Okay. And would it be fair to say that he was deceased?

10 A Yes.

11 Q When you arrived at the scene, was a person by the name of
12 Brionte or Bri Terrell also on scene?

13 A Yes, she was.

14 Q Was a person by the name of Michaela Parker on scene when
15 you arrived?

16 A No.

17 Q Was a person by the name of Nasharia Searles on scene
18 when you arrived?

19 A No.

20 Q And that would be on March 3rd, correct?

21 A Correct.

22 Q Now, while you were -- once you were on scene, I believe
23 you indicated earlier that you also arrived with some crime scene
24 analysts as well, correct?

25 A That's correct.

1 Q Okay. And were those crime scene analysts directed to
2 photograph, document and process the scene?

3 A Yes.

4 Q And were you present during that documentation and
5 processing of this scene at Scott Robinson?

6 A I was.

7 Q Did you walk and observe the area where the shooting was
8 alleged to have occurred?

9 A Yes, I did.

10 MS. BEVERLY: I am going to show Mr. Mueller what has
11 been marked as State's proposed 63 through 171, although there are
12 some that are missing, but I'll go through the -- those specific numbers
13 with the detective.

14 THE COURT: Okay.

15 [Counsel confer]

16 MR. MUELLER: Your Honor, may we approach?

17 THE COURT: Yes.

18 [Sidebar at 9:21 a.m., ending at 9:23 a.m., not transcribed]

19 MS. BEVERLY: May I approach the witness?

20 THE COURT: Yes.

21 BY MS. BEVERLY:

22 Q Okay, Detective, I just want to make sure I go in order
23 because they -- excuse me -- they got a little bit out of order.

24 So I'm going to ask that you flip through what has been marked as
25 State's proposed number 67, 68, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 63,

1 72, 73, 64, 65, 66, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106,
2 107, 108, 109, 110, 111, 112, 113, 114, 115, 116 and 117.

3 Can you flip through these, please, to yourself, silently, and let me
4 know if you -- excuse me -- recognize what is depicted in that series of
5 photos. You can flip through them quickly.

6 [Witness reviews photographs]

7 Do you recognize what is depicted in this series of photos,
8 Detective?

9 A I do.

10 Q Are these a fair and accurate depiction of the photos that
11 were taken documenting the crime scene on March the 3rd of 2021, over
12 on Scott Robinson?

13 A Yes.

14 MS. BEVERLY: At this time I would ask to move into
15 evidence the numbers that I just listed.

16 THE COURT: Okay. Mr. Mueller, which ones were you
17 objecting to?

18 MR. MUELLER: I objected to 63 through 66, 69, 72, 73 and
19 83.

20 THE COURT: And 83 is the last one?

21 MR. MUELLER: Yes, ma'am.

22 THE COURT: Okay.

23 MR. MUELLER: Other than that, the other ones are routine
24 crime photos and I have no objection.

25 THE COURT: Okay. All right. So -- all right. So 69 was not

1 admitted. 63 through 60 -- okay. So 63 through 66 will be admitted, 67
2 through 68 will be admitted, 72 through 83 will be admitted, 94, 96
3 through 105, 106 through 117.

4 [State's Exhibits 63 through 68, 72 through 83, 94, 96 through 117
5 admitted into evidence]

6 MS. BEVERLY: Thank you.

7 THE COURT: And Mr. Mueller did object to 63 through 66,
8 72, 73 and 83, and he also objected to 69, which the Court granted that
9 objection, but the other objections are overruled, and they are admitted.

10 MS. BEVERLY: Thank you. Permission to publish various
11 exhibits.

12 THE COURT: Yes.

13 MS. BEVERLY: Thank you.

14 BY MS. BEVERLY:

15 Q Okay, Detective, so we were talking about how crime scene
16 responded to the location, and you as well walked the scene, observing
17 the various items that were on scene; is that correct?

18 A Correct.

19 Q I am going to start with Exhibit Number 43. What are we
20 looking at here in this photo?

21 A That is the entrance to 3940 Scott Robinson. It is the
22 Scott Robinson entrance, and we're looking at a dark blue Dodge
23 Avenger, which was on scene when I arrived there, and the body of
24 Mr. Tiffith.

25 Q Okay. And all of this was here when you arrived?

1 A Correct.

2 Q Now, there's an entrance gate up here, correct, to the
3 apartment complex; is that correct?

4 A Correct. That car is parked in front of the -- what would be
5 the entrance gate.

6 Q And on the other side of this brush here, that would be the
7 exit side of the apartment complex; is that correct?

8 A Right.

9 Q And that was how the scene was depicted when you arrived;
10 is that fair to say?

11 A That's fair.

12 Q I'm showing you what has been admitted as State's Exhibit
13 Number 56. What are we looking at here in this photograph?

14 A There is landscape debris, rocks and dirt, in the drive up to
15 the front gate, as well as sandals and a head wrap.

16 Q Okay. Now, these rocks that are here in the middle of the
17 roadway, that would be the entrance side; is that correct?

18 A Yes.

19 Q And then these shoes, it looks like, and something else over
20 here in the corner, was also on the entrance side; is that correct?

21 A Yes.

22 Q Were these items in front of the blue car that we saw in the
23 prior photo?

24 A Yes.

25 Q Showing you a little bit of a closer view, Exhibit Number 54.

1 Zoom in a little bit, too. Is this the rocks that you were describing were
2 in the driveway leading to the entrance?

3 A Yes.

4 Q Okay. And it looks like there are some more toward the left,
5 coming toward the middle of the driveway; is that fair to say?

6 A Correct.

7 Q Okay. And then it looks like there are some shoes, some
8 flip-flops in the middle of that driveway entrance?

9 A Yes.

10 Q And what is this little --

11 A It's a cloth hair wrap.

12 Q A bonnet?

13 A Yeah.

14 Q Okay. And that is further up, closer to the gate; is that
15 correct?

16 A Yes, that's correct.

17 Q And these items, again, were in front of the blue car that we
18 saw on scene?

19 A That's correct.

20 Q Did those -- well, actually, let me show you Exhibit
21 Number 49. Is that a -- I'll zoom in a little bit. Is that a closer up view
22 showing those rocks in front of the blue car?

23 A That's another view, yes.

24 Q Okay. Did those rocks become relevant to your investigation
25 during your interview with various witnesses?

1 A Yes.

2 Q Okay. I'm showing you on the overhead Exhibit Number 45.
3 Is that a view of both the entrance and the exit way showing the sign of
4 the Hidden Canyon Village Apartments?

5 A Yes, taken from the side of the exit.

6 Q Showing you what has been marked as -- well, excuse me --
7 what has been admitted as State's Exhibit Number 60. Is that a back
8 view of the vehicle that was on scene when you arrived?

9 A Yes.

10 Q Okay. Did you later learn that vehicle belonged or was
11 driven by Ms. Terrell?

12 A Yes, I did.

13 Q Showing you State's Exhibit Number 61. Is that a side view
14 of that vehicle?

15 A The driver's side view of the same vehicle, yes.

16 Q Okay. And on the bottom left-hand side of the photo, do we
17 see some dirt and some rocks over by that driver's door?

18 A Yes.

19 Q As part of your investigation, while on scene on March the
20 3rd of 2021, did you also get consent to search that vehicle that was left
21 on scene?

22 A Yes.

23 Q And was that consent given to you by Ms. Terrell, who was
24 also on scene?

25 A Yes.

1 Q Okay. Showing you what has now been admitted as State's
2 Exhibit Number 67, is that a view from the driver's side of the vehicle?

3 A Yes.

4 Q Looking into the vehicle?

5 A Yes.

6 Q Exhibit Number -- what has now been admitted as Exhibit
7 Number 68, is that a closer view of the driver and passenger seat of that
8 vehicle?

9 A Yes.

10 Q And can you see -- can you see here on the crack what looks
11 like some debris?

12 A Yes.

13 Q During your processing of the scene with crime scene
14 analysts were various items of evidence collected?

15 A Yes.

16 Q Exhibit Number 78, did that include the shoes that we saw
17 earlier, as well as that bonnet you were describing?

18 A Yes.

19 Q Exhibit Number 79, is this another view of the scene, this
20 being the front of the car, the rocks to the side of the car and the bonnet
21 and shoes you described earlier?

22 A Yes, it is.

23 Q Now, I want to go back to the processing of the vehicle that
24 was left on scene that Ms. Terrell gave you consent to search. Did you
25 and your team, the crime scene analysts, in fact, search that vehicle?

1 A Yes.

2 Q Were there any weapons located in that vehicle?

3 A No.

4 Q While you were -- well, you indicated earlier that when you
5 arrived on scene that Mr. Tiffith was still at the scene, deceased; is that
6 correct?

7 A Correct.

8 Q Could you tell from your observation of him the type of
9 injury he had suffered?

10 A I could see one injure]y that was consistent with a gunshot
11 wound.

12 Q And what -- to what part of his body?

13 A His face.

14 Q I'm showing you what has now been admitted as State's
15 Exhibit Number 64. Is this the condition that Mr. Tiffith was in when you
16 arrived?

17 A Yes.

18 Q Okay. Does it appear to you that there had been some
19 medical intervention on him prior to you arriving?

20 A Yes. He has medical -- typical medical equipment attached to
21 his body.

22 Q Okay. Is that common when medical or an ambulance
23 arrives on scene, that they try to do lifesaving measures even before you
24 as a detective would get out there?

25 A Of course, yes.

1 Q Okay. And if they had been able to get some signs of life,
2 would he have been transported to the -- a local hospital?

3 A He would have been taken to UMC.

4 Q Okay. So the fact that he is still here, does that indicate to
5 you that essentially lifesaving measures did not work for him?

6 A Correct.

7 Q Okay. Can you describe for us, and I'll put up Exhibit
8 Number 65, where was Mr. Tiffith's body located in relation to the crime
9 scene?

10 A It was near the call box for the front entrance.

11 Q Okay. Where you push the little buttons to get in the gate?

12 A Correct.

13 Q Okay. Was it close to the other vehicle that -- the only vehicle
14 that was on scene?

15 A It was close, yes.

16 Q Now, at some point on scene Mr. Tiffith's body, I presume,
17 was removed from the scene; is that correct?

18 A Correct.

19 Q Who removes a body from the scene?

20 A We wait for the coroner to come before the body's handled
21 in any way by police personnel, and --

22 Q And then does -- oh, I'm sorry. Go ahead.

23 A -- the coroner does a preliminary investigation, calls a --
24 whatever mortuary company's on call, and they take custody of the body
25 and transport it to the coroner's office.

1 Q Okay. So essentially, once your processing of the body is
2 done, the coroner's office takes control of the body; is that correct?

3 A Correct.

4 Q Okay. Showing you what's been admitted as State's Exhibit
5 Number 99. Is this a photo of after Mr. Tiffith's body has been removed
6 from the scene?

7 A Yes.

8 Q Okay. And I'm going to zoom in a little bit. Do we see in this
9 photo, sorry, additional rock debris on the side, the left side of the
10 entranceway?

11 A Yes.

12 Q In addition to processing or searching Ms. Terrell's vehicle
13 and documenting the crime scene, as part of the documentation of the
14 crime scene did you locate a cartridge casing?

15 A Yes.

16 Q Okay. What is a cartridge casing?

17 A It is basically the base of a bullet where the gunpowder and
18 the bullet are loaded into.

19 Q Okay. So when a bullet is ejected from a firearm, does a
20 casing drop out of the gun?

21 A In a semiautomatic firearm, yes.

22 Q Okay. So that happens -- so what kind of guns are
23 semiautomatic; 9 millimeters or --

24 A Not revolvers. We have several calibers, 9 millimeter, .40,
25 .45, 380.

1 Q Okay. So I'm going to actually put back up on here Exhibit
2 Number 99. You indicated a cartridge casing was recovered in this case.
3 Where was it recovered from?

4 A In the landscaping, in the median between entrance and exit,
5 near marker number four.

6 Q Okay. And that would be close to where Mr. Tiffith's body
7 originally was; is that fair to say?

8 A Yes.

9 Q Showing you Exhibit Number 101. Zoom out. Is this a closer
10 up view of where that cartridge case was found?

11 A Yes.

12 Q Okay. Can you see the cartridge case here in this particular
13 photo?

14 A It's difficult to see. I had to zoom in on the digital photo to
15 find it, but it's basically in line with the number five centimeter mark, if
16 you're going from bottom to top.

17 Q Okay. So right where my pen is?

18 A No.

19 Q Oh, up here?

20 A Yeah.

21 Q Okay.

22 A Just to your left of that.

23 Q Okay. So is it fair to say it kind of blended in with the --
24 I guess the shrubbery in that area?

25 A Yeah. It was very difficult to see.

1 Q Okay. But that was able to be recovered; is that correct?

2 A That's correct.

3 Q Showing you what has been admitted as State's Exhibit
4 Number 105. Is that a photograph of that casing that was recovered?

5 A Yes.

6 Q Exhibit Number 104, is this what is known as a headstamp of
7 that casing?

8 A Yes.

9 Q What is a headstamp of a casing?

10 A It's a collection of letters and numbers and whatever
11 characters are imprinted on the base of the casing.

12 Q Okay. Does it describe like the type of ammunition that the
13 bullet came from, essentially?

14 A Typically the manufacturer and caliber.

15 Q Okay. So I'm going to zoom in on this as much as I can. And
16 again, the members of the jury will have these to take back with them
17 into the deliberation room. Can you see the headstamp -- or can you
18 read the headstamp on this particular casing that was recovered?

19 A Yeah. It is GECO 9 mm Luger.

20 Q Okay. So would GECO be the manufacturer?

21 A Yes.

22 Q Would 9 millimeter be the -- what would that --

23 A The caliber of the gun.

24 Q And then Luger, what would that be?

25 A Luger.

1 Q Like a name?

2 A I don't know. It's common on many headstamps of different
3 manufacturers.

4 Q Okay. Showing you Exhibit Number 106. Is this -- let me
5 zoom out a little bit -- another photograph of the inside of Mr. Terrell's
6 vehicle?

7 A Yes.

8 Q And Exhibit Number 107, would that be the back or the rear
9 portion of the vehicle?

10 A Yes.

11 Q As you were documenting the crime scene with crime scene
12 analysts, was there any weapons located on or near Mr. Tiffith's body?

13 A No.

14 Q Was there any weapons located anywhere in the driveway or
15 exit way of the Hidden Canyon Apartments?

16 A No.

17 Q Once the crime scene was documented and the evidence that
18 we just described was collected, did you have an opportunity to
19 interview Brionte, or Bri Terrell?

20 A Yes.

21 Q She, again, was on scene when you arrived; is that fair to
22 say?

23 A That's fair.

24 Q Okay. Did you interview her on the scene?

25 A Yes, I did.

1 Q At that time, when Ms. Terrell was on the scene, to your
2 knowledge at that point was she the only person, to your knowledge,
3 that had actual knowledge of the shooting, the actual shooting?

4 A Yes.

5 Q Okay. Can you describe for us Ms. Terrell's demeanor when
6 you interviewed her on scene on March 3rd?

7 A She was fairly calm for what had just occurred. She was
8 polite and cooperative.

9 Q Did she describe to you what occurred?

10 A Yes.

11 Q And you indicated earlier that she gave consent to search her
12 vehicle, correct?

13 A Yes, she did.

14 Q Okay. During the interview did she identify who was
15 involved in the shooting?

16 A Yes.

17 Q Now, during your interview did Ms. Terrell pull up any
18 pictures for you?

19 A She showed me a Facebook profile.

20 Q Okay. And what Facebook profile did she show you?

21 A The vanity name was Check-A-Bag Gibbs [phonetic], and the
22 account was jamel.gibbs.9.

23 Q Okay. And did she pull that up to inform you of who the
24 shooter was in this case?

25 A That is who she indicated was the shooter, yes.

1 Q Did you prompt her to pull that up, or did she pull that up on
2 her own?

3 A She pulled that up on her own early in the interview.

4 Q The person that she pulled up, was that person described as
5 short, slender, with dreads and multiple tattoos?

6 A Yes.

7 Q And you indicated that you received a name from the
8 Facebook profile of a jamel.gibbs; is that correct?

9 A Correct.

10 Q Once you finished your interview with Ms. Terrell and
11 received the information that she informed you, were you able to pull up
12 a Department of Motor vehicles photo of a person by the name of
13 Jamel Gibbs?

14 A Yes.

15 Q Did that photo match the photo that Ms. Terrell had shown
16 you on the Facebook -- on the Facebook?

17 A Yes. And the birth date of --

18 MR. MUELLER: Objection. There's no question.

19 THE WITNESS: Okay.

20 BY MS. BEVERLY:

21 Q Well, was there a birth date on the DMV record?

22 A Yes.

23 Q And did that match the Facebook that Ms. Terrell showed
24 you?

25 A Yes.

1 Q Okay. Did you also learn that -- in your conversation with
2 Ms. Terrell that a person by the name of -- well, a person by the name of
3 Michaela Parker had also been on scene and was Mr. Gibbs' girlfriend?

4 A That's what she indicated to me, yes.

5 Q But as you indicated earlier, Michaela Parker was not on
6 scene on March 3rd when you arrived; is that correct?

7 A That's correct.

8 Q After speaking with -- well, excuse me. Let me ask you this.
9 As a result of Ms. Terrell's interview, did you begin to develop a suspect
10 of Jamel Gibbs?

11 A Yes.

12 Q Do you see Mr. Gibbs in court today?

13 A Yes.

14 Q Can you please point to him and tell me an article of clothing
15 that he's wearing today?

16 A He is right there, wearing a mask, blue shirt and purple tie.

17 MS. BEVERLY: Let the record reflect identification of the
18 Defendant.

19 THE COURT: The record will so reflect.

20 MS. BEVERLY: Thank you.

21 BY MS. BEVERLY:

22 Q After your interview with Ms. Terrell did you continue to
23 investigate the death of Mr. Tiffith?

24 A Yes.

25 Q Okay. Now, you told us that you arrived on scene around

1 8:00 o'clock at night on March the 3rd; is that correct?

2 A Roughly, yes.

3 Q Around that time?

4 A Yes.

5 Q Okay. You have a really soft voice, so I'm going to need you
6 to speak up just a little bit so we can all hear you. Okay?

7 A No problem.

8 Q Okay. Did you continue investigating the death of Mr. Tiffith
9 into the early morning of March the 4th of 2021?

10 A Yes, I did.

11 Q Okay. So this was kind of like an all-nighter for you; is that
12 fair to say?

13 A That's fair.

14 Q During your investigation on those two days did you learn
15 that another vehicle had fled the scene after the shooting?

16 A I was advised of such, yes.

17 Q Okay. And specifically, was that vehicle a 2012 Hyundai
18 Elantra, plate number 942-YKA?

19 A Yes, it was.

20 Q Okay. Did you begin to look into who that vehicle may have
21 been registered to?

22 A I did.

23 Q Okay. Are you familiar with what a records check is?

24 A Yes.

25 Q Okay. Is that where you can search DMV records to see who

1 cars are registered to?

2 A That's one form of a records check, yes.

3 Q Okay. Did you check the DMV records check system to see
4 who that Elantra was registered to?

5 A Yes.

6 Q Okay. And who was that Elantra registered to?

7 A Michaela Parker.

8 Q Okay. Was there an address located with that registration
9 through the DMV for Ms. Parker?

10 A Yes.

11 Q What was that address?

12 A 3940 Scott Robinson, Apartment 1011.

13 Q Okay. And where this shooting occurred was in the front of
14 3940 Scott Robinson; is that correct?

15 A Correct.

16 Q Are you familiar with the term felony vehicle?

17 A Yes.

18 Q What's a felony vehicle?

19 A It's a vehicle that's entered into a nationwide database so if
20 the plate or VIN is ran, it shows a hit to notify the investigating agency
21 that it's possibly connected to a crime.

22 Q Okay. So once you have this information, you had talked to
23 Bri, you had learned some information from her, you now have this
24 vehicle, you now had an address of where the vehicle was registered
25 and who it was registered to, did you put a -- enter this particular vehicle

**PLEADING
CONTINUES
IN NEXT
VOLUME**