

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

v.

DUSTIN LEWIS,

Respondent.

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Elizabeth A. Brown
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Case No. 85158

APPELLANT'S APPENDIX
Volume 2

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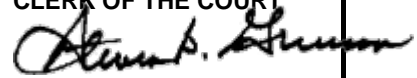
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KM//jh



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) GJ No. 18CGJ056A-D
) DC No. C340051
DUSTIN LEWIS, MARGAUX ORNELAS,)
aka Margaux Shannon Ornelas, TYREE)
FAULKNER, THOMAS HEROD,)
)
Defendants.)

Taken at Las Vegas, Nevada

Thursday, May 2, 2019

1:04 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

AA 000145

12:00 1 GRAND JURORS PRESENT ON MAY 2, 2019
2
3 LAWRENCE HOLMES, Foreperson
4 ROBERT KINNIBURGH, Deputy Foreperson
12:00 5 ANTHONY SHOR, Secretary
6 CLAUDIA HUNT, Assistant Secretary
7 TONI ANDERSON
8 GARLAND BAILEY
9 ANNAMARIE CONKLIN
12:00 10 NATHAN CONRAD
11 REGINA CRUNDEN
12 KATHLEEN HEGLUND
13 MELISSA HILL
14 MARY KISHMARTON
12:00 15 JEANETTE LOMANDO
16 LINDA MCARTHUR
17 DAVID MILLER
18 JOHN ORR
19
12:00 20 Also present at the request of the Grand Jury:
21 David Stanton, Chief Deputy District Attorney
22 Brandon Albright, Deputy District Attorney
23
24
25

12:00

1

INDEX OF WITNESSES

2

Examined

3

4

MICHAEL RODRIGUE

14

12:00

5

MARC FALCONE

21

6

NEDY MACEDO

31

7

LORI HAINES

47

8

TASHA OLSON

67

9

WHITNEY SCHARPF

74

12:00

10

ETHAN GRIMES

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12:00

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LAS VEGAS, NEVADA, MAY 2, 2019

2

* * * * *

3

4

DANETTE L. ANTONACCI,

12:00

5

having been first duly sworn to faithfully

6

and accurately transcribe the following

7

proceedings to the best of her ability.

8

9

MR. STANTON: Good afternoon ladies and

01:04

10

gentlemen. My name is David Stanton. Along with

11

Brandon Albright we will be presenting the next matter

12

to you. Ladies and gentlemen, this is a proposed

13

Indictment that seeks to establish probable cause for

14

various different criminal offenses of four individuals

01:04

15

that are listed on page 1, lines 12 through 14: Dustin

16

Lewis, Margaux Ornelas, Tyree Faulkner and Thomas Herod.

17

Ladies and gentlemen, I'm about to go through the

18

elements of the offense and they're listed in the

19

document itself. There are times where the same offense

01:04

20

is going to be listed and it's just different counts and

21

that could be no further evidenced on page 2, Counts 2,

22

3 and 4 are all the offense of burglary. So as you can

23

imagine the elements of burglary are the same. The

24

difference between Counts 2, 3 and 4 are the victims

01:05

25

listed in the document. So what I'm going to do is just

01:05 1 list you the prima facie elements of burglary and then
2 tell you the difference between each count. I will not
3 repeat the elements unless any member of the Grand Jury
4 has any questions about them. So it might be expediting
01:05 5 and then avoiding any duplicitous conduct.

6 Part of the exhibits that are being marked
7 as we're beginning this presentation is Grand Jury
8 Exhibit Number 7. I have an additional copy of this up
9 here and for the record I'm now going to ask that this
01:06 10 be passed around the Grand Jury, members of the Grand
11 Jury, so you see that this is a exhibit to assist you in
12 understanding the testimony you're about to hear about
13 the property involved in this case. So once again this
14 is Grand Jury Exhibit Number 7. It is a copy, the
01:06 15 original is with all the exhibits and of course can be
16 reviewed by any of you any time during your
17 deliberations or during this presentation. It's a tool
18 to assist you and I think you'll understand why it might
19 assist you as you hear this case kind of open up in
01:06 20 front of you.

21 So going back to the elements of the
22 offense. Count 1 on page 1. This count involves
23 Mr. Lewis and Ms. Ornelas and that is conspiracy to
24 commit burglary. That those two defendants, on
01:06 25 December 8, 2018, willfully and unlawfully conspired

01:07 1 with each other to commit a burglary, by the defendants
2 committing the acts in Counts 2, 3 and 4, as being
3 incorporated in this count as if fully stated as it is
4 in Counts 2, 3 and 4. So a conspiracy is a separate
01:07 5 count, it is a conspiracy to commit burglary. And here
6 three counts of burglary. So Count 2, page 2, line 3,
7 that Mr. Lewis and Miss Ornelas, on December 8th,
8 willfully and unlawfully and feloniously entered a
9 storage unit number B151, owned and occupied by Marc
01:07 10 Falcone, located at 9960 West Flamingo Road here in
11 Clark County, they did that with the intent to commit
12 larceny.

13 Now the next thing, since this is the first
14 time I'm presenting a case to you, I'm going to explain
01:07 15 that the next series of elements and instructions of law
16 is that those are the elements of the crime of burglary
17 but there's three different ways of which one is liable
18 for committing burglary. And so the first one is that
19 they're liable under one or more of the following
01:08 20 principles of criminal liability. Remember there's
21 three. The first one is by directly committing the
22 crime, and/or, number 2, they committed it in aiding and
23 abetting in the commission of the crime with the intent
24 that the crime be committed, by counseling, encouraging,
01:08 25 hiring, commanding, inducing, and/or otherwise procuring

01:08 1 the other to commit the crime. So directly committing
2 the act, committing it during, by aiding and abetting
3 one or others in committing a crime. And finally 3,
4 conspiracy. Pursuant to a conspiracy to commit this
01:08 5 crime with the intent that the crime be committed,
6 defendant and/or unknown individuals aiding or abetting
7 and/or conspiring, by the defendant and/or unknown
8 individuals acting in concert throughout.

9 So once again, one crime of burglary but
01:09 10 three different ways that the law recognizes you're
11 liable for committing that offense beyond just directly
12 committing the act.

13 Any questions about theories of liability?

14 Okay. Same elements as I just read
01:09 15 applying in Count 3. Once again it's charged as to
16 Mr. Lewis and Miss Ornelas, same date, December 8th of
17 2018, but here it's a storage unit B145 that's listed on
18 page 2, line 16, and that is owned and occupied by Kenny
19 Bluntman. Once again we're dealing with the same
01:09 20 storage unit at 9960 West Flamingo Road and that there
21 are three theories of liability of the two defendants,
22 Mr. Lewis and Miss Ornelas, directly committing the act,
23 number 1, aiding and abetting, number 2, and 3,
24 conspiring to commit the act.

01:10 25 Once again any questions about the elements

01:10 1 and the structure of Count 3?

2 Count 4, once again burglary, same two
3 defendants. Mr. Lewis and Miss Ornelas, December 8th,
4 willfully, unlawfully enter a storage unit, now we're
01:10 5 talking about B147, and that it's owned by Michael
6 Rodriguez and/or Rita Yvonne Rodriguez. Once again it
7 is the same physical location of the storage facility at
8 9960 West Flamingo Road and the same theories of
9 liability, threefold, they directly committed the act,
01:10 10 they aided and abetted one another, and 3, they acted
11 with themselves and others in a conspiracy.

12 Count 5 is grand larceny. The elements of
13 that offense are as follows: That Mr. Lewis and
14 Miss Ornelas, on December 8th, willfully, unlawfully,
01:11 15 feloniously, intentionally, with the intent to deprive
16 the owner permanently thereof, steal, take and carry
17 away, lead away or drive away, property owned by Mark
18 Falcone, having a value of \$3500 or greater, to-wit:
19 watches and/or bags and/or watch boxes, and that they're
01:11 20 criminally liable under the following theories of
21 criminal liability. Once again, this should sound
22 familiar to you because it's the same expression of
23 liability as you saw in the previous counts of burglary,
24 1, directly committing the act; 2, aiding and abetting
01:11 25 one another or others; and 3, conspiring with one

01:11 1 another and others to commit the crime of grand larceny.

2 And finally conspiracy to commit burglary.

3 This charges all four defendants. Mr. Lewis,

4 Miss Ornelas, Mr. Faulkner and Mr. Herod. On

01:12 5 December 11th, that they conspired with one another to

6 commit a burglary and that they committed that act as

7 set forth in the next count, Count 7, as if it were

8 restated there.

9 So now let's go to Count 7. Count 7 is the

01:12 10 straight burglary offense. All four of the defendants

11 charged in this offense. On December 11th, that they

12 willfully, unlawfully and feloniously entered a building

13 owned and occupied by Storage One, and/or a storage unit

14 number B151 owned or occupied by Mark Falcone, located

01:12 15 at 9960 West Flamingo Road, Las Vegas, and then the

16 theories of liability are threefold as in all the other

17 counts. One, directly committing the act; 2, aiding and

18 abetting; 3, via the theory of conspiracy.

19 Those are the elements of the seven counts

01:13 20 before you. Does any member of the Grand Jury have any

21 questions as to those elements?

22 For the record, no member of the Grand Jury

23 has any questions. I believe, Mr. Foreperson, we are

24 ready with our number of witnesses. I think we're ready

01:13 25 for our first witness and with the acknowledgment from

01:13 1 you, we're prepared to call our first witness.

2 THE FOREPERSON: Are we ready to go?

3 A JUROR: Yes.

4 THE FOREPERSON: We're ready.

01:13 5 MR. ALBRIGHT: State calls Michael

6 Rodriguez.

7 THE FOREPERSON: Please raise your right

8 hand.

9 You do solemnly swear the testimony you are

01:14 10 about to give upon the investigation now pending before

11 this Grand Jury shall be the truth, the whole truth, and

12 nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE FOREPERSON: Please be seated.

01:14 15 You are advised that you are here today to

16 give testimony in the investigation pertaining to the

17 offenses of conspiracy to commit burglary, burglary, and

18 grand larceny, involving Dustin Lewis, Margaux Ornelas,

19 Tyree Faulkner and Thomas Herod.

01:14 20 Do you understand this advisement?

21 THE WITNESS: Yes.

22 THE FOREPERSON: Please state your first

23 and last name and spell both for the record.

24 THE WITNESS: Michael Rodrigue.

01:14 25 M-I-C-H-A-E-L, R-O-D-R-I-G-U-E.

01:15 1 THE FOREPERSON: Thank you.

2 MICHAEL RODRIGUE,

3 having been first duly sworn by the Foreperson of the
4 Grand Jury to testify to the truth, the whole truth,

01:15 5 and nothing but the truth, testified as follows:

6

7 EXAMINATION

8

9 BY MR. ALBRIGHT:

01:15 10 Q. How do you pronounce your last name once
11 again, sir?

12 A. Rodrigue.

13 Q. Rodrigue. Okay.

14 Mr. Rodrigue, do you own or did you own at

01:15 15 some point a storage unit facility at 9960 West Flamingo
16 Road?

17 A. Yes. We rent it from the unit.

18 Q. Do you still own that unit?

19 A. Yes, I do.

01:15 20 Q. And is that, that address I just mentioned,
21 is that located in Clark County, Las Vegas, Nevada?

22 A. Yes, it is.

23 Q. And do you recall is your unit number B147?

24 A. Yes, B147.

01:15 25 Q. We're going to show you an exhibit that

01:15 1 depicts looking into your storage facility. Let me know
2 if you recognize that.

3 MR. STANTON: I'm going to start with
4 Number 51.

01:16 5 MR. ALBRIGHT: That's the hotel.

6 MR. STANTON: Oh, okay.

7 Over your left hand shoulder, sir, is an
8 overhead, so when you describe it, I think this is,
9 yeah, Grand Jury Exhibit Number 19, Mr. Albright.

01:16 10 BY MR. ALBRIGHT:

11 Q. What are we looking at there, Mr. Rodrigue?

12 A. That's our storage unit, B147.

13 Q. And how do you recognize it? Are those
14 your belongings?

01:16 15 A. Yes.

16 Q. I'm going to show you another exhibit that
17 depicts the upper left corner of your unit.

18 MR. STANTON: It's Exhibit 20.

19 BY MR. ALBRIGHT:

01:16 20 Q. What are we looking at there?

21 A. One of the panels is apparently pried loose
22 or cut or something.

23 Q. And did you do that to the wall?

24 A. No.

01:16 25 Q. Was it like that the last time that you had

01:16 1 been to your unit?

2 A. No.

3 Q. Let me draw your attention to December 8,
4 2018. Were you notified by police that there might have
01:17 5 been a burglary at your unit?

6 A. I don't remember the date specifically.
7 Yes, the storage unit and the police called us, we went
8 there and they were still there, the police
9 investigators were there.

01:17 10 Q. When you got there, is that when you saw
11 the hole in the side of your unit?

12 A. Yes, that's correct.

13 Q. There's another exhibit there.

14 MR. STANTON: Eighteen.

01:17 15 BY MR. ALBRIGHT:

16 Q. Exhibit 18. Is that another view showing
17 the hole inside of your unit?

18 A. Yes, from outside.

19 Q. And when you went through the property that
01:17 20 you had in your unit after this reported burglary, did
21 you discover that anything was missing?

22 A. Yes, we did.

23 Q. What were among those items?

24 A. There were four things. The wooden chess

01:17 25 set that's pictured up there. My --

01:17 1 MR. STANTON: And for the record that's
2 Grand Jury Exhibit 63.
3 BY MR. ALBRIGHT:
4 Q. So Exhibit 63, is that the chess set that
01:18 5 was taken from your unit?
6 A. That's correct.
7 Q. Was there also taken an Army style jacket?
8 A. That's correct.
9 Q. We're going to put up another exhibit.
01:18 10 MR. STANTON: Sixty-four.
11 BY MR. ALBRIGHT:
12 Q. Does Exhibit 64 accurately depict the
13 jacket that was taken?
14 A. Yes.
01:18 15 Q. Were there also dog tags shown on the same
16 exhibit?
17 A. Yes, those were my dog tags in the Army.
18 MR. STANTON: Exhibit 37.
19 BY MR. ALBRIGHT:
01:18 20 Q. Is 37 another picture of those dog tags?
21 A. That's correct.
22 Q. Mr. Rodrigue, do you know an individual
23 named Dustin Lewis?
24 A. I do not.
01:18 25 Q. What about a woman named Margaux Ornelas?

01:18 1 A. I do not.

2 Q. Did you at any time give either of those
3 individuals permission to enter your storage facility?

4 A. I did not.

01:18 5 Q. Did you at any point give them permission
6 to obtain or possess that chess board or that jacket
7 that we just saw a picture of?

8 A. I did not.

9 MR. ALBRIGHT: I have no further questions
01:19 10 for this witness.

11 MR. STANTON: Does any member of the Grand
12 Jury have any questions of this witness? Sir.

13 BY A JUROR:

14 Q. Would you spell your last name for me one
01:19 15 more time?

16 A. Sure. R-O-D-R-I-G-U-E.

17 Q. Okay.

18 THE WITNESS: Rodriguez, no Z, yes.

19 BY A JUROR:

01:19 20 Q. What is the value of the chess set?

21 A. It was a gift. I could guess if you want
22 me to.

23 Q. Is it --

24 A. Two or \$300.

01:19 25 Q. Thank you.

01:19 1 A. Uh-huh.

2 THE FOREPERSON: Any other questions?

3 Seeing no further questions.

4 By law, these proceedings are secret and

01:19 5 you are prohibited from disclosing to anyone anything

6 that has transpired before us, including evidence and

7 statements presented to the Grand Jury, any event

8 occurring or statement made in the presence of the Grand

9 Jury, and information obtained by the Grand Jury.

01:19 10 Failure to comply with this admonition is a

11 gross misdemeanor punishable by up to 364 days in the

12 Clark County Detention Center and a \$2,000 fine. In

13 addition, you may be held in contempt of court

14 punishable by an additional \$500 fine and 25 days in the

01:19 15 Clark County Detention Center.

16 Do you understand this admonition?

17 THE WITNESS: Yes, I do.

18 THE FOREPERSON: Thank you. You're

19 excused.

01:20 20 THE WITNESS: Thank you.

21 MR. ALBRIGHT: Our next witness will be

22 Mr. Mark Falcone.

23 A JUROR: Mr. Albright.

24 MR. ALBRIGHT: Yes, sir.

01:20 25 A JUROR: Is this related to the Count 4?

01:20 1 MR. ALBRIGHT: Yes.

2 A JUROR: The spelling --

3 MR. ALBRIGHT: Correct. Of the wife Rita

4 should mirror that of her husband Michael. So it's just

01:20 5 the Z will be stricken.

6 A JUROR: Thank you.

7 MR. STANTON: Remain standing for me for a

8 second. Could you raise your right hand to be sworn by

9 the foreperson.

01:20 10 THE FOREPERSON: You do solemnly swear the

11 testimony you are about to give upon the investigation

12 now pending before this Grand Jury shall be the truth,

13 the whole truth, and nothing but the truth, so help you

14 God?

01:20 15 THE WITNESS: I do.

16 THE FOREPERSON: Please be seated.

17 You are advised that you are here today to

18 give testimony in the investigation pertaining to the

19 offenses of conspiracy to commit burglary, burglary, and

01:20 20 grand larceny, involving Dustin Lewis, Margaux Ornelas,

21 Tyree Faulkner and Thomas Herod.

22 Do you understand this advisement?

23 THE WITNESS: I do.

24 THE FOREPERSON: Please state your first

01:21 25 and last name and spell both slowly for the record.

01:21 1 THE WITNESS: Marc Falcone. M-A-R-C,
2 F-A-L-C-O-N-E.

3 THE FOREPERSON: Thank you.

4 MR. STANTON: Brandon, are you ready?

01:21 5 MR. ALBRIGHT: Yeah. There's quite a few.

6 MARC FALCONE,

7 having been first duly sworn by the Foreperson of the
8 Grand Jury to testify to the truth, the whole truth,
9 and nothing but the truth, testified as follows:

01:21 10
11 EXAMINATION

12

13 BY MR. ALBRIGHT:

14 Q. Mr. Falcone, do you own a storage unit

01:21 15 and/or a number of storage units at the Storage One
16 facility at 9960 West Flamingo Road in Clark County, Las
17 Vegas, Nevada?

18 A. Yes, I do. I have five units.

19 Q. Among those five units do you own unit

01:21 20 B151?

21 A. That is correct.

22 Q. Were you notified on December 8, 2018 that
23 there was a possible burglary to one of your units?

24 A. Yes. I received a phone call from the

01:22 25 manager of the facility around 9:00 a.m. on

01:22 1 December 8th.

2 Q. And did you respond to the facility at that
3 time?

4 A. I arrived at the facility approximately 30
01:22 5 minutes after the phone call.

6 Q. And before that call on December 8th, when
7 was the last time you had been to the facility?

8 A. I was at the facility around 2:00 to
9 3:00 p.m. on December the 7th, the day before.

01:22 10 Q. So up on the screen behind you is
11 exhibit --

12 MR. STANTON: Twenty-one.

13 MR. ALBRIGHT: -- 21. Is that a photo of
14 your unit?

01:22 15 A. Yes, it is.

16 Q. B151?

17 A. That's correct.

18 Q. Okay.

19 MR. STANTON: Exhibit 22.

01:22 20 BY MR. ALBRIGHT:

21 Q. Showing you Exhibit 22. Does this appear
22 to be the lock into your unit?

23 A. Except mine had a lock on it.

24 Q. Okay. Did the lock on your unit look like
01:23 25 this on the 7th when you saw it?

01:23 1 A. No.

2 Q. Okay. And did you do this damage to the

3 lock?

4 A. I did not.

01:23 5 Q. Okay.

6 MR. STANTON: Twenty-three.

7 BY MR. ALBRIGHT:

8 Q. What do we see in Exhibit 23?

9 A. I'm sorry?

01:23 10 Q. What are we looking at in Exhibit 23?

11 A. This is a, that is the inside of my unit

12 B151 and my belongings in that unit.

13 Q. You say your belongings. It looks like

14 shelving and a whole bunch of boxes. What are in those

01:23 15 boxes?

16 A. Those boxes, many of those boxes contain

17 watches and many of those boxes are just empty boxes

18 that did contain watches.

19 Q. So are you a watch collector?

01:23 20 A. I'm a watch collector, that's correct.

21 MR. STANTON: He has Grand Jury Exhibit

22 Number 7 in front of him.

23 BY MR. ALBRIGHT:

24 Q. Perfect. In front of you you're looking at

01:24 25 Grand Jury Exhibit Number 7. What is that?

01:24 1 A. This is a list I put together of what I
2 believe were stolen watches that I've purchased over the
3 last 12 to 24 months that were located in unit B151.

4 Q. And do you know that those watches were in
01:24 5 the unit on December 7, 2018 when you had visited the
6 unit?

7 A. Yes, I do, I know they were all in the unit
8 at that time.

9 Q. When you returned on the 8th they were
01:24 10 missing?

11 A. They were missing, correct.

12 Q. What is the approximate value of the total
13 of all 21 watches?

14 A. I believe it's in excess of \$2.2 million.

01:24 15 BY MR. STANTON:

16 Q. And sir, while Mr. Albright is approaching
17 on Grand Jury Exhibit Number 7 there is a column there
18 with, listed as the price. Are you familiar with that,
19 the watch description and the price listed in that
01:25 20 document?

21 A. Yes, I am.

22 Q. And are those prepared by you that you,
23 based upon your knowledge of the property that you owned
24 and purchased, are the approximate value of the watches
01:25 25 that were lost in this incident?

01:25 1 A. That is correct. Based on receipts and
2 verification from the place of purchase. In other
3 words, the authorized dealer who sold the watches to me.

4 MR. STANTON: Thank you.

01:25 5 BY MR. ALBRIGHT:

6 Q. Showing you Exhibit 25. Mr. Falcone, does
7 that appear to be another photo, the inside of your
8 unit?

9 A. That is correct.

01:25 10 Q. I see that a lot of the boxes are open. Is
11 that how you left it?

12 A. I did not. Very neat and organized in that
13 unit generally.

14 Q. Is there also safes inside that unit?

01:26 15 A. Yes, there was two safes located within the
16 unit.

17 Q. Showing you Exhibit 24. Does that appear
18 to be one of your safes?

19 A. That's correct.

01:26 20 Q. Was it in that condition when you saw it on
21 December 7, 2018?

22 A. No, it was not.

23 Q. Showing you Exhibit 53. Does that appear
24 to be one of your watches?

01:26 25 A. Yes, it looks almost identical, it looks

01:26 1 identical to one of the watches I had purchased.

2 Q. Showing you Exhibit 55. Same question.
3 There's a tag there with a serial number. Does that
4 appear to be one of your watches?

01:26 5 A. Yes, it is, and that's serial number
6 matches the description on Exhibit 7 I believe.

7 Q. Exhibit 56, is this the front, a photo of
8 the front of that same watch?

9 A. Yes, it is.

01:27 10 Q. Showing you Exhibit 57. Was this model and
11 this watch among those listed on Exhibit 7 of the
12 watches that were taken?

13 A. Yes, it is.

14 Q. Exhibit 59, is this that same watch in its
01:27 15 display case or storage box?

16 A. That's correct.

17 Q. Showing you Exhibit 48. Does this appear
18 to be another one of the watches that was taken from
19 your storage unit?

01:27 20 A. Yes, that is also one and that's also
21 listed on the sheet. Exhibit 7.

22 Q. Showing you Exhibit 47. Does that appear
23 to be a tag that includes the serial number of that same
24 watch?

01:27 25 A. Yes, it is, and that's identified on

01:27 1 Exhibit 7.

2 Q. Exhibit 60, same question. Does that
3 appear to be the back of one of the watches that was
4 stolen from you on December 7th and/or 8th of 2018?

01:28 5 A. Yes, it is.

6 Q. Exhibit 58. Same question. Does that
7 appear to be one of your stolen watches?

8 A. Yes. In fact the name on the pouch is one
9 of my primary dealers I purchase watches from and that
01:28 10 is a watch also identified on Exhibit 7.

11 Q. Showing you Exhibit 34. There's some
12 cards, some business cards in that photograph. Who do
13 they appear to belong to?

14 A. It looks like it's my name on the business
01:28 15 card.

16 Q. Do you recognize that as one of your
17 business cards?

18 A. Yes, that was my last place of employment.

19 Q. Showing you Exhibit 62. Is that a closer
01:29 20 photograph of those same business cards?

21 A. That is correct. As well as the, I can
22 identify the pin in the upper left hand corner as also
23 my belongings.

24 Q. Is that this red circular object here in
01:29 25 the top?

01:29 1 A. That's correct.

2 Q. Showing you Exhibit 61. Does that appear
3 to be one of your articles of property that was stolen
4 as well?

01:29 5 A. Yes, it is.

6 Q. What is that?

7 A. That is a souvenir bag from a brand Panerai
8 that was provided to me from a Las Vegas boutique at the
9 Forum Shops.

01:29 10 Q. And were a number of the watches stolen
11 also the brand of Panerai?

12 A. Yes, there were. We have five of them.

13 Q. Were Panerai watches?

14 A. Correct.

01:29 15 Q. Showing you Exhibit 45. Do you see
16 anywhere in that photograph a possible watch that would
17 match one of the watches on your list?

18 A. Yes, that is also on Exhibit 7, and it was
19 in that case when I purchased it.

01:30 20 Q. Do you recognize the vehicle that is
21 pictured there?

22 A. I do not know that vehicle.

23 Q. Showing you Exhibit 44. Is this the front
24 of that same watch?

01:30 25 A. That is the front of that watch.

01:30 1 Q. And Exhibit 43. Is that the back of that
2 watch?

3 A. That is correct and it matches the serial
4 number provided in Exhibit 7.

01:30 5 Q. At any time, Mr. Falcone, did you give
6 anyone permission to possess any of these watches that
7 we've just shown you?

8 A. No, I did not.

9 Q. Did you at any time give permission to
01:30 10 anyone to enter your storage unit, number B151?

11 A. I did not.

12 MR. ALBRIGHT: I have no further questions
13 for this witness.

14 THE FOREPERSON: Questions from the Grand
01:31 15 Jury?

16 Seeing no questions.

17 By law, these proceedings are secret and
18 you are prohibited from disclosing to anyone anything
19 that has transpired before us, including evidence and
01:31 20 statements presented to the Grand Jury, any event
21 occurring or statement made in the presence of the Grand
22 Jury, and information obtained by the Grand Jury.

23 Failure to comply with this admonition is a
24 gross misdemeanor punishable by up to 364 days in the

01:31 25 Clark County Detention Center and a \$2,000 fine. In

01:31 1 addition, you may be held in contempt of court
2 punishable by an additional \$500 fine and 25 days in the
3 Clark County Detention Center.

4 Do you understand this admonition?

01:31 5 THE WITNESS: Yes, I do.

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

8 THE WITNESS: Thank you very much.

9 MR. STANTON: Remain standing and raise
01:32 10 your right hand to be sworn.

11 THE FOREPERSON: You do solemnly swear the
12 testimony you are about to give upon the investigation
13 now pending before this Grand Jury shall be the truth,
14 the whole truth, and nothing but the truth, so help you
01:32 15 God?

16 THE WITNESS: Yes.

17 THE FOREPERSON: Please be seated.

18 You are advised that you are here today to
19 give testimony in the investigation pertaining to the

01:32 20 offenses of conspiracy to commit burglary, burglary, and
21 grand larceny, involving Dustin Lewis, Margaux Ornelas,
22 Tyree Faulkner and Thomas Herod.

23 Do you understand this advisement?

24 THE WITNESS: Yes.

01:32 25 THE FOREPERSON: Please state your first

01:32 1 and last name and spell both slowly for the record.

2 THE WITNESS: First name is Nedy, N-E-D-Y,
3 last name Macedo, M-A-C-E-D-O.

4 NEDY MACEDO,

01:33 5 having been first duly sworn by the Foreperson of the
6 Grand Jury to testify to the truth, the whole truth,
7 and nothing but the truth, testified as follows:

8

9 EXAMINATION

01:33 10

11 BY MR. ALBRIGHT:

12 Q. Miss Macedo, how are you employed?

13 A. Through Storage One at the Flamingo
14 location.

01:33 15 Q. Do you know the address of the Flamingo
16 location?

17 A. Yes, I do.

18 Q. What is that?

19 A. 9960 West Flamingo Road.

01:33 20 Q. Is that located in Clark County, Nevada,
21 Las Vegas?

22 A. Correct.

23 Q. And what is your position with Storage One?

24 A. I am the on-site manager.

01:33 25 Q. As the on-site manager, are you familiar if

01:33 1 there is video surveillance around the property?

2 A. There is.

3 Q. Are you also in your position trained on
4 how to use that equipment?

01:33 5 A. Correct.

6 Q. Showing you Exhibit 14. What is this
7 showing? Does that appear to be an aerial view of the
8 Storage One facility?

9 A. That is the property, yes.

01:33 10 Q. Where, if you can explain in that picture,
11 you can even get up and point to it, where is the office
12 located?

13 A. Office is right through here.

14 Q. Okay. And directly to the south on this
01:34 15 photo at least in the bottom area, is that a desert lot?

16 A. Correct, right here.

17 Q. And showing you another exhibit that should
18 show the insides of those units.

19 MR. STANTON: Exhibit 13.

01:34 20 BY MR. ALBRIGHT:

21 Q. Does Exhibit 13 appear to be a description
22 of where each unit is in those buildings?

23 A. Yes.

24 Q. Can you point out where unit B151 is?

01:34 25 MR. STANTON: On the diagram or --

01:34 1 MR. ALBRIGHT: On the diagram, correct.

2 THE WITNESS: Okay. So if you don't mind

3 if I look at this one here for a second.

4 MR. STANTON: Sure. Just point it on here

01:34 5 so it will project on the television.

6 THE WITNESS: Right here.

7 BY MR. ALBRIGHT:

8 Q. So that's B151. Where is B147?

9 A. Corner.

01:34 10 Q. And B145?

11 A. Forty-five would be right around, right

12 here.

13 Q. Okay. And the blank area, is that a

14 hallway that's inside the units?

01:35 15 A. Correct.

16 Q. And so the doors to those units would face

17 into an inside hallway?

18 A. Correct.

19 Q. Let me ask you this. To get into the

01:35 20 property, is it a gated facility?

21 A. It is a gated facility.

22 Q. How do you get into the property?

23 A. You have your own personalized code to get

24 in to access your property.

01:35 25 Q. Do you have to use another code to get into

01:35 1 each of the buildings?

2 A. You do not.

3 Q. Do you have an alarm system?

4 A. We do have an alarm system.

01:35 5 Q. What sets off the alarm system?

6 A. When you enter you punch in your
7 personalized code and if you tailgate someone into the
8 property and you go into your unit, open the door, that
9 triggers an alarm, it comes directly to me into the

01:35 10 office and it's a really loud siren. So that would
11 trigger the alarm.

12 Q. Were you made aware on or about December 8,
13 2018 of some possible burglaries in your facility?

14 A. Correct.

01:36 15 Q. And how did that come about?

16 A. My lock check in the morning at around
17 8:45, I was walking the property, I was in building B
18 and I noticed a few units that were open with no lock.

19 MR. STANTON: Can I just interject?

01:36 20 Q. Going back to Grand Jury Exhibit Number 14.
21 With my pen could you write with the letter B which
22 building on there is B?

23 A. Sure.

24 Q. And also can you tell me or show on there

01:36 25 with an X where the security cameras are in that

01:36 1 facility?

2 A. All of them or --

3 Q. Just the ones that were critical to this
4 case and what the detectives asked you to review.

01:37 5 For the record the witness has marked on
6 Grand Jury Exhibit Number 14 and I'm publishing to the
7 members of the Grand Jury.

8 BY MR. ALBRIGHT:

9 Q. So when you said you saw in building B
01:37 10 something that led you to believe that some burglaries
11 had happened that night, I'm showing you Exhibit 16,
12 does this appear to be the door of B145?

13 A. Yes.

14 Q. Was this among the damage that you saw that
01:37 15 morning?

16 A. The top where the number plate is.

17 Q. So you say the top number plate. I'm
18 showing now 17. Is that kind of a zeroed in photo of
19 that same thing?

01:37 20 A. Correct.

21 Q. So this gap here in the middle of that
22 photo, is that not normal?

23 A. That's not normal.

24 Q. Okay. And that was not there during your
01:37 25 sweep? You mentioned you do a sweep every morning?

01:37 1 A. Morning and evening time. So prior to my
2 evening time the day before that was not there.

3 Q. And this gave you notice that something was
4 wrong and was one of the reasons you called police?

01:38 5 A. The one that gave me, that I noticed was
6 wrong was B151 and B147.

7 Q. And it was because those doors were
8 actually open?

9 A. Correct.

01:38 10 Q. Do you know if the owner of B145 at that
11 time was a Kenny Buteman?

12 A. Correct, yes.

13 Q. Or Bluntman. I apologize.

14 A. Yes. I know the first name was Kenny.

01:38 15 Ken. He went by Ken.

16 Q. Did you call the police first or did you
17 notify the owner of these units?

18 A. I called my manager first, Lee Pebble, and
19 then I immediately called the customers for B151, B147.

01:38 20 When I walked back there with the customer that came
21 first, which was B151, I looked up and I noticed that
22 unit, then I contacted the tenant Ken.

23 Q. Based on what you found and what you would
24 find out in the next couple hours, was it requested at

01:39 25 any time by police to give video surveillance of that

01:39 1 night?

2 A. Not immediately. Down the line they did
3 request them.

4 Q. And did you eventually download that video
01:39 5 and give it to detectives?

6 A. Absolutely.

7 Q. Showing you an exhibit here, Exhibit 1 --
8 11, showing you Exhibit 11. Does that appear to be a
9 still taken from the video that you gave to detectives?

01:39 10 A. Correct, that is the corner exit I marked
11 on the paper.

12 Q. And does it appear to be time stamped in
13 the top right corner?

14 A. It is.

01:39 15 Q. And what is the date and time of that?

16 A. That is 12/8 and that is 4 o'clock in the
17 morning, 4:43 in the morning.

18 Q. Does that fairly and accurately depict the
19 video as you remember downloading it on that day for
01:40 20 detectives?

21 A. Yes.

22 Q. And if you can describe, what are we seeing
23 on Exhibit 11?

24 A. You're seeing two people walking out of the
01:40 25 property. It looks like one is heading east and one is

01:40 1 going towards the gate, the entrance gate.

2 Q. What if anything is one of them pushing or
3 carrying?

4 A. That is a chest on a wheelchair and the
01:40 5 gentleman is carrying a couple duffle bags.

6 Q. Showing you this next exhibit.

7 MR. STANTON: Exhibit 12.

8 BY MR. ALBRIGHT:

9 Q. Exhibit 12. Does that appear to be another
01:40 10 still frame taken from a video that you downloaded for
11 police officers?

12 A. Yes.

13 Q. And what is the time and date stamp on that
14 one?

01:40 15 A. That is 12/11.

16 Q. So that was three days after the initial
17 event?

18 A. Correct.

19 Q. Okay. And were police called on that day
01:41 20 as well?

21 A. They were. Actually on the 11th they were
22 on the side of the property and they heard the alarm and
23 they were already aware that we had a couple of
24 break-ins so they made their way to the property.

01:41 25 Q. Let me stop you there. You mentioned an

01:41 1 alarm went off on December 11th?

2 A. Again because nobody punched in for the
3 units, the alarm triggers if you don't enter your code.

4 Q. And based on that eventually police
01:41 5 arrived?

6 A. Correct.

7 BY MR. STANTON:

8 Q. Ma'am, when you looked at those
9 surveillance stills, the two that I just showed you,
01:41 10 Exhibits 11 and 12 before this Grand Jury, do they
11 accurately depict the location that that camera is
12 designed to surveil, the buildings, the doors,
13 everything within that location where your cameras were
14 located?

01:42 15 A. Yes.

16 Q. And the time stamp that we see on there,
17 both the date and the actual time, was that accurately
18 reflected on the surveillance camera? As opposed to
19 some people don't reset it for Daylight Savings Time.

01:42 20 In other words, was the hour, the minute and the day
21 correct?

22 A. They were correct.

23 MR. ALBRIGHT: I have no further questions
24 for this witness.

25

01:42 1 BY A JUROR:

2 Q. I need a little clarification please.

3 A. Sure.

4 Q. You said that the alarm went off and police

01:42 5 arrived?

6 A. Uh-huh.

7 Q. Was that before or after you found out?

8 MR. STANTON: If I can -- just a moment.

9 We're talking about two different events.

01:42 10 A JUROR: Oh.

11 MR. STANTON: One is on the 8th of December

12 and the other is on the 11th. I believe this witness

13 testified that the alarm went off on the 11th.

14 Q. Is that correct.

01:42 15 A. That is correct, yes.

16 Q. Was there any alarm that was audibly

17 sounded on the 8th?

18 A. There wasn't, no.

19 MR. STANTON: So let me just go back so the

01:43 20 record is clear about your question. You're asking

21 about the alarm on the 11th?

22 A JUROR: I -- yes.

23 MR. STANTON: Could you restate your

24 question for the witness.

25

01:43 1 BY A JUROR:

2 Q. Actually I was curious because that is why
3 I was confused. On the 8th you're saying no alarm went
4 off?

01:43 5 A. On the 8th the alarm did go off but it was
6 in the morning. I wasn't in the office to hear the
7 alarm go off. I was, the property opens at 9:00. I
8 didn't get to hear the alarm because this happened in
9 the morning time when the property was closed.

01:43 10 Q. Okay. But the 11th you were open?

11 A. The 11th there was deputies, officers on
12 the field that's next to the property searching there
13 and they heard the alarm go off and they felt a little
14 suspicious so they went into the property to see where
01:44 15 this alarm was coming from.

16 Q. Thank you. That clarifies.

17 MR. STANTON: Does that clarify it for the
18 member of the Grand Jury?

19 A JUROR: Yes.

01:44 20 MR. STANTON: Yes, sir.

21 BY A JUROR:

22 Q. Is each storage unit connected to an alarm
23 and is that alarm connected to a place where that if the
24 alarm goes off a number comes up of the unit that's,
01:44 25 where the alarm was, and is there a central security

01:44 1 company that your alarms are connected to?

2 A. I'm unsure about the central security, but
3 if an alarm is triggered I will get notification of what
4 unit that was.

01:44 5 Q. How do you do that?

6 A. I have a system in front of my computer
7 that lets me see everyone, everybody that's exiting,
8 coming in, leaving. So if someone was to open it that
9 didn't punch in their code it would alert me and let me
01:44 10 know that an alarm is going off.

11 Q. Thank you.

12 MR. STANTON: Does that answer your
13 question, sir?

14 A JUROR: It does.

01:45 15 MR. STANTON: Any other questions from the
16 Grand Jury? Yes.

17 BY A JUROR:

18 Q. The storage units.

19 A. Uh-huh.

01:45 20 Q. Are they, to get to them do you have to go
21 down a hallway?

22 A. You do. The inside units you have to drive
23 up to the outside door that gives you access to the
24 units inside.

01:45 25 Q. So all these units are on the inside?

01:45 1 A. Correct.

2 BY MR. STANTON:

3 Q. Now let me ask another question. Hopefully
4 I might address it, but I apologize, I'll get back to
01:45 5 you.

6 Let's talk before the alarms.

7 A. Uh-huh.

8 Q. What percentage would you say of people
9 that arrive, tenants of storage units, arrive there by
01:45 10 vehicle to do whatever they're doing with their storage
11 unit?

12 A. About a hundred percent of them.

13 Q. So the pedestrian, kind of the foot traffic
14 to walk in is highly unusual?

01:45 15 A. Very unusual.

16 Q. And the alarms that you talked about deal
17 with a vehicle that comes in and if there's not a code
18 punched in soon after, that is when the alarm goes off;
19 correct?

01:46 20 A. Correct.

21 Q. Now let's say I'm in that deserted lot area
22 and I hop the fence surrounding your property. By me
23 hopping the fence and then going to one of the
24 buildings, would that trigger the alarm?

01:46 25 A. If you open a unit, yes, it will.

01:46 1 Q. The door to the building?

2 A. No.

3 Q. The door to the unit?

4 A. Correct.

01:46 5 MR. STANTON: Okay. Yes, sir.

6 BY A JUROR:

7 Q. You kind of answered my question. But is

8 the access limited to certain times of the day or can

9 you come in with your car any time day or night?

01:46 10 A. 7:00 a.m. to 9:00 p.m. is when you have

11 access.

12 BY MR. ALBRIGHT:

13 Q. Is that when you do your last sweep, at

14 9:00?

01:46 15 A. I close at 5:00 p.m. Office is open from

16 9:00 to 5:00. My last sweep is around 4:45.

17 BY MR. STANTON:

18 Q. And that would have been the last sweep the

19 day before on the 7th that you were talking about not

01:47 20 noticing any problems with building B?

21 A. Correct.

22 Q. Or any other building?

23 A. Correct.

24 BY A JUROR:

01:47 25 Q. If the storage unit facility closes at

01:47 1 9 o'clock and I'm a owner or renter and I come up to the
2 gate and I punch in my number, what would happen?
3 You're now closed.

4 A. It would let you know area is closed.

01:47 5 Q. And it wouldn't allow me, the gate wouldn't
6 go up and it would not allow me to go in?

7 A. It would not.

8 Q. I see. Thank you.

9 BY MR. STANTON:

01:47 10 Q. And that's kind of a, I guess obvious
11 reasons, security reasons that's done, but your tenants
12 know that when they rent, that's kind of obviously and
13 frequently reiterated to them about the hours of
14 operation?

01:47 15 A. Yes.

16 MR. STANTON: Any other questions?

17 THE FOREPERSON: Seeing no further
18 questions.

19 By law, these proceedings are secret and
01:47 20 you are prohibited from disclosing to anyone anything
21 that has transpired before us, including evidence and
22 statements presented to the Grand Jury, any event
23 occurring or statement made in the presence of the Grand
24 Jury, and information obtained by the Grand Jury.

01:47 25 Failure to comply with this admonition is a

01:47 1 gross misdemeanor punishable by up to 364 days in the
2 Clark County Detention Center and a \$2,000 fine. In
3 addition, you may be held in contempt of court
4 punishable by an additional \$500 fine and 25 days in the
01:47 5 Clark County Detention Center.

6 Do you understand this admonition?

7 THE WITNESS: Yes, sir.

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

01:48 10 THE WITNESS: Thank you guys. Have a good
11 day.

12 A JUROR: You too.

13 MR. STANTON: If you could step right to
14 that table, raise your right hand and be sworn.

01:48 15 THE FOREPERSON: You do solemnly swear the
16 testimony you are about to give upon the investigation
17 now pending before this Grand Jury shall be the truth,
18 the whole truth, and nothing but the truth, so help you
19 God?

01:49 20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 You are advised that you are here today to
23 give testimony in the investigation pertaining to the
24 offenses of conspiracy to commit burglary, burglary, and
01:49 25 grand larceny, involving Dustin Lewis, Margaux Ornelas,

01:49 1 Tyree Faulkner and Thomas Herod.

2 Do you understand this advisement?

3 THE WITNESS: Yes, I do.

4 THE FOREPERSON: Please state your first

01:49 5 and last name and spell both slowly for the record.

6 THE WITNESS: Lori Haines. L-O-R-I,
7 Haines, H-A-I-N-E-S.

8 MR. STANTON: May I proceed?

9 THE FOREPERSON: Please.

01:49 10 LORI HAINES,

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

14

01:49 15 EXAMINATION

16

17 BY MR. STANTON:

18 Q. Ma'am, how are you employed?

19 A. I'm a forensic scientist at the Las Vegas

01:49 20 Metropolitan Police Department's forensics laboratory.

21 I'm assigned to the latent print detail.

22 Q. Now a lot of people watch a lot of crime
23 scene shows. Can you tell everybody what in real world
24 terms a latent print examiner does?

01:49 25 A. A latent print examiner really has three

01:49 1 jobs. The primary job is to compare latent prints from
2 crime scenes to known prints and determine if they were
3 made by the same individual. I may also enter those
4 latent prints into an AFIS data base, AFIS stands for
01:50 5 Automated Fingerprint Identification System, to see if I
6 can develop an investigative lead. And then finally I
7 may process items of evidence to recover latent prints.

8 Q. And what is a latent print?

9 A. If you take a look at your hands, any part
01:50 10 of your palm or even if you were to take your shoes off
11 and look at the bottom of your feet, you'll find that
12 the skin there is a little different than the skin on
13 other parts of your body. We call that friction ridge
14 skin. And it's three dimensional, it has ridges and
01:50 15 furrows. If you were to touch something, that three
16 dimensional skin will actually act like an ink stamp.
17 So if you have some oil or some kind of contaminate, you
18 might leave a reproduction of that friction ridge on a
19 surface and we call that latent print. Latent is
01:50 20 hidden. Often a latent print needs some sort of
21 technique to develop it to make it easier to see. So we
22 use, usually you see people dust and lift prints, but
23 you could also use chemical enhancement or light.

24 Q. And that was kind of, and I appreciate you
01:51 25 doing that, kind of going into the methods of taking a

01:51 1 latent print and making it visible for you for
2 examination. So we have movies and television to thank
3 for the dusting of the prints. You also mentioned
4 chemicals, the use of, for lack of the better
01:51 5 composition, chemically, Superglue and some other items
6 involving digital photography that assist you as a
7 latent print examiner to take a latent print, get it
8 visible for comparison purposes and then examine and
9 compare it to a known print.

01:51 10 A. That's correct.

11 Q. Now I'm going to put in front of you marked
12 Grand Jury Exhibits 8, 9 and 10. Are those reports that
13 you prepared in the course of your official capacity as
14 the latent print examiner at the request of detectives
01:52 15 of the Metropolitan Police Department in this case?

16 A. Yes, they are.

17 Q. And this is, the reports that are in front
18 of you are kind of the normal report that you generate
19 when you're requested to do a latent print examination
01:52 20 regardless of what the results are?

21 A. That's correct.

22 Q. So now let me go through some of the terms
23 that you used before. But just before I get into that,
24 let me just ask one more thing about your resume.

01:52 25 Have you testified as an expert in latent

01:52 1 print examination in the three areas that you've
2 previously testified in other courts?

3 A. Yes, I have.

4 Q. And how many times have you performed, I'm
01:52 5 going to break it down into two areas, number one,
6 actual requests for latent print examinations in the
7 three areas that you described?

8 A. I'd say approximately 12 times.

9 Q. And then testifying in court? Is that the
01:53 10 12?

11 A. Yes.

12 Q. Okay. Apologize.

13 How many actual tests or comparisons have
14 you done in your career? It's an approximation.

01:53 15 A. Thousands.

16 Q. Okay. Now let's just briefly talk about
17 there's a certification process for you to be a latent
18 print examiner in the Metropolitan Police laboratory;
19 correct?

01:53 20 A. Correct, there is a formal training
21 program.

22 Q. Could you describe -- you successfully
23 completed the training program and also the
24 certification process?

01:53 25 A. So it's all kind of wrapped into the same

01:53 1 thing. When I started in 2007 initially, it's a formal
2 training program that consisted of academic components
3 and practical application where I learn first just to
4 identify where a latent print might be from on the body
01:53 5 and also then how to compare, how to document, how to do
6 all of that chemical processing we talked about. Also
7 all the academic research that supports that we can do
8 what we do with latent prints, that we can use them to
9 identify individuals. Once all of that training is
01:54 10 completed, then I'm put into what's called supervised
11 casework where a senior examiner reviews all of the work
12 I do on cases, all my technical decisions, and then
13 finally I'm released to independent case work. I have
14 been employed at Metro in two different occasions, from
01:54 15 2007 until 2012 when I left for five years to teach high
16 school science, and then I came back in 2017 and I've
17 been employed there ever since. When I returned I had a
18 brief retraining.

19 Q. So now I would like to, over your left
01:54 20 shoulder, this is going to be Exhibit 8, and I want to
21 talk about some aspects of the form first before we get
22 into the substance of your report. Can you see that
23 okay?

24 A. Yes.

01:54 25 Q. Ladies and gentlemen, especially for those

01:55 1 of you in the back, that might be a little small for you
2 to see. Once again, like all the other exhibits, these
3 will be published to you. So if there's any questions
4 or you don't see anything please raise your hand and
01:55 5 notify me of that, but I think we'll be able to address
6 everything here shortly.

7 So up here there is an event number that
8 Metro generates that's assigned to this case and you
9 note that in your report?

01:55 10 A. That's correct.

11 Q. And it was requested by here Detective
12 Wilds. And then here there's an area where, under the
13 area of suspects, and this is an area of where latent
14 prints or known prints of individuals, you're comparing
01:55 15 them to latent prints that are recovered by a crime
16 scene analyst out in the field from crime scenes?

17 A. That's correct.

18 Q. Now up here there's terms next to Mr. Lewis
19 and Miss Ornelas of the, an acronym AFIS and I believe
01:55 20 you testified about that earlier. What does that mean
21 including that term in this report?

22 A. So in this case initially I was asked to
23 compare the individuals that have suspect listed. If I
24 can't identify those individuals, if it's an
01:56 25 unidentified latent print, then I encode and put that

01:56 1 print into the AFIS data base system. In this case
2 those individuals were hit in the AFIS data base system
3 so I designate AFIS after their names to indicate that.

4 Q. And so here as it relates to Bishop, Gregg
01:56 5 and Faulkner, those are people who you know, based upon
6 the nature of the print that's provided to you, is a
7 known print from those three individuals?

8 A. Correct.

9 Q. And then the AFIS or what you call hits out
01:56 10 of the AFIS system.

11 A. Yes. They indicate, when I search in the
12 AFIS data base it provides me a candidate list of
13 possible matches. I perform an on-screen comparison and
14 then a side-by-side comparison in which I print out
01:56 15 those known prints from the system and compare and then
16 these were identifications.

17 Q. So when you talked about the AFIS system is
18 a digital storage that's national data base for law
19 enforcement where you can get potentially a hit or a
01:57 20 possible print that is comparable and then you pull up
21 that print, look at it, examine it closely from several
22 different angles, and then possibly get a known print
23 from that individual?

24 A. Yes. Potentially, yes.

01:57 25 Q. Right. I'm talking hypothetically.

01:57 1 A. Right.

2 Q. And here based on the requirements of your
3 lab you need to denote how you got that initial hit on
4 those two individuals?

01:57 5 A. Yes. Because they weren't originally asked
6 to be compared by the person that requested this test.

7 Q. But you were requested by the detectives to
8 run any prints from this case through the AFIS process?

9 A. That is also something that happens and I
01:57 10 cannot remember if it was in this case, but it's part of
11 our protocol, if we have something that we can put into
12 AFIS and we don't have a match, then we do that.

13 Q. So in this particular case detectives had
14 some known people that they wanted you to compare the
01:58 15 prints to and then AFIS came up with two other
16 individuals?

17 A. That's correct.

18 Q. Okay. So let's go down to the first line
19 and I'm going to zoom in hopefully closely.

01:58 20 I first want to back up, I apologize, to
21 some identifiers. So latent prints are lifted by a
22 crime scene analyst or possibly detectives from a crime
23 scene and then they present them to you for examination.

24 You get them and there's some identifiers to certain
01:58 25 things that you see when you first open up the package

01:58 1 to do your examination.

2 A. Yes.

3 Q. And those identifiers are kind of critical
4 to make sure that what you're looking at is the same

01:58 5 thing that's noted out in the field?

6 A. Definitely, yes.

7 Q. So if you have ten items, if you have a
8 hundred items or in some cases you have a thousand
9 items, both the crime scene analyst and you kind of work

01:59 10 together with this coding to make sure that number 1 out
11 in the field is number 1 in the lab?

12 A. That's correct.

13 Q. Okay. So with that, I want to go through
14 the impound package number, the item number, and then

01:59 15 the card. So first with the impound package number,
16 that number is unique in the system that we just
17 described. Can you tell me what that number represents?

18 A. The individual who impounded the package is
19 the individual that collected that information. So

01:59 20 that's their P number, that's our personnel number. And
21 then if there were several packages, that secondary
22 number after the dash is the number, this is the first
23 packet. If you collected more than it would dash 2,
24 dash 3.

01:59 25 Q. So in this particular case the P number is

01:59 1 4934. How many employees of the Metropolitan Police
2 Department have that P number?
3 A. Only one.
4 Q. And that's kind of the identifier, so item
02:00 5 number 1 by this crime scene analyst, and then it's
6 package number 1, it could be package 1, it could be
7 package 400.
8 A. Yes.
9 Q. Now could you explain the card numbers and
02:00 10 why that reference number is used by you?
11 A. I assign the Q numbers. Those are the
12 increments that I assign. So Q1 I would write on the
13 card, that's how I reference it in the laboratory.
14 Ideally the crime scene analyst who collected the card
02:00 15 will put a number after their descriptor. That's
16 included in the description column. So what they wrote
17 or at least a summary of what they wrote on that card, I
18 typed in there, and then afterwards in parenthesis
19 there's a number. That was, in the first case there's a
02:00 20 parenthesis 1 and that was the first lift that that
21 individual collected. I don't want to speak for them
22 but it is latent lift number 1. I try to make my Q1
23 their 1 from the lift.
24 Q. And then we'll see down here, just to
02:01 25 follow up, under Q2, parenthetically, after it says a

02:01 1 Sears box in front, 4A, that's latent print numbered 4A
2 by the analyst in the field?

3 A. Yes.

4 Q. And the Q numbers are numbers that you
02:01 5 assign to the card as you examine it at the lab?

6 A. That's correct.

7 Q. Let me go through just a couple other
8 things. The description. That tells you from the
9 analyst what the analyst's description of where this
02:01 10 latent print came from from the scene?

11 A. That's correct.

12 Q. And then down here, the final column is
13 where the rubber hits the road. These are your results
14 or you can't make conclusions, whatever your opinion is,
02:01 15 is then described on each one of these in the final
16 column?

17 A. That's correct.

18 Q. So let me go back and now zoom in tight to
19 Q1. I'm going to go to the description. It's one lift
02:02 20 from a wheelchair near handle. It's lift number 1. And
21 what was your conclusion when you compared that print to
22 all five of the individuals listed at the top of this
23 report?

24 A. That latent print was identified to the
02:02 25 right thumb of Dustin Lewis.

02:02 1 Q. And when you say right thumb as opposed to
2 the left thumb, the full prints that you had of
3 Mr. Lewis' to compare, you can actually determine, if
4 it's a quality enough print, that it's the right thumb
02:02 5 as opposed to the left thumb?

6 A. Yes.

7 Q. Okay. Now I'm going to just pause for a
8 moment to kind of lay the foundation here for the next
9 item. It's Q2 on this exhibit, it's print 4A,
02:02 10 description one lift card from a green Sears box. And
11 you say no suitable latent prints. Can you describe
12 what you mean by that?

13 A. Yes. When I look at a latent lift card
14 really the first question I'm asking myself is are there
02:03 15 any latent prints here that have enough information that
16 I can render a meaningful conclusion. We touch things
17 all the time and we leave pieces and parts of those
18 friction ridge impressions I talked about. Sometimes
19 there's not enough information in those for me to
02:03 20 actually use it in a comparison setting. We call that
21 suitability. So really the first decision I make is is
22 it suitable and in this case it was not so I did not
23 compare it.

24 Q. But obviously when you make that assessment
02:03 25 you have to, it's not just whether there's a hit or if

02:03 1 it didn't fit any of the five people, you have to,
2 whatever the results are, you have to include them in
3 here?

4 A. Exactly. In fact the very first thing I do
02:03 5 before I look at anything that has to do with a known
6 print is to go through all the latent lift cards and
7 determine if I have anything suitable. I make two
8 stacks. And then once I've decided they're suitable for
9 comparison, I analyze the print, it's still just the
02:04 10 latent print by itself, to see if there's anything about
11 that latent print that might, some distortion, maybe
12 some movement when it was left, that might make it look
13 a little different than I'm going to see it later in the
14 known. Because you can imagine, fingerprints are
02:04 15 pliable so sometimes they don't necessarily record the
16 same way. And then finally, once all of that is done,
17 I'm going to introduce the known print and do a
18 side-by-side comparison and inventory what's in each and
19 see if there's anything in common.

02:04 20 Q. So I'm going to now kind of talk to you
21 about a cell phone. And let's say I were to take that
22 Kleenex and wipe this completely clean. Generally
23 speaking, the surface, the glass surface of this phone
24 is a pretty good surface for latent prints.

02:04 25 A. Smooth and shiny are usually good surfaces

02:04 1 for latent prints. There are a lot of factors.

2 Q. Right. As opposed to items that are rough
3 or items that would absorb moisture and things like
4 that, glass tends to be a very good surface compared to
02:05 5 all others. Fair to say?

6 A. It's a good surface, yes.

7 Q. So let's say I walk up and I'm a secretor,
8 I secrete oils and moisture from my fingers as to the
9 rare population group that doesn't secrete, and without
02:05 10 any movement I press my finger as I'm doing now, my
11 index finger to my right hand and I lift it straight up,
12 once again, generally speaking, that has a pretty high
13 probability of leaving a latent print that has
14 sufficient detail for you to examine and make
02:05 15 comparison; is that fair?

16 A. It's a good surface. There are lots of
17 factors.

18 Q. We're going to get into those factors in
19 just a second.

02:05 20 A. Okay. I would love to.

21 Q. So now let's say the same thing, my index
22 finger, I put it on the front and then I run my finger
23 across it. That ridge detail, at least for a comparison
24 person, is going to be significantly degraded?

02:05 25 A. Sometimes motion will destroy the print,

02:05 1 sometimes it just changes the appearance.

2 Q. And there's times where I could touch this
3 but not have the full part of my finger where there
4 would be enough detail on there that you would have
02:06 5 enough identifiers to make a comparison?

6 A. Yes, sometimes the way you handle an item
7 can change how much is left.

8 Q. And then let's say I pass my phone around
9 to the members of the Grand Jury, everybody looks at
02:06 10 what's on it, now we have cross contamination
11 potentially from other people putting prints on top of
12 mine, smudging what's on there and so forth?

13 A. It's possible to have multiple prints
14 overlaid, yes.

02:06 15 Q. So contrary to what may be in movies and
16 television, just because you touch something doesn't
17 necessarily mean an examinability for the detail
18 sufficient enough to make a comparison are left on that
19 object?

02:06 20 A. That's correct.

21 Q. So now let's go back to Grand Jury Exhibit
22 Number 8. And I'm going to talk about a couple more
23 items here. I'm not going to go through all of these
24 because this is going to be in front of the Grand Jury.

02:07 25 But now on Q3 we have a lift from a wood box that is

02:07 1 Panerai, and it's one suitable print marked A and it's
2 the right middle index finger of Margaux Ornelas;
3 correct?

4 A. That's correct.

02:07 5 Q. And then we have lift card from a green
6 Sears box, right middle finger, once again Miss Ornelas?

7 A. That's correct.

8 Q. And then finally a white Luxor box in bag
9 in tent, and it's identified to the left thumb of

02:07 10 Miss Ornelas?

11 A. That's correct.

12 Q. Okay. Then down here there's Q7. And Q7
13 is a lift card from a plastic coin holder/case in a blue
14 bag in tent, and it's parenthetically number 7, and it

02:08 15 says one suitable print marked A. And could you
16 describe what the conclusion for you as listed in your
17 report are?

18 A. So this one was entered into AFIS. There
19 are two data bases I regularly search. One is a local
02:08 20 data base and one is the FBI data base. In this case
21 there was a positive hit in the FBI data base and
22 eventually I compared and rendered a conclusion of
23 identification to the left thumb of Dustin Lewis.

24 Q. Let me go next to Grand Jury Exhibit

02:08 25 Number 9. Once again you saw this as well as Number 10.

02:08 1 These are all your reports?

2 A. Yes.

3 Q. Okay. Once again I won't go through all of
4 these, but let's go Q1 on Grand Jury Exhibit Number 9.

02:09 5 This is from a lift card with the parenthetical company
6 of a watch case located on the front passenger floor,
7 it's a 1998 Lincoln Navigator with both the license
8 plate and VIN number. And then can you describe the
9 results of that item as we see it a little bit
02:09 10 differently than the other ones in this report?

11 A. So on this report there was many suitable
12 latent prints, A through H, and then below are all the
13 conclusions rendered for each individual latent print.
14 Would you like me to read them?

02:09 15 Q. Just do A through C.

16 A. A was identified to the right ring finger
17 of Tyree Faulkner. B was identified to the right little
18 finger of Tyree Faulkner. And C was identified to the
19 right ring finger of Tyree Faulkner.

02:10 20 Q. So once again when you're doing latents
21 versus known, the knowns have both right hand and left
22 hand and obviously all five of our digits, you're able
23 to identify distinctly right versus left and which of
24 the five digits it is?

02:10 25 A. Yes. And let me include also that we also

02:10 1 sometimes compare palm, palm standards as well.

2 Q. And that's when you get a full, what they
3 call a full print?

4 A. We have both a full recording and sometimes
02:10 5 we have just the upper and lower and the writer's palm.
6 It depends on what known I'm looking at. Writer's palm,
7 it's the edge that kind of drags across the table when
8 you write.

9 Q. And now I'm going to your report generated
02:10 10 in this case Grand Jury Exhibit Number 10. Now going to
11 Q6 in the middle here. One lift card from the exterior
12 wall unit of B145 north of the east facing bay door,
13 parenthetically LP7. And what are the results of your
14 examination to that lift?

02:11 15 A. There was one latent print labeled A. It
16 was identified to the right palm of Dustin Lewis.

17 Q. Now just once again, right below that, let
18 me zoom out just so I can either beat a dead horse or
19 explain it. The Q5 above and Q7 below have no suitable
02:11 20 latent prints for you to make a conclusion?

21 A. That's correct.

22 Q. And that could be for any number of reasons
23 to include the reasons we talked about here today?

24 A. Yes.

02:11 25 MR. STANTON: Brandon, is there anything

02:11 1 else you wanted to --

2 MR. ALBRIGHT: No.

3 MR. STANTON: Ladies and gentlemen, I have
4 no further questions. Once again, these three reports

02:11 5 are going to be as exhibits for you to consider.

6 Yes, sir.

7 BY A JUROR:

8 Q. Did you find fingerprints for all the
9 defendants or only the three that were mentioned?

02:12 10 A. If you mean defendants by everyone listed
11 in the top portion of my report?

12 Q. Yes.

13 A. I did not find fingerprints for all of
14 those individuals.

02:12 15 Q. Okay. Thank you.

16 BY MR. ALBRIGHT:

17 Q. If I can just ask a follow-up question,
18 Miss Haines. Showing you again Exhibit 9. This
19 appears -- you've already looked over this; correct?

02:12 20 A. Correct.

21 Q. Looking on the second page, here at Q3, one
22 lift card from the Groubel Forsey watch case that was
23 found in the black Navigator SUV and according to the
24 four suitable prints, who did those belong to?

02:12 25 A. Those prints belonged to Thomas Herod.

02:12 1 Q. And the, identified to the right thumb of
2 whom in D there?

3 A. D was Tyree Faulkner.

4 MR. STANTON: Any other member of the Grand
02:13 5 Jury has any questions of this witness?

6 There being no further questions, ma'am, if
7 you would redirect your attention to the foreperson.

8 THE FOREPERSON: By law, these proceedings
9 are secret and you are prohibited from disclosing to
02:13 10 anyone anything that has transpired before us, including
11 evidence and statements presented to the Grand Jury, any
12 event occurring or statement made in the presence of the
13 Grand Jury, and information obtained by the Grand Jury.

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

02:13 20 Do you understand this admonition?

21 THE WITNESS: I do.

22 THE FOREPERSON: Thank you. You're
23 excused.

24 THE WITNESS: Thanks.

02:13 25 MR. ALBRIGHT: Our next witness will be

02:13 1 crime scene analyst Olson, O-L-S-O-N.

2 THE FOREPERSON: Please raise your right
3 hand.

4 You do solemnly swear the testimony you are
02:14 5 about to give upon the investigation now pending before
6 this Grand Jury shall be the truth, the whole truth, and
7 nothing but the truth, so help you God?

8 THE WITNESS: I do.

9 THE FOREPERSON: Please be seated.

02:14 10 You are advised that you are here today to
11 give testimony in the investigation pertaining to the
12 offenses of conspiracy to commit burglary, burglary, and
13 grand larceny, involving Dustin Lewis, Margaux Ornelas,
14 Tyree Faulkner and Thomas Herod.

02:14 15 Do you understand this advisement?

16 THE WITNESS: Yes.

17 THE FOREPERSON: Please state your first
18 and last name and spell both slowly for the record.

19 THE WITNESS: It's Tasha Olson. T-A-S-H-A,

02:14 20 O-L-S-O-N.

21 THE FOREPERSON: Thank you.

22 TASHA OLSON,

23 having been first duly sworn by the Foreperson of the
24 Grand Jury to testify to the truth, the whole truth,

02:14 25 and nothing but the truth, testified as follows:

02:14 1 EXAMINATION

2

3 BY MR. ALBRIGHT:

4 Q. Miss Olson, how are you employed?

02:14 5 A. I'm employed as a crime scene analyst at
6 Las Vegas Metropolitan Police Department.

7 Q. How long have you been employed in that
8 capacity?

9 A. Almost two years.

02:14 10 Q. And can you explain for us a little bit
11 what a crime scene analyst's duties are?

12 A. We respond and investigate crime scenes,
13 take notes, photography, collect evidence, preserve it,
14 process for fingerprints.

02:15 15 Q. When you say preserve it, how do you
16 preserve evidence?

17 A. We will seal it in packages and submit it
18 to the evidence vault.

19 Q. You also said dust for prints. Is that
02:15 20 what you said?

21 A. Yes.

22 Q. How do you go about doing that?

23 A. We take a brush and powder and process
24 specific surfaces and try to get fingerprints to show

02:15 25 up.

02:15 1 Q. And when you arrive to a scene, when you're
2 done do you conduct some sort of crime scene
3 investigation report?

4 A. Yes, we complete a report once we're all
02:15 5 done.

6 Q. Is that to make a record of what you have
7 done?

8 A. Yes.

9 Q. Did you have occasion on December 12, 2018
02:15 10 to respond to a tow yard to investigate a 1998 Lincoln
11 Navigator?

12 A. Yes.

13 Q. I'm showing you Exhibit 66. Is that your
14 report in relation to that car that I just mentioned?

02:16 15 A. Yes, it is.

16 Q. And what did you do in investigating that
17 car?

18 A. I took pictures of it, I processed some
19 items for fingerprints, collected a DNA swab from the
02:16 20 mouth of a bottle that was in the front passenger floor.

21 Q. Showing you Exhibit 40. Does this appear
22 to be that black Navigator?

23 A. Yes.

24 Q. There appears to be stickers over the trunk
02:16 25 and the top of the doors. What are those?

02:16 1 A. Those are evidence seals to show that no
2 one has tampered with the vehicle.

3 Q. And are you the one that cuts those open?

4 A. Yes.

02:16 5 Q. Showing you Exhibit 41. Is that another
6 view of the side of that vehicle?

7 A. Yes.

8 Q. You mentioned finding a bottle. This is
9 Exhibit 45. Is that the inside of that vehicle?

02:17 10 A. Yes, it is.

11 Q. Did you take these photos?

12 A. Yes.

13 Q. So you swabbed for you said DNA on this
14 bottle?

02:17 15 A. I believe it was that bottle, yes.

16 Q. Did you also dust for fingerprints on that
17 bottle?

18 A. Yes.

19 Q. And then after you do those things -- let

02:17 20 me first show you Exhibit 42. The way you said that
21 bottle makes me believe there was a second bottle.

22 A. Yeah, it was actually that bottle right
23 there.

24 Q. Is this the floorboard of the passenger

02:17 25 side of the vehicle?

02:17 1 A. Yeah, the front passenger side.

2 Q. So there's a guava bottle, there's also a

3 watch case. Did you dust that case for prints?

4 A. Yes.

02:17 5 Q. And then with your findings and put into

6 your report, what do you do with that information?

7 A. What do you mean?

8 Q. Who did you give that information to?

9 A. Well, the fingerprints we submit to the

02:17 10 latent print people, DNA goes to the DNA people, and

11 then we complete our report and turn it in and then it

12 goes into On Base.

13 Q. Showing you Exhibit 44. Is that a photo

14 you took of a closer, a closeup version of the watch

02:18 15 that was just on the floorboard?

16 A. Yes.

17 Q. Did you also find a wallet in that vehicle?

18 A. Yes.

19 Q. Showing you Exhibit 50. Does that appear

02:18 20 to be the wallet that you found?

21 A. Yes.

22 Q. Do you know whose license it was?

23 A. Somebody named Tyree Faulkner.

24 Q. Showing you Exhibit 49. Is that a closer

02:18 25 picture of the ID that was found in that wallet?

02:18 1 A. Yes.

2 Q. Exhibit 46, is that the glove compartment
3 of that vehicle?

4 A. Yes, it is.

02:18 5 Q. And there appears to be a Panerai watch box
6 inside; is that correct?

7 A. Yes.

8 Q. Showing you Exhibit 48. Did you open that
9 box and take photos?

02:18 10 A. Yes.

11 Q. And 47, is that another picture of the
12 watch found in that box?

13 A. Yes.

14 MR. ALBRIGHT: I have nothing further for
02:19 15 this witness. Any questions?

16 THE FOREPERSON: Seeing no further
17 questions.

18 By law, these proceedings are secret and
19 you are prohibited from disclosing to anyone anything
02:19 20 that has transpired before us, including evidence and
21 statements presented to the Grand Jury, any event
22 occurring or statement made in the presence of the Grand
23 Jury, and information obtained by the Grand Jury.

24 Failure to comply with this admonition is a
02:19 25 gross misdemeanor punishable by up to 364 days in the

02:19 1 Clark County Detention Center and a \$2,000 fine. In
2 addition, you may be held in contempt of court
3 punishable by an additional \$500 fine and 25 days in the
4 Clark County Detention Center.

02:19 5 Do you understand this admonition?

6 THE WITNESS: Yes.

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

9 THE WITNESS: Thank you.

02:19 10 MR. STANTON: Ladies and gentlemen, we have
11 one quick witness and then we'll take a break for about
12 10, 15 minutes. Is that okay with the Grand Jury?

13 A JUROR: Yes.

14 A JUROR: Yes.

02:20 15 MR. ALBRIGHT: This will be CSA Scharpf,
16 S-C-H-A-R-P-F.

17 A JUROR: What was the first part again?

18 MR. ALBRIGHT: CSA, for crime scene
19 analyst.

02:20 20 MR. STANTON: If you would stand, raise
21 your right hand and be sworn.

22 THE FOREPERSON: You do solemnly swear the
23 testimony you are about to give upon the investigation
24 now pending before this Grand Jury shall be the truth,

02:20 25 the whole truth, and nothing but the truth, so help you

02:20 1 God?

2 THE WITNESS: Yes, I do.

3 THE FOREPERSON: Please be seated.

4 You are advised that you are here today to

02:20 5 give testimony in the investigation pertaining to the
6 offenses of conspiracy to commit burglary, burglary, and
7 grand larceny, involving Dustin Lewis, Margaux Ornelas,
8 Tyree Faulkner and Thomas Herod.

9 Do you understand this advisement?

02:20 10 THE WITNESS: Yes, I do.

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

13 THE WITNESS: My name is Whitney Scharpf.
14 W-H-I-T-N-E-Y, S-C-H-A-R-P-F.

02:20 15 THE FOREPERSON: Thank you.

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

02:20 20
21 EXAMINATION

22

23 BY MR. ALBRIGHT:

24 Q. Miss Scharpf, how are you employed?

02:20 25 A. I'm a crime scene analyst with Las Vegas

02:21 1 Metropolitan Police Department.

2 Q. And how long have you been so employed?

3 A. I have been employed since July of 2017, so
4 just about two years.

02:21 5 Q. And did you have occasion to respond to the
6 scene of a storage unit facility, a Storage One, on
7 December 8, 2018?

8 A. Yes, I did.

9 Q. And did you process that scene in your
02:21 10 capacity as a crime scene analyst?

11 A. Yes.

12 Q. Did you author a report in regards to that
13 investigation?

14 A. Yes.

02:21 15 Q. Showing you Exhibit 67. Does that appear
16 to be your report?

17 A. Yes, it does.

18 Q. And that's your signature and your P number
19 on the bottom there?

02:21 20 A. Yes.

21 Q. And according to your report, where was
22 your, the focus of your investigation?

23 A. According to my report I was originally
24 just going out to storage unit B151 at Storage One.

02:21 25 Q. And showing you Exhibit 21. Does that

02:22 1 appear to be a photo of unit B151?

2 A. Yes, it does.

3 Q. So on the right side of the photo we see
4 some black smears on the wall here. Can you explain

02:22 5 what that is?

6 A. So that's the remnants of my fingerprint
7 powder.

8 Q. Can you explain what you mean by
9 fingerprint powder and what you do with that?

02:22 10 A. So the powder is what we use to dust for
11 prints on surfaces that are suitable for prints.

12 Q. When you arrive there, for instance why was
13 your focus there on the side of the unit?

14 A. My focus was on the sides of the unit
02:22 15 because the bay door was open when I got there so I
16 figured if the subjects who had broken in had opened the
17 door that maybe their prints would be on the sides when
18 they were trying to open it.

19 Q. Showing you Exhibit 24. Does this depict
02:22 20 the safe that was inside of that same unit?

21 A. Yes.

22 Q. Was that included among the items that you
23 dusted for prints?

24 A. Yes.

02:23 25 Q. When you go to a scene and you're

02:23 1 investigating, specifically in this capacity looking for
2 possible prints, do you take the initiative of what to
3 search or is there a detective on scene kind of
4 directing your action?

02:23 5 A. So when I'm looking at a scene I'll
6 usually, I'll take directive from the detectives who are
7 there and I'll also look around myself and see if I
8 notice anything that looks like it could be out of
9 place. If the victims are there I also ask them if they
02:23 10 see anything that looks to be out of place and then I'll
11 focus my search there.

12 Q. I'm looking at the second page of
13 Exhibit 67 which is your report that we mentioned
14 earlier. There's a section that says latent print
02:23 15 processing and it mentions specifics of what you did
16 with numbers that say LP1, LP2 through LP14. What is
17 that referring to?

18 A. So in my latent print processing section I
19 just note the areas where I process and where I got
02:23 20 positive results and I also note where I process and I
21 got negative results.

22 Q. And was there positive results according to
23 your report?

24 A. Yes, there were.

02:24 25 Q. And what do you do with those positive

02:24 1 results or in fact what do you do with your findings in
2 your report?

3 A. So the positive results that I get are,
4 they're just the prints that I find are good enough to
02:24 5 lift and I'll lift them, put them on a card and then I'm
6 impound them as an item of evidence and they go over to
7 the latent print section.

8 Q. So those prints and your findings
9 eventually find their way to a forensic scientist?

02:24 10 A. Yes.

11 MR. STANTON: Did you cover with the
12 previous analyst about their P number?

13 MR. ALBRIGHT: We did. We went over what
14 they do as a crime scene analyst and their P number.

02:24 15 MR. STANTON: Any further questions from
16 the members of the Grand Jury?

17 BY A JUROR:

18 Q. On Exhibits 23 and 25, did you take those
19 photos?

02:24 20 MR. STANTON: Can I have those exhibits?

21 MR. ALBRIGHT: Do you have them here?

22 A JUROR: I do not.

23 BY MR. ALBRIGHT:

24 Q. Let me ask you this. When you respond,
02:24 25 apart from investigating and dusting for prints, are you

02:25 1 usually the person that takes photos at the scene?

2 A. Yes.

3 Q. And do you include the fact that you did
4 that in your report?

02:25 5 A. Yes, I do.

6 MR. ALBRIGHT: Do you recall what those
7 photos were of, sir?

8 A JUROR: Yeah, the interior of B151.

9 MR. ALBRIGHT: Do they look like that?

02:25 10 A JUROR: Something like that, yes. 23 and
11 25 were the two that I made comparisons with.

12 MR. STANTON: For the record I'm now
13 showing the witness Grand Jury Exhibits, two photos, 25
14 on my left, 23 on my right.

02:25 15 Q. So the grand juror's question is did you
16 take these photographs?

17 A. Yes, I did.

18 A JUROR: I'm confused by the way that 23
19 or 25 looks versus the other.

02:25 20 MR. STANTON: Okay. I'm going to first put
21 up 23 and then put up 25.

22 Q. Are those two different walls within the
23 storage unit?

24 A. Yes, I believe those are.

02:26 25 A JUROR: Okay. Great. Thank you.

02:26 1 MR. STANTON: Any other questions?

2 THE FOREPERSON: Seeing no further
3 questions.

4 By law, these proceedings are secret and
02:26 5 you are prohibited from disclosing to anyone anything
6 that has transpired before us, including evidence and
7 statements presented to the Grand Jury, any event
8 occurring or statement made in the presence of the Grand
9 Jury, and information obtained by the Grand Jury.

02:26 10 Failure to comply with this admonition is a
11 gross misdemeanor punishable by up to 364 days in the
12 Clark County Detention Center and a \$2,000 fine. In
13 addition, you may be held in contempt of court
14 punishable by an additional \$500 fine and 25 days in the
02:26 15 Clark County Detention Center.

16 Do you understand this admonition?

17 THE WITNESS: Yes, I do.

18 THE FOREPERSON: Thank you. You're
19 excused.

02:26 20 MR. STANTON: Ladies and gentlemen, we're
21 moving along at a quick pace. We only have one witness
22 left. He's the assigned detective. We have to finish
23 at 3:00 so if we could make sure anywhere between five
24 and ten minutes we're back here ready to go in ten I
02:27 25 think we'll be good.

02:27 1 MR. ALBRIGHT: Two detectives. The second
2 will be very brief, but two detectives.

3 MR. STANTON: So we'll be back in five but
4 not more than ten minutes.

02:27 5 (Recess.)

6 MR. STANTON: We're prepared to call our
7 next witness. Is the Grand Jury ready to accept his
8 testimony?

9 THE FOREPERSON: We are ready.

02:36 10 MR. ALBRIGHT: Our next witness will be
11 Ethan Grimes.

12 MR. STANTON: Remain standing, raise your
13 right hand and be sworn.

14 THE FOREPERSON: You do solemnly swear the
02:37 15 testimony you are about to give upon the investigation
16 now pending before this Grand Jury shall be the truth,
17 the whole truth, and nothing but the truth, so help you
18 God?

19 THE WITNESS: I do.

02:37 20 THE FOREPERSON: Please be seated.

21 THE WITNESS: Thank you.

22 THE FOREPERSON: You are advised that you
23 are here today to give testimony in the investigation
24 pertaining to the offenses of conspiracy to commit
02:37 25 burglary, burglary, and grand larceny, involving Dustin

02:37 1 Lewis, Margaux Ornelas, Tyree Faulkner and Thomas Herod.

2 Do you understand this advisement?

3 THE WITNESS: Yes, I do.

4 THE FOREPERSON: Please state your first

02:37 5 and last name and spell both slowly for the record.

6 THE WITNESS: Ethan, E-T-H-A-N, Grimes,
7 G-R-I-M-E-S.

8 THE FOREPERSON: Thank you.

9 THE WITNESS: You're welcome.

02:37 10 ETHAN GRIMES,
11 having been first duly sworn by the Foreperson of the
12 Grand Jury to testify to the truth, the whole truth,
13 and nothing but the truth, testified as follows:

14

02:37 15 EXAMINATION

16

17 BY MR. ALBRIGHT:

18 Q. Detective Grimes, how are you employed?

19 A. I'm a detective with the Las Vegas

02:37 20 Metropolitan Police Department.

21 Q. How long have you been employed in that
22 capacity?

23 A. Nineteen years. As a detective?

24 Q. Sure. Give us a little bit of your

02:37 25 background.

02:37 1 A. I've been an officer for 19 years but a
2 detective since December of '07.

3 Q. What area command are you assigned to?

4 A. Currently Spring Valley Area Command.

02:38 5 Q. And does that cover the area of 9960 West
6 Flamingo, Clark County, Nevada?

7 A. Yes.

8 Q. And did you have occasion on December 10,
9 2018 to be called to the address I just mentioned, a
02:38 10 Storage One facility?

11 A. Yes.

12 Q. On December 10th what was the nature of
13 that call?

14 A. Well, no, I was assigned the case on the
02:38 15 10th. The incident happened on the 8th.

16 Q. What causes a detective to be assigned to a
17 case?

18 A. It's broken up geographically so that
19 storage facility falls in the area I'm responsible for
02:38 20 property crimes and it was assigned to me.

21 Q. When you were assigned on the 10th, what
22 was your understanding of the case at that point?

23 A. That several storage units were
24 burglarized, three of them, one of them held 21 rare
02:38 25 expensive watches valued at more than \$2 million.

02:38 1 Q. Did you have occasion to speak to the
2 victims in this case?

3 A. I did.

4 Q. Were they the owners of various storage
02:39 5 units at this facility?

6 A. Renters, yes.

7 Q. What did you do upon or after talking to
8 those victims?

9 A. Reviewed the case, looked, I saw that other
02:39 10 detectives had responded on the day of the incident so I
11 saw that one of them, Detective Jones, had uploaded some
12 photos from the video surveillance to some still shots.

13 Q. Showing you an exhibit here.

14 Just to verify, which exhibit is that?

02:39 15 MR. STANTON: Eleven.

16 BY MR. ALBRIGHT:

17 Q. Exhibit 11. Does that depict a still from
18 the video surveillance that you just mentioned?

19 A. Yes.

02:39 20 Q. And is this from December 8th from that
21 storage facility?

22 A. Correct, early morning December 8th.

23 Q. And what if any importance did you learn in
24 viewing this video?

02:39 25 A. That we have two suspects, a male and a

02:39 1 female, who both appear to be white, just vague, general
2 description. The female appears to have light colored
3 hair, possibly blond with dark roots. The male had
4 short brown hair. There's a particular item, she's
02:40 5 pushing a wheelchair, there's obviously a chess board.
6 The male is carrying lots of bags. And there's another
7 video from a different angle that has better closeups of
8 a, you can see he's wearing an Army jacket.

9 Q. So if this is from the 8th and you get
02:40 10 assigned on the 10th, at some point did you have
11 occasion to be called back to the scene?

12 A. Yes.

13 Q. When was that?

14 A. That was on the night of I want to say
02:40 15 December 11th.

16 Q. And why if you remember did you go back to
17 the storage unit?

18 A. Another squad, our Flex squad manned by
19 Sergeant Josh Glover and his squad were trying to locate
02:40 20 potential homeless people, these people appeared to be,
21 might be homeless, so his squad started back at the
22 original scene. This facility is located on Flamingo
23 just west of where the 215 crosses Flamingo.

24 Q. Let me show you an overview aerial to get
02:41 25 our bearings here.

02:41 1 The aerial view, Dave, of the area.

2 MR. STANTON: I don't think I have the
3 aerial. I just have the schematic.

4 MR. ALBRIGHT: Oh, right here.

02:41 5 Q. Showing you Exhibit 14. So this is the
6 storage unit we've been discussing?

7 A. Yep. Do you mind if I stand up?

8 Q. Of course.

9 A. So this is Flamingo and that's heading
02:41 10 west. This is east. To the north. This is actually
11 going to be a pedestrian pathway and here is the 215.
12 So if you're heading south on the 215 and you exit out
13 Flamingo, you get off down here and you head west and
14 you'll see there's a St. Rose Quick Care place, there's
02:42 15 a Popeye's Chicken, a Chevron, and then the storage
16 facility. Further west is an Albertsons shopping
17 center.

18 Q. So you had just mentioned there was some
19 investigation done by another squad?

02:42 20 A. Yes.

21 Q. Based on the investigation did you have
22 reason to investigate this desert area that was south of
23 the facility?

24 A. Yes.

02:42 25 Q. And is this a photo, showing you

02:42 1 Exhibit 15, is that a photo from the desert looking over
2 the wall and above there we can see the storage units?

3 A. Yes. So it's looking to the west. This is
4 not from that day, this is a later date --

02:42 5 Q. Correct.

6 A. -- after the fact.

7 Q. And what if anything did you find in this
8 desert area or what was found?

9 A. What that squad saw at that day a tent
02:42 10 behind this bush.

11 Q. Showing you Exhibit 28. Does that appear
12 to be the tent that was set up right next to the wall?

13 A. Yes.

14 Q. Was there visible, before entering the
02:43 15 tent, any property that was of importance?

16 A. They, from what I was told, I wasn't there
17 when they found it, but the tent was closed and about
18 25 yards to the east there was a wheelchair in the
19 desert.

02:43 20 Q. Did you eventually make your way to this
21 scene?

22 A. Yes.

23 Q. Did you see that wheelchair?

24 A. Yes.

02:43 25 Q. Showing you Exhibit 29. Is that the

02:43 1 wheelchair that you saw?

2 A. Yes, it is.

3 Q. You mentioned earlier that there was a
4 wheelchair being pushed in the video surveillance; is

02:43 5 that correct?

6 A. That's correct.

7 Q. There was also a chess board in the video
8 that you saw being pushed by that female?

9 A. Correct.

02:43 10 Q. Showing you 33, Exhibit 33. Was this chess
11 board found in the desert near that tent?

12 A. It was actually found inside the tent. The
13 officers had challenged the tent to see if there was
14 anybody inside. There was no answer so they unzipped it
02:43 15 they told me and they saw a large chess board, they saw
16 watch boxes, one of them with a particular brand that
17 matched one of the watches we were looking for named
18 Panerai.

19 Q. Were you contacted before they entered the
02:44 20 tent?

21 A. They didn't enter, they just unzipped and
22 looked in. They saw there was nobody inside but that's
23 what they saw.

24 Q. Based on seeing that, was a search warrant
02:44 25 obtained to actually enter the tent?

02:44 1 A. Yes.

2 Q. Did you do that?

3 A. I assisted Officer Andrew Shark. He was

4 the affiant on that warrant.

02:44 5 Q. Was a valid warrant obtained?

6 A. Yes, it was.

7 Q. Upon entering the tent did you see various

8 things of import?

9 A. Yes.

02:44 10 MR. STANTON: Exhibit 30.

11 BY MR. ALBRIGHT:

12 Q. Exhibit 30. Does this show a Panerai bag?

13 A. Yes.

14 Q. Was that found among the things in the

02:44 15 tent?

16 A. Yes, it was. And it matched the

17 description that Marc Falcone told me one of his bags

18 was a white and blue Panerai bag.

19 Q. So at this point were you finding things

02:44 20 that you had been told by the victims that matched the

21 property that they said was missing?

22 A. Yes.

23 Q. Did a CSA report to the scene?

24 A. Yes.

02:45 25 Q. Were the photos taken by the CSA?

02:45 1 A. Yes, they were.

2 Q. At your direction or at least you watching,
3 did the CSA take prints of varyings things on site?

4 A. Yes.

02:45 5 Q. Including the chess set?

6 A. Yes.

7 Q. Do you know if specifically prints were
8 taken, this is Exhibit 36, of this cleaning solution,
9 this jewelry cleaning solution?

02:45 10 A. Yes.

11 Q. Showing you Exhibit 34. Was this also
12 found among the items in the desert?

13 A. Yes, it was.

14 Q. Does that appear to be business cards with
02:45 15 Marc Falcone's name on it?

16 A. It does.

17 Q. Exhibit 32. Is that a Panerai watch box
18 that was found among them?

19 A. Yes, it is.

02:45 20 Q. It appears this was already dusted for
21 prints; is that correct?

22 A. Correct.

23 MR. STANTON: Thirty-one.

24 BY MR. ALBRIGHT:

02:45 25 Q. Exhibit 31. Does that appear to be the

02:45 1 actual box that the wooden box goes into the Panerai?

2 A. It does.

3 Q. Was Mr. Falcone notified of this box and
4 the serial number associated with it?

02:45 5 A. Yes. It matched one of the things, one of
6 the watch serial numbers we had on the report.

7 MR. STANTON: Exhibit 35.

8 BY MR. ALBRIGHT:

9 Q. What do we see in Exhibit 35?

02:46 10 A. Bolt cutters.

11 Q. And what's the importance of that in
12 regards to your investigation in this case?

13 A. We left those there in fact. We didn't
14 impound them because on my video surveillance I didn't
02:46 15 have any video with anybody using bolt cutters.

16 Q. Was this late in the evening?

17 A. Yes.

18 Q. Okay. Did you take all this property and
19 bring it back to area command?

02:46 20 A. Not everything that was photographed. We
21 took everything that we deemed would be of value because
22 some of it was not under the terms of our search
23 warrant. We took some for safekeeping because it had to
24 belong to somebody, maybe whoever was living in the
02:46 25 tent, so we couldn't leave it there because there was no

02:46 1 way for us to secure it so I impounded that stuff
2 separately for safekeeping.

3 Q. While you were impounding that, did
4 anything happen that caused you to return to the scene
02:46 5 of this tent?

6 A. Yes.

7 Q. What is that?

8 A. There was a large quantity of property. We
9 took it all back to the Spring Valley Area Command to
02:47 10 lock it in our evidence vault. We had been working all
11 day and night and we're getting tired. One of the
12 officers didn't realize, the affiant, Officer Shark,
13 realized he couldn't find his cell phone. We started
14 calling it, checking his car, checking the boxes that
02:47 15 had all the property we had piled up and we could not
16 find his phone. He and one of his partners decided to
17 go back up to the tent, maybe it fell off my belt, and
18 they went up to the tent to go look for it.

19 Q. When they got there, was this there any
02:47 20 reason to believe that someone had been at the tent
21 while they were gone?

22 A. Yes. I think they got there around 10:45
23 at night. They saw that, when we do a search warrant we
24 leave a duplicate original and a search warrant return
02:47 25 since it's a telephonic search warrant, they saw that

02:47 1 the duplicate original was now missing but the search
2 warrant return was still there. They noticed things
3 like the bolt cutters we left were no longer there, some
4 dirty clothing was there, some torn up bags were
02:48 5 missing, just miscellaneous items like that.

6 Q. Was there also something that happened
7 while you were there that caused alarm so to speak?

8 A. Not while I was there. While they were
9 there, approximately 11:00 or, was it, I think it was
02:48 10 like two minutes to the hour, like 58 minutes past, they
11 heard an alarm go off from the storage facility. They
12 called Sergeant Glover, cause we were all back at the
13 station, cause they requested some patrol officers but
14 there was no clear units, they were all tied up on calls
02:48 15 for service already, so we all left the station to come
16 up and set up a perimeter because now we know there's
17 someone on property.

18 Q. And when you went, where were you
19 positioned specifically?

02:48 20 A. I positioned myself on the southeast corner
21 of the facility outside.

22 Q. Is that in a parking lot of a certain
23 place?

24 A. Of the storage facility. Yeah, I just
02:48 25 parked in the parking lot right on the east south side.

02:48 1 I could see the Chevron, the Popeye's to my right.

2 Q. Let me show you one more exhibit that shows
3 a jacket.

4 MR. STANTON: Thirty-eight.

02:49 5 BY MR. ALBRIGHT:

6 Q. Does 38 depict an Army jacket that was
7 found among the property at the tent?

8 A. Yes.

9 Q. So while you're there after the alarm has
02:49 10 gone off, is a helicopter unit called in as well?

11 A. Yeah, the helicopter, K-9 officers,
12 Sergeant Glover's other officers on the squad took up
13 positions on the other corners of the facility and then
14 K-9 searched the facility.

02:49 15 Q. What do you do from that point?

16 A. We're just waiting for K-9 to do their job
17 and we're here to make sure no one comes jumping out
18 while they're looking.

19 Q. What if anything do you end up seeing while
02:49 20 you're waiting there in the parking lot?

21 A. I do hear on the radio Sergeant Glover
22 calls out that there's a suspicious black Escalade, it's
23 parked outside the facility west of the west wall. He
24 had his guys check it out. They see a U-Haul key on the
02:50 25 ground, a bag on the ground. They look in the car and

02:50 1 they can see what looks like a watch in a plastic case
2 on the passenger seat. I, at my position I see there's
3 a U-Haul parked in the Popeye's/Chevron parking lot so I
4 let him know that after K-9 is done why don't you guys
02:50 5 come over here with that key, we'll see if that key fits
6 that U-Haul. So after K-9 finished their search, they
7 come over with the key and while we're talking we see a,
8 like a silver gray Nissan Altima type car that has a
9 Lyft sign in it pull into the Chevron and I see two
02:50 10 black males come out of the Chevron and get into it.
11 One is a very heavyset black male, he's over 300 pounds,
12 wearing a white tank top, and the other one is a shorter
13 black male wearing a long sleeve shirt, I believe white
14 long sleeve shirt with white pants, and they both get
02:51 15 into the Lyft car and it leaves.

16 Q. When you say Lyft, is that L-Y-F-T like the
17 Uber-like service?

18 A. Yes. So we think that's kind of odd, it's
19 40 degrees outside, I've got two coats on and I'm cold,
02:51 20 and it just seems odd that they would go out at night
21 with such little clothing. But we just noted it
22 mentally that it seemed kind of odd, didn't know if it
23 was related to this, but we had no reason to stop or
24 detain them.

02:51 25 Q. Did you end up being able to identify who

02:51 1 these two individuals were?

2 A. Yes.

3 Q. What are their names?

4 A. The large black male was Tyree Faulkner and

02:51 5 the smaller male was Thomas Herod.

6 Q. Showing you Exhibit 6. Who is that?

7 A. This is Tyree Faulkner.

8 Q. And Exhibit 5, who is that?

9 A. Thomas Herod.

02:51 10 Q. And when is the next time that you see or
11 learn about either of these two men?

12 A. While we were still on scene, even after
13 K-9 left the facility, there was a, we believed our
14 suspects were homeless people. We wanted to research it

02:52 15 ourselves. We checked every storage unit, made sure
16 every one of them had a lock on it, if they didn't we
17 were going to open it and see if they were hiding
18 inside. There was also a bunch of RVs parked in the
19 back so we checked every one of those. So all the

02:52 20 storage units were locked. We found one RV that was
21 unlocked. We searched it, there was nobody inside.
22 Then we get noted from dispatch that there was a robbery
23 call that's been called in from the Chevron next door to
24 us. The details are, the person calling is saying he
02:52 25 was, it was attempted carjacking by two homeless males.

02:52 1 The victim was on his way to the McDonald's at Las Vegas
2 Boulevard and Nellis on the complete northeast side of
3 town from where we're at, but we just think it's kind of
4 odd, why would they leave, and then the detail says that
02:52 5 they were driving a black Escalade. So we think oh,
6 maybe it's related to this car. A unit gets to that
7 McDonald's, can't find them. The person calling calls
8 back to says he's now at his apartment at the Eagle
9 Trace Apartments. Sergeant Glover told me when he
02:53 10 looked at the Escalade he remembered seeing a parking
11 sticker for Eagle Trace Apartments on it. I knew my
12 suspects in my burglary were white. So I needed to find
13 out what was going on, what happened this night after
14 that alarm was triggered. So I called an emergency
02:53 15 contact for the storage facility, I got ahold of Lee
16 Prebble who was aware of the prior burglaries, he came
17 and was able to review video surveillance for me.
18 Q. And were you able to review that video?
19 A. Yes, I was.
02:53 20 Q. Showing you Exhibit 12. Does that
21 accurately depict a still from that video with the time
22 stamp up here of December 11th?
23 A. Yes.
24 Q. What did you learn from that video?
02:53 25 A. So I see there's three males. There's a

02:53 1 white male who I recognize as a male from the
2 December 8th video and there's two black males.
3 Q. By their body size and movement, do you
4 recognize them to be the same individuals from that Lyft
02:54 5 car?

6 A. Yes, but they're wearing black jackets
7 which would make sense.

8 Q. Do people eventually go to this Eagle
9 Apartments?

02:54 10 A. Yeah. The patrol officers, before we had
11 Lee Prebble come to the scene, I just told the sergeant
12 we'll just have an officer meet with him, take his time,
13 do a thorough report, get his story down and try to drag
14 it out as long as possible.

02:54 15 Q. Is the individual who called in that
16 robbery call, is he eventually identified?

17 A. Yes.

18 Q. Who is it?

19 A. That's Tyree Faulkner.

02:54 20 Q. Based on that and your information of
21 everything else, is he arrested eventually?

22 A. Yes. Once I saw the video and I now knew
23 that these two black males were at least connected to
24 the burglary tonight, because unit B151, the door was
02:54 25 open when K-9 was searching so, that was Marc Falcone's

02:54 1 unit, we knew it was connected and that they had to be
2 connected to the other two suspects that we were still
3 trying to identify. We didn't know who this white
4 couple was at that time.

02:55 5 Q. After Mr. Faulkner was arrested, did you
6 have occasion to interview him?

7 A. Yes. Once I saw he's now connected, I
8 advised that officer to take him into custody and bring
9 him to our office so I could interview him.

02:55 10 Q. Was he read his Miranda rights?

11 A. Yes, he was.

12 Q. Did you do that?

13 A. I think my partner Detective Mike Saunders
14 did it. We were together. It was all recorded.

02:55 15 Q. Was it from a card or memory?

16 A. From a card.

17 Q. Did Mr. Faulkner acknowledge that he
18 understood his rights?

19 A. Yes.

02:55 20 Q. And was he willing to answer some
21 questions?

22 A. Yes.

23 Q. What if anything did you learn in talking
24 to him?

02:55 25 MR. STANTON: And ladies and gentlemen,

02:55 1 you're about to hear testimony from Mr. Faulkner's
2 statement with this detective. As a matter of law, you
3 can only consider this statement as it relates to
4 Mr. Faulkner and to no other target listed on the
02:55 5 Indictment. Do all members of the jury understand that
6 admonition?

7 For the record all members are nodding in
8 the affirmative. Thank you. Sorry, counsel.

9 BY MR. ALBRIGHT:

02:56 10 Q. Detective, what if anything did he tell
11 you?

12 A. Initially we just asked him about the
13 robbery and he tells us this elaborate story of this
14 robbery and then I confront him that I think he's lying,
02:56 15 you know, that I remember seeing him, I tell him about
16 my original burglary case that's involving a high dollar
17 value of property, which he is not connected to, I have
18 video, it's only two people, and then he decides to tell
19 the truth, he confesses to his involvement that night.
02:56 20 He says the other black male is his cousin, he says he
21 will not tell me his name and that he doesn't know who
22 these other people are, just that they, the male, the
23 white male knows his cousin, they had met in jail, they
24 were in jail at the same time, and they're just
02:56 25 acquaintances of his.

02:57 1 Q. Does he mention why he called in the fake
2 robbery call?

3 A. Yes. He knew he left his wallet in the
4 car.

02:57 5 Q. Is that the black SUV?

6 A. Yes. So he knew we were going to figure
7 out who he was anyways, but he thought he would try,
8 give it his best shot.

9 Q. Did he say how initially he got involved
02:57 10 with the watches and the storage unit?

11 A. Yes. He told me a couple days prior was
12 the first time he met this couple. His cousin, he was
13 with his cousin and they met these people and the white
14 male had asked his cousin, hey, can you help us out, we
02:57 15 don't have a car, we need to go some places, and he said
16 what's in it for me and he gave them 500 bucks each.

17 Q. When you say he, who is he?

18 A. The white male gave his cousin and Faulkner
19 \$500.

02:57 20 Q. In exchange for what?

21 A. To drive them around to various places.
22 They went to some jewelry stores, other places he
23 couldn't remember. Faulkner had told me he had only
24 been in Las Vegas for like a month and a half so he
02:58 25 wasn't familiar with the city. They then parted ways

02:58 1 and then earlier on the 11th he and his cousin went to a
2 7-Eleven, he could not remember which one other than it
3 was somewhere on Las Vegas Boulevard, they went to go
4 buy some juice, and they see the white male playing on
02:58 5 the Buffalo machine, which I didn't know what that was,
6 I guess it's a Keno machine, and so his cousin and that
7 guy started talking again. He said hey, we can use some
8 more help, do you guys mind helping us out again, giving
9 us a ride to some places, and they again said what's in
02:58 10 it for us, and that's when the male offered him some
11 watches. He looked at the watches, he didn't think, he
12 thought they were plastic, didn't think they were worth
13 much, and said the male offered them a thousand dollars
14 each and they agreed. He said all he could remember is
02:59 15 that everything they did was along Flamingo. So he
16 remembers driving along the Strip, making a right to go
17 up Flamingo, they stopped at a marijuana dispensary, he
18 didn't know which one, described it having like a
19 lighted display, that it was probably a couple hours
02:59 20 before this all took place approximately, so it was in
21 the evening, he said the female went inside and bought
22 some marijuana and she told them that she used a fake
23 ID.
24 Q. Let me ask you this, Detective. Did they,
02:59 25 did he ever acknowledge being at the Storage One

02:59 1 facility or how they became close to that area?

2 A. Yes. So he said after that they went up to
3 the storage facility, he, his cousin and the white male
4 went inside. The male had figured out some way to open
02:59 5 the exit gate. They went inside, the male had some bolt
6 cutters, he cut the hasp that holds, so there was two
7 locks on this unit, cut the locks, the white male put
8 them in his pocket, they heard the alarm go off when he
9 opened the door but he said we weren't concerned, they
03:00 10 knew nobody was going to come. Because apparently there
11 was no manager living on-site so he wasn't too
12 concerned, but at that moment he heard the police
13 helicopter going over and he and his cousin told the guy
14 we're leaving cause then they figured the police were in
03:00 15 the area.

16 Q. Let me ask you this briefly before we let
17 you go. I'm showing you Exhibits 23 and 25. Throughout
18 what's been going on, we mentioned December 8th and
19 December 11th as different events; is that correct?

03:00 20 A. That's correct.

21 Q. So would a crime scene analyst have
22 responded to the scene on the 8th and on the 11th?

23 A. Yes, cause I was there on the 11th and I
24 requested a crime scene analyst to reprocess B151 which
03:00 25 is Falcone's unit because it had been opened up again.

03:00 1 Q. From the 8th to the 11th Mr. Falcone had
2 been there and looked at the property?

3 A. Yes. That evening I was able to get ahold
4 of him, had him come down, cause I didn't know what was
03:01 5 missing, I was never at the original scene, but I knew
6 there had to be more watches and Falcone told me no, the
7 day after the original burglary he had gone to his unit
8 and took all of his watches out, he said he just had to
9 leave the boxes, he didn't have space for the boxes at
03:01 10 his home that he was currently staying at.

11 Q. From what you just said, the individuals,
12 the defendants, at some point come back and possibly
13 re-enter that unit, 151?

14 A. Yes.

03:01 15 Q. So in showing you Exhibits 23 and 25, they
16 appear to be photos of the same wall in the unit; is
17 that correct?

18 A. Yes.

19 Q. Is there a way, I mean do you know which
03:01 20 one was taken on the 8th and which one was taken on the
21 11th?

22 A. Personally I don't. I would think this one
23 was the 8th.

24 Q. When you say this one, you're saying 25?

03:01 25 A. Yes.

03:01 1 Q. Where it looks like there has been some
2 disruption?

3 A. Correct.

4 Q. So there is a way for us to find out --

03:02 5 A. Yes.

6 Q. -- which day they were taken and in fact
7 who took them; is that correct?

8 A. Yes. When we upload digital images into
9 our computer system I guess, storage, it's called On

03:02 10 Base, it notates who is uploading the photos and what
11 date and time that was done. It's going to be a
12 different date for each photo.

13 Q. To make it clear though, it's your belief
14 that 23 and 25 are pictures of the same area but taken
03:02 15 by different people on different days?

16 A. Yeah, cause obviously their stuff is in
17 different positions. All of these boxes are not --
18 well, you don't see that unit but.

19 MR. ALBRIGHT: Does that make sense to the
03:02 20 members of the jury?

21 THE WITNESS: There's stuff that is opened
22 here that is closed here. So to me it's from two
23 different days.

24 MR. ALBRIGHT: Okay.

03:02 25 MR. STANTON: You heard testimony, ladies

03:02 1 and gentlemen, through this detective's interview, that
2 there was comments about knowing somebody, both the
3 person that was being interviewed and other individuals
4 having been in jail or met one another in jail. Just to
03:02 5 advise you that that fact cannot be used by you as
6 evidence in this case that these people are bad people
7 or had committed some act that led to their
8 incarceration on a previous day. Does everybody
9 understand that?

03:03 10 A JUROR: Uh-huh.

11 MR. STANTON: For the record everybody nods
12 in the affirmative.

13 Any other questions of this witness?

14 BY A JUROR:

03:03 15 Q. You said Mr. Faulkner confessed. Did he
16 confess to stealing the watches or did he confess to
17 purchasing them?

18 A. No. He said he was not there for that
19 original burglary. And he said the night we were there
03:03 20 on the 11th they didn't get a chance to take anything.

21 MR. STANTON: Did that answer your
22 question?

23 THE WITNESS: But he admits he was there to
24 come break into this unit basically.

03:03 25 MR. STANTON: Does that answer your

03:03 1 question?

2 A JUROR: Yes.

3 BY A JUROR:

4 Q. Did the police officer ever get his phone?

03:03 5 A. Yes. It turned out it was in one of the

6 boxes. He had turned it to vibrate when we called the

7 judge, that's why we couldn't hear it ring, so we went

8 and rechecked everything and that's where we found it.

9 We were just in a panic, we were tired.

03:04 10 BY MR. ALBRIGHT:

11 Q. Detective, just briefly. I'm showing you

12 Exhibit Number 3. Who is that?

13 A. This is Dustin Lewis.

14 Q. Is there the individual that you keep

03:04 15 referring to as the white male?

16 A. Yes.

17 Q. And Exhibit 4, who is that?

18 A. Margaux Ornelas.

19 Q. And did your investigation lead you to

03:04 20 believe that this is the white female in the Storage One

21 video who is pushing the cart with the chess board on

22 it?

23 A. Yes.

24 MR. ALBRIGHT: I have no further questions

03:04 25 for this witness.

03:04 1 BY A JUROR:

2 Q. So the way I understand it then, all the
3 watches were taken on the 8th?

4 A. Correct.

03:04 5 Q. So he was probably carrying them out in his
6 knapsack?

7 MR. STANTON: This witness couldn't testify
8 to that because he's not a percipient witness to the
9 events. He can tell you what his investigation leads,
03:05 10 as far as what inference is to be drawn from that
11 evidence, that's up to you guys. Does that make sense
12 to you, sir?

13 A JUROR: Yeah.

14 MR. STANTON: Yes, ma'am.

03:05 15 BY A JUROR:

16 Q. Did Mr. Falcone have any additional
17 property taken on the 11th?

18 A. Yes, he described like some, that Panerai
19 bag, another canvas bag.

03:05 20 Q. Oh, so that was taken on the 11th, not the
21 8th?

22 A. Yeah, nothing on the 8th. I'm sorry.
23 Nothing on the 11th.

24 Q. Okay. Cause you confused me.
25

03:05 1 BY MR. ALBRIGHT:

2 Q. Just to clarify. They did enter the
3 Storage One facility on the 11th?

4 A. Yes.

03:05 5 Q. They were able to enter the facility?

6 A. Yeah. And Lee Prebble, when he showed up,
7 because I asked him how does the alarm system work, and
8 he says any, after hours, any unit, because the doors to
9 these buildings are unlocked, it's the storage doors,
03:05 10 they're all alarmed, so he said once one is opened it
11 triggers an alarm, that alarm will sound off for like 45
12 seconds and that's it, it will never, you can open up
13 more units and it won't go off again. All it's there
14 for is to wake up the manager who normally lives on
03:06 15 property.

16 MR. STANTON: We're running a little short
17 on time so, I don't want to cut you off, but go ahead,
18 sir.

19 BY A JUROR:

03:06 20 Q. Just really quick. On the still of the
21 video, the woman that was pushing the wheelchair, you
22 had thought that she was a blond with dark roots?

23 A. Yes. And I can explain that too.

24 MR. STANTON: We have one other question.

03:06 25 Was there another question over here?

03:06 1 BY A JUROR:
2 Q. Yeah. I just wanted to know how they made
3 entrance into 151 on the 8th. Because the lock was
4 obviously destroyed on the 11th. Is that correct?

03:06 5 A JUROR: No.

6 BY A JUROR:

7 Q. Or on the 11th it was broken?

8 A. No. On the 8th the lock was found inside
9 the unit with the key in it so there was no damage to
03:06 10 the door at all.

11 BY A JUROR:

12 Q. With the key in it?

13 A. On the 11th, I don't know if you have ever
14 been to a storage facility, but that sliding bolt

03:06 15 reveals two holes where you can put locks on. That hasp
16 was damaged and there was no locks there. And Faulkner
17 told me that the white male, Dustin Lewis, had used bolt
18 cutters to damage the hasp and he took the locks and put
19 them in his pocket.

03:07 20 Q. But on the 8th there was a key in the lock
21 and it was on the inside?

22 A. Correct.

23 Q. Somehow they had a key to the lock?

24 A. I believe the unit was accidentally left

03:07 25 unlocked. That's my opinion.

03:07 1 BY MR. ALBRIGHT:

2 Q. Very briefly, Detective. Were you at any
3 point able to ascertain why the female defendant had
4 darker hair at the time she was arrested versus the
03:07 5 blonder hair in the video?

6 A. Yes. Once we identified the two, the white
7 couple which we got from -- do you want me to tell you
8 how we got that?

9 MR. ALBRIGHT: Do we have time?

03:07 10 MR. STANTON: No.

11 THE WITNESS: I was notified that the
12 forensic, when the tent was processed fingerprints were
13 found on the chess board that came back to Margaux
14 Ornelas and fingerprints were found on some of the other
03:08 15 items to Dustin Lewis. That's how we figured out who we
16 were looking for. We did not locate Margaux Ornelas for
17 several days. Faulkner had since been released. He now
18 knew a lot of the story of the case I'm investigating
19 and I had shown him surveillance photos. I'm looking
03:08 20 for this blond with dark roots so that would be, if she
21 was notified after the fact she might want to try to
22 hide her appearance.

23 MR. STANTON: Any other questions?

24 I want to make sure there are no further
03:08 25 questions, make sure you have time to ask any that you

03:08 1 have.

2 For the record no further questions.

3 Detective, once again redirect your
4 attention to the foreperson.

03:08 5 THE FOREPERSON: By law, these proceedings
6 are secret and you are prohibited from disclosing to
7 anyone anything that has transpired before us, including
8 evidence and statements presented to the Grand Jury, any
9 event occurring or statement made in the presence of the
03:08 10 Grand Jury, and information obtained by the Grand Jury.

11 Failure to comply with this admonition is a
12 gross misdemeanor punishable by up to 364 days in the
13 Clark County Detention Center and a \$2,000 fine. In
14 addition, you may be held in contempt of court
03:08 15 punishable by an additional \$500 fine and 25 days in the
16 Clark County Detention Center.

17 Do you understand this admonition?

18 THE WITNESS: I do.

19 THE FOREPERSON: Thank you. You're

03:09 20 excused.

21 THE WITNESS: Thank you. You're welcome.

22 MR. STANTON: Ladies and gentlemen, that
23 will conclude our presentation. If at any time, it's my
24 habit and custom, when this matter is being deliberated
03:09 25 by you, if at any point you would like additional

03:09 1 evidence presented to you in the form of testimony or
2 documentary evidence that you advise Mr. Albright or
3 myself of that fact before you formally deliberate on
4 the matter. If there are no further questions from any
03:09 5 member of the Grand Jury the matter will be deemed
6 formally submitted to you and we'll be pending the call
7 of the Clark County Grand Jury. Thank you.

8 (At this time, all persons, other than
9 members of the Grand Jury, exit the room at 3:09 p.m.
03:09 10 and return at 3:15 p.m.)

11 THE FOREPERSON: Mr. District Attorney, by
12 a vote of 12 or more grand jurors a true bill has been
13 returned against defendants Dustin Lewis, Margaux
14 Ornelas, Tyree Faulkner and Thomas Herod, charging the
03:15 15 crimes of conspiracy to commit burglary, burglary, and
16 grand larceny, in Grand Jury case number 18CGJ056ABC&D.
17 We instruct you to prepare an Indictment in conformance
18 with the proposed Indictment previously submitted to us.

19 MR. STANTON: Thank you very much
03:15 20 Mr. Albright will sign the Information and thank you for
21 your time and attention this afternoon.

22 (Proceedings concluded.)

23 --oo0oo--

24

25

03:15 1 **REPORTER'S CERTIFICATE**

2
3 **STATE OF NEVADA**)
4 : ss
5 **COUNTY OF CLARK**)

03:15 6 I, Danette L. Antonacci, C.C.R. 222, do
7 hereby certify that I took down in Shorthand (Stenotype)
8 all of the proceedings had in the before-entitled matter
9 at the time and place indicated and thereafter said
03:15 10 shorthand notes were transcribed at and under my
11 direction and supervision and that the foregoing
12 transcript constitutes a full, true, and accurate record
13 of the proceedings had.

14 Dated at Las Vegas, Nevada,
03:15 15 May 14, 2019.

16
17 /s/ Danette L. Antonacci

18 _____
19 Danette L. Antonacci, C.C.R. 222

03:15

1

AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
18CGJ056A-D:

03:15

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6

7

8

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

9

03:15

10

-OR-

11

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

12

13

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

14

-OR-

03:15

15

16

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

17

18

/s/ Danette L. Antonacci

19

Signature

5-14-19

Date

03:15

20

21

Danette L. Antonacci

Print Name

22

23

Official Court Reporter

Title

24

25

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