

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 SEAN RODNEY ORTH,

3                   Appellant,

4                   vs.

5 THE STATE OF NEVADA,

6                   Respondent.

Docket No.: 85229

Electronically Filed  
Aug 15 2023 11:34 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

7 (Appeal From A Final Judgment Of The Eighth Judicial District Court, In And For  
8                   The County Of Clark, State Of Nevada)

9                   **APPELLANT'S OPENING BRIEF**

10                   **Volume IV**

11                   **Bates Nos.:**

12                   **AA000623 – AA00848**

13  
14  
15 C. BENJAMIN SCROGGINS, ESQ.

16 Nevada Bar No. 7902

17 **THE LAW FIRM OF**

**C. BENJAMIN SCROGGINS, CHTD.**

629 South Casino Center Boulevard

Las Vegas, Nevada 89101

Tel.: (702) 328-5550

[info@cbscrogginlaw.com](mailto:info@cbscrogginlaw.com)

20 *Attorney for Appellant,*

21 *SEAN RODNEY ORTH*

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 SEAN RODNEY ORTH,

3                   Appellant,

4                   vs.

5 THE STATE OF NEVADA,

6                   Respondent.

Docket No.: 85229

7                   **APPELLANT'S APPENDIX**  
8                   **ALPHABETICAL INDEX**

9 Amended Complaint (11/12/2020) . . . . . Vol. 1 – Bates Nos.: AA000023 – 24

10 Amended Information (11/04/2021) . . . . . Vol. 7 – Bates Nos.: AA001215 – 1216

11 Criminal Bindover (12/15/2020) . . . . . Vol. 2 – Bates Nos.: AA000230 - 351

12 Criminal Complaint (11/04/2020) . . . . . Vol. 1 – Bates Nos.: AA000012 – 15

13 Defendant's Amended Writ of Habeas Corpus,  
(02/03/2021) . . . . . Vol. 2 – Bates Nos.: AA000362 – 363

14 Defendant's Exhibits in Support of Petition for a Writ of Habeas Corpus,  
(09/21/2021) . . . . . Vol. 4 – Bates Nos.: AA000648 – 848

15 Defendant's Notice of Motion & Motion to Suppress for Violations to U.S.C.A. a.m.  
16 IV and Nev. Const. Art. 1-18, Henderson Justice Court,  
(12/01/2020) . . . . . Vol. 1 – Bates Nos.: AA000046 – 62

17 Defendant's Reply to State's Opposition to Defendant's Motion to Suppress  
18 Evidence (10/18/2021) . . . . . Vol. 7 – Bates Nos.: AA001178 – 1195

19 Defendant's Reply to State's Opposition to Defendant's Motion to Dismiss Charges  
20 for Violation Clauses of the Constitution of Nevada and United States Law,  
(10/18/2021) . . . . . Vol. 7 – Bates Nos.: AA001196 – 1198

21

1	Defendant's Reply to State's Opposition to Defendant's Motion to Dismiss Charges
2	for Violations of Double Jeopardy,
	(07/29/2022). . . . . Vol. 9 – Bates Nos.: AA001928 – 2060
3	Defendant's Reply to State's Opposition to Defendant's Motion to Withdraw Plea
	& Motion to Dismiss Charges
4	(04/02/2022) . . . . . Vol. 8 – Part 3 – Bates Nos.: AA001856 – 1878
5	Defendant's Reply to State's Response to Defendant's Petition for a Writ of Habeas,
	(10/18/2021) . . . . . Vol. 7 – Bates Nos.: AA001199 – 1201
6	Defendant's Request to Remove the Office of the Public Defender and Represent
7	Himself, (07/19/2021) . . . . . Vol. 3 – Bates Nos.: AA000615 – 619
8	First Amended Petition for Writ of Habeas Corpus (Pre-Trial), District Court case
	number: A-23-869964-W,
9	(01/19/2021) . . . . . Vol. 2 – Bates Nos.: AA000364 – 417
10	First Amended Petition for Writ of Habeas Corpus (Post Conviction)
	(05/02/2023) . . . . . Vol. 9 – Bates Nos.: AA002063 – 2091
11	Guilty Plea Agreement,(11/04/2021). . . . . Vol. 7 – Bates Nos.: AA001217 – 1224
12	Information, (12/16/2020). . . . . Vol. 2 – Bates Nos.: AA000352 - 354
13	Judgment of Conviction, (08/08/2022). . . . Vol. 9 – Bates Nos.: AA002058 – 2060
14	Motion to Dismiss Charges,
15	(06/01/2022). . . . . Vol. 9 – Bates Nos.: AA001900 – 1915
16	Motion to Dismiss Charges or in the Alternative Motion for Order of the Court,
	(09/13/2021) . . . . . Vol. 4 – Bates Nos.: AA000637 – 647
17	Motion to Dismiss Petition for Writ of Habeas Corpus, District Court case number:
18	A-23-869964-W, (06/22/2023) . . . . . Vol. 10 – Bates Nos.: AA002192 – 2201
19	
20	
21	



1 Motion to Withdraw Due to Conflict,  
(02/24/2022). . . . . **Vol. 8 – Part 3 – Bates Nos.: AA001774 – 1781**

2 Motion to Withdraw Plea of Guilty/Motion to Dismiss Charges as Violative of  
3 Brown v. Ohio, 432 U.S. 161 (1977),  
(03/09/2022) . . . . . **Vol. 8 – Part 3 – Bates Nos.: AA001778 – 1838**

4 Notice in Lieu of Remittitur (05/09/2022) . . . . . **Vol. 9 – Bates Nos.: AA001899**

5 Notice of Manual Filing of Exhibit J, in Support of The State’s Motion to Dismiss,  
6 District Court case number: A-23-869964-W,  
(06/22/2023). . . . . **Vol. 10 – Bates Nos.: AA002187 – 2191**

7 Notice of Motion Defendant’s Motion to Suppress Evidence Obtained in Violation  
8 of U.S. Const. Amends IV and XIV and Nev. Const. Art. 1, 18 and Request for  
Evidentiary Hearing,  
9 (10/01/2021) . . . . . **Vol. 6 – Bates Nos.: AA000915 – 1135**

10 Notice of Motion to Dismiss Charges for Violation to the Double Jeopardy Clauses  
of the Constitutions of Nevada and the United States,  
11 (09/21/2021) . . . . . **Vol. 5 – Bates Nos.: AA000849 – 870**

12 Notice of Motion; Request to Submit Supplement to Defendant’s Motion to  
Withdraw Plea; Motion to Dismiss Charges For Violation to Double Jeopardy  
13 Prohibition, (04/27/2022) . . . . . **Vol. 8 - Part 3 – Bates Nos.: AA001888 – 1895**

14 Order for Petition for Writ of Habeas Corpus, District Court case number: A-23-  
869964-W, (05/08/2023) . . . . . **Vol. 10 – Bates Nos.: AA002182 – 2183**

15 Order Denying Petition for a Writ of Mandamus, Docket number 84180,  
16 (04/14/2022). . . . . **Vol. 8 – Part 3 – Bates Nos.: AA001885 – 1879**

17 Order of Limited Remand for Designation of Counsel,  
(09/02/2022). . . . . **Vol. 9 – Bates Nos.: AA002061**

18 Order Setting Briefing Schedule, (10/04/2022) . . . . . **Vol. 9 – Bates Nos.: AA002062**

19 Order for Writ of Habeas Corpus,  
20 (04/22/2021). . . . . **Vol. 3 – Bates Nos.: AA000580 – 583**



1	Petition for Writ of Habeas Corpus, (04/20/2021) . . . . .	<b>Vol. 3 – Bates Nos.: AA000476 – 579</b>
2		
3	Petition for a Writ of Habeas Corpus, (09/21/2021) . . . . .	<b>Vol. 5 – Bates Nos.: AA000871 – 914</b>
4	Petitioner’s Addendum on Exhibits 7 and 18 in Support of Writ of Habeas Corpus (Pre-trial), (02/24/2021) . . . . .	<b>Vol. 3 – Bates Nos.: AA000433 – 442</b>
5		
6	Petitioner’s Appendix of Exhibits in Support of First Amended Petition for a Writ of Habeas Corpus, District Court case number: A-23-869964-W (Exhibits 1 thru 15), (05/02/2023). . . . .	<b>Vol. 10 – Bates Nos.: AA002092 – 2181</b>
7		
8	Petitioner’s Appendix of Exhibits in Support of Writ of Mandamus, (02/03/2022) . . . . .	<b>Vol. 8 - Part 1 – Bates Nos.: AA001245 – 1494, Vol. 8 – Part 2: Bates Nos.: AA001487 – 1736, Vol. 8 – Part 3: Bates Nos.: AA001737 – 1745</b>
9		
10	Preliminary Hearing Transcript – Henderson Municipal Court, (10/29/2020) . . . . .	<b>Vol. 1 - Bates Nos.: AA000001 - 11</b>
11	Public Defender’s Brief on Whether Standby Counsel is Required, (08/18/2021) . . . . .	<b>Vol. 4 – Bates Nos.: AA000623 – 627</b>
12		
13	Recorder’s Transcript of Hearing: Initial Arraignment, (12/18/2020) . . . . .	<b>Vol. 2 – Bates Nos.: AA000355 – 361</b>
14	Recorder’s Transcript of Hearing: Entry of Plea (11/04/2021). . . . .	<b>Vol. 7 – Bates Nos.: AA001225 – 1232</b>
15		
16	Recorder’s Transcript of Proceedings: All Pending Motions, (03/07/2022) . . . . .	<b>Vol. 8 – Part 3 – Bates Nos.: AA001774 – 1777</b>
17	Recorder’s Transcript of Proceedings: All Pending Motions, (06/27/2022). . . . .	<b>Vol. 9 – Bates Nos.: AA001920 – 1927</b>
18		
19	Recorder’s Transcript RE: Sentencing (12/16/2021) . . . . .	<b>Vol. 7 – Bates Nos.: AA001233 – 1237</b>
20		
21		

Recorder's Transcript RE: Sentencing (01/06/2022)  
..... **Vol. 7 – Bates Nos.: AA001238 – 1240**

Recorder's Transcript RE: Status Check: Arguments to Determine if Standby  
Counsel Needs Appointing, (09/07/2021) ..... **Vol. 4 – Bates Nos.: AA000636**

Recorder's Transcript of Proceedings: All Pending Motions,  
(03/30/2022) ..... **Vol. 8 – Part 3 – Bates Nos.: AA001851 – 1855**

Recorder's Transcript of Proceedings: Defendant's Pro Se Motion to Withdraw Plea  
of Defendant's Pro Se Motion to Withdraw Plea of Guilty/Motion to Dismiss  
Charges as Violative of Brown v. Ohio 432 U.S. 161 (1977),  
(04/13/2022) ..... **Vol. 8 – Part 3 – Bates Nos.: AA001879 – 1884**

Recorder's Transcript of Proceedings: Motion to Dismiss Charges,  
(06/22/2022) ..... **Vol. 9 – Bates Nos.: AA1916 – 1919**

Recorder's Transcript of Proceedings: Motion to Dismiss Charges or in the  
Alternative Motion for Order of the Court,  
(10/05/2021) ... .. **Vol. 7– Bates Nos.: AA001163 - 1164**

Recorder's Transcript of Proceedings: Sentencing  
(01/24/2022) ..... **Vol. 7 – Bates Nos.: AA001241 – 1244**

Recorder's Transcript of Proceedings: Sentencing,  
(02/14/2022). .... **Vol. 8 – Part 3 – Bates Nos.: AA001770 – 1773**

Recorder's Transcript of Proceedings: Status Check/ All Pending Motions,  
(03/14/2022) ..... **Vol. 8 – Part 3 – Bates Nos.: AA01847 – 1850**

Recorder's Transcript of Proceeding: Status Check,  
(05/02/2022) ..... **Vol. 8 – Part 3 – Bates Nos.: AA001896 - 1898**

Recorder's Transcript RE: Calendar Call,  
(10/19/2021) ..... **Vol. 7 – Bates Nos.: AA001202 - 1205**

Recorder's Transcript RE: Calendar Call  
(10/19/2021) ..... **Vol. 7 – Bates Nos.: AA001206 - 1210**



1	Recorder's Transcript RE: Calendar Call (10/19/2021).....	<b>Vol. 7 – Bates Nos.: AA001211 – 1214</b>
2		
3	Recorder's Transcript RE: Miscellaneous Motions, (10/12/2021).....	<b>Vol. 7 – Bates Nos.: AA001165 – 1177</b>
4	Recorder's Transcript RE: Status Check: Arguments to Determine if Standby Counsel Needs Appointing, (09/07/2021).....	<b>Vol. 3 – Bates Nos.: AA000636</b>
5		
6	Reporter's Transcript of Proceedings, Henderson Justice Court, (11/05/2020).....	<b>Vol. 1 – Bates Nos.: AA0000016 - 22</b>
7	Reporter's Transcript of Proceedings, Henderson Justice Court, (11/17/2020).....	<b>Vol. 1 – Bates Nos.: AA000025 – 42</b>
8		
9	Reporter's Transcript of Preliminary Hearing, Henderson Justice Court, (12/09/2020).....	<b>Vol. 1 – Bates Nos.: AA000082 - 227</b>
10	Response to State's Return to Defendant's Writ of Habeas Corpus, (03/29/2021).....	<b>Vol. 3– Bates Nos.: AA000455 – 459</b>
11		
12	Respondent's Index of Exhibits, District Court case number: A-23-869964-W, (06/22/2023).....	<b>Vol. 10 – Bates Nos.: AA002202 – 2304</b>
13	Second Amended Complaint, (12/09/2020).....	<b>Vol. 1 – Bates Nos.: AA000228 – 229</b>
14		
15	State's Notice of Intent to Seek Punishment as a Habitual Criminal, (02/19/2021).....	<b>Vol. 2 – Bates Nos.: AA000418 - 419</b>
16	State's Notice of Motion and Motion to Continue, Henderson Justice Court, 11/17/2020.....	<b>Vol. 1 – Bates Nos.: AA0000043 - 45</b>
17		
18	State's Opposition to Defendant's Motion to Dismiss Charges, Henderson Justice Court, (12/08/2020).....	<b>Vol. 1 – Bates Nos.: AA000063 - 73</b>
19	State's Opposition to Defendant's Motion to Dismiss Charges for Violation of the Double Jeopardy Clauses of the Constitutions of Nevada and the United States, (10/01/2021).....	<b>Vol. 7 – Bates Nos.: AA001142 – 1147</b>
20		
21		



1 State's Opposition to Defendant's Motion to Dismiss or in the Alternative Motion  
for Order of the Court, (10/01/2021) . . . . . **Vol. 7 – Bates Nos.: AA1136 – 1141**

2  
3 State's Opposition to Defendant's Motion to Suppress,  
(10/01/2021) . . . . . **Vol. 7 – Bates Nos.: AA001154 - 1162**

4 State's Opposition to Defendant's Motion to Suppress, Henderson Justice Court,  
(12/08/2020) . . . . . **Vol. 1 – Bates Nos.: AA000074 – 81**

5  
6 State's Response to Defendant's Brief on Whether Standby Counsel is Required,  
(08/19/2021) . . . . . **Vol. 4 – Bates Nos.: AA000628 – 630**

7 State's Response to Defendant's Petition for Writ of Habeas Corpus,  
(10/01/2021) . . . . . **Vol. 7 – Bates Nos.: AA001148 – 1153**

8  
9 State's Response to Petitioner's Petition for Writ of Habeas Corpus, District Court  
case number: A-23-869964-W,  
(06/07/2023). . . . . **Vol. 10 – Bates Nos.: AA002184 – 2186**

10  
11 State's Return to Writ of Habeas Corpus,  
(02/19/2021) . . . . . **Vol. 2 – Bates Nos.: AA000420 – 426**

12 State's Return to Writ of Habeas Corpus,  
(05/10/2021) . . . . . **Vol. 3 – Bates Nos.: AA000586 – 598**

13  
14 State's Return to Writ of Habeas Corpus,  
(05/11/2021) . . . . . **Vol. 3 – Bates Nos.: AA000599 – 608**

15 Supplemental Brief on Issue of Standby Counsel,  
(08/31/2021). . . . . **Vol. 4 – Bates Nos.: AA000631 – 635**

16  
17 Transcript of Proceedings – Argument: Writ of Habeas Corpus,  
(06/01/2021) . . . . . **Vol. 3 – Bates Nos.: AA000609 – 614**

18 Transcript of Proceedings – Defendant's Amended Writ of Habeas Corpus (Pre-  
Trial), (02/23/2021) . . . . . **Vol. 2 – Bates Nos.: AA000427 – 432**

19  
20 Transcripts of Proceedings – Defendant's Amended Writ of Habeas Corpus (Pre-  
Trial), (03/11/2021) . . . . . **Vol. 3 – Bates Nos.: AA000443 – 444**

1 Transcripts of Proceedings – Defendant’s Amended Writ of Habeas Corpus (Pre-  
trial) Calendar Call, (03/16/2021) . . . . . **Vol. 3 – Bates Nos.: AA000445 – 454**

2 Transcripts of Proceedings – Defendant’s Amended Writ of Habeas Corpus, (Pre-  
3 Trial) (03/30/2021) . . . . . **Vol. 3 – Bates Nos.: AA000460 – 475**

4 Transcript of Proceedings – Defendant’s Request to Remove the Office of the Public  
Defender and Represent Himself,  
5 (07/29/2021). . . . . **Vol. 3 – Bates Nos.: AA000620 – 622**

6 Writ of Habeas Corpus, (04/29/2021) . . . . . **Vol. 3 – Bates Nos.: AA000584 – 585**

7 Writ of Mandamus (02/03/2022). . . **Vol. 8 – Part 3 – Bates Nos.: AA001746 – 1761**

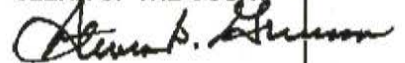
8 **CERTIFICATE OF SERVICE**

9 Pursuant to NRAP 25(c)(1)(E) I certify that I served the foregoing Appellant’s  
10 Appendix by causing it to be served by electronic means to the registered users of  
11 the Court’s electronic filing system consistent with NEFCR 9 to the following:

12 Aaron Ford  
Alexander Chen

13 CERTIFIED this \_\_ day of August, 2023.

14  
15 \_\_\_\_\_  
16 KELLY JARVI, Legal Assistant to  
17 THE LAW FIRM OF  
18 C. BENJAMIN SCROGGINS, CHTD.  
19  
20  
21



**BREF**

DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
KARA M. GASTON, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 14621  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Kara.Gaston@clarkcountynv.gov  
*Attorneys for Defendant*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

v.

SEAN RODNEY ORTH,

Defendant.

CASE NO. C-20-352701-1

DEPT. NO. XVIII

DATE: September 7, 2021

TIME: 11:00 a.m.

**PUBLIC DEFENDER'S BRIEF ON WHETHER STANDBY COUNSEL IS REQUIRED**

COMES NOW KARA M. GASTON, Deputy Public Defender, currently appointed as standby counsel for SEAN ORTH. and hereby asks the Court to consider the following when deciding to keep the Office of the Public Defender as standby counsel.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 18th day of August, 2021.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Kara M. Gaston  
KARA M. GASTON, #14621  
Deputy Public Defender



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

**DECLARATION**

KARA M. GASTON makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed as standby counsel for Defendant Sean Rodney Orth in the present matter.
2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.
3. On November 5, 2020, Mr. Orth was arraigned in Henderson Justice Court, department 2. At that time, Mr. Orth requested to represent himself, so the magistrate held a Faretta hearing and determined Mr. Orth met the criteria to represent himself. The magistrate also appointed the Office of the Public Defender to be Mr. Orth's standby counsel.
4. Mr. Orth's first preliminary hearing date was November 17, 2020, and the matter was left on however the District Attorney represented earlier that morning or late the evening before to standby counsel that the officers were unavailable so the State would be seeking a continuance. Mr. Orth objected, but the Justice Court granted the continuance and reset the hearing to December 3, 2020.
5. On December 3, 2020, Mr. Orth was not present as he had been transported to the Nevada Department of Corrections. The judge continued the matter one week and ordered the State to submit a transport order.
6. On December 9, 2020, Mr. Orth was transported and the preliminary hearing was held. Mr. Orth represented himself with the assistance of standby counsel during the hearing. He was bound over on the charges.
7. On December 18, 2020, Mr. Orth pleaded not guilty and invoked his right to a trial in sixty days.

///

///

- 1 8. Between this date and February, Mr. Orth mailed a Petition for Writ of Habeas Corpus that  
2 was never received by standby counsel nor the Court. However, he filed another Writ once  
3 the transcripts were filed, but this Writ was filed shortly after the twenty-one day deadline.
- 4 9. At the hearing of the Writ, the Court continued the hearing to find the copy of the initial  
5 Writ, which was never located.
- 6 10. Ultimately, on March 30, 2020, the Court held the delay was not intentional and founded in  
7 good cause as there were mailing delays due to COVID-19. However, on that same date, Mr.  
8 Orth asked the Court to appoint his standby counsel as his attorney due to the difficulties he  
9 was having accessing the law library. The Court vacated that Writ and reset the briefing  
10 schedule to allow the new counsel to file her own Writ. It was explained to Mr. Orth that he  
11 would be waiving his right to trial in sixty days and defense counsel even discussed the  
12 issues during a brief recess.
- 13 11. Argument on that Writ was held on June 1, 2021 and the judge denied the request.
- 14 12. On July 11, 2021, Mr. Orth wrote to his defense counsel asking to file a motion permitting  
15 him to represent himself again. During his canvass, Mr. Orth mentioned that he may seek an  
16 ineffective assistance of counsel claim against his then-counsel and now-standby counsel  
17 based on her brief representation of him.
- 18 13. That motion was granted by Justice Cherry on August 17, 2021; however, the judge wanted  
19 to know if he had to keep standby counsel and if so, what obligations standby counsel had.  
20 The judge then set a briefing schedule for standby counsel and the State to discuss the issue  
21 above.
- 22 14. I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

23 EXECUTED this 18th day of August, 2021.

24  
25 /s/ Kara M. Gaston  
26 KARA M. GASTON  
27  
28

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

[the canvass may include questions about:]

(j) Defendant's understanding that *if* standby counsel is appointed, standby counsel is not required to advise or provide a proper person defendant with legal advice.

Under Nevada law, there is no case law that addresses the specific issues raised by the Court at Mr. Orth's hearing. However, the Supreme Court rule above uses language like "may appoint standby counsel" and "if standby counsel is appointed," which is a clear indication that it is wholly within the District Court's discretion to appoint standby counsel. From the Supreme Court Rule above, the sole role of standby counsel is to be present at hearings and to provide evidentiary advice, or to step in as counsel of record if the Court determines the defendant is no longer capable of representing himself. Standby counsel does not give legal advice, does not assist in motion writing or trial preparation, nor does standby counsel function as an intermediary between the pro se defendant and the State.

III

III

///

III



1 **CONCLUSION**

2 Whether or not standby counsel is appointed is within the District Court's discretion;  
3 however, a possible concern about keeping the current standby counsel arises based on Mr. Orth's  
4 claims that he may intend to pursue ineffective assistance of counsel claims against standby counsel  
5 from her brief period as Mr. Orth's attorney of record.

6 DATED this 18th day of August, 2021.

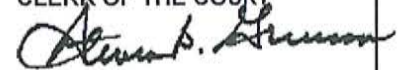
7 DARIN F. IMLAY  
8 CLARK COUNTY PUBLIC DEFENDER

9  
10 By: /s/ Kara M. Gaston  
11 KARA M. GASTON, #14621  
12 Deputy Public Defender  
13  
14  
15  
16

17 **CERTIFICATE OF ELECTRONIC SERVICE**

18 I hereby certify that service of the above and forgoing MOTION was served via electronic e-  
19 filing to the Clark County District Attorney's Office at motions@clarkcountydak.com on this 18th  
20 day of August, 2021.

21 By: /s/ Jennifer Georges  
22 An employee of the  
23 Clark County Public Defender's Office  
24  
25  
26  
27  
28



**RSPN**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**NOREEN DEMONTE**  
Chief Deputy District Attorney  
Nevada Bar #008213  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

SEAN RODNEY ORTH,  
#6111549

Defendant.

CASE NO: C-20-352701-1

DEPT NO: XVIII

**STATE'S RESPONSE TO DEFENDANT'S BRIEF ON WHETHER  
STANDBY COUNSEL IS REQUIRED**

DATE OF HEARING: 9/7/2021  
TIME OF HEARING: 11:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through NOREEN DEMONTE, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Brief on Whether Standby Counsel Is Required.

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

//

//

//

//

1 POINTS AND AUTHORITIES

2 On August 17, 2021, Justice Cherry, sitting as senior judge for This Honorable Court,  
3 asked Defense and the State to provide briefs regarding whether the Court was obligated to  
4 appoint standby counsel and if so ordered what the obligations of standby counsel were.

5 The short answer to each of these questions is respectfully, “no” and “none.”

6 As a preliminary matter, the United States Supreme Court addressed this very issue in  
7 the *Feretta* decision itself stating, “[w]hen an accused manages his own defense, he  
8 relinquishes, as a purely factual matter, many of the traditional benefits associated with the  
9 right to counsel.”

10 When presented with this question in 1997, the Nevada Supreme Court reached the  
11 same conclusion, stating:

12 a defendant does not have a constitutional right to advisory  
13 counsel. *United States v. Kienenberger*, 13 F.3d 1354, 1356 (9th  
14 Cir.1994); see also *Wheby v. Warden*, 95 Nev. 567, 569, 598 P.2d  
15 1152, 1153 (1979) (defendant has no right to have his case  
16 presented in court both by himself and by counsel acting at the  
17 same time or alternatively at the defendant's pleasure), overruled  
18 on other grounds, *Keys v. State*, 104 Nev. 736, 766 P.2d 270  
19 (1988). Accordingly, the district court has no duty to appoint  
advisory counsel when a defendant elects to represent himself. See  
*United States v. Patterson*, 42 F.3d 246, 248 (5th Cir.1994).  
District courts have no duty to inform defendants that advisory  
counsel might be available in some circumstances.  
The district court had no duty to advise Harris of the potential  
availability of advisory counsel or to appoint advisory or standby  
counsel to represent him.

20 Harris v. State, 113 Nev. 799, 804, 942 P.2d 151, 155 (1997).

21 When presented with the question of any obligations standby counsel has to a  
22 Defendant if so appointed, the Nevada Supreme Court stated in McConnell v. State, 125 Nev.  
23 243, 252–53, 212 P.3d 307, 314 (2009), as corrected (July 24, 2009), “[f]irst, McConnell  
24 waived his right to counsel and chose to represent himself. Therefore, he did not have a  
25 constitutional right to the effective assistance of standby counsel.” *Id.* Citing Harris, *supra*  
26 and Faretta, *supra*.



1 Simply put, Defendant has now waived his constitutional right to representation by  
2 counsel; therefore, this Honorable Court is under no duty whatsoever to appoint standby  
3 counsel nor ensure effective representation by standby counsel should one be appointed.

4 DATED this 19th day of August, 2021.

5 Respectfully submitted,

6 STEVEN B. WOLFSON  
7 Clark County District Attorney  
8 Nevada Bar #001565

9 BY /s/ NOREEN DEMONTE  
10 NOREEN DEMONTE  
11 Chief Deputy District Attorney  
12 Nevada Bar #008213

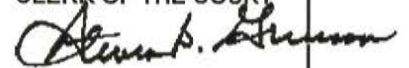
13 CERTIFICATE OF ELECTRONIC TRANSMISSION

14 I hereby certify that service of the above and foregoing was made this 19th day of  
15 August, 2021, by electronic transmission to:

16 KARA GASTON  
17 Kara.gaston@clarkcountynv.gov

18 BY /s/ E. Del Padre  
19 E. DEL PADRE  
20 Secretary for the District Attorney's Office  
21  
22  
23  
24  
25  
26  
27

28 NCD/nd/GCU



SUPP  
DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
KARA M. GASTON, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 14621  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Kara.Gaston@clarkcountynv.gov  
*Attorneys for Defendant*

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

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-20-352701-1
	)	
v.	)	DEPT. NO. XVIII
	)	
SEAN RODNEY ORTH,	)	
	)	
Defendant,	)	Date: September 7, 2021
	)	Time: 11:00 a.m.

**SUPPLEMENTAL BRIEF ON ISSUE OF STANDBY COUNSEL**

COMES NOW, the Defendant, SEAN RODNEY ORTH, by and through KARA M. GASTON, Deputy Public Defender, and hereby asks the Court to consider the following information when deciding whether to appoint standby counsel and what is required of standby counsel, if appointed.

This Supplemental Brief is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 31st day of August, 2021.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Kara M. Gaston  
KARA M. GASTON, #14621  
Deputy Public Defender

AA000631

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

KARA M. GASTON makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Sean Rodney Orth in the present matter;

2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 31st day of August, 2021.

/s/Kara M. Gaston  
KARA M. GASTON



## LEGAL ARGUMENT

The State correctly identifies Nevada case law which indicates that pro se defendants do not have a constitutional right to standby counsel. See McConnell v. State, 125 Nev. 243 (2009). Additionally, in Harris v. State, 113 Nev. 799 (1997), the Nevada Supreme Court explained that a defendant who waives his right to counsel and chooses to represent himself, does not have a right to effective assistance of standby counsel, as a pro se defendant cannot claim ineffective assistance of counsel when he himself is both counsel and defendant. These concepts were recently upheld in an unpublished opinion of Burrell v. State, 470 P.3d 282 (2020), where the Nevada Supreme Court again explained that a defendant is not entitled to standby counsel and is not entitled to effective assistance of standby counsel as the defendant has chosen to represent himself.

It is clear that the decision whether or not to appoint standby counsel is wholly within the Court's discretion. The ABA Standards then give guidance as to when standby counsel should be appointed. ABA Standard 6-3.6(b) says "[w]hen a defendant undertakes to represent himself or herself, the court should take whatever measures may be reasonable and necessary to ensure a fair trial." Standard 6-3.7(a) says "a trial judge should consider the appointment of standby counsel to assist the defendant when called upon. Standby counsel should always be appointed in capital cases and in cases when the maximum penalty is life without the possibility of parole. Standby counsel should ordinarily be appointed in trials expected to be long or complicated or in which there are multiple defendants, and in any case in which a severe sentence might be imposed."

ABA Standard 6-3.7(c) says "[w]hen standby counsel is appointed to provide assistance to the pro se accused only when requested, the trial judge should ensure that counsel not actively participate in the conduct of the defense unless requested by the accused or directed to do so by the court. When standby counsel is appointed to actively assist the pro se accused, the trial judge should ensure that the accused is permitted to make the final decision on all matters, including strategic and tactical matters relating to the conduct of the case."

///

1 In a recent order from a federal case, the judge granted the defendant's request to proceed  
2 pro se, and in its order, the court specifically delineated the duties of the appointed standby  
3 counsel; such as, appearing and preparing for all hearings in the event the defendant chooses to  
4 no longer represent himself, the standby counsel may not speak for the defendant in or out of  
5 court and the defendant must speak directly to the prosecution so that the standby counsel will  
6 not be the "go-between," etc.

7 From a review of the law mentioned by the State as well as the ABA standards and some  
8 federal examples, when a court appoints standby counsel, it appears counsel's obligations are to  
9 be prepared and to be present in the event the defendant no longer wishes to represent himself,  
10 but counsel will specifically do nothing in court at hearings or during trial unless asked to do so  
11 by the defendant.

#### 12 CONCLUSION

13 The Court has no constitutional obligation to appoint standby counsel if a defendant has  
14 passed the Faretta canvass and has knowingly and willingly waived his right to represent  
15 himself. However, if the Court does choose to appoint standby counsel, that counsel's  
16 obligations are limited but should be specifically enumerated so that all parties understand those  
17 limitations.

18 DATED this 31st day of August, 2021.

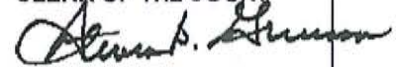
19 DARIN F. IMLAY  
20 CLARK COUNTY PUBLIC DEFENDER

21 By: /s/Kara M. Gaston  
22 KARA M. GASTON, #14621  
23 Deputy Public Defender  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

By: /s/ Jennifer Georges  
An employee of the  
Clark County Public Defender's Office





1 RTRAN

2  
3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA  
6

7 THE STATE OF NEVADA, )

8 Plaintiff, )

9 vs. )

10 SEAN RODNEY ORTH, )

11 Defendant. )  
12

CASE NO. C-20-352701-1  
DEPT. NO. 6

13 BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT JUDGE FOR  
14 THE HONORABLE JACQUELINE M. BLUTH, DISTRICT JUDGE  
15 TUESDAY, SEPTEMBER 7, 2021 AT 11:59 A.M.  
16

17 **RECORDER'S TRANSCRIPT RE:**  
18 **STATUS CHECK: ARGUMENTS TO DETERMINE IF STANDBY COUNSEL**  
19 **NEEDS APPOINTING**

20 APPEARANCES:

21 FOR THE STATE:

NOREEN DEMONTE, ESQ.  
Chief Deputy District Attorney  
(Via Videoconference)

22 FOR THE DEFENDANT:

NOT PRESENT

23 ALSO PRESENT:

KARA M.T. GASTON, ESQ.  
(Via Videoconference)

24 Recorded by: YVETTE G. SISON, COURT RECORDER  
25

1 Sean Orth #96723

2 P.O. Box 650

3 Indian Springs Nevada 89070

4 pro se

FILED

SEP 13 2021

*Attesting*  
CLERK OF COURT

5  
6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA  
8

9 STATE OF NEVADA,

10 PLAINTIFF,

Case no. C-20-352701-1

11 vs

Dept. no. XVIII

12 SEAN RODNEY ORTH

13 DEFENDANT

October 5, 2021  
11:00 AM

14  
15  
16 MOTION TO DISMISS CHARGES

17 OR IN THE ALTERNATIVE MOTION

18 FOR ORDER OF THE COURT  
19

20 Comes now, Sean Rodney Orth, Defendant appearing  
21 pro se in this Motion to Dismiss Charges or for the Altern-  
22 ative Motion For Order of The Court to respectfully request  
23 the charges be dismissed or Order be made Defendant be  
24 allowed meaningful access to a law library and equipment  
25 to watch and/or listen to discoverable materials disclosed by  
26 Plaintiff.

27 This motion is supported by the record and the attached  
28 memorandum of points and authorities.

AA000637

CLERK OF THE COURT

SEP 09 2021

RECEIVED

MEMORANDUM OF POINTS AND AUTHORITIES.

A. STATEMENT OF FACTS.

Jeon Rodney Ortiz ("Defendant" herein) is charged in this honorable court with Prohibited Person Own/Possess Firearm and Failing to Stop At Signal of Police, both Felonies. Defendant was on parole at the time of the allegations and therefore Warden High Desert State Prison (HDSP herein) holds Defendant awaiting adjudication of these charges. Defendant has pleaded not guilty and has invoked his right to represent himself. Under the Sixth Amendment to the United States Constitution which has been granted Trial is set for October 22, 2021.

B. LEGAL ARGUMENTS.

1. THE CHARGES SHOULD BE DISMISSED OR ORDER BE MADE THAT DEFENDANT IMMEDIATELY BE GRANTED ACCESS TO A LAW LIBRARY OR PERSON TRAINED IN LAW TO ASSIST HIM AND BE GRANTED ACCESS TO HIS EVIDENCE AND 9. MONTHS TO WATCH AND LISTEN TO IT.

Warden HDSP holds me while Plaintiff prosecutes me. They are the same entity even if they are different departments. Any policy or practice of wardens is Plaintiff's in this situation.

Plaintiff is gaining an unfair factual advantage by refusing Defendant meaningful access to the courts, legal research materials and his evidence.



1 To order case laws, statutes, rules, et cetera a prisoner must provide  
2 a "specific citation". Exhibit 1 (Nevada Department of Correction ("NDOC"  
3 herein) Law Library Request Form). This makes it next to impossible for a  
4 person to research law, who can provide a specific citation to every case  
5 they need to learn about and research? Cases they do not know exist?

7 Alternatively, the form allows a prisoner to request a "Topical  
8 Research". id. Defendant has requested topics and asked cases be reported-  
9 ised and received no response nine times. Prisoners in the law library  
10 are not trained in law nor is there any person trained in law working  
11 as staff to assist prisoners working the law library or requesting legal  
12 research materials.

13 It takes up to three weeks, sometimes less, often times longer, to  
14 receive requests back. Such access denies defendant access to the  
15 courts and hinders his representation of himself.

17 Prisoners do have a "constitutional right to access to the courts" that  
18 requires states to assist prisoners in preparing and filing habeas petitions  
19 by providing some sort of legal assistance such as adequate access to  
20 law libraries or the assistance of persons trained in law. Bonds  
21 v. Smith, 430 U.S. 817, 821-828 (1977) overruled in part by Lewis  
22 v. Casey, 518 U.S. 343, 354 (1996). The access provided is constitutionally  
23 deficient. please compare to Trujillo v. Williams, 465 F.3d 1210, 1216-  
24 1227 (10<sup>th</sup> Cir. 2006) (lack of access to legal assistance where prisoner  
25 must know exactly what materials to request which took on average  
26 18 days to receive); Marshall v. Knight, 445 F.3d 965, 968-969 (7<sup>th</sup> Cir. 2006)  
27 (lack of access to legal assistance where prison officials diminished  
28 prisoners access to a law library which prevented prisoners from

challenging length of incarceration).

The prison was in lockdown, Defendant in segregation for 24 hours a day, the prison law library completely closed, with little to no access to the phone during daytime hours and legal calls allowed only on Tuesdays during the preliminary stages and arraignment in this court. The prison is still on lockdown and only prisoner workers untrained in law allowed access to the law library to assist Defendant in form request research. This is Constitutionally deficient, denies access to the courts and hinders Defendant's representation of himself. Please consider Hebbes v. Miller, 627 F.3d 338, 340-341, 343 (9th Cir. 2010) (lack of access to legal assistance where prisoner alleged denial of access to prison law library while prison on lockdown for 2 months); Tanner v. Jenkins, 776 F.3d 434, 438-39 (6th Cir. 2002) (lack of access to legal assistance where guards wrongfully prevented petitioner from filing timely notice of appeal while on lockdown), with Tate v. Wood, 963 F.2d 20, 26 (2nd Cir. 1992) (reversed to determine whether due process violated by defendant's confinement in segregation during period between arraignment and plea because no opportunity to prepare own defense); Milton v. Morris, 767 F.2d 1443, 1446-1447 (8th Cir. 1985) (due process violated when state unjustifiably hindered self-representation by denying meaningful access to telephone and current legal research materials).

Certainly the Constitutions of Nevada and the United States guarantee adequate notice of hearing and an opportunity to prepare. Sheriff v. Davis, 106 Nev. 145, 149-150 (1990) (citing Nev. Const. art.



1 188) as well as "right of equal protection under the laws" Lee v. Wash.  
2 390 U.S. 333, 333-334 (1968) which include the rights of "Due Process"  
3 and "Fair Trial" under U.S.C.A. Am. 5, 6 and 14, Nev. Const. art. 138.  
4  
5 To prevent reversible error and fairness being center stage in this  
6 request. Defendant seeks dismissal of the charges or in the  
7 alternative be allowed:

8  
9 1. Access to legal research materials or a person trained in  
10 law to litigate issues in the case;

11  
12 2. Access to audio/video discoverable materials such as the  
13 911 call, body cam, dash cam, audio recordings of witnesses;

14  
15 3. Transcripts of information in above paragraph 2 for purpose of  
16 presentation and litigation before and during trial;

17  
18 4. Any and all discoverable discovery required under the law

19  
20 5. Any and all documents and/or litigation filed in this case.

21  
22 6. An investigator to research and investigate evidence to present at trial.

23 1. Defendant cites from a Georgetown Law Journal, Annual Review  
24 of Criminal Procedure (2020) that it personally bought and took  
25 months to receive. It does not state Nevada's laws or decisions.

26  
27 2. This information was discoverable "not less than 5 judicial days"  
28 before the preliminary examination under NRS 171.126(5)(c)(d).  
AA000641



1 With all due respect, I am not the first pre-trial detainee in  
2 Warden's custody and Plaintiff knows full well of its responsibility-  
3 ties under the law. We should not be fighting this all out  
4 in 2021. There has already been a huge denial of due process  
5 in the preliminary stages that is to be litigated as soon as  
6 I have all of Counsel's litigation, Findings of Fact, conclusions  
7 of Law, Transcripts of proceedings and Discovery. Stanley  
8 counsel has and has not provided me although several  
9 requests were made to receive them. Of course now Stanley  
10 counsel wants a ruling of what she need not do to assist  
11 Defendant (See Attorney Kenna Simmons arguments at hearing, August  
12 12, 2021.)

13  
14 Should this honorable court disagree with the request for dismissal  
15 Defendant seeks an order for disclosure and access to information  
16 and research materials or persons trained in law as described  
17 above.

C. Conclusion.

Wherefore, it is the prayer of Defendant this honorable court dismiss the charges or in the alternative grant Defendant access to:

1. Legal research materials or person(s) trained in law to provide same;

2. Access to discoverable materials and/or any audio recordings transcribed by the State;

3. Access to equipment to watch/listen to audio/visual discovery;

4. Access to all ~~other~~ documents filed in the case and transcripts of the March 30, 2021 hearing and August 17, 2021 hearing;

5. Access to an investigator appointed by the court.

6. Any other relief the court deems appropriate.

Respectfully Submitted, August 20, 2021.

Sean Orth

Sean Orth

This document does not contain the name and social security number of any person.

Sean Orth AA000643

EXHIBIT 1

AA000644



**NDOC LAW LIBRARY  
CASE LAW/ RESEARCH MATERIAL  
CHECK OUT REQUEST**

**DATE** \_\_\_\_\_

**FACILITY** \_\_\_\_\_ **UNIT/BED #** \_\_\_\_\_

**INMATE NAME:** \_\_\_\_\_ **#** \_\_\_\_\_

**New or Current Litigation:** \_\_\_\_\_  
**Case Number/ Court:** \_\_\_\_\_

Name of Specific Case or Reference Material	Citation:
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
<b>TOPICAL SEARCH :</b> _____	
_____	
_____	

**This box must be signed by Law Library Supervisor/Designee prior to citation being printed.**

SIGNATURE \_\_\_\_\_ DATE REQUEST RECEIVED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

REASON FOR DENIAL: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**RECEIPT OF CITATION**

DATE \_\_\_\_\_ BY: \_\_\_\_\_

INMATE SIGNATURE \_\_\_\_\_

**RETURN OF CITATION**

DATE \_\_\_\_\_ BY: \_\_\_\_\_

INMATE SIGNATURE \_\_\_\_\_

Certificate of Service

I do hereby certify, pursuant to NLRB P. Rule 5.(b.)  
the foregoing motion was delivered by way of U.S. Postal  
Services, on August 28, 2021 to:

Erika Mendoza

Deputy Chief District Attorney

200 Lewis Ave.

Las Vegas, Nevada 89101

Juan Ortiz

Q. 0000 0000 0000  
PO Box 650  
Indian Springs, Nevada  
89070

Clerk of the Court  
District Court  
Clark County Nevada  
200 Lewis Ave  
Las Vegas Nevada 89101

8910186301 0075



UNIT 8C/D

Aug 11 2021

HIGH DESERT STATE PRISON



AA000647



1 SEAN RODNEY ORTH  
2 POST OFFICE BOX 650  
3 INDIAN SPRINGS, NEVADA 89070  
4 Pro Se

FILED  
SEP 21 2021  
Clerk of Court  
7

5  
6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA  
9 PLAINTIFF,

10 VS. CASE NO. C-20-352701-1

11 SEAN RODNEY ORTH,  
12 DEFENDANT, DEPT. NO. XVIII  
13

14  
15 DEFENDANTS EXHIBITS IN SUPPORT OF  
16 PETITION FOR A WRIT OF HABEAS CORPUS  
17

18  
19 Comes now, Sean Rodney Orth, Defendant proceeding  
20 Pro Se, who respectfully submits the attached exhibits in  
21 support of his petition for a writ of habeas corpus  
22 filed simultaneously.

23 The attached does not contain a Social Security Number of any person.

24 Respectfully Submitted, September 1, 2021.

25 Sean Orth

26 DEFENDANT AA000648

## TABLE OF EXHIBITS.

- EXHIBIT 1: Recorded Police Communications (CAD).
- EXHIBIT 2: Written Statement, Louie Polanco.
- EXHIBIT 3: Written Statement, Jessie Caracciolo.
- EXHIBIT 4: Report, HPD Aaron Zell.
- EXHIBIT 5: Police Recorded Interview of Jessie Caracciolo.
- EXHIBIT 6: Police Recorded Interview of Jessie Caracciolo/Christian Polanco.
- EXHIBIT 7: Police Recorded Interview of Louie Polanco (1).
- EXHIBIT 8: Police Recorded Interview of Louie Polanco (2).
- EXHIBIT 9: Report, HPD Detective Karl Lippisch.
- EXHIBIT 10: Report, HPD Detective ~~Dennis O'Leary~~ Kevin Lapeer.
- EXHIBIT 11: Report, HPD Detective Dennis O'Leary.
- EXHIBIT 12: Application For Search Warrant by HPD Detective Karl Lippisch.
- EXHIBIT 13: Declaration of Arrest (Resist Public Officer).
- EXHIBIT 14: Criminal Complaint, Municipal Court, Henderson Township.
- EXHIBIT 15: Declaration of Arrest (Prohibited Person w/ Gun, Failing to Stop).
- EXHIBIT 16: Amended Complaint, Justice Court, Henderson Township.
- EXHIBIT 17: Electronic Communications / Mail
- EXHIBIT 18: Transcript of Proceedings, November 17, 2020
- EXHIBIT 19: Transcript of Proceedings, December 3, 2020
- EXHIBIT 20: Lab reports
- EXHIBIT 21: Affidavit, Erika Mendoza

EXHIBIT 1

AA000650





# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HP201028000018

Report Number(s): 20-18989 (HP/1N11)

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 01:04:13	Unit Mgmt - City: From: To: (HEN)	HP1288	COHCADWS9104	FRAZIER, N
10/28/2020 01:14:09	Report Number Assigned - Rpt Num: 20-18989 (HP/1N11)	HP2621	COHMDT3299	Zell, A
	***** SUSPECT *****			
	ORTH, SEAN RODNEY			
10/28/2020 01:24:27	RECORD STATUS: CURRENT SOC: 3 DOB: SEX: M HGT: 601 WGT: 230 HAI: BLN EYE: HAZ	HP2621	COHMDT3299	Zell, A
10/28/2020 01:24:27	Incident Updated From: 3 To: 1	HP2621	COHMDT3299	Zell, A
10/28/2020 01:24:27	Incident Updated From: 425 To: 407	HP2621	COHMDT3299	Zell, A
10/28/2020 01:54:11	REQ METRO RESPOND TO 10274 MISSOURI MEADOWS ST. CHECK FOR WHI CHEVY MALIBU W/ LINK BODY SHOP PLATES, VIN/1G1Z5S7F57F256434	HP0874	COHCADWS9108	FLATT, K
10/28/2020 01:55:13	Unit Status Timeout Reset	HP1288	COHCADWS9104	FRAZIER, N
10/28/2020 01:56:56	METRO ADVD, METRO EVENT #118612	HP0874	COHCADWS9108	FLATT, K
10/28/2020 02:16:42	METRO ATMPD TO LOCATE VEH, NEG CHEVY MALIBU IN NEIGHBORHOOD	HP0874	COHCADWS9108	FLATT, K
10/28/2020 02:23:20	MADE CONTACT WITH PR. HE STATED A FRIEND OF A FRIEND, WHO WAS IDENTIFIED AS SEAN ORTH, WAS IN HIS HOME, STOLE HIS BLACK AND RED HANDGUN, SHOTGUN, AND HIS 2007 CHEVY MALIBU. WHEN SEAN WAS LEAVING, HE THREATENED TO HURT HIM AND HIS FAMILY IF HE ATTEMPTED TO CALL THE POLICE. NO SERIAL NUMBERS COULD BE PROVIDED FOR THE FIREARMS. THE VIN FOR THE CHEVY MALIBU WAS PROVIDED HOWEVER THE PLATE IS UNKNOWN. REPORT WAS TAKEN AND ISD WILL CONDUCT FOLLOW UP IN THE MORNING.	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Incident Status From: Active To: Closed	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Unit: HP/1N11 Stat: AV Loc:	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Unit Freed - Unit Id: HP/HP2621	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Unit Mgmt - City: From: To: (HEN)	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Unit Mgmt - Location: From: 981 WHITNEY RANCH DR To:	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Unit Mgmt - Apartment: From: To: (823)	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Unit Mgmt - Loc Name: From: To: (THE MARLOW APTS)	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Unit Mgmt - Zip Code: From: To: (89014)	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Disposition From: To: RPT	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Disposition From: To: RPT	HP2621	COHMDT3299	Zell, A
10/28/2020 02:23:30	Disposition From: To: HP/1N11	HP2621	COHMDT3299	Zell, A
10/28/2020 15:39:19	Vehicle 1 Added Role: INVOLVED Color: Year: 2002 Make: CHEVROLET Plate: 1BA538 NV	HP1017	COHCADWS9114	MOORE, K

Thursday, November 12, 2020 10:35:09 AM

ORTH 20CRH001571 11-25-2020 3:00:3

AA000651



CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HP201028000018

Report Number(s): 20-18989 (HP/1N11)

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 15:39:47	Vehicle 1 Updated	HP1017	COHCADWS9114	MOORE, K

Year: 2002 Make: CHEVROLET Plate: 18A538 NV

I hereby certify that  
this is a true copy  
of the computerized  
record on file at the  
Henderson Police Department

By: [Signature]  
Date: 11/12/20

AA000652

Thursday, November 12, 2020 10:35:09 AM

ORTH 20CRH001571 11-25-2020 004



# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HP201028000166

Report Number(s): 20-18994 (HP/DE1710)

Type: 413 - MAN W/GUN	Status: Closed
Priority: 1	
Address: 981 WHITNEY RANCH DR	Bldg: 8 Apt: 823
Cross High: 1600 PATRICK LN	
Location: THE MARLOW APTS	
Area: N	SRA:
Map: 313165	Longitude: -115.05474545
Unit: DE1710	Officer 1: HP1710 KARL LIPPISCH
Console: COHCADWS9107	Officer 2: HP2689 MANN, J
Caller: JESSIE CARACCILLO	911: Y
Create: 10/28/2020 7:11:39	Phone: -----
Dispatch: 10/28/2020 7:12:16	Close: 10/28/2020 14:28:32
Address: 981 WHITNEY RANCH DR	
Arrive: 10/28/2020 7:16:18	

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:11:39	Incident Created	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:11:39	PR MADE REPORT OF MALE BEING ON PROPERTY, PR SAYS HE IS ARMED, HES CURRENTLY AT PR'S DOOR, MALEE TOOK PR'S 413'S	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:11:39	Person 1 Added Role: INITIAL CALLER Name:	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:11:53	MALE IS STANDING AT PR'S DOOR, PR IS IN THE BATHROOM	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:12:02	MALE IS SHAWN ORTH	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:12:16	Dispatch: HP/2N11 (Officers: HP/DUFFY PHILIP)	HP1366	COHCADWS9113	DINKEL A
10/28/2020 07:12:16	Incident Status From: Initial To: Active	HP1366	COHCADWS9113	DINKEL A
10/28/2020 07:12:16	Dispatch: HP/2N71 (Officers: HP/MANGAN ASHLEY)	HP1366	COHCADWS9113	DINKEL A
10/28/2020 07:12:16	Unit: HP/2N11 Stat: D Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL A
10/28/2020 07:12:16	Unit: HP/2N11 Stat: D Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL A
10/28/2020 07:12:16	Unit: HP/2N71 Stat: D Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL A
10/28/2020 07:12:16	Unit: HP/2N71 Stat: D Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL A
10/28/2020 07:12:16	Unit: HP/2N11 Stat: D Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL A
10/28/2020 07:12:16	Unit: HP/2N11 Stat: D Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL A

Thursday, November 12, 2020 10:30:14 AM

ORTH 20CRH001571 11-25-2020 1005

AA000653





# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HP201028000166

Report Number(s): 20-18994 (HP/DE1710)

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:12:16	Unit HP/2N71 Stat: D Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit HP/2N71 Stat: D Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Zip Code: From: To: 89014	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Building: From: To: 8	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Apartment: From: To: 823	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - City: From: To: HEN	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Apartment: From: To: 823	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Building: From: To: 8	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - City: From: To: HEN	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Zip Code: From: To: 89014	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:17	Print any Unit From: To: HP/2N11	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:22	Unit HP/2N71 Stat: ER Loc: 981 WHITNEY RANCH DR	HP2154	COHMDT3167	MANGAN, A
10/28/2020 07:12:22	Unit HP/2N71 Stat: ER Loc: 981 WHITNEY RANCH DR	HP2154	COHMDT3167	MANGAN, A
10/28/2020 07:12:27	MAIL IS WMA 46 511/220 UNK CLOTHING	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:12:34	Unit HP/2N11 Stat: ER Loc: 981 WHITNEY RANCH DR	HP2576	COHMDT3119	DUFFY, P
10/28/2020 07:12:34	Unit HP/2N11 Stat: ER Loc: 981 WHITNEY RANCH DR	HP2576	COHMDT3119	DUFFY, P
10/28/2020 07:12:55	Dispatch: HP/S1387 (Officers: HP/CLEAR JAIME)	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit HP/S1387 Stat: ER Loc: 981 WHITNEY RANCH DR	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit HP/S1387 Stat: ER Loc: 981 WHITNEY RANCH DR	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - City: From: To: HEN	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Building: From: To: 8	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Apartment: From: To: 823	HP1387	COHMDT3295	CLEAR, J

Thursday, November 12, 2020 10:30:14 AM

ORTH 20CRH001571 11-25-2020 2:00:06

AA000654



# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HP201028000166

Report Number(s): 20-18994 (HP/DE1710)

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:12:55	Unit Mgmt - Zip Code: From: To: 89014	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:13:15	IN RELATION TO DR # 20-18989	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:13:26	INC 132 THIS MORNING	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:13:41	MALE IS BANGING ON THE DOOR, CHILD IN THE RES	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:01	2N11 - CODE RED	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:14:08	PR 15: NOT ARMED, ONLY HAS 413A	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:14	Dispatch: HP/2N41 (Officers: HP/BRINK TIMOTHY)	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit HP/2N41 Stat: D Loc: 981 WHITNEY RANCH DR	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit HP/2N41 Stat: D Loc: 981 WHITNEY RANCH DR	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit HP/2N41 Stat: D Loc: 981 WHITNEY RANCH DR	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit HP/2N41 Stat: D Loc: 981 WHITNEY RANCH DR	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - Building: From: To: 8	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - Apartment: From: To: 823	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - City: From: To: HEN	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - Zip Code: From: To: 89014	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:22	Pers in 1 Updated Field: LastName From: To: CARACCILLO	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:22	Pers in 1 Updated Field: FirstName From: To: JESSIE	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:31	Pers in 1 Updated Field: Address From: To: 981 WHITNEY RANCH DR	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:34	Pers in 1 Updated Field: Apartment From: To: 823	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:35	Dispatch: HP/2W41 (Officers: HP/MURPHY BROOKE)	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit HP/2W41 Stat: ER Loc: 981 WHITNEY RANCH DR	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit HP/2W41 Stat: ER Loc: 981 WHITNEY RANCH DR	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Apartment: From: To: 823	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Building: From: To: 8	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP2274	COHMDT3102	MURPHY, B

Thursday, November 12, 2020 10:30:14 AM

AA000655

ORTH 20CRH001571 11-25-2020 3:007





# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HP201028000166

Report Number(s): 20-18994 (HP/DE1710)

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:14:35	Unit Mgmt - Zip Code: From: To: 89014	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - City: From: To: HEN	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:42	MALE IS STILL KNOCKING ON THE DOOR	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:52	UNIT'S ASKING IF MALE HAS THE 413 OUT OR JUST AT HIS SIDE	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:14:53	UNK IF ANYONE ELSE IS WITH THE MALE	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:15:12	**PREV INC # 018**	HP1130	COHCADWS9105	HENKE, M
10/28/2020 07:15:34	PR NEVER SAW THE GUN ON HIM	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:15:36	Unit HP/2N41 Stat: ER Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:15:36	Unit HP/2N41 Stat: ER Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:15:36	Unit HP/2N41 Stat: ER Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:15:36	Unit HP/2N41 Stat: ER Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	Unit HP/2N11 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	Unit HP/2N11 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	Unit HP/2N41 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	Unit HP/2N41 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	Unit HP/2N11 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	Unit HP/2N11 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	Unit HP/2N41 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	Unit HP/2N41 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:19	PR KNOWS ITS THE MALE FROM SEEING HIM THROUGH THE PEEPHOLE	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:16:53	Dispatch: HP/T13 (Officers: HP/BALDINO PAUL)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Dispatch: HP/T12 (Officers: HP/SCOBLE JASON)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit HP/T13 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit HP/T13 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit HP/T12 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit HP/T12 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit HP/T13 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit HP/T13 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A

Thursday, November 12, 2020 10:30:14 AM

ORTH 20CRH001571 11-25-2020 1:008

AA000656





# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HP201028000166

Report Number(s): 20-18994 (HP/DE1710)

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:16:53	Unit HP/112 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit HP/112 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Apartment: From: To: 823	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Zip Code: From: To: 89014	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Building: From: To: 8	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - City: From: To: HEN	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Zip Code: From: To: 89014	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Apartment: From: To: 823	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Building: From: To: 8	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - City: From: To: HEN	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:56	Unit HP/2N11 Stat: CR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:56	Unit HP/2N11 Stat: CR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:56	Unit HP/2N11 Stat: CR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:56	Unit HP/2N11 Stat: CR Loc: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:17:02	< PR: IS IN THE BATHROOM, HER BOYF IS AT THE DOOR AND SHE DOESNT KNOW IF HE CAN SEE ANY 413'S ON THE MALE >	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:17:35	411 VEH IS WHI CHEV MALIBU UNK BODY SHOP PLATES	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:17:42	Dispatch: HP/2N51 (Officers: HP/BOWLER BRENT)	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit HP/2N51 Stat: ER Loc: 981 WHITNEY RANCH DR	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit HP/2N51 Stat: ER Loc: 981 WHITNEY RANCH DR	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Building: From: To: 8	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Zip Code: From: To: 89014	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1545	COHMDT3161	BOWLER, B

AA000657



# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HP201028000166

Report Number(s): 20-18994 (HP/DE1710)

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:17:42	Unit Mgmt - Apartment: From: To: 823	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - City: From: To: HEN	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:51	WHI CHEV MALIBU BACKING UP	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:14	FTV, 2N11 & 2N41 ATT'G 487	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:15	Vehicle 1 Added Role: INVOLVED Color: WHI Year: 2007 Make: CHEVROLET Plate:	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:18:15	Person 2 Added Role: INVOLVED Name: CHRISTOPHER BARTHOLOMEW	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:18:18	2N71 BLOCKING EXIT	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:27	2N51 & 2N71 AT FRONT EXIT	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:28	Vehicle 1 Updated Role: INVOLVED Color: WHI Year: 2007 Make: CHEVROLET Plate:	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:18:30	FEM IS ADV'G MALE IS STILL AT THE DOOR	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:18:39	QW U:2N71.LASTNAME:ORTH.FIRSTNAME:SEAN.DOB: SSN;	HP1165	COHCADWS9104	GACEK, J
10/28/2020 07:18:41	BODY SHOP 6528 WHI CHEV MALIBU	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:47	JUST TRIED TO HIT THE TOM UNITS	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:01	FOOT PURSUIT	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:23	Dispatch: HP/2N61 (Officers: HP/NELSON ALEX)	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit HP/2N61 Stat: D Loc: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit HP/2N61 Stat: D Loc: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit HP/2N61 Stat: D Loc: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit HP/2N61 Stat: D Loc: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - City: From: To: HEN	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Building: From: To: 8	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Apartment: From: To: 823	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Zip Code: From: To: 89014	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:30	Unit HP/2N61 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:30	Unit HP/2N61 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:30	Unit HP/2N61 Stat: AR Loc: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C

Thursday, November 12, 2020 10:30:14 AM

ORTH 20CRH001571 11-25-2020 5:04:00

AA000658





# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HF201028000014

Report Number(s): 20-27771

## Type: ASSIST PD EMERGENCIES

Priority: 1

Address: 981 WHITNEY RANCH DR

Cross High: 1600 PATRICK LN

Location: THE MARLOW APTS

Area: S82

Map: 313165

Unit: E82

Console: COHCADWS9107

Caller: JESSIE CARACCILLO

Create: 10/28/2020 7:20:31

Disposition: CLEAR

City: HEN

Cross Low: 1500 PLAIN SIGHT AVE

Jurisdiction:

S/B: 82B

Latitude: 36.07744330

Officer 1: E82 E82 E82

Operator: HP1366 DINKEL, A

Address: 981 WHITNEY RANCH DR

Dispatch: 10/28/2020 7:20:47

Arrive: 10/28/2020 7:28:48

Close: 10/28/2020 7:37:40

Status: Closed

Bldg: 8

Apt: 823

SRA:

Longitude: -115.05474545

Officer 2:

911: Y

Phone:

## Audit Time Audit Text

10/28/2020 07:11:39 Incident Created

10/28/2020 07:11:39 PR MADE REPORT OF MALE BEING ON PROPERTY, PR SAYS HE IS ARMED, HES CURRENTLY AT PR'S DOOR, MALEE TOOK PR'S 413'S

10/28/2020 07:11:53 MALE IS STANDING AT PR'S DOOR, PR IS IN THE BATHROOM

10/28/2020 07:12:02 MALE IS SHAWN ORTH

10/28/2020 07:12:16 Dispatch: HP/2N11 (Officers: HP/DUFFY PHILIP)

10/28/2020 07:12:16 Dispatch: HP/2N71 (Officers: HP/MANGAN ASHLEY)

10/28/2020 07:12:16 Incident Status From: Initial To: Active

10/28/2020 07:12:16 \*Unit Status Change - From: AV To: D

10/28/2020 07:12:16 \*Unit Status Change - From: AV To: D

10/28/2020 07:12:16 Unit Mgmt - Loc Name: From: To: THE MARLOW APTS

10/28/2020 07:12:16 Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR

10/28/2020 07:12:16 Unit Mgmt - Apartment: From: To: 823

10/28/2020 07:12:16 Unit Mgmt - Zip Code: From: To: 89014

10/28/2020 07:12:16 Unit Mgmt - City: From: To: HEN

Operator	Console	Name
HP2689	COHCADWS9107	MANN, J
HP2689	COHCADWS9107	MANN, J
HP2689	COHCADWS9107	MANN, J
HP2689	COHCADWS9107	MANN, J
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A
HP1366	COHCADWS9113	DINKEL, A

Thursday, November 12, 2020 10:33:10 AM

ORTH 20CRH001571 11-25-2020 0031

AA000659





# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HF2010280000014

Report Number(s): 20-27771

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:12:16	Unit Mgmt - Building: From: To: 8	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Apartment: From: To: 823	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Building: From: To: 8	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Zip Code: From: To: 89014	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - City: From: To: HEN	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:16	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:12:22	*Unit Status Change - From: D To: ER	HP2154	COHMDT3167	MANGAN, A
10/28/2020 07:12:22	*Unit Status Change - Submitted: 2020-10-28 07:12:21	HP2154	COHMDT3167	MANGAN, A
10/28/2020 07:12:27	MALE IS WMA 46 511/220 UNK CLOTHING	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:12:34	*Unit Status Change - From: D To: ER	HP2576	COHMDT3119	DUFFY, P
10/28/2020 07:12:34	*Unit Status Change - Submitted: 2020-10-28 07:12:31	HP2576	COHMDT3119	DUFFY, P
10/28/2020 07:12:55	Dispatch: HP/S1387 (Officers: HP/CLEAR JAIME)	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	*Unit Status Change - From: AV To: ER	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Zip Code: From: To: 89014	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Apartment: From: To: 823	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - Building: From: To: 8	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:12:55	Unit Mgmt - City: From: To: HEN	HP1387	COHMDT3295	CLEAR, J
10/28/2020 07:13:15	IN RELATION TO DR # 20-18989	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:13:26	INC 032 THIS MORNING	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:13:41	MALE IS BANGING ON THE DOOR, CHILD IN THE RES	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:01	2N11 - CODE RED	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:14:08	PR IS NOT ARMED, ONLY HAS 413A	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:14	Dispatch: HP/2N41 (Officers: HP/BRINK TIMOTHY)	HP1168	COHCADWS9101	SCHILL, C
10/28/2020 07:14:14	*Unit Status Change - From: AV To: D	HP1168	COHCADWS9101	SCHILL, C
10/28/2020 07:14:14	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1168	COHCADWS9101	SCHILL, C

Thursday, November 12, 2020 - 10:33:10 AM

ORTH 20CRH001571 11-25-2020 032

AA000660



# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HF201028000014

Report Number(s): 20-27771

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:14:14	Unit Mgmt - Building: From: To: 8	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - Zip Code: From: To: 89014	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - City: From: To: HEN	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - Apartment: From: To: 823	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:14	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1168	COHCADWS9101	SHELL, C
10/28/2020 07:14:35	Dispatch: HP/2W41 (Officers: HP/MURPHY BROOKE)	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	*Unit Status Change - From: AV To: ER	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Building: From: To: 8	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Zip Code: From: To: 89014	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - City: From: To: HEN	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:35	Unit Mgmt - Apartment: From: To: 823	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:14:42	MALE IS STILL KNOCKING ON THE DOOR	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:14:52	UNIT'S ASKING IF MALE HAS THE 413 OUT OR JUST AT HIS SIDE	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:14:53	UNK: IF ANYONE ELSE IS WITH THE MALE	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:15:12	**PREV INC # 018**	HP1130	COHCADWS9105	HENKE, M
10/28/2020 07:15:34	PR LIEVER SAW THE GUN ON HIM	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:15:36	*Unit Status Change - From: D To: ER	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	*Unit Status Change - From: ER To: AR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:18	*Unit Status Change - From: ER To: AR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:19	PR L NOWS ITS THE MALE FROM SEEING HIM THROUGH THE PEEPHOLE	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:16:53	Dispatch: HP/T13 (Officers: HP/BALDINO PAUL)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Dispatch: HP/T12 (Officers: HP/SCOBLE JASON)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	*Unit Status Change - From: AV To: AR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	*Unit Status Change - From: AV To: AR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Building: From: To: 8	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1366	COHCADWS9113	DINKEL, A

AA000661

Thursday, November 12, 2020 10:33:10 AM

ORTH 20CRH001571 11-25-2020 033





# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HF201028000014

Report Number(s): 20-27771

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:16:53	Unit Mgmt - Apartment: From: To: 823	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Zip Code: From: To: 89014	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - City: From: To: HEN	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Building: From: To: 8	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Zip Code: From: To: 89014	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Apartment: From: To: 823	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:53	Unit Mgmt - City: From: To: HEN	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:16:56	*Unit Status Change - From: AR To: CR	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:17:02	< PR IS IN THE BATHROOM, HER BOYF IS AT THE DOOR AND SHE DOESNT KNOW IF HE CAN SEE ANY 413'S ON THE MALE >	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:17:35	411 VEH IS WHI CHEV MALIBU UNK BODY SHOP PLATES	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:17:42	Dispatch: HP/2N51 (Officers: HP/BOWLER BRENT)	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	*Unit Status Change - From: AV To: ER	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Building: From: To: 8	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - City: From: To: HEN	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Zip Code: From: To: 89014	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Apartment: From: To: 823	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:42	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1545	COHMDT3161	BOWLER, B
10/28/2020 07:17:51	WHI CHEV MALIBU BACKING UP	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:14	FTY, 2N11 & 2N41 ATT'G 487	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:18	2N71 BLOCKING EXIT	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:27	2N51 & 2N71 AT FRONT EXIT	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:30	FEM IS ADV'G MALE IS STILL AT THE DOOR	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:18:39	QW.U:2N71.LASTNAME:ORTH.FIRSTNAME:SEAN.DOE	HP1165	COHCADWS9104	GACEK, J

AA000662

Thursday, November 12, 2020 10:33:10 AM

ORTH 20CRH001571 11-25-2020 4 of 34





# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HF201028000014

Report Number(s): 20-27771

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:18:41	BODY SHOP 6528 WHI CHEV MALIBU	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:18:47	JUST TRIED TO HIT THE TOM UNITS	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:01	FOOT PURSUIT	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:23	Dispatch: HP/ZN61 (Officers: HP/NELSON ALEX)	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	*Unit: Status Change - From: AV To: D	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Apartment: From: To: 823	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Building: From: To: 8	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - City: From: To: HEN	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Zip Code: From: To: 89014	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:23	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:30	*Unit: Status Change - From: D To: AR	HP1159	COHCADWS9103	ROCKWELL, C
10/28/2020 07:19:31	MALE IFO MARLOW APTS ON WHITNEY RANCH	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:33	SUSP IS P&P PRIORITY 5 REF HABITUAL CRIMINAL LIFE	HP1165	COHCADWS9104	GACEK, J
10/28/2020 07:19:38	1 DE TAINED @ 07:19	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:59	Unit Mgmt - Zip Code: From: To: (89014)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:59	Unit Mgmt - Location: From: 981 WHITNEY RANCH DR To: IFO MARLOW APTS ON WHITNEY	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:59	Unit Mgmt - Apartment: From: To: (823)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:59	Unit Mgmt - Building: From: To: (8)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:59	Unit Mgmt - City: From: To: (HEN)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:19:59	Unit Mgmt - Loc Name: From: To: (THE MARLOW APTS)	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:20:08	OTHERWISE 6C WEAPS AND VERIFY TO 10274 MISSOURI MEADOWS ST OUT OF LV 02202019, VALID	HP1165	COHCADWS9104	GACEK, J
10/28/2020 07:20:10	*Unit Status Change - From: ER To: AV	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:20:10	Unit Freed - Unit Id: HP/HP2274	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:20:10	Unit Mgmt - Building: From: To: (8)	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:20:10	Unit Mgmt - Zip Code: From: To: (89014)	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:20:10	Unit Mgmt - Apartment: From: To: (823)	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:20:10	Unit Mgmt - Loc Name: From: To: (THE MARLOW APTS)	HP2274	COHMDT3102	MURPHY, B

AA000663

Thursday, November 12, 2020 10:33:10 AM

ORTH 20CRH001571 11-25-2020 035



# CAD Incident Recall w/Audit Trail - City of Henderson

Incident: HF201028000014

Report Number(s): 20-27771

Audit Time	Audit Text	Operator	Console	Name
10/28/2020 07:20:10	Unit Mgmt - City: From: To: (HEN)	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:20:10	Unit Mgmt - Location: From: 981 WHITNEY RANCH DR To:	HP2274	COHMDT3102	MURPHY, B
10/28/2020 07:20:27	Dispatch: HP/2N21 (Officers: HP/LUJAN JESSE)	HP0829	COHMDT3029	LUJAN, J
10/28/2020 07:20:27	*Unit: Status Change - From: AV To: ER	HP0829	COHMDT3029	LUJAN, J
10/28/2020 07:20:27	Unit Mgmt - Zip Code: From: To: 89014	HP0829	COHMDT3029	LUJAN, J
10/28/2020 07:20:27	Unit Mgmt - Building: From: To: 8	HP0829	COHMDT3029	LUJAN, J
10/28/2020 07:20:27	Unit Mgmt - Apartment: From: To: 823	HP0829	COHMDT3029	LUJAN, J
10/28/2020 07:20:27	Unit Mgmt - City: From: To: HEN	HP0829	COHMDT3029	LUJAN, J
10/28/2020 07:20:27	Unit Mgmt - Location: From: To: 981 WHITNEY RANCH DR	HP0829	COHMDT3029	LUJAN, J
10/28/2020 07:20:27	Unit Mgmt - Loc Name: From: To: THE MARLOW APTS	HP0829	COHMDT3029	LUJAN, J
10/28/2020 07:20:31	Incident Created	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:20:31	Incident Associated - Incid # HP201028000166	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:20:33	Primary Unit From: To: HP/2N11	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:20:34	MALE STOPPED BANGING ON THE DOOR, PR LOOKED THROUGH PEEPHOLE AND ADV'D THE MALE IS NOT AT THE DOOR, CANT SEE HIM ANYMORE	HP2689	COHCADWS9107	MANN, J
10/28/2020 07:20:39	PD NOT ADV'G ON INJURIES	HP1366	COHCADWS9113	DINKEL, A
10/28/2020 07:20:47	Dispatch: HF/E82 (Officers: HF/E82 E82)	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Incident Status From: Pending To: Active	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Dispatch: HF/R82 (Officers: HF/R82 R82)	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Dispatch: HF/B8 (Officers: HF/B8 B8)	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Dispatch: HF/OSO (Officers: HF/OSO OSO)	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Unit HF/E82 Stat: D Loc: 981 WHITNEY RANCH DR	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Unit HF/E82 Stat: D Loc: 981 WHITNEY RANCH DR	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Unit HF/R82 Stat: D Loc: 981 WHITNEY RANCH DR	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Unit HF/R82 Stat: D Loc: 981 WHITNEY RANCH DR	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Unit HF/B8 Stat: D Loc: 981 WHITNEY RANCH DR	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Unit HF/B8 Stat: D Loc: 981 WHITNEY RANCH DR	HP2690	COHCADWS9109	ARBOREEN, H
10/28/2020 07:20:47	Unit HF/OSO Stat: D Loc: 981 WHITNEY RANCH DR	HP2690	COHCADWS9109	ARBOREEN, H

AA000664

Thursday, November 12, 2020 10:33:10 AM

ORTH 20CRH001571 11-25-2020 036

EXHIBIT Z

AA000665





# HENDERSON POLICE DEPARTMENT WITNESS STATEMENT

HPD 0155

PAGE 1 OF 1

DR# 20-18189

DATE: 10/18/2010

TIME: 0115

STATE OF NEVADA )  
COUNTY OF CLARK )

SS: HENDERSON

I, Louis Polanco, date of birth \_\_\_\_\_  
Social Security Number \_\_\_\_\_ Occupation \_\_\_\_\_  
Home Address \_\_\_\_\_ Email Address \_\_\_\_\_  
Business Address \_\_\_\_\_  
Phone #'s: (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) \_\_\_\_\_

do hereby make the following true statements to: A. Zell #2621  
of the Henderson Police Department, of my own free will. There have been no threats, or promises of immunity or reward made to me to make this statement. It is further understood that this statement may be used either wholly or in part as evidence in a Court of Law.  
I can read this and write the English language.

friend of mine came by was talking me his friend came  
got drunk that day I went to bed 4:00 wake he was gone to  
car came by today around 2 and told me he had  
a gun so sit down and took phone and computer  
too upping crosser was going thru my accounts changing  
passwords had gun and took my Smith & Western gun  
and Winchester make like 20-Gauge key and car told me  
not to call the cop or he'll kill me and my son let with  
phone computer guns and car

[Signature] #2621  
Officer

[Signature]  
Witness Signature



HENDERSON POLICE DEPARTMENT  
WITNESS STATEMENT

HPD 0155

PAGE 1 OF 2

DR# 20-18989

DATE: 10/28/2020

TIME: 0115

STATE OF NEVADA )

COUNTY OF CLARK )

SS: HENDERSON

I, Jessie Coracciolo, date of birth \_\_\_\_\_  
Social Security Number \_\_\_\_\_ Occupation \_\_\_\_\_  
Home Address \_\_\_\_\_ Email Address \_\_\_\_\_  
Business Address \_\_\_\_\_  
Phone #'s: (H) \_\_\_\_\_ (C) \_\_\_\_\_

do hereby make the following true statements to: A. ZEU #2621  
of the Henderson Police Department, of my own free will. There have been no threats, or promises of immunity or reward made to me to make this statement. It is further understood that this statement may be used either wholly or in part as evidence in a Court of Law.  
I can read this and write the English language.

I came over Sunday morning around between 2-3 to 400 S Apt, a male that I did not know was here passed at he left. Sometime between 3-? I woke up around 8am he was gone I came back today Tuesday 28th Oct. little after 6:30pm. I saw (bf's) son and the male answered the door asked why I was here. Stated I needed my clothes back. he then took at law I wanted to bedroom. They both went in closed the door. few minutes later they walked out and the guy was carrying green bag and the bag and left. Later after he left was when saw (bf) told me he had taken his phone, laptop, his military gun and a shot gun belonging to me that I had

[Signature]  
Officer

[Signature]  
Witness Signature





HENDERSON POLICE DEPARTMENT  
**NARRATIVE SHEET**  
REFER TO DM-0381

**HPD 0080**

PAGE 2 OF 2  
DR# 20-18989

(1) Narrative

(2) Describe physical evidence, location found, and disposition.

Given name to redo, I do know the  
Shooter given was Smith Wesson 9mm.  
Black & Silver. Also stated to me  
that the police were at his property at  
Grand Ave - and stated this man (who I came to find at his home as  
Sean Smith) stated he would harm people's  
family if he told anyone or called the  
police. I stated we needed to call.

Officer

Witness Signature



EXHIBIT 3

AA000669

EXHIBIT Y

AA000670

## Narrative:

1 Date:

Officer:

Subject:

10/28/2020 Zell, Aaron

407 report Warrant Submittal

On Wednesday October 28, 2020, at approximately 1232 hours, I, Officer A. Zell #2621, was dispatched to The Marlow Apartments located at 981 Whitney Ranch Dr Apt #823 in the City Of Henderson regarding a robbery that had occurred.

The call details were as follows:

The person reporting, who was identified as Louis Polanco (DOI) stated while he was receiving a tattoo, a white male, who was later identified as Sean Orth (DOB [redacted]) stole Louis' black and red Smith and Wesson MMP Shield 9mm handgun (unknown serial #), Winchester Model 12 20 Gauge Shotgun (unknown serial #), Louis' Military ID, and his white 2007 Chevrolet Malibu (Bearing an unknown NV Body Shop plate VIN 1G1ZS57F57F256434). While Sean was leaving he threatened Louis that if he called the police, Sean would come back and hurt Louis and his son.

I arrived on scene and made contact with Louis, who appeared to be nervous and paranoid Sean would return to the apartment. Louis advised the following:

Louis stated he invited an unknown friend and Sean over to his apartment to receive a tattoo. Sean proceeded to get highly intoxicated and pass out on the couch in the living room of the apartment. Louis said he went to bed and when he awoke, Sean proceeded to take the Malibu without Louis' permission. Sean then returned to the apartment and told Louis he had a gun. Sean then took Louis' phone, laptop, black and red Smith and Wesson, Louis' girlfriend's black and silver Winchester shotgun. While leaving the apartment, Sean threatened to kill Louis and his son if Louis called the police.

It should be noted that Louis was frantic during the interview and constantly looking around as if waiting for Sean to return to the apartment.

Louis voluntarily filled out a witness statement.

I proceeded to make contact with Louis' girlfriend, who was identified as Jessie Caracciolo (DOB [redacted]), who advised the following:

Jessie stated she arrived at the apartment on Sunday, October 25, and noticed an unknown white male, Sean Orth, passed out on the couch. Jessie stated when she awoke on Monday, October 26, around 0800 hours, Sean had left the apartment. Jessie returned on Tuesday, October 27, in order to retrieve work clothes. Sean opened the front door and questioned why Jessie needed to be at the apartment. Sean look at Louis and pointed towards the bedroom. The two entered the bedroom and shut the door behind them. A few minutes later, Sean emerged from the bedroom with a green duffel bag and left the apartment. After Sean left, Louis informed Jessie that Sean stole his handgun, phone, military ID, laptop, and her shotgun. Jessie then convinced Louis to call the police later that night.

Jessie voluntarily filled out a witness statement.

A records check revealed Sean to be a Priority 5 DONS subject. I attempted to contact Parole and Probation, which yielded negative results. Sean had a primary address of 10274 Missouri Meadows St in Las Vegas. LVMPD was contacted and attempted to locate Sean and the Malibu at the mentioned address, which yielded negative results.

Due to the fact that Sean proceeded to steal the handgun, shotgun, laptop, phone, military ID, and car; the fact that Sean threatened to inflict harm to Louis and his family if he attempted to call police or stop him from escaping; coupled with the fact that Louis truly believed Sean would follow through on his threat, as shown by his behavior and actions during police contact. I determined probable cause exists for the arrest of Sean Orth for violation of NRS 200.380 Robbery (F).

I shall be submitting for a warrant for the arrest of Sean Orth for the aforementioned offense. I request this case remain open pending the approval of the warrant.

CC: DA

Attach: Yes

Status: Open Pending Warrant Approval

MVICS: Yes

2 Date:

Officer:

Subject:

11/02/2020 Zell, Aaron

Close Fw To Det K. Lippisch P#1710

On Monday November 2, 2020, at approximately 0900 hours, I received an e-mail from Det K. Lippisch #1710 in reference to this case. Sean was taken into custody under a separate report and Det Lippisch will be conducting follow up on this case. No warrant will be submitted for the arrest of Sean Orth due to him being taken into custody on 10/28/2020.

I request this case be closed and forwarded to Det Lippisch for follow up.

CC: Property Crimes

Attach: No

Status: Closed

MVICS: No

## Narratives: (Officer Narratives)



EXHIBITS

AA000672

DR #20-18994, J. CARACCIOLO

1 STATE OF NEVADA) DATE: 10-28-2020

2 ) SS: HENDERSON

3 COUNTY OF CLARK) TIME: 8:53 a.m.

4

5

6 This recorded interview of JESSICA CARACCIOLO did  
7 hereby take place at The Marlow apartments, number 823,  
8 981 Whitney Ranch Drive, Henderson, Nevada 89014, reference  
9 DR #20-18994.

10

11 Person present during this interview is  
12 JESSICA CARACCIOLO. Person conducting the interview and audio  
13 recording is DET. KEVIN LAPEER of the Henderson Police Department.  
14 Transcription of the recorded statement by Hannah Lewon,  
15 Administrative Assistant I, Henderson City Clerk's Office.

16

17 DET. KEVIN LAPEER: Okay. This is Det. LaPeer. It is  
18 10-28-2020. It is 8:53 a.m. I am at apartment 823.

19 BY DET. LAPEER:

20 Q What were the name of the apartments here,  
21 ma'am?

22 A

23 Q

24 And I am currently speaking with - - ma'am, can you state  
25 your name?

AA000673

1 A Jessie Caracciolo.

2 Q Jessie. Let me see. I think I have your information  
3 here. Let me make sure this is correct, and then we can get going.

4 Jessie, is it C-a-r-a-c-c-i-o-l-o?

5 A Yes.

6 Q Okay.

7 And your date of birth is [REDACTED]?

8 A Yes.

9 Q Okay.

10 And you don't currently reside here?

11 A No.

12 Q Okay.

13 But you are dating - -

14 A Yes.

15 Q - - Louis. Okay.

16 All right. We got a cell phone right here for you, too. [REDACTED]

17 a good number?

18 A Yes.

19 Q Okay. Cool.

20 What time do you need to get to work ma'am?

21 A They said as soon as - -

22 Q Okay.

23 A They're - - they're pretty good.

24 Q Oh, okay.

25 Where do you work at?



1 A Kids' Campus. I'm a teacher - -  
2 Q Okay.  
3 A - - pre-K teacher.  
4 Q Okay.  
5 So, how far away is that?  
6 A About 20 minutes - - 30 minutes.  
7 Q Okay. All right.  
8 I'ma try to get - - get moving here. Okay.  
9 What time did you come to the house here today?  
10 A I came last night.  
11 Q Last night?  
12 A Yeah.  
13 Q Okay.  
14 What time?  
15 A A little bit after 6:30.  
16 Q All right. At 6:30 p.m. So, yesterday?  
17 A Yes.  
18 Q Okay. All right.  
19 So, that's going to be the 27<sup>th</sup> that you were here. Okay.  
20 A Yes.  
21 Q Okay.  
22 And then - - so, obviously, when you got here, your  
23 boyfriend, Louis, was here.  
24 A With his son.  
25 Q Louis' - - Louis' son.

AA000675

1 A Um-hum.

2 Q Okay.

3 And then the other male?

4 A Yes.

5 Q And do you know that male?

6 A No.

7 Q Okay.

8 So, what was -- so, when you came in at 6:30, what was  
9 going on?

10 A When I came, the door was locked.

11 Q Uh-huh.

12 A Which, usually, I can just come in.

13 Q Okay.

14 A ~~The other male~~, and Christian had answered the  
15 door. The other male stated, Why are you here?

16 I didn't know him. I was like, I'm here to pick up my stuff  
17 from my boyfriend.

18 He then just --

19 Q So, the male answered the door?

20 A With Christian, yes.

21 Q Who's Chri -- Christian's his son. Okay.

22 A Christian's his son. Yes.

23 Q Okay.

24 And he asked you why you're here?

25 A Yes.

1 Q Okay.

2 And then what -- and what'd you say? What -- what'd you  
3 tell him?

4 A That I was here to pick up my stuff for work. Loui  
5 was behind him. Kind of, gave me a look like something wasn't right.

6 Q Okay.

7 A So, I just made it very brief. Very just -- I just want  
8 -- I just had to grab some stuff for work.

9 Q Okay.

10 ~~A Then that's when the other male pointed to Loui and~~  
11 ~~pointed to the bedroom. And they went in there. And I sat here.~~

12 Q Okay.

13 So, when you entered, Loui -- Loui and the other male  
14 went into the bedroom, and you came in and sat down?

15 A Yeah.

16 Q Okay.

17 Did that other male -- I mean, did he have a weapon on him?

18 ~~A Not that I saw.~~

19 Q Okay.

20 So, he just told Loui to go in the room?

21 A Yeah. He, kind of, pointed to him.

22 Q And -- and Loui went into the room with him?

23 A He pointed to him, and then pointed to the room.

24 Q Okay.

25 A Very intimidating. Very just -- no hi's, no hello's, no



1     -- just, kind of --

2                   Q     Okay.

3                   And then how long did they go in there for?

4                   A     ~~Maybe a couple minutes if that.~~

5                   Q     Okay.

6                   So -- okay. So, then you sit down here at the table that  
7     we're sitting at currently?

8                   A     Yes.

9                   Q     Okay.

10                  And then Loui and the male -- the male suspect go into the  
11     bedroom, and they were in there for a couple minutes. And then what  
12     happens?

13                  A     And then he walks out --

14                  Q     Okay.

15                  A     -- with a big, huge duffel bag.

16                  Q     Okay.

17                  A     Like, a big, huge, green duffel bag. I didn't know  
18     ~~what was in it.~~ And he leaves.

19                  Q     And -- and he leaves?

20                  A     Um-hum.

21                  Q     Okay.

22                  ~~And you didn't know what was in the duffel bag?~~

23                  A     No.

24                  Q     Okay.

25                  So, then he -- he leaves. And what time would that be?

1 So, probably 7:00-ish?

2 A Yeah.

3 Q Okay. Duffel bag at 7:00 p.m.

4 Okay. And then -- then what happens?

5 A I obviously sat down. Talked with Loui. I was like,

6 What's going on? What's -- what's happening? But he wasn't really

7 telling me much.

8 Q Okay.

9 A Didn't really -- he's like, I don't want you involved, or  
10 hurt, or whatever.

11 What did -- what do you mean -- does that mean?

12 That's when he finally told me that the other male did have  
13 his own weapon on him, and he was told to give him his phone, his  
14 computer, his military weapon, as well as my shotgun that I have.

15 Q Okay.

16 So, that took place in the bedroom while you were sitting here?

17 A Yes. I'm gonna assume so. I didn't hear anything....

18 The guy tried to be really quiet and try and listen, but it wasn't -- there's

19 -- there wasn't much I could hear. Like --

20 Q Okay.

21 So, when he comes out after the male leaves with the

22 bla -- with the -- I'm sorry -- green duffel bag, Louis then comes in and

23 tells you that -- that he told him to give him his gun, his computer, and

24 your shotgun?

25 A Um-hum.

1 Q But he doesn't point a gun at him; he just tells him?

2 A Not that I know of.

3 Q Okay.

4 A I know he did state that he threatened Christian and  
5 him. That if he told anyone, called the police, or anything, he would harm  
6 his family.

7 Q Okay.

8 So -- so, at 7:00, he -- Louis tells you this.

9 What's his demeanor?

10 A Nervous.

11 Q Okay.

12 A Kind of upset.

13 Q Did he tell you who this guy is?

14 A He stated that it was a friend of his -- his friend's  
15 name is Benny. I guess they've known each other for quite a while. And  
16 he was doing a tattoo on him. And Benny invited this guy over. And  
17 that's how they met. And he said everything seemed fine. Like, they  
18 were all -- while he was doing the tattoo, so.

19 Q So, he was doing a tattoo on -- on him in here?

20 A I don't know if it was in here.

21 Q Okay.

22 A That, I'm not quite sure.

23 Q Where does Louis do tattoos at?

24 A Or -- Benny?

25 Q Or Ben --



- 1 A Benny.
- 2 Q Oh, Benny was doing a tattoo?
- 3 A But -- yeah.
- 4 Q Oh, I'm sorry.
- 5 A Yeah.
- 6 Q So, Benny was doing a tattoo on the suspect male?
- 7 A On Louis.
- 8 Q Oh, on Louis?
- 9 A Yes.
- 10 Q And then --
- 11 A He invited his friend, which is Shawn.
- 12 Q Okay.
- 13 A The one that we called the cops on.
- 14 Q Okay.
- 15 So, you know him as Shawn? How do you know him as
- 16 Shawn?
- 17 A That's -- I -- Loui told me --
- 18 Q Okay.
- 19 A -- that was his name.
- 20 Q So, have you -- you've never seen him here before? /
- 21 A No.
- 22 Q Okay.
- 23 A And I've never met Benny either.
- 24 Q Okay.
- 25 So, then at 7:00, after he tells you this -- and then you guys

1 just go about your day?

2 A No. We go back and forth.

3 Q About what?

4 A Being - - about calling the police. Like I said, You  
5 need to do something. You need to call the police. We need - - I mean,  
6 that's two guns out there that's - - so, we - -

7 Q Why do you need - - so - - and he didn't - - and Loui  
8 didn't want to call the cops?

9 A He didn't because of Christian. 'Cause he  
10 threatened Christian and threatened - -

11 Q So, he - - he - -

12 A - - to hurt him.

13 Q - - threatened to Louis to hurt Christian?

14 A Um-hum.

15 Q Okay.

16 So, that's why he didn't call the police?

17 A Yeah.

18 Q Okay.

19 A He was very upset about it. Like, he - - you know,  
20 he's like, I don't - - I don't know what to do.

21 I'm - - Call the police. Like, I - - get him off the streets.

22 Q Okay.

23 A ~~At this point, I didn't know he had a record, or who~~  
24 he really was. I started doing my own thing - - you know, Facebook, or  
25 search.

1 Q Um-hum.

2 A Come to find out, he was just released from jail -- or  
3 prison. And he's got pretty -- rap sheets. So, I said, No, you're calling  
4 now.

5 Q Yeah.

6 A And we're calling.

7 Q Okay.

8 What time did you guys call the police?

9 A It was probably about 10:30, 11.

10 Q 10:30, 11.

11 Okay. Okay. And police come out here and take a report?

12 A Yes.

13 Q Okay.

14 And then -- then you guys just go to bed?

15 A I did, yes.

16 Q Okay.

17 And then, does he come back?

18 A He came back when I called this morning. That was  
19 about 7:00.

20 Q Oh, okay.

21 So, he's not here throughout the night?

22 A No.

23 Q But he comes back in the morning?

24 A Yeah.

25 Q And what time was that?



- 1 A Probably about seven.
- 2 Q Okay.
- 3 A Banging on the door. I only heard him once say, Let
- 4 me in. And then I went into the bathroom and -- 'cause it connects to
- 5 Christian's room.
- 6 Q Okay.
- 7 A And stayed in there --
- 8 Q What was Louis doing?
- 9 A -- with Christian.
- 10 He looked through the peephole once to see who it was.
- 11 Q Okay.
- 12 A 'Cause the operator asked, Is it him? And so, he
- 13 went and looked. And then he just, kind of, stayed in there with us.
- 14 Q Did he grab his gun?
- 15 A No.
- 16 Q Okay.
- 17 A He didn't pull it out. He didn't --
- 18 Q Why?
- 19 A That one is -- I don't know. It's mine.
- 20 Q So, what -- what's he here for? Why -- why -- why
- 21 is banging at the door?
- 22 A I don't know. I know he took his car last night
- 23 without permission.
- 24 Q Oh, okay.
- 25 So, he -- so, he took Louis's car?

- 1 A Yeah. I didn't find that out 'til -- 'til after he left. And --
- 2 Q When does Louis tell you that he took his car?
- 3 A During the time we were talking.
- 4 Q Okay. So --
- 5 A Yeah. So --
- 6 Q -- when you were trying to talk him into calling the
- 7 police --
- 8 A Yeah. He's like, Well, he took the car.
- 9 Q -- he tells you that he took his car?
- 10 A And I'm like, Now, you need to report it stolen.
- 11 Q Well, how did he take his car? He gave him his keys
- 12 then?
- 13 A He leaves his keys around.
- 14 Q So, how would this guy know where to get his keys?
- 15 A 'Cause Loui lose --
- 16 Q It's a rental car, right?
- 17 A Yeah.
- 
- 18 Q From what I understand. So, it's not, like, a big key ring.
- 19 A No.
- 20 Q ~~So,~~ where did he leave his keys?
- 21 A He usually puts them up here.
- 22 Q So, how ~~does~~ he know what car is what?
- 23 A I don't --
- 24 Q Okay.
- 25 A -- I don't know.

1 Q Okay.

2 So, he comes back at - - at seven in the morning. You call  
3 the police.

4 A Yes.

5 Q Okay.

6 He's knocking on the door?

7 A Yes.

8 Q What - - what is he saying?

9 A I only heard him state one time, Let me in.

10 Q Okay.

11 A And then I went to the back of the room, and then  
12 was just continuing to stay on the line with the operator. But he just kept  
13 banging and banging.

14 Q Okay.

15 Okay. Well - - and then - - so, Louis comes into the  
16 bedroom with you and Christian?

17 A Um-hum.

18 Q Okay.

19 And - - and then what happens?

20 A And then the police come.

21 Q Okay.

22 So, he never came back in a second time, or?

23 A No.

24 Q Did Louis see him with a firearm at the door?

25 A He couldn't tell.



- 1 Q Okay.
- 2 A He did look out the peephole, but he couldn't tell.
- 3 Q Okay.
- 4 A He tried turning on the camera on the door.
- 5 Q Okay.
- 6 A And get -- but he had already --
- 7 Q But -- so, you guys have a camera?
- 8 A Just the one on the door. I know you can turn it on
- 9 to see who's out there.
- 10 Q Okay.
- 11 A But he only saw him once, and then he -- I guess he
- 12 was going down the stairs. So, that's all I know.
- 13 Q On the camera, that -- it shows that?
- 14 A I --
- 15 Q Or he saw it?
- 16 A -- I think he saw it.
- 17 Q Okay.
- 
- 18 Okay. So, how often are you here?
- 19 A Here and there.
- 20 Q You're his girl -- his active girlfriend?
- 21 A Yes. Yes.
- 22 Q Okay.
- 23 But you don't come here very much?
- 24 A I haven't been just 'cause work and things have
- 25 been busy, so.

1 Q Okay.

2 A But sometimes I stay here a couple, you know,  
3 weeks at a time.

4 Q Okay.

5 Let me ask you this. Why would Louis be hanging around  
6 with a guy who's, you know, like, a bad dude? Does he hang around with  
7 a bunch of bad guys?

8 A Not that I know of.

9 Q Okay.

10 The -- is Louis into anything that would bring him in cross  
11 paths with this guy?

12 A Just Benny. Benny's a tattoo artist.

13 Q Okay.

14 A That's the only --

15 Q Okay.

16 So, Benny's the -- the friend in common?

17 A Yeah.

18 Q Okay.

19 Do you know where he tattoos at?

20 A I know he's out of California.

21 Q Oh.

22 A But he does have business out here. I don't know  
23 what type of business.

24 Q So, does Benny live in California, or does he live  
25 here?

1 A He lives in California.

2 Q Oh.

3 So -- so, that introduction wasn't tonight, then?

4 A No.

5 Q Oh, okay.

6 So, when was this -- when did Benny introduce him to -- to  
7 Shawn if they live in California? Does --

8 A It had to have been -- I came here Sunday morning.

9 Like, two or three in the morning. And -- 'cause I was at a previous  
10 engagement. And I came here. And he was here, passed out.

11 Q Shawn was?

12 A And I was like -- yeah. And I was like, Who's that?

13 And he's like, Oh, that's Benny's friend.

14 I was like, Oh, okay. I didn't really --

15 Q Where was he passed out? In here?

16 A Yeah.

17 Q Okay.

18 A I didn't really think anything of it 'cause he's talked  
19 about Benny coming and them all getting together, or him and Benny  
20 getting together and doing the tattoo.

21 Q Okay.

22 A And then I had left Sunday.

23 Q Okay.

24 What does Louis do for work?

25 A He's dis -- on Social right now.



1 Q Okay.

2 A Due to Army injuries.

3 Q Okay. Okay.

4 All right. So, your knowledge -- or details that you would  
5 know of Shawn are going to be very slim since you've only seen him  
6 sleeping on the couch once. And then yesterday --

7 A Yeah.

8 Q -- coming into the house?

9 A Yes.

10 Q Okay.

11 A When he did tell me his name, like I said, I -- I  
12 looked certain things up.

13 Q Okay.

14 A Realized he did -- it didn't tell me what he had  
15 records for, but it -- that he had alias names, that he was in prison, things  
16 like that.

17 Q Okay.

18 All right. Anything else that you think would be valuable to  
19 my investigation?

20 A (No audible response.)

21 Q No?

22 A Not that I can know of.

23 Q Okay.

24 Is this odd behavior from Louis?

25 A What do you mean, "odd"?

1 Q I mean, does this type of stuff happen? I mean, is  
2 this a common occurrence?

3 A No.

4 Q Okay.

5 Okay. All right. This ends the interview. It's 9:10

6 (Whereupon, the audio recording concluded.)

7

8

9 I certify that the foregoing is a true and accurate transcript  
10 of the electronic audio recording with a length of 00:15:11 from the  
11 interview in the above-entitled matter.

12

13 Hannah Lewon, Administrative Assistant I 01-19-2021

14

15

16

17

18

19

20

21

22

23

24

EXHIBIT 6

AA000692



DR #20-18994, C. POLANCO & J. CARACCILO

1 STATE OF NEVADA) DATE: 10-28-2020

2 ) SS: HENDERSON

3 COUNTY OF CLARK) TIME: 9:11 a.m.

4

5

6 This recorded interview of CHRISTIAN POLANCO and  
7 JESSICA CARACCILO did hereby take place at The Marlow  
8 apartments, number 823, 981 Whitney Ranch Drive, Henderson, Nevada  
9 89014, reference DR #20-18994.

10

11 Persons present during this interview are  
12 CHRISTIAN POLANCO and JESSICA CARACCILO. Person  
13 conducting the interview and audio recording is DET. KEVIN LAPEER of  
14 the Henderson Police Department. Transcription of the recorded  
15 statement by Hannah Lewon, Administrative Assistant I, Henderson  
16 City Clerk's Office.

17

18 DET. KEVIN LAPEER: All right. Okay. Hey, this is  
19 Det. LaPeer. It is 9:11 a.m. It's October 28, 2020. We're at the same  
20 location. I am speaking with Christian Polanco.

21 (Whereupon, Det. LaPeer interviewed Mr. Polanco.)

22 BY DET. LAPEER:

23 Q Christian you're the son to Louis, correct?

24 A Um-hum.

25 Q Okay. All right.

1 What movie is that? Is that Back to the Future II?

2 A Yeah.

3 Q Holy -- make me feel old. I remember Back to the  
4 Future I.

5 A Um-hum.

6 Q I was probably your age.

7 All right. So, you live here. And you were home last night,  
8 as well?

9 A Um-hum.

10 Q Okay.

11 So, this -- this this person that comes over, from what I  
12 understand, you call him uncle; is that right?

13 A No. That's what he was saying to the cops.

14 Q Okay.

15 So, that's what he was saying to the cops? You don't call  
16 him uncle?

17 A Huh-uh. I just --

18 Q Okay. Okay. That's what -- that was the first thing I  
19 wanted to clear up.

20 A Um-hum.

21 Q Okay.

22 So, you do not call him uncle. Thank you.

23 Now, how often do you see him here?

24 A Not much. Like, he was here once, ~~like, three days~~

25 ~~straight.~~

1 Q Okay.

2 A Just, like, a little bit. Like, a while. See him a little  
3 bit.

4 Q Does -- so, he's never lived here?

5 A No.

6 Q Did he ever have -- so, he lived here -- or, I'm sorry  
7 -- so, he stayed here for three days. But did he ever have, like, a  
8 -- where he actually lived in a room, or had something like where he  
9 stayed here continually?

10 A No. He stays with, like, some of his friends.

11 Q Okay.

12 So, he's never stayed here? 'Cause he's claiming --

13 A Huh-uh.

14 Q -- that he's a -- he's a roommate.

15 A He never lived here.

16 Q Okay. Okay.

17 A I've met him, like -- like, ten days ago maybe.

18 Q Oh, so you've only known him for ten days?

19 A ~~No. Me and my dad both met him a while back.~~

20 Q Okay.

21 So -- well, hold on. So -- so, you and your dad met him a  
22 while back, about ten days ago?

23 A Um-hum.

24 Q Or have you known him longer than that?

25 A No. Just, like, ten days maybe.



1 Q Okay. Okay.

2 Okay. And what did you see when -- when he came over

3 yesterday.

4 A ~~Not much. Just them going into the room and talking~~

5 a lot.

6 Q Okay.

7 Did -- did it seem like your dad was scared?

8 A A little bit. He was, like, anxious.

9 Q He was anxious?

10 A Like, nervous, maybe.

11 Q Okay. Anxious and nervous. Okay.

12 And in the other times that he's been -- that the -- that

13 Shawn's been to this house, did Shawn and your dad go into the room

14 and talk previous times?

15 A Yeah. A -- probably, like, a couple times maybe.

16 Q Okay. But would they spend their time in the

17 bedroom?

18 A Yeah. That would just, like, talk maybe.

19 Q Okay.

20 So, when -- when Shawn would come over, previous to

21 last night, your dad and Shawn wouldn't, like, sit out here? They would

22 go in the room?

23 A I mean, they -- sometimes they would tell me to go

24 in my room, and they would talk out here --

25 Q Oh, okay.

- 1 A -- on the couch.
- 2 Q Okay.
- 3 And they would tell you to go in the room?
- 4 A Um-hum.
- 5 Q Okay.
- 6 What -- what did you think of Shawn? What kind of guy is
- 7 Shawn?
- 8 A Like, a friend or something.
- 9 Q Okay.
- 10 A Maybe.
- 11 Q Yeah. Did you like him?
- 12 A ~~He was cool.~~
- 13 Q Okay.
- 14 A Played with football with him a couple times.
- 15 Q Oh, yeah?
- 16 A Almost broke my finger.
- 17 Q Oh, yeah?
- 
- 18 A Yeah. Because, like, the ball jammed into it.
- 19 Q Sure. Oh, yeah. I know how that goes.
- 20 A It really hurt.
- 21 Q All right.
- 22 So, he didn't seem like a bad guy the other times --
- 23 ~~A No.~~
- 24 Q -- that he was here? Okay.
- 25 All right. Did your dad mention anything to you about what

1 happened last night? Did he say -- I mean, you said you could tell that  
2 he was scared or nervous, but did your dad tell you anything that -- that  
3 happened that was bad?

4 A No. Not really.

5 Q Okay.

6 So, he tried to keep you out of it?

7 A Um-hum.

8 Q Okay. All right.

9 And then, did you see Shawn come back this morning or  
10 were you sleeping?

11 A I was sleeping. It was, like --

12 Q You were sleeping?

13 A -- six when he started knocking on the door, like,  
14 banging -- right?

15 JESSICA CARACCIOLO: Hm. Around six, seven?

16 Seven.

17 MR. POLANCO: I don't know.

18 BY DET. LAPEER:

19 Q Okay.

20 ~~All right.~~ And has your -- do you know -- has your dad  
21 ~~ever been robbed before?~~

22 A Yeah. And there was some dude -- he stole, like,  
23 \$10,000 from my dad.

24 Q Okay.

25 A Took his entire bank account. My college money.



- 1 Everything.
- 2 Q When was that?
- 3 A Like, a year ago maybe.
- 4 Q Okay.
- 5 A It was a while back. We never got anything back
- 6 from him.
- 7 Q Did they - - did he know who did that?
- 8 A Yeah. It was, like, some guy that my dad was helping
- 9 out.
- 10 Q Okay.
- 11 A And he - - the guy was, like, saying that he was
- 12 going to pay the bills and everything.
- 13 Q Okay.
- 14 A Really, he was going over to the gas station down
- 15 the street and gambling. Putting mo - - took the money from the ATM and
- 16 everything.
- 17 Q Okay.
- 
- 18 A Never once paid any bills.
- 19 Q And who was he? Was he a roommate here?
- 20 A Huh-uh.
- 21 Q He was just his friend?
- 22 A Yeah, kind of.
- 23 Q Okay. Okay.
- 24 So, that - - that was last year?
- 25 A Yeah.

1 Q Okay.

2 So, from what I was told outside by one of the patrol officers

3 is that you said that your - - your dad owed Shawn money?

4 A Hm. I don't know. Maybe.

5 Q What - - what would he have owed him money for?

6 Was it tattoos, or?

7 A No. Because, like, if he owed money for the tattoos,  
8 he would just give it to Benny. That's his tattoo guy.

9 Q Okay.

10 So, did your dad owe him money? 'Cause that's what the  
11 patrol officer is saying, that you told them - -

12 A I'm not really sure.

13 Q Okay.

14 And I - - I'm not trying to get you in a bad spot, young man.  
15 I'm just trying to get the - - the stuff in order.

16 A Um-hum.

17 Q So, you don't know if your dad owed - -

18 A No.

19 Q - - Shawn any money?

20 A No. That's, like - -

21 Q Okay.

22 A - - they probably know that. I don't know anything  
23 like that.

24 Q Okay. Perfect. Yeah. Well, and that's why we got  
25 my other - - my partner's talking to your dad downstairs right now. And

1 then Shawn's in jail. So, we'll - - we'll talk to him later, okay?

2 A Okay.

3 Q All right.

4 So, unknown if your dad owed money. Perfect.

5 All right.

6 A ~~My dad also said that, like, Shawn had, like, other~~  
7 things. Like, three other times of, like, assaults and stuff. I don't know.

8 Q He said what? That your - - that - -

9 A ~~Like, he had other stuff like this. Like, this already~~  
10 happened - -

11 Q Oh.

12 A - - with other people.

13 Q Oh, okay. So, he's robbed other people?

14 A Maybe.

15 Q And - - and - - and you're - -

16 A He said that he had, like, other counts of assault and  
17 stuff to other people.

18 Q Okay.

19 Your dad told you that today?

20 A ~~No. That was, like, two days ago maybe.~~

21 Q Okay.

22 Was your dad having any problems with him two days ago?

23 A ~~Yeah. Because, like - - I don't know - - he's just~~  
24 ~~been, like, here all the time. He's just being - - like, acting weird and stuff.~~

25 Q Okay.



1 A Especially with him, like - - 'cause, like, we already  
2 know that he stole, like, one of the wine bottles here because one of them  
3 went missing.

4 Q Okay.

5 A And he keeps on turning off that camera and stuff.

6 Q Okay.

7 So, two days ago, your dad and Sh - - did he - - did he  
8 confront Shawn about that? About the wine bottle?

9 A No. We just - -

10 Q Okay.

11 A - - figured that out.

12 Q Okay.

13 So, why - - why would he be - - why is he turning of the  
14 camera on the - - on the - - on the door?

15 A We don't know.

16 Q Okay.

17 Did your dad say anything to him about that?

18 A No. We just - -

19 Q Okay.

20 A - - every time when he turned it off, we'd just turn it  
21 back on. And - -

22 Q Okay.

23 A ~~we'll leave the house. Then we'll come back, and~~  
24 ~~it's turned off again.~~

25 Q Okay. Hm.

1                    So, did - - did your dad leave him here at the house by  
2 himself?

3                    A     I think maybe, like, once maybe.

4                    Q     Okay.

5                    So, whe - - so, when he would come back and the - - it  
6 would be turned off - - so, you're - - you and your dad would leave to go  
7 do whatever school or whatever?

8                    A     Yeah. But, like, he has an alarm on the door, so it  
9 sends him a notification whenever the door opens.

10                  Q     Okay.

11                  A     Same with that one, too.

12                  Q     Okay.

13                  So, then he would know that Shawn was in here turning off  
14 the camera?

15                  A     I mean, no.

16                  Q     That's weird, huh?

17                  A     We would have to be here to see it.

18                  Q     Okay. Oh, okay. - But he - - but he did know that he  
19 was turning cameras off?

20                  A     Um-hum. Yeah. I told him (incomprehensible).

21                  Q     Did your dad tell you why he thought Shawn was  
22 maybe turning the camera off on - - on the - - on the doors?

23                  A     No. I was - - I just told him about that. I didn't hear  
24 anything.

25                  Q     Okay.

1 A I just turned it back on.

2 Q Okay.

3 A He was also messing with the Wi-Fi and stuff.

4 And - -

5 Q What's he doing with the Wi-Fi?

6 A I don't know. Because, like, the past week, the Wi-Fi  
7 just sucked. Like, we weren't being able to get anything. Nothing was  
8 working.

9 Q Okay.

10 A And, yeah. That camera - - the cameras also run on  
11 Wi-Fi, so I think he probably knows about that. So, he started messing  
12 with the Wi-Fi to do that or something.

13 Q Okay.

14 A I don't know.

15 Q Okay.

16 So, just so I get my notes right. So, two days ago, Shawn  
17 was acting weird.

18 A ~~Yeah. He was~~ just being strange and stuff.

19 Q He wa - - okay. And then you guys believe he stole  
20 a wine bottle?

21 A Yeah. Because one of them went missing.

22 Q Okay.

23 A We just knew something wasn't right with it.

24 Q Okay.

25 A It was, like, out of order.



1 Q So, when he was acting weird, did it seem like he  
2 was paranoid? Or, like, did he -- maybe -- I -- that may be too difficult a  
3 question to ask.

4 Okay. So, two days ago, he was acting -- he was acting  
5 weird. Did your dad tell them that, hey -- or did he confide in you -- or  
6 you that, hey, this dude's freaking me out. He's -- anything along those  
7 lines? Or was it just, kind of, like, hey Shawn's being weird and just call it  
8 good?

9 A Yeah. He was just like, (incomprehensible) was  
10 acting weird.

11 Q Okay. Okay.

12 A I'ma go grab a towel real quick 'cause there's  
13 something on the wall?

14 MS. CARACCIOLO: What do you mean's "on the wall"?

15 DET. LAPEER: Oh, a bug.

16 MR. POLANCO: Giant cockroach on the wall right there.

17 DET. LAPEER: He's going to take it out.

18 MS. CARACCIOLO: Christian, hit it -- don't. Make sure  
19 it's --

20 MR. POLANCO: There it is.

21 MS. CARACCIOLO: -- gone.

22 DET. LAPEER: Nice job, Christian.

23 MR. POLANCO: I fixed it. Yeah. Karate skills. And it's  
24 disgusting.

25

1 BY DET. LAPEER:

2 Q Okay.

3 All right, man. Well, hey, listen, dude, I - - I really  
4 appreciate you sitting down and talking to me, man. Was there anything  
5 else that was weird or out of the ordinary with Shawn, recently, with your  
6 dad or here at the house?

7 ~~A~~ No. Not much.

8 Q Okay. Okay.

9 So, two days - - so, has he been over to the house, like,  
10 pretty much every day for, like, the last week then?

11 A Um-hum.

12 Q Okay.

13 A All I know.

14 Q All right.

15 Well, doing - - what's he doing when he's here? Just  
16 hanging out with your dad?

17 A Just a lot of talking.

18 Q A lot of talking?

19 A And even more talking.

20 Q Yeah.

21 A Yeah. Just pretty much talking.

22 Q So, they - - so, they were doing a lot of talking?

23 A Um-hum.

24 Q Okay. All right.

25 And when - - did - - so, this whole week that he's been over

- 1 here a lot, has he been sleeping here?
- 2 A Huh-uh.
- 3 Q No? He's been leaving and staying at a friend's
- 4 house?
- 5 A Yeah.
- 6 Q Okay.
- 7 A We always have to, like, take him home. He always
- 8 has the car, so we always have to walk to wherever we go, or Uber. Uber
- 9 is what it's called, right?
- 10 Q Yeah. Uber. Yeah.
- 11 A Yeah.
- 12 Q So -- so, you would have to Uber him home?
- 13 A No. We would, like, take him home sometimes. Or
- 14 he'd just borrow the car for, like, a week or something.
- 15 Q Oh, okay. He would borrow your dad's car for a week?
- 16 A Yeah.
- 17 Q Why? Does your dad not drive?
- 18 A No. He -- he drives. His car's in the -- like, in the
- 19 workshop.
- 20 Q Oh, okay.
- 21 A He's getting work on -- he got in a crash.
- 22 Q Okay.
- 23 So, then he would give him this car to drive for a week at a
- 24 -- so, for the week, he was --
- 25 A Yeah. No. Like, we would give it to him to take



1 DET. LAPEER: Okay.

2 So, this is what I don't understand. And -- and -- and you  
3 don't have to answer this, young man. So, Louis is allowing him to use a  
4 car for the whole week, okay.

5 MR. POLANCO: Like --

6 (Whereupon, Det. LaPeer interviewed Ms. Caracciolo.)

7 BY DET. LAPEER:

8 Q He -- he has access to his bank accounts? What  
9 -- what is the relationship where this guy has the ability to come into  
10 Louis's house and turn his cameras on and off, sleep on the couch, use  
11 his car at will, and then have access to his -- his bank accounts? I mean,  
12 what is -- what -- what really is going on?

13 A I didn't --

14 Q Something -- something is going on.

15 A I didn't know he was here that long.

16 Q Okay.

17 A When he said, ten day --

18 Q Is -- is -- is Louis struggling with anything? Does -- you  
19 know, from what I understand, he has some PTSD, correct?

20 A He does.

21 Q Okay.

22 A He does. He -- he --

23 Q Is there -- is Louis --

24 A PTSD.

25 Q Okay.

- 1 A He's -- anxiety --
- 2 Q Okay.
- 3 A ~~social~~ -- social anxiety. He doesn't do well --
- 4 Q ~~Okay~~ Okay.
- 5 A -- with these certain situations.
- 6 Q Sure.
- 7 A He doesn't do well with other people.
- 8 Q Okay.
- 9 A He does tend to shut down sometimes.
- 10 Q Hey, thank you, Christian. I -- I -- I appreciate you,
- 11 buddy.
- 12 MR. POLANCO: Okay.
- 13 BY DET. LAPEER:
- 14 Q So, tell me about these bank accounts.
- 15 A He has bank accounts. Like, his Navy Federal --
- 16 Q Okay.
- 17 A -- that disability and things get into.
- 18 Q Okay.
- 19 A I -- I didn't know he was here that long.
- 20 Q Okay.
- 21 A I've been staying at my house due to some family
- 22 -- my own --
- 23 Q Sure.
- 24 A -- personal family and things.
- 25 Q Okay.

1 A So, Sunday was the first day I had come back.

2 Q Okay. And that's okay.

3 A Okay.

4 Q Well -- so -- so, he had access to his Navy Federal  
5 Credit Union?

6 A Yeah. He --

7 Q And what other -- what other bank account?

8 A I know he has a USAA. Wells --

9 MR. POLANCO: Visa.

10 MS. CARACCILO: -- Fargo.

11 BY DET. LAPEER:

12 Q Wells Fargo?

13 A Yes. We had -- we had to call them last night, as  
14 well.

15 Q And -- and what did -- what did you tell them?

16 A ~~That he was locked out of his phone. That someone~~  
17 ~~had taken his phone and computer. And he started noticing charges.~~  
18 ~~That he -- it -- from going online, it looked like he was using it, taking~~  
19 ~~money out here and there. So, he called to say, Hey, this is not --~~

20 Q ~~So, this would be the second time that his bank~~  
21 ~~account has been compromised. So, Young Man was telling me that the~~  
22 ~~guy was taking money out of his account and gambling with it. And then~~  
23 ~~-- we'll -- and then this guy is doing the same thing?~~

24 A I guess. I don't know about the first one.

25 Q So -- so, this -- so, Shawn had access to all three of



- 1 these accounts?
- 2 A ~~And he took his phone and computer.~~
- 3 Q So, obviously, that couldn't happen just yesterday.
- 4 A I --
- 5 Q When were the charges?
- 6 A ~~25<sup>th</sup> and 26<sup>th</sup>? So, yeah. 'Cause he took his phone,~~
- 7 ~~and computer, and all of that stuff.~~
- 8 Q When did he take his phone and computer?
- 9 A ~~The last text I had -- so, I'm gonna assume on~~
- 10 ~~Monday because that's the last --~~
- 11 Q Okay.
- 12 A -- I heard -- like, I had -- like, we had text
- 13 through --
- 14 Q Okay.
- 15 So, did Louis call the police on Monday when -- when he
- 16 ~~took his phone and computer?~~
- 17 A (No audible response.)
- 18 Q ~~And why did he -- what -- what did Louis say about~~
- 19 ~~him having his phone taken?~~
- 20 A ~~He said he needed it because he threw his other one~~
- 21 ~~out the window.~~
- 22 Q ~~Oh, so Shawn threw his phone out the window, so~~
- 23 ~~Louis willingly gave him his phone?~~
- 24 A ~~I guess to, like, use to talk to a girlfriend or somebody.~~
- 25 Q Okay.

1                   A     That, I did notice he was -- I guess they stayed at  
2     the -- he was threatening a girlfriend or somebody. I'm, kind of, lost all  
3     over here.

4                   Q     So, earlier you told me that, when he walked out with  
5     a green duffel bag, he had his computer, phone, guns, and other stuff.  
6     So, really the computer and the phone was actually taken Monday?

7                   A     I'm gonna assume -- I'm gonna assume so now.

8                   Q     Okay.

9                   A     'Cause I haven't text --

10                  Q     Okay.

11                  A     Yeah. 'Cause I had texted him Tuesday morning but  
12     did not hear anything back.

13                  Q     Okay.

14                  A     So, I just figured -- I mean -- but that was, like,  
15     Tuesday early -- I know that's --

16                  Q     Okay.

17                         So, this -- this is the problem that --

18                  A     -- Monday -- early, early Monday.

19                  Q     So, this is, kind of, the problem I'm having here now.

20     When I told you things didn't add up prior -- okay, things really don't add

21     up now. Okay. I don't know what's happening right now. It -- it -- it

22     seems like -- and don't take this the wrong way. Don't take this as I don't

23     want to help you guys. But it is very, very hard to believe that this man

24     has been here all week. Okay. He's answer --

25                  A     I know.

1 Q -- he's answering the door.

2 A Yeah.

3 Q He's in the room with -- with -- with -- with your  
4 boyfriend. He has access to your boyfriend's phone, willingly, and car,  
5 willingly, for a whole week.

6 A Which I knew nothing about.

7 Q Okay. And then he has access to all the bank  
8 accounts. Okay. So, there's -- there has to be some type of relationship  
9 that is going on. I mean, it's not like he's holding him at gunpoint and  
10 telling him, I need your -- your phone and your bank accounts. What  
11 would that -- why would that be?

12 A I don't --

13 Q What -- what is Louis saying to you where this guy  
14 has the ability to get in -- I mean --

15 A I don't know if it's --

16 Q -- does Louis owe this guy money?

17 A I hon -- truthfully, I honestly --

18 Q Okay.

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

20 Q Is Louis into other nefarious acts where it would  
21 cause him to have to be --

22 A I -- I know he'll go gamble sometimes. Like, we've  
23 gone out and gambled sometimes.

24 Q Sure.

25 A But not -- nothing, like, that I've noticed over



- 1 excessive or - -
- 2 Q Okay.
- 3 Well, gambling's not illegal even if it's excessive, you know.
- 4 A No.
- 5 Q So, I - - I don't - -
- 6 A But - - but even so if it is and he did borrow money or
- 7 whatever, I - - I - - that I don't know.
- 8 Q Okay.
- 9 A He's never asked me for money. Never has said
- 10 he's needed money, or borrowed money, or any of that - -
- 11 Q Okay.
- 12 A - - to me.
- 13 Q Okay. All right. And - - and please don't take it the
- 14 wrong way. I don't to - - I don't want it to look like I'm being accusatory to
- 15 you, but I just - - doing robberies for as long as I have - -
- 16 A Yeah.
- 17 Q ~~- - this is just odd.~~
- 18 A I - -
- 19 Q ~~It's very odd. Okay.~~
- 20 A Like I sa - -
- 21 Q I'm not saying it didn't happen.
- 22 A No. Like I said, I didn't know he was here - -
- 23 Q Yeah.
- 24 A - - for those - - those ten days - -
- 25 Q Well, you know what - - yeah.

- 1 A -- because I haven't been here.
- 2 Q And that's okay. I mean, if you don't know, you don't
- 3 know, right?
- 4 A Yeah. And he --
- 5 Q I'm just saying --
- 6 A -- Loui's been, kind of, really vague. Like, real
- 7 quiet --
- 8 Q Okay.
- 9 A -- during that time.
- 10 Q Yeah.
- 11 A So, I thought maybe, okay. Maybe --
- 12 Q Sure.
- 13 A -- we weren't --
- 14 Q You guys weren't jiving?
- 15 A Yeah. So, maybe --
- 16 Q Yeah.
- 17 A -- you know, 'cause we -- it's not the first time we've
- 
- 18 talked, or been together and then, kind of, stopped talking for a little bit.
- 19 Q Oh, okay. Yup.
- 20 A So, kind of, felt, you know, maybe that was
- 21 something like, okay. Well, maybe we were gonna take a little break or
- 22 whatever.
- 23 Q Okay.
- 24 A I don't know.
- 25 Q Sure.

- 1 A 'Cause he was just real quiet.
- 2 Q Okay.
- 3 A And then - -
- 4 Q Okay.
- 5 A - - that's a new stated, you know, Jessie, I don't want
- 6 you involved or, you know, what's going on. He's acting crazy. He's - -
- 7 Q That was Sunday?
- 8 A Yeah.
- 9 Q Okay.
- 10 A 'Cause I came Sunday morning.
- 11 Q Oh. So, Sunday he told you didn't want you involved
- 12 with Shawn?
- 13 A Yeah. He told - - no. He said, Things aren't up and
- 14 up. Like, he's acting really weird.
- 15 Q Okay.
- 16 So, he was - - that's when he started acting vague towards
- 17 you?
- 18 A Yeah.
- 19 Q Okay. All right.
- 20 A Vax (phonetic).
- 21 Q All right. Okay.
- 22 Okay. Now, were - - is there anything else that I need to
- 23 know? 'Cause, you know, we went off, and we started with Christian.
- 24 Now, we're back into some - - way more detailed stuff that you actually
- 25 knew about. Is there anything else I need to know about on this case?

- 1 A (No audible response.)
- 2 Q Is there anything else I need to know about your
- 3 husband -- I'm sorry -- your boyfriend and Shawn?
- 4 A That's all I know --
- 5 Q Okay.
- 6 A -- of them.
- 7 Q Anything else to do with anything else on the
- 8 computer, or a phone, bank accounts? Any of this jazz that's going on,
- 9 that he apparently has this iron claw over the top of Louis, and he has the
- 10 ability to be in -- involved in everything in his life?
- 11 A That I don't know.
- 12 Q Okay.
- 13 A I honestly, truly don't know. I -- I --
- 14 Q Let me ask you this. So, the dude that stole the 10K
- 15 from him last night, and had access to his bank accounts, who was that?
- 16 A I don't know.
- 17 Q Okay.
- 
- 18 So, were you dating him then?
- 19 A So, we -- we were not talking at that point.
- 20 Q Okay.
- 21 A We've known each other, but we were not --
- 22 Q Okay.
- 23 A I -- we started talking after all of that happened.
- 24 Q Okay.
- 25 A And I don't know much about that, as well, either.



1 Q So, is -- now, let me ask you this. Is he -- I mean, is  
2 it normal that he would give his bank account out? I mean, or is he not  
3 under -- is he slower than -- and I don't mean that in a negative way. I  
4 mean, like, is something --

5 A He --

6 Q -- wrong where he would be duked into giving his  
7 credit -- that's a better thing. Like, was he --

8 A He's -- he's a very giving person and likes to --

9 Q Okay.

10 A -- help people.

11 Q Okay.

12 A So, he's -- he's helped -- tried to help several people.

13 Q Okay.

14 A And just seems to always get burned.

15 Q So, do you think maybe he's trying to help Shawn,  
16 and maybe that's how this --

17 A I -- I think so.

18 Q Okay.

19 A You know, with Shawn just being out of prison --

20 Q Prison:

21 A -- and everything. He's tried to help several people,  
22 you know.

23 Q Okay. All right.

24 And -- and -- and then that makes a little bit more sense,  
25 though.

1 A Yeah.

2 Q Because, like, listen. There's no way a grown man  
3 is going come in here - -

4 A Yeah.

5 Q - - and get access to my bank accounts.

6 A And that's what, kind of - -

7 Q We're - - we're - - we're gonna have an issue, right?

8 A That's what, kind of, made me question it, too.

9 Because he's never been that way.

10 Q Right.

11 A Like, he's - - he's been - -

12 Q Okay.

13 A - - (incomprehensible). You know, he's - - but it's  
14 just - -

15 Q Okay. All right. Sounds good.

16 Well, Jessie, I - - I - - I appreciate it.

17 This ends the interview. It is 9:34.

18 (Whereupon, the audio recording concluded.)

19

20

21 I certify that the foregoing is a true and accurate transcript  
22 of the electronic audio recording with a length of 00:22:35 from the  
23 interview in the above-entitled matter.

24

25 Hannah Lewon, Administrative Assistant I

01-14-2021

EXHIBIT 7

AA000720

DR #20-18894, L. POLANCO (1)

1 STATE OF NEVADA) DATE: 10-28-2020

2 ) SS: HENDERSON

3 COUNTY OF CLARK) TIME: 8:55 a.m.

4

5

6 This recorded interview of LOUIS POLANCO did hereby  
7 take place at The Marlow apartments, number 823, 981 Whitney Ranch  
8 Drive, Henderson, Nevada 89014, reference DR #20-18894.

9

10 Person present during this interview is LOUIS POLANCO.

11 Person conducting the interview and audio recording is

12 DET. DENNIS OZAWA of the Henderson Police Department.

13 Transcription of the recorded statement by Hannah Lewon,

14 Administrative Assistant I, Henderson City Clerk's Office.

15

16 DET. DENNIS OZAWA: All right. It's October 28, 2020, at  
17 approximately 9 -- is it 9:15? Sorry. 8:55. Sorry. And we're here at

18 -- do you know the address here?

19 LOUIS POLANCO: [REDACTED]

20 DET. OZAWA: And then we're in front of apartment [REDACTED]

21 BY DET. OZAWA:

22 Q I'm here speaking with --

23 A Louis Polanco.

24 Q -- Louis Polanco.

25 My name is Dennis Ozawa, detective with Henderson PD,



1 badge number 1531.

2 So, Louis, let's just, kind of, go with - - I know there were  
3 some things that happened. What happened here first, and then we'll,  
4 kind of, backtrack what happened earlier in the day. So, like, when you  
5 called us today, just right now,

6 A Yeah. They - - he was banging on a window, kicking  
7 a door. ~~And they told us just today to call the cops when - - when he~~  
8 ~~"came."~~ And you guys came."

9 Q Okay.

10 At what time was that, did he come here today?

11 A I ha - - I - - I - - as soon as I heard the banging, we  
12 call - - I didn't even know what time - -

13 Q You called? Okay.

14 A - - it was. It took you a little while, though.

15 Q How do you spell your name, Louis?

16 A L-o-u-i-s.

17 Q Last name, P-o - -

18 A P - - P-o-l-a-n-c-o.

19 Q And, I'm sorry, your date of birth?

20 A 



21 Q Your Social?

22 A 

23 Q And do you have a cell phone?

24 A He has it

25 Q He - -

- 1 A He took my phone.
- 2 Q Okay.
- 3 What's your cell phone number?
- 4 A 
- 5 Q 
- 6 What kind of cell phone is it?
- 7 A LG Stylo 4.
- 8 Q Stylo 4?
- 9 A Yes.
- 10 Q What color is it?
- 11 A Blue, black-ish. Black-ish, blue-ish.
- 12 Q Blue, black?
- 13 A Yeah. It's, like, dark.
- 14 Q Does it have a cover on it?
- 15 A No cover.
- 16 Q Any other, like, stickers or anything on it? Designs?
- 17 A No. No.
- 18 Q Okay. Just straight-up phone.
- 19 A Yeah.
- 20 Q Nothing on it. Okay.
- 21 His name is again? The guy that - -
- 22 A Shawn.
- 23 Q What's his last name?
- 24 A I don't know. (Incomprehensible.)
- 25 Q It starts with an O?

1 A Yeah.

2 Q Okay.

3 All right. So, he comes here today, starts banging on the door.

4 A Yeah.

5 Q You call us. So, then what prompted this stuff prior  
6 to that?

7 A He -- well, I met him -- I was getting tattooed by this  
8 guy. And he came with him. They -- he was drunk, passed out on the  
9 couch. Woke up, he was gone. And then --

10 Q You were getting a tattoo from who?

11 A Benny. This guy, Benny.

12 Q Was that who came with him?

13 A Yeah -- no. He was the tattoo guy.

14 Q And Benny was coming to your apartment?

15 A Yeah. He came with him. Well, he -- he came. He  
16 knew him. And I don't know. I -- this is the first time I met him.

17 Q First time you met who?

18 A ~~That guy, Shawn.~~ Shawn.

19 Q Shawn.

20 Okay. So, you get a ba -- a tattoo from Benny.

21 Sorry. Let me turn this off.

22 And that was set up today?

23 A What?

24 Q For the tattoo? Or, I mean, yesterday.

25 A ~~Oh, it was -- so, Sunday~~

- 1 Q It was set up for Sunday?
- 2 A Sunday. It was Sunday. Sunday. Yeah.
- 3 Q And what time were they supposed to come over?
- 4 Or was -- what time was Benny supposed to come over to get it -- to do
- 5 that tattoo?
- 6 A It was in the evening. It was late. It wa -- he came
- 7 over, like, around 11. And it -- they left -- he -- Benny -- Benny left -- he
- 8 got -- passed out on the couch. I was, just -- just leave him. Just leave
- 9 him. He didn't do anything. You know.
- 10 Q This was on Sunday?
- 11 A Yeah.
- 12 Q So, Sunday Benny and this guy come together?
- 13 A Yeah. And he just passed out. I was like, he -- he
- 14 -- so, he wo -- he left. That's the thing. He didn't bother me that night.
- 15 He was okay.
- 16 Q Okay.
- 17 ~~A~~ And then he came back yesterday.
- 18 Q Who did?
- 19 A The guy.
- 20 Q This guy?
- 21 A Yeah. That --
- 22 Q Shawn?
- 23 A Shawn. Yeah.
- 24 Q So -- okay.
- 25 So, let's back up to Sunday. Benny and this guy, Shawn,



1 come around 2:00 to do a tattoo for you?

2 A Not two. Like, 12 in the ev - - in the morning. It was  
3 around 11:00 at night.

4 Q 11:00 at night on Sunday?

5 A It was late. It was - - it was late. Yeah.

6 Q Okay.

7 A 'Cause - -

8 Q So - -

9 A - - he wa - -

10 Q - - 11:00 at night to tattoo. But it was just with Benny?

11 A Yeah.

12 Q You didn't know Shawn was coming.

13 A I didn't know Shawn. I don't know who that is.

14 Q So, Shawn comes with Benny.

15 A Yeah. And then - -

16 Q And then what time do - - does Benny leave?

17 A Around three.

18 Q So, he's there from - - to 11 to about three?

19 A Yeah. Just hanging out, drinking. So, he does a  
20 little bit of the tattoos on me.

21 Q So, then Benny leaves, but then his buddy is asleep?

22 A Yeah.

23 Q And then you told him to leave him?

24 A Yeah. It's just - - he slept. And then I got up, he was  
25 gone.

- 1 Q Oh. So, then you go to sleep. You wake up.  
2 He's --  
3 A Yeah. I was just lay -- I was just, like, nodded out.  
4 And then I woke up a little while later. He was gone.  
5 Q What time did you wake up?  
6 A Oh, fuck. I was -- I don't know. Eight -- seven -- eight,  
7 nine. I don't know.  
8 Q Okay.  
9 A It was -- it was -- the light was out.  
10 Q So, eight. It was still dark out?  
11 A No. It was light.  
12 Q Oh, okay.  
13 A The sun -- the sun was coming out.  
14 Q Eight, 9:00, you wake up, and this other guy, Shawn,  
15 is gone?  
16 A Yeah. That was it.  
17 Q So, this is Monday. So, then --  
18 A (Incomprehensible.)  
19 Q -- what happens on Monday?  
20 A Nothing.  
21 Q And then Tuesday?  
22 A Oh, was it -- that was yesterday?  
23 Q Yeah.  
24 A Yes. He came.  
25 Q Who comes?

1 A Shawn.

2 Q Shawn comes to the apartment what time?

3 A Hm. I wanna say it was, maybe, like, two, three.

4 Maybe three, four-ish. 'Cause the sun was outside, and he came in,

5 Q In the afternoon?

6 A Yeah. And he had a gun. And he said,

7 (Incomprehensible). Sit down. (Incomprehensible.) He came in crying

8 'cause the - - the neighbors in building six said something happened with

9 glass. And they were - - they were argu - - he had to pick up the glass.

10 He was busting a glass bottle or something.

11 Q Uh-huh.

12 A And he came in crying. And then he started talking

13 about, like, he knew them. Like, he - - he was, like, his best friend. Like,

14 this guy.

15 Q Who?

16 A Shawn.

17 Q No. But who - - so, back up for a second.

18 A Uh-huh.

19 Q He - - Shawn comes over at - - between two, 3:00.

20 A Yeah. Uh-huh.

21 Q You said he has a gun.

22 A Yeah.

23 Q He - - he - -

24 A He said that - - he sa - - he told me to sit down. He

25 said, Give me your compu - - I want - - let me see your computer and

1 your phone. And -- which, he -- he took -- he took the -- he was -- he  
2 wanted to leave. 'Cause I had a camera -- I had a camera in my window  
3 and a camera in -- in the -- in -- inside.

4 Q Um-hum.

5 A He wanted to delete it. The cameras.

6 Q Why?

7 A 'Cause he said it's a felony to have the -- he said to  
8 record people, without them knowing. I was like, It's my -- my house.  
9 You know it's like, I'm not doing anything. And he starts -- then my son  
10 comes in. And he's -- and he's crying 'cause of -- 'cause of what  
11 happened. And --

12 Q What's your son's name again?

13 A Christian. Christian Polanco. Same as my last.

14 Q Okay.

15 So, while --

16 A He --

17 Q -- while Shawn's telling you, hey, I -- I need to see  
18 your laptop.

19 A I'm sitting there.

20 Q Let me see your laptop. Let me see your phone.

21 A (Incomprehensible.)

22 Q And then, does he take the cameras?

23 A Took the camera in the -- in the -- in my bedroom.

24 But he didn't get the camera in the living room. He just completely ripped  
25 it out. Some -- took it apart.



1 Q Okay.

2 A (Incomprehensible.) And then he - -

3 Q So, he takes the cameras. And he says it's illegal to  
4 film. And that - - does - - so, when you let him in, does - - he automatically  
5 does that?

6 A He - - he - - he showed me the gun exists. Yeah.

7 Yeah. And he - -

8 Q Like, what did he do when he showed you the gun?

9 A He just - - he just pulled it out. He showed me he  
10 had a gun. This - -

11 Q Like, pulled it out?

12 A No. He played with his shirt.

13 Q Okay.

14 A And showed he had a gun. And he says, I wanna  
15 - - I wanna - - see your laptop and your phone. Gave him my laptop and  
16 phone. He said, Where are your guns? 'Cause he - - he knew I had two  
17 guns. (Incomprehensible) have my own gun. I do - - I do, like, own guns.  
18 My - - my girlfriend has old guns. And I redid them.

19 But he - - he took - - he took a shotgun. He took my - - my  
20 ha - - my handheld.

21 Q What - - what kind of gun was that?

22 A Which one?

23 Q Your handhe - -

24 A The - - it's a .9mm. So, a Smith and Wesson.

25 Q And it had the shield.

1 What kind of shotgun did he take?

2 A It was a Winchester model 12. It's 20-gauge. It's  
3 20-gauge. 20-inch shotgun. 'Cause I have a 20-gauge, too.

4 Q Okay.

5 And that Smith and Wesson Shield, .9mm?

6 A Red and black.

7 Q Red and black?

8 A Yeah. I just painted it red.

9 Q So, he took those two guns?

10 A Uh-huh.

11 Q Do you have serial numbers for those guns?

12 A I have -- might have the box in storage for the gun.

13 I didn't --

14 Q Okay.

15 A I bought it here in Vegas.

16 Q So, he says, Let me see your laptop. Like, Give me  
17 your phone. Where -- does he ask you where your guns are at?

18 A Yeah. He just went into my room. Said, Let me

19 -- give me your guns. Hey, give -- let me see the guns.

20 Q Does he -- is he pointing a gun at you at this point?

21 A Yeah. ~~He has it -- he has it out. He has it -- he has --~~

22 it in his, like -- you could see in his hand, holding it in his pants. I got

23 -- (incomprehensible).

24 Q Like, is he actually -- is it physically out in his

25 hand --

- 1 A No, no, no, no, no.
- 2 Q -- and he's pointing it at you?
- 3 A No. He didn't point it at me at all.
- 4 Q it's in his pants still?
- 5 A Yeah. Yeah.
- 6 Q So, still holstered in his pants?
- 7 A Yeah. He didn't -- pu -- pull it out.
- 8 Q Okay.
- 9 But then he says, Take --
- 10 A Show me your guns.
- 11 Q Show me your guns. And then he takes your guns?
- 12 A Yeah. I put --
- 13 Q How do -- where does he put them?
- 14 A In a duffel bag. He tried -- had a du -- had a bag in
- 15 my room. He put it in there.
- 16 Q What kind of duffel bag was it?
- 17 A It's a military bag.
- 18 Q Is it, like, camouflage?
- 19 A It's, like, a --
- 20 Q Or green? Or?
- 21 A It's, like, the brown -- like, sand. Like, the -- sand.
- 22 Q Okay.
- 23 A It's, like, a big one.
- 24 Q So, sand-colored duffel bag?
- 25 A Yeah.

1 But it -- he -- but before that, he -- he saw the guns. The  
2 cops were here.

3 Q The cops showed up before that?

4 A Yeah. That was 'cause of the -- my neigh -- my  
5 neighbor. They called the cops on my son.

6 Q And that's from building six?

7 A Yeah.

8 Q So, when the police came for that incident --

9 A He told me, Sit down. And -- sit down in -- on -- on  
10 ~~the table.~~ And 'cause my son -- I was trying, like, calm my son down. And  
11 I -- he was -- he was, like, really -- 'cause he was crying a lot. And he  
12 was, like, telling me -- like -- he's like, his best friend or whatever. Just  
13 try talk to him. Or to try and calm down. And I -- I'm, like, nervous as  
14 hell. Like, he's like --

15 Q Did the police come into your apartment?

16 A No. ~~He wouldn't let me in the door.~~

17 Q They --

18 A ~~They -- he answered the door.~~

19 Q I know. But did they -- did the police come into your  
20 apartment?

21 A No. They didn't come inside.

22 Q They just --

23 A They (incomprehensible).

24 Q -- they talked to him outside?

25 A ~~Yeah.~~ Yeah. They -- he stood by the door with my son.



1 Q So, your son was - -

2 A He was holding him, like - - he was right next to my

3 son.

4 Q Standing next to your son?

5 A (No audible response.)

6 Q Okay.

7 And then they talked to them outside?

8 A No. They were out - - the cops were outside. They

9 were standing in front of the door.

10 Q Did the cops see you?

11 A Yeah. They saw me. I got up, and I walked to the

12 side. And I was standing behind. And he - - he pushed me. He put his

13 hand, like, to step back.

14 Q Did the cops talk to you at all?

15 A No.

16 Q Did they ask who you were?

17 A He just said - - he asked me if he's the father. He - -

18 said, No. I'm - - I said, I am the father.

19 He said, I'm Un - - he said he's his uncle.

20 Q And then they never talked to you?

21 A No.

22 Q Okay.

23 So, then police leave. Then what happens after that?

24 A He was - - he was, like - - I still tried to talk to him.

25 He was like - - he hates it here. He was like, This is - - you know, he was

1 just saying -- he's, like, trying to be, like, a dad. Like, to -- I don't know.

2 It was -- it was just weird. It was like he was trying to be, like, really nice  
3 to him.

4 Q Who?

5 A My -- the Shawn guy. He --

6 Q Trying to be nice to you?

7 A To my son. Like, being really, like, overly nice to my  
8 son while he's (incomprehensible) me. Like, taking from me.

9 Q So, he -- after the police leave, he starts talking to  
10 your son.

11 A Yeah. And I'm -- I'm there. But -- and -- he gets  
12 out, but he -- he goes -- he goes to the room, looking for things. Looking  
13 through my room, see if I have anymore cameras. And -- and then he  
14 leaves.

15 Like -- well, my girlfriend showed up before then, you  
16 know. He -- he, like -- I sit -- I sit down at the table. And I -- I was -- I  
17 told her to sit down.

18 Q What times does your girlfriend get there?

19 A I'd say six-ish. Around six-ish some -- sometime.

20 Q Six-ish.

21 A Yeah. He left.

22 Q Okay. So --

23 A And then when he starts getting -- come to the  
24 room --

25 Q So, six-ish, your girlfriend shows up?

1 A Yeah. He said to go to the room. I go to the room.

2 And he's like, Why is she here?

3 I said, What do you mean why she - - she's my girlfriend.

4 And sh - -

5 He says - - he's looking through the phone. He says, Do

6 you have any more cameras? He was looking to see if I had cameras.

7 He just deleted everything. He's like, Is that - - he was trying to go to

8 - - well, this is after he left, he was going through all my accounts and stuff

9 like that. Trying to get his - - 'cause he had access to everything. -

10 Q Did you have a passcode on your phone?

11 A He unlocked it.

12 Q Huh?

13 A I did. But he re - - I unlocked it. I show - - he said,

14 Let me use your phone. And then that was the end of it.

15 Q Okay.

16 What's the passcode on your phone?

17 A 1212.

18 Q You unlocked it for him? Or did you tell him the code?

19 A I told him the code. I said, It's just 1212.

20 Q So, then he - - he looks into your phone and deletes

21 what?

22 A It was - - just later - - it was just later on, he was

23 scrolling - - he was trying to get into the - - to my bank accounts.

24 (Incomprehensible) I was - - I was changing all the passwords and stuff

25 like that. And - -

- 1 Q How did you know that?
- 2 A 'Cause it was -- I was looking at the -- the mail.
- 3 Like, you could see -- like, you see, like --
- 4 Q Your email?
- 5 A Yeah. And I was looking. So, I -- I log in. And I
- 6 was like -- 'cause I was still able to log -- I -- I -- so, I pulled up.
- 7 Q Well, ho -- hold on. Let's back up. So, girlfriend
- 8 gets here at six. She shows up.
- 9 A Um-hum.
- 10 Q He walks you into your bedroom, asks you why
- 11 she's here.
- 12 A Um-hum.
- 13 Q You said, She's my girlfriend. She's just coming over.
- 14 And then what happens after that?
- 15 A ~~He grabs the bag. He says, Take this. Put it in your~~
- 16 ~~car. And give me the key.~~
- 17 Q ~~Put it in?~~
- 18 A ~~My car.~~
- 19 Q Okay.
- 20 And what kind of car do you have?
- 21 A It was a sh -- well, it -- it's a shop car. It's -- my
- 22 car's in the shop. It's my friend's shop.
- 23 Q Okay.
- 24 A And it's a Malibu. Chevy Malibu.
- 25 Q This is your friend's car?



1                   A     This is - - it's a body shop. It's a - - my friend owns  
2     the body shop over there.

3                   Q     So, he's letting you borrow the - -

4                   A     The shop car while he fixes my car.

5                   Q     Who's the vehicle registered to?

6                   A     It's his body shop.

7                   Q     What's the body shop called?

8                   A     Fantastic Finishes.

9                   Q     Okay. Fantastic Finishes.

10                  Where are they located at?

11                  A     Losee Road. Right - - northside.

12                  Q     Okay.

13                  A     Losee.

14                  Q     So, Losee Road. It's a shop car. 'Cause your car  
15     -- what kind of car do you actually have?

16                  A     A 2009 BMW.

17                  Q     What kind of color?

18                  A     Gray. Two doors.

19                  Q     What kind of BMW?

20                  A     328i.

21                  Q     Okay. So, your gray BMW's in the shop.

22                  This white Chevy - - how long have you had this white Chevy?

23                  A     For a minute. I - - my - - my car - - my frame was  
24     totaled. So, they had to rebuild it. So, like, a few months.

25                  Q     Like, do you - - are you thinking, like, September?

- 1 A No. It was, like, from -- since -- in January.
- 2 Q Since January?
- 3 A I wasn't -- yeah. Yeah.
- 4 Q Oh, so it's been more than a few months.
- 5 A (Incomprehensible.)
- 6 Q So, you've had this since January?
- 7 A Well, it -- it -- yeah. Like, beginning of February
- 8 -- yeah. February, March I got it. 'Cause I -- I had a rental car for a little
- 9 bit.
- 10 Q So, okay. So, February. Since February, you had
- 11 the vehicle.
- 12 So, he tells you, Give me the keys. And then he --
- 13 A Um-hum.
- 14 Q -- so, you walk with him to -- where's your car
- 15 parked at?
- 16 A Right over there. I have a spot open. Right up
- 17 -- right -- right there. ~~222 where the car's at.~~
- 
- 18 Q Uh-huh. So --
- 19 A ~~Yeah. And Put it in the trunk.~~
- 20 Q What -- what's the slot -- spot number?
- 21 A 222.
- 22 Q 22?
- 23 A 222.
- 24 Q 222.
- 25 A Is your girlfriend's car there right now?

1 Q I don't know.

2 A I think so. Yeah.

3 Q So, 222. You put the - -

4 A ~~Duffel bag put it in the trunk.~~

5 Q You put the duffel bag in the trunk?

6 A Um-hum.

7 Q And then what happens after that?

8 A He left.

9 Q Okay.

10 A And - -

11 Q And then - -

12 A - - he saw me (incomprehensible portion).

13 Q Okay.

14 So, then what happens after that?

15 A (Incomprehensible portion.) I told her everything that

16 happened. And that was it. And - -

17 Q So, what time do you think he left?

18 A He left around 6:30.

19 Q So, it wasn't too long after your girlfriend - -

20 A Yeah.

21 Q - - showed up?

22 A 6:30, seven, he left. Yeah.

23 Q And then you call us at what time?

24 A At eight. It was late. I didn't wanna call. I was

25 - - I - - I didn't know - - I didn't know what to do, whether to call or not.

- 1 Q So, why did you call?
- 2 A 'Cause you -- I know my guns are registered. I just
- 3 -- I was nervous. I was scared. And I don't -- I don't do well with --
- 4 Q Scared that his --
- 5 A Like, he's my son. Like, I'm -- because he -- he's
- 6 all I have, you know. I mean --
- 7 Q Scared that he's coming back?
- 8 A Coming back. Yeah. Like, he's really, like -- okay.
- 9 This is weird the way he was acting towards my kid, man. I don't know.
- 10 Q And then prior to Sunday, has Shawn been to your
- 11 house before?
- 12 ~~A Yes, I never met him.~~
- 13 Q You -- that was the fir -- on Sunday was the first
- 14 day and time you met him?
- 15 A Yeah.
- 16 Q And how long have you known Benny?
- 17 A I known Benny -- like, he tattooed me a few times.
- 18 Like, I did it from across the street. When I would go there, he tattooed
- 19 me over there.
- 20 Q And how long have you been getting tattoos from
- 21 Benny?
- 22 A Like, two years maybe.
- 23 Q Two years?
- 24 A On and off. Like yeah. I can't get them -- 'cause he
- 25 doesn't live here.



- 1 Q Where does he live?
- 2 A Sacramento.
- 3 Q So, how do you get to - - how do you get in contact
- 4 with him?
- 5 A He's - - he's either on - - on - - on Facebook. He - - he
- 6 says he's here. He'll leave the num - - number, I'll call. He'll come by when
- 7 he can.
- 8 Q So, how did you - - how'd you set up Sunday's
- 9 incident?
- 10 A He said he was here. He was in town. So, I was
- 11 like, Yo - -
- 12 Q And then through - - what was that through?
- 13 A Instagram.
- 14 Q Instagram?
- 15 A (No audible response.)
- 16 Q So, Sunday, on Instagram, he says he's in town?
- 17 A Oh, no. He was - - he was supposed - - he said was
- 18 in Cali - - he was here on Friday, but he probably won't make it 'til, like,
- 19 Sunday. (Incomprehensible.)
- 20 Q Did he specifically message you?
- 21 A Hm?
- 22 Q Did he specifically message you on Instagram or did
- 23 he just put it out that he was - -
- 24 A No. He - - he - - me, I got to talk to him. Like, he's
- 25 like - -

1 Q Oh. Like -- like, video chat or actually, like, call  
2 him --

3 A Yeah. Yeah.

4 Q -- through Instagram?

5 So, he calls you through Instagram, says he's in town. And  
6 then --

7 A Well, come by -- I said, Come by. We can have a  
8 drink. Whatever. You know.

9 Q Okay.

10 And then he was giving you some new tattoos?

11 A Yeah. He was -- yeah. 'Cause he covered up my  
12 arm. I got a bad tattoo. He was covering -- help me cover it up.

13 Q And then, does he charge you? Or is it just, like,  
14 a --

15 A Yeah. A friendship thing. You know, like, whatever.  
16 You know, yeah. We'll hang out. Give him a few dollars. And it's -- it's  
17 just we don't do a lot during session anyways. So, we can just do it for a  
18 good hour. So, you know.

19 Q So, did he charge you for the tattoos when he came  
20 Sunday?

21 A No. We -- we -- he -- sa -- not Sunday.

22 Q Okay.

23 So, he --

24 A 'Cause he -- 'cause he did -- he did some work on  
25 me before, and he didn't finish it. So, he just came out to finish some

- 1 work up. And that was it. We hung out. He was passed out. So, he left.
- 2 Q Who was passed out?
- 3 A That guy, Shawn. Yeah. Just let him sleep, you
- 4 know. And then --
- 5 Q Okay.
- 6 A I pa -- I nodded out. And then I woke up; he was
- 7 gone.
- 8 Q All right. It -- was there any -- and you're not
- 9 getting in trouble for it. I just need to know --
- 10 A Huh?
- 11 Q -- the whole story, okay?
- 12 Did -- were you guys doing any drugs or anything?
- 13 A No. We were drinking.
- 14 Q Just drinking?
- 15 A Yeah.
- 16 Q ~~Shawn wasn't using any~~ drugs?
- 17 A ~~Not that I know of.~~
- 18 Q You didn't see him do anything?
- 19 A No.
- 20 Q What about Benny?
- 21 A No. He wa -- I didn't see Benny even doing drugs.
- 22 Q Does Benny do drugs?
- 23 A Not that I know of.
- 24 Like, I don't -- I don't do any around my kid.
- 25 Q Oh, okay.

1 So, what about Shawn? Do you --

2 A I never seen. No. He looked, kind of, fuzzy, weird,  
3 yesterday.

4 Q Okay.

5 A But he was just sweating a lot.

6 Q ~~And do you do narcotics -- drugs? --~~

7 A ~~I -- I -- I did. I don't really -- I don't mess around~~  
8 anymore. I --

9 Q What did you used to do?

10 A I used to -- I smoke a lot of weed. And then I did  
11 -- I smoked a little bit of meth here and there. But I don't do it 'cause I got  
12 my custody of my kid. I don't --

13 Q Okay.

14 A -- I don't want it around my -- my son.

15 So, then we decided -- he left. By the time I got up, he was  
16 gone. And that was it.

17 Q Okay.

18 So, he leaves at eight -- around 6:30 on -- yesterday. You  
19 call us later that night.

20 A Yeah.

21 Q Why do you think he came back today?

22 A ~~He said he was gonna be -- he said, I'll be back.~~

23 ~~That's what he said. I don't know what he was gonna do. Why he said~~

24 he'd be back, but he was -- he was back really late this morning banging

25 -- banging on the window, banging on the door, kicking the door. And then --



- 1 Q So - -
- 2 A She - - they said to call when - -
- 3 Q When he left, he said, I - - I'm coming back?
- 4 A ~~He said, I - - I'll be back. Take care.~~ And I said,
- 5 (incomprehensible)? Like - - I mean, and he told me - -
- 6 Q Why do you think he said that?
- 7 A I don't know. And then he was there. Like, he - - like,
- 8 it sounded like he was gonna break the window. Kicking and hitting it hard.
- 9 Q All right. But - -
- 10 A I don't know why.
- 11 Q - - he ~~doesn't~~ live here?
- 12 A No. No. It's just me and - - me and my son.
- 13 Q And then - - but you told your girlfriend about what
- 14 was going on?
- 15 A Yes. Yes.
- 16 Q Okay.
- 17 But you don't know - - he just said, I'm coming back?
- 18 A He just - - yeah. Said, I'll - - take care.
- 19 Q ~~Said, I'll be back; take care?~~
- 20 A Yeah.
- 21 Q ~~Doesn't that sound kind of strange?~~
- 22 A ~~Yeah.~~
- 23 Q Like, why would - -
- 24 A Like, I don't know.
- 25 Q ~~Why would he take all your stuff, and then say, I'll~~

1 be back. Take care?

2 A Well, he said, he's -- he said if I call the cops, I'll be  
3 back (incomprehensible) or I'll -- I'll blow your house up with your dog  
4 and your son in it.

5 Q And then how did you call the police if he took your  
6 phone?

7 A Her phone.

8 Q Oh, she -- you used her phone?

9 A Yeah. She called. That's --

10 Q Oh, okay. She called after you told her what  
11 happened?

12 A Yeah. We called -- 'cause it was later in the  
13 evening.

14 Q When did you tell her all this happened?

15 A She was -- she was there. Like, she was so -- like,  
16 something going on. You know, so she knew something was up. So, I  
17 told her by then.

18 Q But then, was that right after he left?

19 A ~~Yeah. I came back in the house.~~

20 Q And then, why did she decide to wait so long to call?

21 A 'Cause she told me -- 'cause I told her what he said.  
22 Like -- and then I told her, like -- I -- I didn't -- it was my fault for not  
23 calling. 'Cause I didn't wanna call 'cause I was, you know, scared for my  
24 son, me, her. You know, like --

25 Q And the -- all the stuff that he took was your laptop,

1 your phone, and two guns?

2 A Two guns.

3 Q Did he take anything else?

4 A Laptop, phone -- yeah. That's it.

5 Q So, the shotgun, and then the -- the .9mm?

6 A Yes.

7 Q How long have you had those weapons?

8 A Well, they're the -- the shotgun is hers. It's -- it's a

9 -- it's, like, an antique. It was from the '60s. It was an older one. I was  
10 redoing it. It's just -- you know. And --

11 Q It's your girlfriend's?

12 A Yeah. It was her --

13 Q How big is it?

14 A It's -- it's -- it's got -- it's -- it's a --

15 Q Short barrel?

16 A Short barrel. And I had -- it's, like, it had -- the --

17 the stock was cut down.

18 Q Like, the stock was cut down and the barrel?

19 A Um-hum. Up -- 'cause it was, like, the handheld. It  
20 had a light on the front.

21 Q Oh, okay.

22 Did you cut it yourself, or?

23 A Yes. I had a (incomprehensible) everything out.

24 Q And then, the Smith and Wesson is yours?

25 A Yes.

1 Q Okay.

2 Is there a serial number for the shotgun?

3 A It's on the bottom. Yes. This -- I don't have -- I  
4 don't -- I don't have the serial number, but it's, like, in the front.

5 Q Does your girlfriend know it?

6 A Probably not. It's an old one. I don't know. I sh --

7 Q Why does your girlfriend leave the shotgun at your  
8 place?

9 A 'Cause I was redoing them.

10 Q Oh, you were fixing them up?

11 A Yeah. (Incomprehensible.) That -- they were  
12 actually her deceased husband's.

13 Q Her deceased husband?

14 A Yeah.

15 So, I was fixing them up for her.

16 Q Okay. So, let me try to go back over this thing. And  
17 then let me know if anything sounds different or -- just to recap everything.

---

18 So, on Friday, you get -- you get a call from Benny on  
19 Instagram saying that he's in town. You're like, Oh, okay. Cool. We can  
20 drink and hang out or whatever.

21 And then on Sunday, it's set up. So, he comes over  
22 between, like -- or comes over around 11, stays 'til about three. You  
23 guys are drinking. He does some tattoos for you.

24 A Um-hum.

25 Q And -- but when he shows up, he has this guy



1 named Shawn with him, which is the first time you -- you met him.

2 A Yes.

3 Q And then Sh -- Benny leaves. Shawn falls asleep.

4 You tell him, Just leave him here. Then you fall asleep. You wake up

5 between eight and nine. Shawn's gone.

6 A Yeah.

7 Q Then yesterday, Shawn comes over between two

8 and 3:00. And then at that time, he shows you -- he's like, I got a gun.

9 And then just shows you -- is it in his front waistband?

10 A Yes.

11 Q Or where is it at exactly?

12 A It's -- it's --

13 Q It's tucked?

14 A Yeah.

15 Q So, it's tucked in his front waistband. He says, Give

16 me your laptop. Give me your phone. And then, Where are all your

17 guns? And he's -- ~~does he take the other camera with him, too?~~

18 A Yeah. He took a camera -- the one in there -- in

19 -- in the window, looking down the stairs.

20 Q Do those cameras record?

21 ~~A Yeah. That's what he did. He was erasing -- he~~

22 ~~was erasing everything. He says that it's fe --~~

23 Q Does the -- the camera's connected to your phone,

24 right? Like, you can look at video on your phone?

25 A So, the -- the -- this one. That's --

- 1 Q Which one?
- 2 A The -- the -- the Cox Homelife.
- 3 Q And that one records?
- 4 A Yeah.
- 5 Q Okay.
- 6 A But he -- but he disconnected it.
- 7 Q Disconnected it?
- 8 A It -- it only records when you walk -- when you open
- 9 the door and you close it, for, like, a few seconds. It's, like, a small clip.
- 10 Q Okay.
- 11 A And that one, in my room, at the time, wasn't even
- 12 hooked up. But -- yeah. He was -- he was -- he's saying, you know,
- 13 it's, like -- it's -- it's -- it's a felony for every time you record somebody
- 14 that comes in and out of your house. I was like, It's my -- my house.
- 15 Q Do you have -- on your phone, do you have access
- 16 to the cameras?
- 17 A Yeah. The Homelife? Yeah.
- 18 Q Yeah.
- 19 A Yeah. You could see it. You could zoom in, if I'm
- 20 recording. I could zoom in and out.
- 21 Q Okay.
- 22 ~~So, then he's already asked for that.~~ He says, Where are
- 23 your guns at? Takes you to the bedroom. Then your son comes home,
- 24 who got in a fight with his buddy?
- 25 A Yeah.

- 1 Q And there's something about a broken bottle.
- 2 A Um-hum.
- 3 Q Police show up. He tells you to sit down. He
- 4 answers the door with your son.
- 5 A With -- with my son -- yeah.
- 6 Q And then talks to the police. And then the police
- 7 leave shortly after?
- 8 A Yes.
- 9 Q So, after the police leave, your girlfriend shows up
- 10 -- or after the police leave, he starts talking to your son. It's -- and you
- 11 -- you don't really like it because it's -- he's just being too nice, saying
- 12 that, you know, he does -- he doesn't like it here. Or your son said that?
- 13 A He's just -- he was just really upset.
- 14 Q Your son was?
- 15 A And -- yeah. My son was really upset. Like, really
- 16 crying.
- 17 Q So, he's --
- 18 A He -- he took it, like, they were, like, bullying him.
- 19 Q So, how long does that go on before your girlfriend
- 20 shows up?
- 21 A ~~I don't know.~~ Maybe -- about a half hour -- I was
- 22 sittin' -- just sitting there. I'm just fuckin' (incomprehensible).
- 23 Q So, he's just sitting with you guys?
- 24 A Yeah.
- 25 Q What's your son doing?

1           A     Just sitting down next to -- just sitting down. Like,  
2     I'm sitting next to my son. He's sitting beside him. And that was -- that  
3     was it. It was just -- they were talking. We were -- we were just bull  
4     -- like, he was, like -- he was, like, just, like, friends with him.

5           Q     Was -- were you guys watching TV or anything?

6           A     Yeah. The TV was on.

7           Q     The TV was on?

8           A     No, it wasn't on. ~~He was just sitting in the living~~  
9     room, though. It wasn't on.

10          Q     Okay.

11                Did your son know that -- does your son know that he had  
12     -- sorry. Does your son know that this guy has a gun or anything?

13          A     Um-hum.

14          Q     He does?

15          A     I told him.

16          Q     While you guys were sitting there?

17          A     No. No, no. No.

18          Q     I meant, while you're sitting there, does -- and he's  
19     talking to your son -- did he ever show the gun?

20          A     No.

21          Q     Okay.

22                So, your girlfriend then shows up around 6:00.

23          A     Um-hum.

24          Q     And then he takes you into his room.

25          A     My room.



1 Q Or, I mean, sorry, takes you into your room. And  
2 says, Why - - why is she here?

3 A Yeah. ~~A few minutes in there and he's going~~  
4 ~~through all my stuff. Make sure no cameras. He's go - - grab a bag and~~  
5 ~~bring it downstairs. That was it.~~

6 Q Okay.

7 So - - and then says, Give me the keys to the car. And  
8 then, Load this duffel bag up into the back. You do that. And then he  
9 leaves after that?

10 A Yes.

11 Q And then says, Don't call the cops or I'm gonna  
12 come back - -

13 A And blow up the hou - -

14 Q And blow up the home?

15 A Blow up my home. Something like that.

16 Q What - - do you remember exactly what he said?

17 A I think he said, Blow you - - blow you - - blow your  
18 dog and son away. Or something like that.

19 Q Don't call the cops, otherwise I'll blow - - come back  
20 and blow up your home.

21 Do you remember what he was wearing the first night that  
22 he showed up?

23 A No. No. Probably jeans, shirt, sweater.

24 Q Okay.

25 What was he wearing when he came over yesterday?

- 1 A Like - - like, a blue shirt.
- 2 Q A blue shirt?
- 3 A Yeah. I think he had a blue shirt.
- 4 Q Do you remember what it said on it?
- 5 A No. It was - - it was a plain, blue shirt.
- 6 Q And then what about pants? What kind of pants was
- 7 he wearing?
- 8 A I wanna say blue. He had a - - it's, like - - he had a
- 9 sweater.
- 10 Q What kind of sweater?
- 11 A It was blue.
- 12 Q So, he was just wearing all blue?
- 13 A I think with a - - something in the front with a logo.
- 14 Q Was it a hoodie sweater or just - -
- 15 A Yeah. A hoodie - - yeah. Hoodie sweater.
- 16 Q So, blue hoodie with what on it?
- 17 A Like, a wet logo - - a school or something. I don't
- 
- 18 know. Something like that. The lo - -
- 19 Q How tall is he?
- 20 A He's taller than me. He's, like, six and change, I
- 21 guess.
- 22 Q Six-foot. Is he white, black, Hispanic, Asian?
- 23 A He's white. No, yeah. He's - - like (incomprehensible).
- 24 Q How much do you think he weighs?
- 25 A He's big. Like, two - - two and change.

- 1 Q Two hundred?
- 2 And what kind of hair does he style? Does have black hair,
- 3 brown hair?
- 4 A He has, like, hair -- like, with no hair. Like -- like,
- 5 buzzed. Shaved.
- 6 Q Just shaved? What color is it?
- 7 A Like, yellow.
- 8 Q Blonde?
- 9 A Like, 'cause he -- like, blonde.
- 10 Q Blonde hair?
- 11 What about Benny? What does Benny look like?
- 12 A Just tattoos everywhere. And he -- he's Mexican.
- 13 Q Huh? Benny's Mexican?
- 14 A Yeah.
- 15 Q How tall is he?
- 16 A Five-four-ish.
- 17 Q So, a short guy?
- 18 A Yeah. Short.
- 19 Q How much do you think he weighs?
- 20 A Chunky guy. 182?
- 21 Q Dark hair?
- 22 A He's bald.
- 23 Q Bald?
- 24 A Yeah.
- 25 Q Shaved head?

- 1 A Yes.
- 2 Q Completely bald, though?
- 3 A Yeah.
- 4 Q Like, he takes a razor and cuts it?
- 5 A Uh-huh.
- 6 Q Okay. All right.
- 7 Is there anything else you can think of that you haven't told
- 8 me yet?
- 9 A That he's been -- I wish he was -- he was going
- 10 through the -- when he wasn't here, he was going through my -- my
- 11 computer. I could see it.
- 12 Q And then how could you see that?
- 13 A The -- 'cause I had (incomprehensible) who was
- 14 linked to my Google account.
- 15 Q How are you checking that, though?
- 16 A Through the Wi-Fi.
- 17 Q But on what?
- 
- 18 A My son's phone. My son had a phone.
- 19 Q Oh, your son's phone?
- 20 A He has a -- yeah. He gave me his -- the -- like, the
- 21 TextNow app. He could only use it in the house.
- 22 Q What kind of phone does your son have?
- 23 A It's a Samsung. He's --
- 24 Q So, you -- you logged in on your son's phone --
- 25 A Son's phone. Yeah.



- 1 Q -- to check all your accounts?
- 2 A Uh-huh. (Incomprehensible.)
- 3 Q What account was he checking?
- 4 A USAA, Faramo (phonetic), Navy Federal.
- 5 Q Did he take any money out of it?
- 6 A No. But there was -- sent it out -- on Venmo, there
- 7 was a request for a hundred thou -- a thousand dollars for rent from
- 8 someone I don't even know. And then when I go look on the app, it's no
- 9 -- none -- there's no request for anything.
- 10 Q So, somebody request a thousand dollars from you?
- 11 A No. I --
- 12 Q Or to you?
- 13 A I request some -- to somebody I don't even -- I'm
- 14 not even friends with.
- 15 Q Oh. So, he was the one doing that?
- 16 A I don't know. I mean, I think so 'cause he -- he's -- I
- 17 don't even -- I didn't have the app on my cell phone.
- 18 Q You don't have an app? You don't have Venmo?
- 19 A I do. I do, but I don't have -- I didn't have it on my
- 20 son's phone.
- 21 Q But you saw it in your bank account?
- 22 A No, I saw it in emails. So, I down -- so, I
- 23 downloaded it on my son's phone, and there was nothing there. So, it
- 24 -- I'm not friends with anybody. It didn't go through.
- 25 Q Oh, okay. So, then somebody -- somebody

- 1 requested money from you, or you were --
- 2 A I requested --
- 3 Q -- or your account requested --
- 4 A Somebody I didn't even know. Like, it said Joe
- 5 something, and then -- but then when I looked on the account, it's not
- 6 there. There's no Joe nothing.
- 7 Q Okay.
- 8 So, you're thinking that Shawn requested money from
- 9 somebody --
- 10 A Yeah.
- 11 Q -- using your account?
- 12 A But it didn't go through since it's not hooked up to
- 13 anything.
- 14 Q Okay.
- 15 A That's it. You know.
- 16 Q Anything else?
- 17 A Hm. There's no money taken.
- 18 Q But he was just going through your bank account, it
- 19 looks like?
- 20 A It was -- yeah.
- 21 Q Okay. All right.
- 22 A Act -- actually, today, it --
- 23 Q If there's anything else you can think of, let us know,
- 24 okay?
- 25 A Yeah.

1 Q And then if we have any other questions, we'll

2 -- we'll hit you up, too, okay?

3 A All right. I know that --

4 Q And I'll give you --

5 A -- ~~it seems weird, I -- I have, like -- like, severe~~

6 ~~PTSD. Like, I don't do -- I'm, like, nervous around people. I don't really~~

7 ~~go out.~~

8 Q That's my cell number. That's my card right there.

9 Okay?

10 A Cool. Cool. Dennis?

11 Q So -- yeah.

12 And it's 9:30, and it's gonna end the interview.

13 (Whereupon, the audio recording concluded.)

14

15

16 I certify that the foregoing is a true and accurate transcript

17 of the electronic audio recording with a length of 00:40:05 from the

18 interview in the above-entitled matter.

19

20 Hannah Lewon, Administrative Assistant I

01-14-2020

21

22

23

24

25

EXHIBIT 8

AA000761



DR #20-18894, L. POLANCO (2)

1 STATE OF NEVADA) DATE: 10-28-2020

2 ) SS: HENDERSON

3 COUNTY OF CLARK) TIME: Unknown

4

5

6 This recorded interview of LOUIS POLANCO did hereby  
7 take place at The Marlow apartments, number 823, 981 Whitney Ranch  
8 Drive, Henderson, Nevada 89014, reference DR #20-18894.

9

10 Person present during this interview is LOUIS POLANCO.

11 Persons conducting the interview and audio recording are

12 DET. DENNIS OZAWA and DET. KEVIN LAPEER of the Henderson

13 Police Department. Transcription of the recorded statement by

14 Hannah Lewon, Administrative Assistant I, Henderson City Clerk's Office.

15

16 LOUIS POLANCO: Benny was supposed to come over  
17 dur -- during the week. And he (incomprehensible). So, Friday,  
18 (incomprehensible) Friday. They're not going Friday. Couldn't make it.  
19 So, he came over Sunday, and that was it. Like, I only known him four  
20 days?

21 BY DET. DENNIS OZAWA:

22 Q So, you're saying the first time you met him was on  
23 Sunday?

24 A Still -- on Saturday night. Saturday night was when  
25 -- Sunday morning -- I think? Yeah. I think it was, like, Saturday night,

- 1 Sunday morning.
- 2 Q So, you met him Saturday night?
- 3 A I think. Yeah. It was Sunday morning -- Sunday
- 4 night. Sunday night. What's today? Wednesday?
- 5 Q Today is Wednesday.
- 6 A So, only, like, four days, like, I known this guy.
- 7 Q Okay.
- 8 So, you haven't -- did you go to a bar to meet up with
- 9 Benny at all?
- 10 A To be at a bar? No. He was at my house.
- 11 Q Benny was?
- 12 A He -- he came to my house.
- 13 Q Okay. But that -- ~~did you meet anybody at a bar~~
- 14 ~~anytime last week?~~
- 15 A No. Bar?
- 16 Q Yeah.
- 17 A Huh-uh.
- 
- 18 Q Doesn't sound familiar?
- 19 A No.
- 20 Q So, Sunday was the first time you met --
- 21 A Oh, I met -- I met a gir -- (incomprehensible portion)
- 22 I just met another girl at the bar. Yeah. That's --
- 23 Q Okay.
- 24 Well, who -- what girl?
- 25 A Her name's Maria. Like, that was it. I got -- I just

- 1     -- that was a one-night thing.
- 2                   Q     Okay.
- 3                   When was this?
- 4                   A     Saturday? Sunday? Saturday? Saturday. It was
- 5     the day before -- it was I wasn't getting tattooed yet.
- 6                   Q     It was the day before you got tattooed?
- 7                   A     Yeah.
- 8                   Q     Okay.
- 9                   And how long have you been dating --
- 10                  A     We've been on and off for --
- 11                  Q     -- Jessica?
- 12                  A     -- about two years. Right? Yeah. About two years.
- 13                  Q     And then --
- 14                  A     Yeah.
- 15                  Q     -- you said Maria?
- 16                  A     Yeah.
- 17                  Q     You met her Saturday?
- 18                  A     Saturday. Yeah.
- 19                  Q     Which bar did you guys go to?
- 20                  A     We went to -- was it a PTs? (Incomprehensible.)
- 21                  Q     PTs where?
- 22                  A     Right here on Sunset.
- 23                  Q     Oh, okay.
- 24                  Who were you with other than her?
- 25                  A     That was it. Me and her.

- 1 Q You just went there by yourself?
- 2 A Yeah.
- 3 Q And then, did you hang out with her afterwards or
- 4 no?
- 5 A No.
- 6 Q So, then Sunday, you meet up with Benny.
- 7 A Yeah.
- 8 Q And --
- 9 A And he knew about it 'cause I told him about it. Like,
- 10 I told him about her.
- 11 Q Benny?
- 12 A -- I told Benny and Shawn about her.
- 13 Q About the girl?
- 14 A Yeah.
- 15 Q Okay.
- 16 And have you let Shawn use your vehicle at all?
- 17 A He said -- see, I had no shorts yesterday.
- 18 Q I kn -- well, not yesterday.
- 19 A No.
- 20 Q Before that.
- 21 A No. My son --
- 22 Q When he left on Monday morning, did you let him
- 23 drive your car?
- 24 A Monday morning? No.
- 25 Q ~~Becau -- because Shawn's saying that you did, and --~~



- 1 your girlfriend here says that, yeah, you let him use the car on Monday.
- 2 A (Incomprehensible?) Oh, shit. Went back this
- 3 morning. But he -- but you guys were coming, right? That was my car
- 4 he had.
- 5 Q Yeah.
- 6 A Yeah.
- 7 Q But before that, though, he left -- you're saying he
- 8 left --
- 9 A Saturday, Sun --
- 10 Q On Mon -- he left yester -- or, yeah. Tuesday --
- 11 A Yeah.
- 12 Q -- with your car.
- 13 A He had my car. He stole it.
- 14 Q Came back today.
- 15 A ~~He took it. But he gave -- he put it back.~~
- 16 Q He put it back?
- 17 A He put it back right there. He -- he's (incomprehensible)
- 18 knock or nothing. He was there.
- 19 Q When was this?
- 20 A ~~It had to be that night.~~ That night.
- 21 Q Which night?
- 22 A 'Cause I -- when I woke up, he was gone. The car
- 23 was here.
- 24 Q So, Sunday --
- 25 A And I --

- 1 Q -- Monday morning, the car was here.
- 2 A Yeah. So --
- 3 Q He was gone.
- 4 A Yeah.
- 5 Q And then you see him come Tuesday?
- 6 A Yeah. And that was it.
- 7 Q Okay.
- 8 Did you make any plans for him to, like, move in with you or
- 9 anything?
- 10 A No.
- 11 Q 'Cause that's what he's telling us.
- 12 A Why would -- no. No. No.
- 13 Q I'm -- it --
- 14 A I'm -- I'm getting -- I -- I want -- my -- I'm getting
- 15 ready to move.
- 16 Q Where are you moving?
- 17 A This is -- I -- my lease is up in January. I'm out.
- 
- 18 Like, nobody's moving in here. He's -- I don't know this guy.
- 19 Q So, he -- so, you made no plans to have him move
- 20 in with you at all?
- 21 A No.
- 22 Q ~~And he never driven -- has -- has he ever driven~~
- 23 ~~your vehicle prior to yesterday?~~
- 24 A ~~No.~~
- 25 Q ~~So, why does your girlfriend say he did? And why is~~

1 he saying he did?

2 A (No audible response.)

3 Q Is it something that you -- you just don't remember  
4 giving him permission, or?

5 A I never gave this guy permission to do anything.

6 Like, he --

7 Q Okay.

8 A Yeah. He's --

9 Q And then what's in the duffel bag?

10 ~~A It was my sh -- my shotgun. My gun. My helmet.~~

11 He had -- he had my helmet.

12 Q Helmet to what?

13 A Motorcycle. That's it.

14 Q Okay.

15 And then, can you describe the gun again to me? The one  
16 that he -- when he lifted up his shirt, what did the gun look like again?

17 A He had his hand on it like this. It was black, I think.

18 It was a black gun.

19 Q Just -- just a black gun?

20 A Yeah.

21 Q Anything else you can remember about it?

22 A No. I didn't -- I didn't really, like, look at it. I knew  
23 he had it. But --

24 Q Did he put it in the duffel bag when you guys left?

25

1 Q -- he was already gone on Monday morning when  
2 you woke up.

3 A He came here yesterday.

4 Q I -- well, I know that.

5 A Yeah.

6 Q But --

7 A He -- he -- he was gone. He didn't come back --

8 Q Okay.

9 A -- until yesterday.

10 Q ~~Is it -- like I said, Louis, some of the stories aren't~~  
11 ~~matching up. And your girlfriend's story --~~

12 A ~~Well, yeah.~~

13 Q -- compared to your story, and then what he's telling  
14 us, like, some of the details are all mixed up.

15 A ~~Yeah.~~

16 Q But you -- you are claiming that you just met him  
17 Sunday?

18 A I just met this guy. Yeah. (Incomprehensible.)

19 Q Okay.

20 Is there anything?

21 DET. LAPEER: No.

22 DET. OZAWA: All right. That's going to end the interview.

23 MR. POLANCO: I don't really have no, like --

24 (Whereupon the audio recording concluded.)

25



1 A ~~He -- yeah. He put it where -- he put my computer,~~  
2 ~~my phone, the helmet. And the computer. My computer, phone, helmet.~~

3 Q What kind of computer was it?

4 A It was a small little -- it has stickers on it.

5 Q Is it, like, a -- a Dell, HP?

6 A ~~Lo -- Lovo -- Lenovo, Lenovo?~~

7 Q ~~Lenovo?~~

8 A Yeah. That one. That's it. It's, like, a flip -- flip one.

9 Q What do you mean "a flip one"?

10 A It turns --

11 Q Like, a tablet?

12 A -- (incomprehensible).

13 Q ~~So, it's a tablet. What color is it?~~

14 A Black, gray-ish, like, color.

15 Q Okay.

16 ~~But you don't know why -- your girlfriend's also telling us~~  
17 ~~that you let him borrow your cell phone.~~

18 A I had no choice.

19 Q No. Not -- not yesterday. Like, on Monday.

20 A ~~He -- yeah.~~ But it was, like, he was here. He didn't  
21 ~~go anywhere with it. He could use the phone. He needed a phone, so I~~  
22 ~~gave him -- use my phone.~~

23 Q ~~And what'd you let him use your phone for?~~

24 A I -- he said he was trying to claim the PA --  
25 (incomprehensible) -- the unemployment. And some -- and then that

- 1 was it. Like, I don't know. Made a phone call or whatever.
- 2 Q Okay.
- 3 And what day was that?
- 4 A They were -- he was here doing the tattoos. Like --
- 5 Q Sunday night at 11?
- 6 A He claimed it before Sunday.
- 7 Q Huh?
- 8 A You claim unemployment on Sundays.
- 9 Q Yeah. But they're -- you said that they showed up  
10 at your place at 11:00 at night.
- 11 A Yeah. So --
- 12 Q But he --
- 13 A -- it's --
- 14 Q -- he's not calling people at 11:00 at night.
- 15 A I don't know what he's doing.
- 16 Q You know?
- 17 A I don't know what he's doing with it. That's what -- I  
18 know he was claiming -- trying to claim unemployment. We were talking  
19 about that.
- 20 Q And so, he -- he didn't take your phone that Monday  
21 morning? You had your phone on Monday?
- 22 A I had my phone. I have -- yeah. He took it yesterday.
- 23 Q All right.
- 24 A Yeah. 'Cause I -- I took my son's phone yesterday.
- 25 Q You were using your son's phone?

- 1 A Yeah.
- 2 DET. KEVIN LAPEER: So, you didn't have your phone?
- 3 You were using your son's phone?
- 4 MR. POLANCO: I had my son's phone.
- 5 DET. OZAWA: Yesterday.
- 6 DET. LAPEER: Okay. That's not the question he asked
- 7 you.
- 8 MR. POLANCO: Yeah. I had my son -- I had my phone --
- 9 BY DET. OZAWA:
- 10 Q You had your son's phone after he took your phone?
- 11 A Yeah.
- 12 Q But prior to that, you did not -- did you let Shawn
- 13 use your phone, or take your phone with him?
- 14 A He took it. Yes. Yes. That's why I --
- 15 Q Not -- not -- I know he took it yesterday. But prior to
- 16 yesterday, Monday, when he left, did you let him take your phone and
- 17 borrow it?
- 18 A ~~No.~~
- 19 Q Did you see Shawn on Monday?
- 20 A ~~No. Yesterday? No. The day before yesterday?~~
- 21 No.
- 22 Q No, no, no. Monday.
- 23 A No.
- 24 Q 'Cause you said he left --
- 25 A He came --

1 I certify that the foregoing is a true and accurate transcript  
2 of the electronic audio recording with a length of 00:08:37 from the  
3 interview in the above-entitled matter.

4

5 Hannah Lewon, Administrative Assistant I 01-14-2021

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22



AFTER REPEATED ATTEMPTS TO OBTAIN COPIES, STANDBY  
COUNSEL HAS NOT RETURNED THIS EXHIBIT IN HER  
POSSESSION, A SUPPLEMENT APPENDIX OF EXHIBITS FOLLOWS,

EXHIBIT 9

AFTER REPEATED ATTEMPTS TO OBTAIN COPIES, STANBY  
COUNSEL HAS NOT RETURNED THIS EXHIBIT IN HER POSSESSION,  
A SUPPLEMENTAL APPENDIX OF EXHIBITS FOLLOWS.

EXHIBIT 10

AA000775

AFTER REPEATED ATTEMPTS TO OBTAIN COPIES, STANDBY  
COUNSEL HAS NOT RETURNED THIS EXHIBIT IN HER POSSESS-  
ION. A SUPPLEMENTAL APPENDIX OF EXHIBITS FOLLOWS.

EXHIBIT 11

AA000776

EXHIBIT 12

AA000777



**SEARCH WARRANT**

STATE OF NEVADA     )  
                              ) SS.  
COUNTY OF CLARK    )

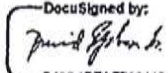
DR # 20-18994

The State of Nevada, to any Peace Officer in the County of Clark, Proof having been made therefore to me by Detective Karl Lippisch, said Affidavit attached hereto as Exhibit 3, and incorporated by reference herein by this reference.

That there is probable cause to believe that certain property, hereto as Exhibit 2, is presently located at as set forth in Exhibit 1.

AND, as I am satisfied there is probable cause that said property is located as set forth above, and based upon the Affidavit that there are sufficient grounds for issuance of the Search Warrant.

**Day Time Service Authorization:** You are hereby commanded to search forthwith said premises for said property, serving this warrant between the hours of 7:00 A.M. to 7:00 P.M., and if the property be there to seize it, prepare a written inventory of the property seized and make a return for me within ten (10) days.

DocuSigned by:  
  
848040FAF730443...  
Judge's Signature

10/28/2020 | 3:51 PM PDT  
Date Signed

David S. Gibson, Sr.  
Judge's Name  
Henderson Justice Court - 243 S. Water St. Henderson, NV 89015 (702) 455-7951

  
Investigations Supervisor

**ORDER SEALING AFFIDAVIT**

**IN RE: SEARCH WARRANT FOR**

**Location(s):**

2007 white Chevrolet Malibu bearing NV Body Shop plate 6528 (VIN: 1G1ZS57F57F256434) at the Henderson Police Department

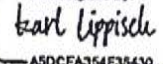
Tan duffel bag that had been in the possession of Sean Orth at the Henderson Police Department

Black LG cellular phone at the Henderson Detention Center

Upon the ex parte application of Detective Karl Lippisch a commissioned officer with the Henderson Police Department, and Affiant, to seal the affidavit in support of the attached search warrant, and for good cause appearing therefore,

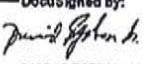
**IT IS HEREBY ORDERED** that the affidavit in support of the attached search warrant be ordered sealed pending further order of this Court except that copies may be provided to the office of the Clark County District Attorney and the District Attorney may provide copies to a defendant in a criminal proceeding as part of the criminal discovery process, and

**IT IS FURTHER ORDERED** a copy of this order sealing the affidavit be left at the premises, along with the search warrant in lieu of the affidavit in support of the warrant.

DocuSigned by:  
  
A5DCFA354F35430...  
Affiant's Signature

10/28/2020 | 3:38 PM PDT  
Date Signed

**Detective Karl Lippisch**  
Affiant's Name

DocuSigned by:  
  
948D4DFAF73D443...  
Judge's Signature

10/28/2020 | 3:51 PM PDT  
Date Signed

David S. Gibson, Sr.  
Judge's Name  
Henderson Justice Court - 243 S. Water St. Henderson, NV 89015 (702) 455-7951

DS  


Investigations Supervisor

**APPLICATION AND AFFIDAVIT  
PREMESIS LOCATION TO WIT  
EXHIBIT 1**

**DR: 20-18994**

**2007 white Chevrolet Malibu bearing NV Body Shop plate 6528 (VIN: 1G1ZS57F57F256434)**

The 2007 white Chevrolet Malibu bearing NV Body Shop plate 6528 currently in the Henderson Police Department CSA secured garage.

**Tan duffel bag that had been in the possession of Sean Orth**

**Black LG cellular phone**

Louis' black LG cellular phone that had been in the possession of Sean Orth and is currently in Sean's property at the Henderson Detention Center, to be relocated the Henderson Police Department Main Station for a forensic search.



**APPLICATION AND AFFIDAVIT  
PROPERTY TO BE SEIZED  
EXHIBIT 2**

**DR: 20-18994**

- All forensic processing necessary to conduct and complete robbery w/ deadly weapon investigation which along with confirming and/or establishing the identity of the suspect, as well as any other persons present. This will include but will not be limited to latent processing, photographs as well as the collection of all trace, biological or other physical evidence from the vehicle and duffel bag.
- Forensic collection of items located in the vehicles and duffel bag which may contain or possess forensic value which need to be relocated to a laboratory environment for further processing.
- Any and all firearms, ammunition, and accessories to firearms deemed to possibly be related to the incident and the original call for service to the Henderson Police Department Dispatch.
- Limited items of personal property showing identity of persons having possessory interest or to establish or clarify who all the victims and suspects are. Such located information is at the discretion to be collected or photographed.
- Any and all locked devices which are able to contain anything of evidentiary value to this investigation.
- DNA buccal swabs, known exemplar prints, and photographs of/from the person of Sean Orth (DOB                      for comparison to forensic processing completed from the vehicle, duffel bag, and items located within previous locations.
- Cellular Phones
  - Any and all cellular phones, including any inserted data storage cards, power cords and/or charging materials, regardless of the phone's connection or service status.
- Forensic Search
  - That Affiant requests permission to forensically search the aforementioned electronic storage device(s) or media for all digital data files, records, documents and materials or otherwise evidence described in the warrant. Such search may be conducted on-scene or at an off-site location. Namely Affiant requests that a bit by bit image of all data storage devices be made by a forensic examiner to be searched through at a later date. All of the components could be seized and taken into the custody of the Henderson Police Department; if evidence relating to a felony is located the equipment may be seized as per the NRS.
- A forensic search of the collected evidence may require a range of data analysis techniques, therefore affiant requests permission to use whatever data analysis techniques appear necessary to locate and retrieve the evidence described in this affidavit.

AA000782

**APPLICATION AND AFFIDAVIT  
PROBABLE CAUSE  
EXHIBIT 3**

**DR: 20-18994**

On 10/28/2020 at approximately 0711 HPD Units were dispatched to The Marlow Apartments, 981 Whitney Ranch Drive #823, reference a reported armed robbery suspect who was currently at the location. Dispatch advised that the person reporting had stated that the suspect who had committed an armed robbery at the location the night before (reported under HPD DR#20-18989) was currently at their door, possibly armed, and was most likely driving their white Chevrolet Malibu with unknown "Body Shop" plates that he had unlawfully taken the night before.

Upon arrival HPD Patrol Officers observed a vehicle matching that description backing out of a parking space and driving from the area of the apartment. Several uniformed Patrol Units in marked Henderson Police Department Police vehicles began following the vehicle and initiated a stop by activating their overhead emergency lights and sirens, however the suspect vehicle failed to yield and continued towards the exit of the apartment complex, accelerating towards the exit gate. An additional HPD Unit arrived and was outside the exit gate, which was closed, and the suspect opened the driver side door, jumped out, and immediately ran. The suspect vehicle continued to drive forward, unoccupied, crashing into the exit gate of the apartment complex. The suspect was carrying a tan duffel bag as he fled and he threw it over the property wall just before he climbed over the same wall, running out to Whitney Ranch Drive.

Patrol Officers initiated a foot pursuit, issuing commands for the suspect to stop, however he continued to run leaving the duffel bag behind because he struggled to pick it back up quickly. The suspect ran across Whitney Ranch Drive, attempting to evade HPD Officers, however Officers were able to overtake the suspect and he was placed in custody after a short struggle due to the fact that the suspect refused to comply. The suspect was identified as Sean Orth (DOB [redacted]) and was confirmed to be the same suspect identified in the previous robbery.

Due to the fact that Sean failed to yield to HPD Patrol Officers who initiated a lawful stop on a suspect in a felony crime, the fact that Sean then fled from Officers after jumping out of the suspect vehicle, and the fact that Sean failed to comply with lawful orders which resulted in a foot pursuit to take him into custody, Sean was taken into custody for NRS 199.280.3 Resist Public Officer and secured in an HPD Patrol Vehicle.

Due to the fact that Sean was the suspect in an armed robbery HPD ISD was contacted and I, Detective K. Lippisch, as well as, Detective D. Ozawa, Detective K. LaPeer, and Detective R. Christopher, responded and assumed the investigation. After being advised of the above facts Detective Christopher and I made contact with Sean while Detectives Ozawa and LaPeer contacted the victims of the robbery, Louis Polanco (DOB [redacted]) and Jessie Caracciolo (DOB [redacted]).

I was later advised by Detectives Ozawa and LaPeer that Louis and Jessie had differentiating accounts of what had occurred over the past week, however they both stated that Sean had left the apartment the prior evening with a tan duffel bag that contained property that belonged to them (Louis and Jessie), not Sean. Louis stated that Sean had displayed a handgun and told Louis that he was taking Louis' guns and laptop, and then had directed Louis to the master bedroom where the items were placed into the tan duffel bag. Sean then left the residence with the items that did not belong to him which included: Louis' black and red Smith and Wesson MMP Shield 9mm handgun (unknown serial #), Jessie's Winchester Model 12 20 Gauge Shotgun (unknown serial #), and Louis' Military ID. Sean exited the apartment,



**APPLICATION AND AFFIDAVIT  
PROBABLE CAUSE  
EXHIBIT 3**

walked to Louis' 2007 white Chevrolet Malibu with NV Body Shop plate 6528, entered the driver side of the vehicle, and drove away. Louis advised that in addition to the above items Sean was also in possession of his laptop and cellular phone.

Jessie stated that she had not observed Sean with a handgun and although she felt that what had just transpired was odd, she did not know that Sean had committed the robbery until Louis told her because she had been seated in the kitchen when this occurred. Louis did not initially want to report the incident due to the fact that Sean had threatened to come back and hurt them if the Police were notified, however Jessie convinced Louis that this needed to be reported so they called HPD, completed the report, HPD DR#20-18989, and stated they wanted to press charges for the crimes that Sean had committed.

Detective Christopher and I contacted Sean in the back of the patrol vehicle, and I advised him that I would like to interview him regarding the incidents that he had been involved in. Sean agreed to talk with me, and he was placed in the front passenger seat of my unmarked department vehicle. I entered the front driver seat and Detective Christopher entered the rear passenger seat. Sean immediately stated that he did not want the interview recorded and initially stated that he did not want to be read Miranda. I advised Sean that due to the fact that he was in handcuffs and not free to leave I was going to read him Miranda, which I did at 0842 hours, and which he stated he understood and waived. Sean then stated the following:

He has known Louis for approximately a week, as well as Louis' girlfriend however he could not recall her (Jessie's) name. He advised that he has been spending time with them, using the vehicle at times, and also using Louis' cellular phone because his vehicle is getting worked on and his cellular phone is busted. Sean stated that he had been at the apartment yesterday until approximately 1900 hours and then he left in the Chevrolet Malibu to go see his girlfriend, who he was never able to locate. Sean stayed out until approximately 0600 hours this morning, which is when he returned to the apartment, with the Chevrolet Malibu. Sean exited the vehicle with the tan duffel bag, which he stated had been inside the vehicle the entire time and he was just planning on bringing it inside the apartment for Louis since it was his. Sean walked up to the apartment door and knocked, however no one answered. Sean thought this was odd since he stated he was supposed to return the vehicle before sunrise per his arraignment with Louis, so he continued knocking several times. After still getting no answer, Sean returned to the vehicle, still carrying the tan duffel bag, and then started to drive away. Sean had decided to go to the store and get milk before returning and attempting contact at the apartment again. Sean additionally stated that it was odd that no one answered because prior to arriving at the apartment he had used Louis' cellular phone to call Louis' girlfriend and tell her that he was on his way. Sean then stated that when he had been stopped by HPD Units the phone had been in his pocket.

As Sean started to drive towards the exit to the complex, he observed several HPD Patrol Vehicles and an HPD Motors Unit in the complex. Sean then observed that the marked patrol vehicles were following him and that they had activated their overhead lights and sirens. At first Sean thought they were attempting to pass him, but then he realized that they were attempting to stop and contact him. Sean immediately felt that he had been set up and that the duffel bag in the vehicle must contain items that would get him into trouble, so he didn't stop. Sean continued driving, swerving because he was reaching for the duffel bag, and then when he realized he wouldn't be able to make it out the exit gate Sean exited the vehicle with the duffel bag and fled, jumping the wall of the property.



**APPLICATION AND AFFIDAVIT  
PROBABLE CAUSE  
EXHIBIT 3**

I asked Sean why he would flee because he claimed that he had not done anything wrong and that he didn't know what was inside the duffle bag (despite taking it with him when he fled). Sean responded by stating that he felt he had been set up and that it must be related to the duffel bag, and that he had made up his mind that he was going to try and get away.

Upon conclusion of the interview Sean was transported to the Henderson Detention Center where he was booked accordingly for Resist Public Officer. A records search returned to reveal that Sean was also a convicted felon (trafficking controlled substance, ex-felon possess firearm, robbery w/ deadly weapon, evade Police Officer, manufacture short barrel gun, and assault) and that he was P&P Priority 5, however attempts to contact his Supervising Officer have been negative at this time.

Due to the fact that Sean is the suspect in an armed robbery, that he had been operating the 2007 white Chevrolet Malibu, the fact that he had been in possession of the tan duffel bag that had been recovered by HPD Patrol, and the fact that he had been in possession of Louis' cellular phone and had stated that he had used the phone, the Affiant is requesting a search warrant be issued for the previous mentioned items including; the 2007 white Chevrolet Malibu bearing NV Body Shop plate 6528 that is currently in the custody of the Henderson Police Department and is currently located in the secured Henderson Police Department CSA garage, the tan duffel bag that is currently secured at the Henderson Police Department Main Station, and Louis' black LG cellular phone which had been in Sean's possession and which is currently secured with Sean's property at the Henderson Detention Center.

Due to the fact that it is known that suspect(s) in these types of criminal cases will use cellular and/or electronic devices to research, coordinate, and plan their actions, as well as the fact that they are likely to communicate their actions with others via their cellular device, and the fact that cellular devices commonly have active and passive GPS data collection that will correspond with the time and location of their crime(s) the Affiant requests that the cellular and electronic device be collected and forensically searched at the Henderson Police Department Main Station.

That this affidavit does not contain each and every fact known to your affiant related to this investigation but rather includes that information related to the probable cause pertaining to the search of the location referred to above.

That Affiant request that this Affidavit be sealed due to the fact this investigation is ongoing and additional follow up is needed. Information and further follow up learned from this search warrant could be jeopardized, if details of this case were to be released.

WHEREFORE, Affiant requests that a Search Warrant be issued directing a search for and seizure of the aforementioned items at the location set forth herein between the hours of 7:00 am and 7:00 pm.



## Certificate Of Completion

Envelope Id: BCEEDFC8E53849AF98C6FE5C988494E2  
 Subject: DocuSign: JC Search Warrant Daytime WITH Seal  
 Source Envelope:  
 Document Pages: 10  
 Certificate Pages: 2  
 AutoNav: Enabled  
 EnvelopeId Stamping: Enabled  
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:  
 PD\_FORMS  
 PO Box 95050  
 Henderson, NV 89009-5050  
 pd\_forms@cityofhenderson.com  
 IP Address: 205.174.30.178

## Record Tracking

Status: Original  
 10/28/2020 3:31:01 PM

Holder: PD\_FORMS  
 pd\_forms@cityofhenderson.com

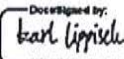
Location: DocuSign

## Signer Events

Karl Lippisch

City of Henderson  
 Security Level: Email, Account Authentication  
 (None)

## Signature

DocuSigned by:  
  
 ASDCF3A354F36430...

Signature Adoption: Pre-selected Style  
 Using IP Address: 205.174.30.178

## Timestamp

Sent: 10/28/2020 3:31:03 PM  
 Viewed: 10/28/2020 3:31:20 PM  
 Signed: 10/28/2020 3:38:13 PM

Electronic Record and Signature Disclosure:  
 Not Offered via DocuSign

Christopher Delacanal

City of Henderson  
 Security Level: Email, Account Authentication  
 (None)

DocuSigned by:  
  
 34ED42FA733443...

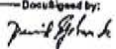
Signature Adoption: Pre-selected Style  
 Using IP Address: 205.174.30.178

Sent: 10/28/2020 3:38:15 PM  
 Viewed: 10/28/2020 3:39:24 PM  
 Signed: 10/28/2020 3:43:56 PM

Electronic Record and Signature Disclosure:  
 Not Offered via DocuSign

David S. Gibson, Sr.

Security Level: Email, Account Authentication  
 (None)

DocuSigned by:  
  
 34ED42FA733443...

Signature Adoption: Uploaded Signature Image  
 Using IP Address: 174.237.0.162  
 Signed using mobile

Sent: 10/28/2020 3:43:58 PM  
 Viewed: 10/28/2020 3:50:31 PM  
 Signed: 10/28/2020 3:51:14 PM

Electronic Record and Signature Disclosure:  
 Not Offered via DocuSign

## In Person Signer Events

## Signature

## Timestamp

## Editor Delivery Events

## Status

## Timestamp

## Agent Delivery Events

## Status

## Timestamp

## Intermediary Delivery Events

## Status

## Timestamp

## Certified Delivery Events

## Status

## Timestamp

## Carbon Copy Events

## Status

## Timestamp

**Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

10/28/2020 3:31:03 PM

Certified Delivered

Security Checked

10/28/2020 3:50:31 PM

Signing Complete

Security Checked

10/28/2020 3:51:14 PM

Completed

Security Checked

10/28/2020 3:51:14 PM

**Payment Events****Status****Timestamps**



**APPLICATION AND AFFIDAVIT  
PROPERTY TO BE SEIZED  
EXHIBIT 2**

DR: 20-18994

- All forensic processing necessary to conduct and complete robbery w/ deadly weapon investigation which along with confirming and/or establishing the identity of the suspect, as well as any other persons present. This will include but will not be limited to latent processing, photographs as well as the collection of all trace, biological or other physical evidence from the vehicle and duffel bag.
- Forensic collection of items located in the vehicles and duffel bag which may contain or possess forensic value which need to be relocated to a laboratory environment for further processing.
- Any and all firearms, ammunition, and accessories to firearms deemed to possibly be related to the incident and the original call for service to the Henderson Police Department Dispatch.
- Limited items of personal property showing identity of persons having possessory interest or to establish or clarify who all the victims and suspects are. Such located information is at the discretion to be collected or photographed.
- Any and all locked devices which are able to contain anything of evidentiary value to this investigation.
- DNA buccal swabs, known exemplar prints, and photographs of/from the person of Sean Orth (DOB                      for comparison to forensic processing completed from the vehicle, duffel bag, and items located within previous locations.
- Cellular Phones
  - Any and all cellular phones, including any inserted data storage cards, power cords and/or charging materials, regardless of the phone's connection or service status.
- Forensic Search
  - That Affiant requests permission to forensically search the aforementioned electronic storage device(s) or media for all digital data files, records, documents and materials or otherwise evidence described in the warrant. Such search may be conducted on-scene or at an off-site location. Namely Affiant requests that a bit by bit image of all data storage devices be made by a forensic examiner to be searched through at a later date. All of the components could be seized and taken into the custody of the Henderson Police Department; if evidence relating to a felony is located the equipment may be seized as per the NRS.
- A forensic search of the collected evidence may require a range of data analysis techniques, therefore affiant requests permission to use whatever data analysis techniques appear necessary to locate and retrieve the evidence described in this affidavit.

AA000789



EXHIBIT 13

AA000790

# Henderson Police Department

223 Lead Street, Henderson Nevada 89015

## Declaration of Arrest

Arrestee's Name: ORTH, SEAN RODNEY

DR#: 20-18994

Date and time of Arrest: 10/28/2020 7:19:46 AM

Charge(s)	Degree	NRS/HMC
Resist pub off	M	199.280.3

THE UNDERSIGNED MAKE THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY OF PERJURY AND SAYS: That I am a Peace Officer with the Henderson PD, Clark County Nevada. I learned the following facts and circumstances which led me to believe that the above-named subject committed (or was committing) the above offense/offenses at the location of 981 Whitney Ranch Dr Henderson, NV 89014 And that the offense approximately occurred at 10/28/2020 7:19:46 AM

### Details of Probable Cause

On 10/28/2020 at approximately 0711 HPD Units were dispatched to The Marlow Apartments, 981 Whitney Ranch Drive #823, reference a reported armed robbery suspect who was currently at the location. Dispatch advised that the person reporting had stated that the suspect who had committed an armed robbery at the location the night before (reported under HPD DR#20-18989) was currently at their door, possibly armed, and was most likely driving their white Chevrolet Malibu with unknown "Body Shop" plates that he had unlawfully taken the night before.

Upon arrival HPD Patrol Officers observed a vehicle matching that description backing out of a parking space and driving from the area of the apartment. Several uniformed Patrol Units in marked Henderson Police Department Police vehicles began following the vehicle and initiated a stop by activating their overhead emergency lights and sirens, however the suspect vehicle failed to yield and continued towards the exit of the apartment complex, accelerating towards the exit gate. An additional HPD Unit arrived and was outside the exit gate, which was closed, and the suspect opened the driver side door, jumped out, and immediately ran. The suspect vehicle continued to drive forward, unoccupied, crashing into the exit gate of the apartment complex. The suspect was carrying a tan duffel bag as he fled and he threw it over the property wall just before he climbed over the same wall, running out to Whitney Ranch Drive.

Patrol Officers initiated a foot pursuit, issuing commands for the suspect to stop, however he continued to run leaving the duffel bag behind because he struggled to pick it back up quickly. The suspect ran across Whitney Ranch Drive, attempting to evade HPD Officers, however Officers were able to overtake the suspect and he was placed in custody after a short struggle due to the fact that the suspect refused to comply. The suspect was identified as Sean Orth (DOE) and was confirmed to be the same suspect identified in the previous robbery.

Due to the fact that Sean failed to yield to HPD Patrol Officers who initiated a lawful stop on a suspect in a felony crime, the fact that Sean then fled from Officers after jumping out of the suspect vehicle, and the fact that Sean failed to comply with lawful orders which resulted in a foot pursuit to take him into custody, I determined that there was probable cause to arrest Sean for NRS 199.280.3 Resist Public Officer.

EXHIBIT 14

AA000792

CPT

**MUNICIPAL COURT OF THE CITY OF HENDERSON  
IN THE COUNTY OF CLARK, STATE OF NEVADA**

CITY OF HENDERSON, NEVADA,

Plaintiff,

vs.

SEAN RODNEY ORTH,

Defendant.

2020 OCT 29 A 9:28  
**CRIMINAL COMPLAINT**  
MUNICIPAL COURT  
CLARK COUNTY  
CASE NO:  
20CR007866 (PCN 1)

Nicholas G. Vaskov, Esq., City Attorney

The defendant has committed the crime of:

**RESISTING A PUBLIC OFFICER** (Misdemeanor - NRS 199.280, Henderson City Charter, Section 2.140) within the City of Henderson, in the County of Clark, State of Nevada, in the manner following, that the said defendant, on or about October 28, 2020:

did willfully and unlawfully resist, delay, or obstruct, Officer A. Mangan and/or Officer K. Lippisch, a public officer, in discharging or attempting to discharge any legal duty of his or her office, to-wit: did disobey commands to stop and/or did flee the scene, all of which occurred in the area of 981 Whitney Ranch Drive.

All of which is contrary to the form, force and effect of statutes in such cases made and provided and against the peace and dignity of the City of Henderson, State of Nevada. Said Complainant makes this declaration on information and belief subject to the penalty of perjury.

  
\_\_\_\_\_  
Marc M. Schifalacqua, Esq.  
Sr. Assistant City Attorney

Dated: October 29, 2020  
CAO File #: 033078  
PCN#: NVHP5147578C



EXHIBIT 15

AA000794

# Henderson Police Department

223 Lead Street, Henderson Nevada 89015

## Declaration of Arrest

Arrestee's Name: ORTH, SEAN RODNEY

DR#: 20-18994

Date and time of Arrest: 11/3/2020 8:34:33 AM

Charge(s)	Degree	NRS/HMC
Own/poss gun by prohibit pers	B	202.360.1

THE UNDERSIGNED MAKE THE FOLOWING DECLARATIONS SUBJECT TO THE PENALTY OF PERJURY AND SAYS: That I am a Peace Officer with the Henderson PD, Clark County Nevada. I learned the following facts and circumstances which led me to believe that the above-named subject committed (or was committing) the above offense/offenses at the location of 981 Whitney Ranch Dr Henderson, NV 89014 And that the offense approximately occurred at 11/3/2020 8:34:33 AM

### Details of Probable Cause

On 10/28/2020 at approximately 0711 HPD Units were dispatched to The Marlow Apartments, 981 Whitney Ranch Drive #823, reference a reported armed robbery suspect who was currently at the location. Dispatch advised that the person reporting had stated that the suspect who had committed an armed robbery at the location the night before (reported under HPD DR#20-18989) was currently at their door, possibly armed, and was most likely driving their white Chevrolet Malibu with unknown "Body Shop" plates that he had unlawfully taken the night before.

Upon arrival HPD Patrol Officers observed a vehicle matching that description backing out of a parking space and driving from the area of the apartment. Several uniformed Patrol Units in marked Henderson Police Department Police vehicles began following the vehicle and initiated a stop by activating their overhead emergency lights and sirens, however the suspect vehicle failed to yield and continued towards the exit of the apartment complex, accelerating towards the exit gate. An additional HPD Unit arrived and was outside the exit gate, which was closed, and the suspect opened the driver side door, jumped out, and immediately ran. The suspect vehicle continued to drive forward, unoccupied, crashing into the exit gate of the apartment complex. The suspect was carrying a tan duffel bag as he fled and he threw it over the property wall just before he climbed over the same wall, running out to Whitney Ranch Drive.

Patrol Officers initiated a foot pursuit, issuing commands for the suspect to stop, however he continued to run leaving the duffel bag behind because he struggled to pick it back up quickly. The suspect ran across Whitney Ranch Drive, attempting to evade HPD Officers, however Officers were able to overtake the suspect and he was placed in custody after a short struggle due to the fact that the suspect refused to comply. The suspect was identified as Sean Orth (DOE) and was confirmed to be the same suspect identified in the previous robbery.

Due to the fact that Sean failed to yield to HPD Patrol Officers who initiated a lawful stop on a suspect in a felony crime, the fact that Sean then fled from Officers after jumping out of the suspect vehicle, and the fact that Sean failed to comply with lawful orders which resulted in a foot pursuit to take him into custody, Sean was taken into custody for NRS 199.280.3 Resist Public Officer and secured in an HPD Patrol Vehicle.



# Henderson Police Department

223 Lead Street, Henderson Nevada 89015

## Declaration of Arrest

DR#: 20-18994

As Sean started to drive towards the exit to the complex, he observed several HPD Patrol Vehicles and an HPD Motors Unit in the complex. Sean then observed that the marked patrol vehicles were following him and that they had activated their overhead lights and sirens. At first Sean thought they were attempting to pass him, but then he realized that they were attempting to stop and contact him. Sean immediately felt that he had been set up and that the duffel bag in the vehicle must contain items that would get him into trouble, so he didn't stop. Sean continued driving, swerving because he was reaching for the duffel bag, and then when he realized he wouldn't be able to make it out the exit gate Sean exited the vehicle with the duffel bag and fled, jumping the wall of the property.

I asked Sean why he would flee because he claimed that he had not done anything wrong and that he didn't know what was inside the duffel bag (despite taking it with him when he fled). Sean responded by stating that he felt he had been set up and that it must be related to the duffel bag, and that he had made up his mind that he was going to try and get away.

Upon conclusion of the interview I contacted Detectives Ozawa and LaPeer, advised them of the information that Sean had provided, and asked them to clarify previous statements that Louis and Jessie had made. Detectives re-interviewed Louis and Jessie and they did admit to the fact that they had allowed Sean access to the Chevy Malibu and the cellular phone, as well as the fact that Sean had been spending time at the apartment for approximately a week.

Due to the above facts Sean was transported to the Henderson Detention Center where he was booked accordingly for Resist Public Officer. A records search returned to reveal that Sean was also a convicted felon (trafficking controlled substance, ex-felon possess firearm, robbery w/ deadly weapon, evade Police Officer, manufacture short barrel gun, and assault) and that he was P&P Priority 5. Initial attempts to contact his Supervising Officer were negative, however contact was eventually made and his Supervising Officer was advised of the above facts.

Due to the fact that Sean was the suspect in an armed robbery, that he had been operating the 2007 white Chevrolet Malibu, the fact that he had been in possession of the tan duffel bag that had been recovered by HPD Patrol, as well as the fact that he had been in possession of Louis' cellular phone and had stated that he had used the phone, I authored a search warrant to be issued for the previous mentioned items including; the 2007 white Chevrolet Malibu bearing NV Body Shop plate 6520 that had been towed from the scene and secured in the Henderson Police Department CSA garage, the tan duffel bag currently secured at the Henderson Police Department Main Station, and Louis' black LG cellular phone which had been in Sean's possession and was currently secured with Sean's property at the Henderson Detention Center. The search warrant was reviewed and approved by Clark County Deputy District Attorney Marc DiGiacomo and then reviewed and signed by the Honorable Henderson Justice Court Judge David Gibson Sr.

On 10/29/2020 the search warrant was served on the items previously listed. The following items were located in the tan canvas bag: black Fuel motorcycle helmet, Winchester Model 12 .20 gauge shot gun (SN: 1291469), Federal Ammunition Hi-Brass .20 gauge ammunition live rounds (25 count), Surefire tactical light w/ mount, vice grips, Lenovo Laptop, and a Grace USA chisel tool.

Due to the above stated facts, specifically that fact that Sean is a convicted felon and currently P&P Priority 5 and the fact that Sean fled from Officers while in possession of the tan canvas bag which contained a Winchester Model 12 .20 gauge shotgun and 25 live rounds, I determined that there was probable cause to arrest Sean for NRS 202.360 Ex-felon Possess Firearm. Due to the fact that Sean is in custody at the Henderson Detention Center I arrested him at that location for this additional charge.

# **Henderson Police Department**

223 Lead Street, Henderson Nevada 89015

## **Declaration of Arrest**

DR#: 20-18994

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).



EXHIBIT 16

AA000798

1 JUSTICE COURT, HENDERSON TOWNSHIP  
2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -vs-

6 SEAN RODNEY ORTH

7 Defendant.

CASE NO: 20CRH001571

DEPT NO:

DA CASE NO: 202047706C

8 AMENDED  
9 CRIMINAL COMPLAINT

10 The Defendant above named having committed the crimes of OWNERSHIP OR  
11 POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS  
12 202.360 - NOC 51460) and STOP REQUIRED ON SIGNAL OF POLICE OFFICER  
13 (Category B Felony - NRS 484B.550.3b - NOC 53833), in the manner following, to wit: That  
14 the said Defendant, on or about the 3rd day of November, 2020, at and within the County of  
15 Clark, State of Nevada,

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

17 did willfully, unlawfully, and feloniously own, or have in his possession and/or under  
18 his custody or control, a firearm, to wit: a Winchester, bearing Serial No. 1291469, the  
19 Defendant being a convicted felon, having in 2007, been convicted of Robbery with a Deadly  
20 Weapon, Possession of Firearm by Prohibited Person, and/or Evade a Police Officer, in Case  
21 No. unknown, Washoe County, felonies under the laws of the State of Nevada.

22 COUNT 2 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER

23 did while driving a motor vehicle in the area of 981 Whitney Ranch, Clark County,  
24 Nevada, willfully, unlawfully, and feloniously fail or refuse to bring said vehicle to a stop, or  
25 otherwise flee or attempt to elude a peace officer in a readily identifiable vehicle of any police  
26 department or regulatory agency, specifically HPD Officers P. Duffy and/or B. Brink and/or  
27 J. Hehn, after being given a signal to bring the vehicle to a stop, and did operate said motor  
28 vehicle in a manner which endangered, or was likely to endanger any person other than

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

2 did willfully, unlawfully, and feloniously own, or have in his possession and/or under  
3 his custody or control, a firearm, to wit: a Winchester, bearing Serial No. 1291469, the  
4 Defendant being a convicted felon, having been convicted of the following felonies in Washoe  
5 County Nevada cases: 2007 CR05-1459 Robbery With Use of a Deadly Weapon, Conspiracy  
6 Robbery With Use of a Deadly Weapon, and Eluding a Police Officer; 2007 CR06-2177  
7 Trafficking Controlled Substance and Possession Firearm by Prohibited Person; 1998 CR98-  
8 2037 Possession Short Barreled Shotgun; 1998 CR98-2523 Eluding Police Officer.

9 COUNT 2 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER

10 did while driving a motor vehicle in the area of 981 Whitney Ranch, Clark County,  
11 Nevada, willfully, unlawfully, and feloniously fail or refuse to bring said vehicle to a stop, or  
12 otherwise flee or attempt to elude a peace officer in a readily identifiable vehicle of any police  
13 department or regulatory agency, specifically HPD Officers P. Duffy and/or B. Brink and/or  
14 J. Hehn, after being given a signal to bring the vehicle to a stop, and did operate said motor  
15 vehicle in a manner which endangered, or was likely to endanger any person other than  
16 himself/herself or the property of any person other than himself.

17  
18 STEVEN B. WOLFSON  
19 Clark County District Attorney  
Nevada Bar #001565

20  
21 BY /s// ERIKA MENDOZA  
22 ERIKA MENDOZA  
23 Chief Deputy District Attorney  
24 Nevada Bar #012520  
25  
26  
27  
28

EXHIBIT 17

AA000801



## Kara Simmons

---

**From:** Kara Simmons  
**Sent:** Tuesday, December 1, 2020 12:28 PM  
**To:** Erika Mendoza  
**Subject:** RE: Sean Orth 20CRH001571

My NDOC contact says he is set to be transported. The soonest I can speak to him is tomorrow morning at 7:30am.

**From:** Erika Mendoza <Erika.Mendoza@clarkcountyda.com>  
**Sent:** Tuesday, December 1, 2020 11:49 AM  
**To:** Kara Simmons <Kara.Simmons@ClarkCountyNV.gov>  
**Subject:** RE: Sean Orth 20CRH001571

Ok, keep me posted. I know they are not transporting right now.

**From:** Kara Simmons <Kara.Simmons@ClarkCountyNV.gov>  
**Sent:** Tuesday, December 1, 2020 11:48 AM  
**To:** Erika Mendoza <Erika.Mendoza@clarkcountyda.com>  
**Subject:** RE: Sean Orth 20CRH001571

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your DA account credentials.

Okay. FYI – he was taken to NDOC. I'm trying to figure out now if he'll be transported or can appear remotely on Thursday.

**From:** Erika Mendoza <Erika.Mendoza@clarkcountyda.com>  
**Sent:** Tuesday, December 1, 2020 10:53 AM  
**To:** Kara Simmons <Kara.Simmons@ClarkCountyNV.gov>  
**Subject:** RE: Sean Orth 20CRH001571

I don't know, I was out and I haven't had time to look through everything

**From:** Kara Simmons <Kara.Simmons@ClarkCountyNV.gov>  
**Sent:** Tuesday, December 1, 2020 10:50 AM  
**To:** Erika Mendoza <Erika.Mendoza@clarkcountyda.com>  
**Subject:** RE: Sean Orth 20CRH001571

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your DA account credentials.

Hey Erika,

I'm going through and printing the pictures you sent but there's a file 20-14897 Photos that include pictures for a Dakota Fowler, so I was wondering if that was on accident or on purpose?

I've included a couple pictures here as an example.

## Kara Simmons

---

**From:** Kara Simmons  
**Sent:** Wednesday, December 2, 2020 1:58 PM  
**To:** Erika Mendoza  
**Subject:** RE: Disco Request Pick Up

Yes, sorry. I did get that document but I saw the CAD on top and labeled it as such.

**From:** Erika Mendoza <Erika.Mendoza@clarkcountyda.com>  
**Sent:** Wednesday, December 2, 2020 1:56 PM  
**To:** Kara Simmons <Kara.Simmons@ClarkCountyNV.gov>  
**Subject:** RE: Disco Request Pick Up

According to Jeremy's records there was a lot more than just that. Please see the attached ROC. The most relevant thing I'd say for the prelim is the 236pg pdf, which includes multiple CADs, the Washoe JOCs, and Det Lippisch's Incident Report, which is the most comprehensive report we have thus far.

**From:** Kara Simmons <Kara.Simmons@ClarkCountyNV.gov>  
**Sent:** Wednesday, December 2, 2020 1:50 PM  
**To:** Erika Mendoza <Erika.Mendoza@clarkcountyda.com>  
**Subject:** RE: Disco Request Pick Up

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your DA account credentials.

It also had suspect pictures, vehicle pictures, and the CAD.

**From:** Erika Mendoza <Erika.Mendoza@clarkcountyda.com>  
**Sent:** Wednesday, December 2, 2020 1:46 PM  
**To:** Kara Simmons <Kara.Simmons@ClarkCountyNV.gov>  
**Subject:** RE: Disco Request Pick Up

---

Ok perfect.

As to the Jeremy CD, the stuff from 20-14897 wasn't the only stuff on the CD, right? There was stuff related to our case as well?

**From:** Kara Simmons <Kara.Simmons@ClarkCountyNV.gov>  
**Sent:** Wednesday, December 2, 2020 1:44 PM  
**To:** Erika Mendoza <Erika.Mendoza@clarkcountyda.com>  
**Subject:** RE: Disco Request Pick Up

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your DA account credentials.

No, but an email you sent previously did. Jeremy's disc is actually what contained stuff from event number 20-14897, which isn't related to our case.

CAUTION: This email originated from an External Source. Please use caution before opening attachments, clicking links, or responding to this email. Do not sign-in with your DA account credentials.

Hey,

You sent an email yesterday about new disco but my runner went to get it and it wasn't there. How many discs should I have?

Best,  
Kara M. Simmons

**From:** Kayleigh Lopatic <[lopaticb@ClarkCountyNV.gov](mailto:lopaticb@ClarkCountyNV.gov)>  
**Sent:** Tuesday, December 1, 2020 3:36 PM  
**To:** Kara Simmons <[Kara.Simmons@ClarkCountyNV.gov](mailto:Kara.Simmons@ClarkCountyNV.gov)>  
**Subject:** FW: Disco Request Pick Up

FYI...See email below

**From:** Brandi Lackey <[Brandi.Lackey@ClarkCountyNV.gov](mailto:Brandi.Lackey@ClarkCountyNV.gov)>  
**Sent:** Tuesday, December 1, 2020 3:35 PM  
**To:** Kayleigh Lopatic <[lopaticb@ClarkCountyNV.gov](mailto:lopaticb@ClarkCountyNV.gov)>  
**Subject:** Disco Request Pick Up

Hey! I was trying to get a hold of you earlier to let you know that that disco for Sean Orth 20CRH001571 was not at the DA reception desk today when I went.

*Brandi Lackey  
Legal Office Assistant I  
Clark County Public Defender  
309 S. Third Street  
Las Vegas, NV 89101-6001  
Personal Line: 702-455-4815*

EXHIBIT 18

AA000805



1 TRAN

2 CASE NO. C352701-1

3  
4 IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP  
5 COUNTY OF CLARK, STATE OF NEVADA  
6

7 STATE OF NEVADA, )

8 Plaintiff, )

9 vs. )

) CASE NO. 20CRH001571

10 SEAN RODNEY ORTH, )

11 Defendant. )  
12

13 REPORTER'S TRANSCRIPT

14 OF

15 CONTINUATION OF PRELIMINARY HEARING

16 BEFORE THE HONORABLE SAMUEL G. BATEMAN

17 JUSTICE OF THE PEACE

18 TUESDAY, NOVEMBER 17, 2020

19 APPEARANCES:

20  
21 For the State: ERIKA MENDOZA  
22 Chief Deputy District Attorney

23 For the Defendant: IN PROPER PERSON

24 Standby Counsel: KARA SIMMONS  
25 Deputy Public Defender

Reported by: Lisa Brenske, CCR #186

HENDERSON, NEVADA, NOVEMBER 17, 2020

\* \* \* \* \*

THE COURT: Sean Orth, 20CRH1571.

On the preliminary hearing calendar. Is it on or off? Is that yours, Miss Simmons?

MS. SIMMONS: Your Honor, apparently our office was appointed as standby counsel. Mr. Orth did a Faretta motion and he was allowed to represent himself. But I have been assisting him, and the district attorney provided me with the motion that I provided him this morning.

THE COURT: Okay.

MS. MENDOZA: Your Honor, that's correct. I also filed an amended criminal complaint adding stop required on signal of a police officer which I provided to Miss Simmons last week.

THE COURT: Okay. So I didn't realize this. So hang on one second.

Is it Mr. Orth?

THE DEFENDANT: Yes, sir.

THE COURT: Looks like you decided you wanted to represent yourself; is that correct?

THE DEFENDANT: Yes, your Honor.

:52AM 1 THE COURT: And they appointed the public  
2 defender as standby to help out.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you had any contact  
:52AM 5 with -- I don't want you to tell me what you talked  
6 about. Have you been in communication with  
7 Miss Simmons?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Miss Mendoza, were you in  
:52AM 10 communication with Miss Simmons about the continuance?

11 MS. MENDOZA: Your Honor, I didn't learn  
12 that I was going to need the continuance until after I  
13 talked to Miss Simmons yesterday at which point I knew  
14 she wasn't going to be able to get ahold of Mr. Orth  
:53AM 15 again. So I just gave her the Hill motion this  
16 morning.

17 THE COURT: So what's happened this  
18 morning, Mr. Orth, it looks like the DA's office is  
19 filing an amended criminal complaint. Do you have a  
:53AM 20 copy of that?

21 THE DEFENDANT: I do.

22 THE COURT: And you added a stop required;  
23 is that right?

24 MS. MENDOZA: Yes.

:53AM 25 THE COURT: So it looks like they added

:53AM 1 Count 2. And then they also filed a motion to continue  
2 the preliminary hearing.

3 So it looks like you're missing Mr. Lapeer  
4 and Mr. Ozawa; is that correct?

:53AM 5 MS. MENDOZA: Correct.

6 THE COURT: Do you have a copy of the  
7 motion?

8 THE DEFENDANT: I do, sir.

9 THE COURT: Looks like scheduling

:54AM 10 conflicts. One is in training and one is actually out  
11 of the jurisdiction. Do you have any opposition to the  
12 motion at this point, Mr. Orth, or did you want to  
13 communicate with Miss Simmons a little bit this  
14 morning?

:54AM 15 Did you have a chance to talk to him at  
16 all?

17 MS. SIMMONS: I did.

18 THE COURT: You did talk to Miss Simmons?

19 THE DEFENDANT: Yes. And I'd like to

:54AM 20 respond.

21 THE COURT: Go ahead.

22 THE DEFENDANT: The Nevada Supreme Court  
23 made it clear in Sheriff Nye County versus Davis which  
24 I have a copy for you, your Honor.

:54AM 25 THE COURT: Do you have a copy of this,



:54AM 1 Ms. Mendoza?

2 THE DEFENDANT: I apologize. I just  
3 received a copy from my attorney so I didn't get a  
4 chance to give it to Miss Mendoza.

:54AM 5 THE COURT: Off the top of my head I'm not  
6 familiar with it. What's your argument based on this  
7 case?

8 THE DEFENDANT: Well, here is the  
9 argument, your Honor. First I would like to address  
:54AM 10 the motion for continuance.

11 THE COURT: That's what I want you to  
12 address.

13 THE DEFENDANT: Under Nevada Supreme Court  
14 stated in Nye County versus Davis that in order for a  
:55AM 15 preliminary examination to be continued, the prosecutor  
16 has the obligation of making a motion within five days  
17 under NRS 178.478 and/or the requirements of Hill  
18 versus Sheriff which I'm sure the Court is familiar  
19 with.

:55AM 20 THE COURT: That's what this motion is.  
21 So their argument is this motion is based on Hill.

22 THE DEFENDANT: I don't mean to interrupt.

23 THE COURT: No, no. Go ahead.

24 THE DEFENDANT: So she's making a Hill

:55AM 25 motion. The problem is, your Honor, she can't satisfy

:55AM 1 the Bustos section of it -- the Bustos part of it.  
2 Our Supreme Court has said that DCR 14 of the District  
3 Court does apply in preliminary examinations and that  
4 the district attorney is required to show cause to make  
:55AM 5 motion on short notice. The district attorney just  
6 said she was not aware of the unavailability of these  
7 witnesses until the 16<sup>th</sup> I believe which was  
8 yesterday, but her affidavit that she has sworn to on  
9 Page 3, line 11 says that on November -- if I may read  
:56AM 10 it into the record?

11 THE COURT: You got it. She says on  
12 November 12<sup>th</sup> she learned one witness and then on  
13 November 16<sup>th</sup> she learned the other witness.

14 THE DEFENDANT: Correct. So she could  
:56AM 15 have filed a motion on the 12<sup>th</sup> and we would have had  
16 five days and I could have answered. Today is the  
17 17<sup>th</sup>. So she hasn't shown good cause for that witness.  
18 She's now saying that on November 16<sup>th</sup> yesterday  
19 Officer Ozawa informed the undersigned that he is  
:56AM 20 unavailable for the preliminary hearing and he will be  
21 out of town on vacation. He was not out of town on  
22 vacation as of yet.

23 Your Honor, these officers have accused me  
24 of a crime that I did not commit. I'm fully capable of  
:56AM 25 representing this case.

56AM 1 THE COURT: And I have no problem letting  
2 you represent yourself, Mr. Orth.

3 THE DEFENDANT: Please, I'm not trying to  
4 impress the Court or the district attorney. I'm just  
57AM 5 trying to state that in the first instance she said  
6 that she did not have notice until the 16<sup>th</sup> and which  
7 is contradicted by the fact that she could have filed a  
8 motion on the 12<sup>th</sup>. And she could have then asked if  
9 Mr. Ozawa was available and could do it himself. So  
57AM 10 she has not shown good cause to file a motion on short  
11 notice and therefore these charges should be dismissed  
12 with prejudice as the Nevada Supreme Court found in  
13 Sheriff Nye County.

14 I would like to add one last minor thing,  
57AM 15 your Honor, if you don't mind.

16 THE COURT: Go ahead.

17 THE DEFENDANT: If these officers are  
18 going to plan that their vacation is more important  
19 than my sitting in custody and lockdown in a COVID  
57AM 20 facility, I would say that that also is not cause to  
21 accuse me of a criminal accusation and bring it before  
22 this Honorable Court and then at the very last second  
23 say, oh, I'm going to be on vacation but I haven't left  
24 yet. Unfortunately, your Honor, I think that the  
58AM 25 officer may, and I do not mean to disrespect any



:58AM 1 officer, he may have continued his vacation maybe by  
2 one day since he's making these allegations against me.  
3 I do not think there is good cause.

4 And further she has not stated a  
:58AM 5 difference between what these officers would have  
6 testified to and their value to the preliminary  
7 examination which would be part of her cause shown.

8 THE COURT: Okay. Do you have anything  
9 else?

:58AM 10 THE DEFENDANT: No, sir. On that motion.

11 THE COURT: What's your other motion?

12 THE DEFENDANT: Same issue. We have a  
13 motion to amend the criminal complaint. Objection.  
14 She could have filed this amended complaint with five  
:58AM 15 days' notice. Again she did not file it. She's trying  
16 to give me a surprise motion now. I've already pleaded  
17 to obstruct resist based upon the plea. So the now  
18 evade will be a double jeopardy claim and I would just  
19 like to -- excuse me.

:59AM 20 THE COURT: I'm going to have you sit down  
21 for one second. There's a lot going on.

22 Do you need to get anywhere else, Miss  
23 Mendoza, or can you hang around?

24 MS. MENDOZA: No, I can.

:59AM 25 THE COURT: I will give you these to



59AM 1 respond. Sounds like it'll take a little bit of time.

2 (Other matters heard.)

3 THE COURT: Back to Mr. Orth.

4 Ms. Mendoza, you have the case there?

24AM 5 MS. MENDOZA: Yes. Do you want it back?

6 THE COURT: Yes, I do actually want it  
7 back.

8 Can you tell me what your response first  
9 is to Mr. Orth's arguments? Let me see if I can't  
25AM 10 narrow it a little bit. Looks to me from your motion  
11 that you're alleging that both Detective Ozawa and  
12 Detective Lapeer could probably testify to the  
13 allegation that they located the firearm in relation to  
14 the defendant; is that correct?

25AM 15 MS. MENDOZA: I need one or the other.

16 THE COURT: One or the other. So either  
17 one of those two can testify. And so it looks to me  
18 like what you've written here is that you first learned  
19 from Lapeer on the 12<sup>th</sup> and so you probably didn't

25AM 20 file a motion at that time because you assumed  
21 Detective Ozawa could also do it, you didn't need  
22 Lapeer if Ozawa showed up. But now then on the 16<sup>th</sup>  
23 you found out that Detective Ozawa was out of town.

24 You also wrote in here that he will be out  
25AM 25 town and I think Mr. Orth was concerned about whether

:25AM 1 he was out of town today.

2 MS. MENDOZA: Well, when I talked to Mr.  
3 Ozawa -- sorry, I'm looking at our conversation.

4 THE COURT: Yes. Did you email Mr. Ozawa  
:26AM 5 or did you speak to him?

6 MS. MENDOZA: I emailed him the sub and  
7 then when we were talking about whether or not he was  
8 available today, I was texting him.

9 THE COURT: Okay.

:26AM 10 MS. MENDOZA: That was our conversation  
11 yesterday. And he said I'm actually on vacation and  
12 I'm leaving tomorrow morning. So he was talking about  
13 this morning.

14 THE COURT: Leaving this morning?

:26AM 15 MS. MENDOZA: Correct. And then as to  
16 sounds like your next question I asked when are you  
17 coming back. Judge will ask if you're available, and  
18 he said he'll be back on November 24<sup>th</sup>. So that's  
19 less than 15 days from today.

1:26AM 20 THE COURT: He informed you that he was  
21 leaving this morning?

22 MS. MENDOZA: Correct.

23 THE COURT: So did I surmise correctly  
24 from your motion as to how things went down?

1:26AM 25 MS. MENDOZA: Yes. In terms of first I

:26AM 1 found out about Lapeer and then I was waiting because I  
2 knew that I could use one or the other, and then  
3 yesterday I checked in with Ozawa, yes.

4 THE COURT: Then as to Mr. Orth's

:27AM 5 arguments regarding Nye County versus Davis 106 Nevada  
6 145.

7 MS. MENDOZA: In terms of that, you know,

8 I don't think that we can rely on that case so long as  
9 to assume that the District Court rules in terms of the  
10 five-day would apply here. I would need to research  
11 that issue some more. However, even if we assume it  
12 does, the problem in that case was the prosecutor did  
13 not have good cause to overcome that five-day  
14 requirement. In that case they found there was a

:27AM 15 complete willful disregard for any attempt to follow  
16 the rules because the reason why they needed a  
17 continuance was something that they knew about two

18 months prior. Moreover, the Court was offended by the  
19 fact that the district attorney in that case actually

:27AM 20 just had a, quote, unquote, hearing for this motion to  
21 continue during an ex parte phone conversation with the  
22 justice of the peace. So that case was more about  
23 prosecutorial misconduct and willful disregard for the  
24 rules and that's why it didn't overcome the good cause

:28AM 25 rule to get around the five days.



:28AM 1 So even if we are to assume that I had to  
2 file this five days in advance, here is different  
3 because I have good cause as in I didn't learn until  
4 yesterday that Mr. Ozawa was not available. Even if I  
:28AM 5 went by the date I learned Detective Lapeer wasn't  
6 available, yes, that's five days prior to today, but it  
7 wouldn't have been on calendar probably until today.  
8 And with COVID, you know, we're all trying to limit the  
9 number of appearances.

:28AM 10 I will note that in case the Court didn't  
11 notice Mr. Orth is on a parole hold anyway. So it's  
12 not just the fault of these officers or the State that  
13 he's in custody. He is going to be in custody  
14 regardless.

:29AM 15 THE DEFENDANT: I'd like to respond.

16 THE COURT: Go ahead.

17 THE DEFENDANT: First of all, the only  
18 reason that I am on a parole hold is because I'm  
19 charged in this case. That's first and foremost. They  
:29AM 20 did bring allegations only because the district  
21 attorney brought these allegations against me.

22 Secondly, I would note that the prosecutor  
23 has stated that she didn't even serve the officers with  
24 a subpoena until four days before the preliminary  
:29AM 25 hearing and thereby made sure by doing so that she



:29AM 1 could not have made a motion for continuance if they  
2 said they were not available. So she made -- she  
3 subpoenaed them right on the fifth day. He said I  
4 can't come. Minimally she could have filed a motion.  
:29AM 5 She could have spoke to Officer Ozawa then and found  
6 out if he was available and made her motion then. She  
7 has not stated that she did any investigation on the  
8 12<sup>th</sup> when she found out that Mr. Lapeer was not  
9 available. So any showing of cause that she's doing  
:30AM 10 now she could have done in a motion, but she didn't  
11 even look into it. She didn't call Mr. Ozawa and say  
12 sir, can you be available? So she has not shown cause  
13 to make a motion on short notice. She could have made  
14 this motion on time and she could have subpoenaed these  
:30AM 15 officers long before the 12<sup>th</sup>.

16 MS. MENDOZA: Your Honor, in terms of when  
17 I subpoenaed the officers, I would note that I received  
18 this file on the 6th. And I reviewed it. And the  
19 arrest report that's included in the file doesn't  
:30AM 20 identify what officers searched the bag or even what  
21 officers were involved in the evading. So --

22 THE COURT: Let me guess. It says  
23 officers.

24 MS. MENDOZA: Correct.

:30AM 25 THE COURT: So here's the deal. I don't

1:30AM 1 know in a situation where you have a 15-day setting  
2 based on an indication of a preliminary hearing that it  
3 usually is reasonable to apply the time requirements in  
4 NRS 178.478. To the extent they do apply to a Hill  
1:31AM 5 motion I would say that they are more relaxed because  
6 you've got a 15-day turnaround to try to get things  
7 subpoenaed and then get on calendar to file a Hill  
8 motion. If I went through the Hill cases, I'm pretty  
9 sure that most of those Hill motions are filed in open  
1:31AM 10 court. And so I don't think that the five days at  
11 issue is dispositive.

12 I think that Miss Mendoza has obviously  
13 represented that she subpoenaed the case and that she  
14 learned that two witnesses that would testify to the  
1:31AM 15 facts that she needs to prove the preliminary hearing  
16 are unavailable. I appreciate your frustration that  
17 one of the detectives is on vacation and that that is  
18 the basis for the good cause to continue. I understand  
19 your frustration on that, sir, but I'm going to grant  
1:32AM 20 the motion to continue at this time for 15 days.

21 When's our next 15-day setting?

22 THE CLERK: November 30<sup>th</sup>.

23 THE COURT: You're still in CCDC?

24 He's in CCDC, Miss Simmons?

1:32AM 25 MS. SIMMONS: Yes, your Honor. But

32AM 1 because he does have that parole hold the concern I  
2 would have is that at any time he can get a ticket and  
3 be taken to NDOC. To my knowledge he hasn't received  
4 that yet so I don't think that --

32AM 5 THE COURT: How many witnesses do you  
6 need?

7 MS. MENDOZA: You know, the evading part  
8 is kind of -- I would say up to five.

9 THE COURT: Are they all officers?

32AM 10 MS. MENDOZA: Yes.

11 THE COURT: The problem is Thanksgiving  
12 holiday. Soonest I can do it is the 30<sup>th</sup>.

13 MS. MENDOZA: I was going to say I'm out  
14 the 30<sup>th</sup>, I will be back the 1st. So I would ask  
32AM 15 that we go to the 1st.

16 THE COURT: I don't have the 1st because I  
17 don't sit on the 1st. The next one is the 3rd which  
18 would be outside of his 15 days. Is there somebody  
19 else in your office that can handle it on the 30<sup>th</sup>?

33AM 20 MS. MENDOZA: I'm sure they could.

21 MS. SIMMONS: The only thing I wanted to  
22 note from speaking with Mr. Orth is that as he  
23 mentioned he was charged and convicted in Municipal  
24 Court for a related charge. And so we need to get that  
33AM 25 police report in some way. I hadn't specifically



:33AM 1 emailed the DA about it because I didn't know.

2 THE COURT: I was going to delay making a  
3 ruling on what I presume is some type of double  
4 jeopardy argument until I know more about it.

:33AM 5 MS. MENDOZA: I didn't even know that  
6 happened in Municipal Court. However, I'm guessing my  
7 issue is going to be that a stop required and  
8 obstructing will have different elements.

:33AM 9 THE COURT: I'm assuming there's some  
10 Blockburger issues there that I'd have to take a look  
11 at, but I need to see something.

12 Okay. Here is the problem, Mr. Orth.  
13 When you represent yourself and you are going to make a  
14 motion, you can possibly bring it up at a preliminary  
15 hearing, but I prefer to see a motion on it ahead of  
16 time so arguably I can rule on it ahead of time.

17 THE DEFENDANT: I just learned of these  
18 motions today.

19 THE COURT: I understand.

1:34AM 20 THE DEFENDANT: They just handed them to  
21 me this morning.

22 THE COURT: The best I can do is try to  
23 take that up on the next hearing. What I recommend is  
24 that we go out past the 15 days so that Miss Mendoza  
1:34AM 25 has some additional time on the 3rd. We just move your



34AM 1 preliminary hearing. I'm not waiving your right to 15  
2 days. But for purposes of the calendar if we can go to  
3 December 3<sup>rd</sup>, Miss Mendoza is going to get that  
4 record out of Municipal Court for me, correct?

34AM 5 MS. MENDOZA: I will do my best, but it  
6 sounds like it's his --

7 THE COURT: Well, I would request --

8 MS. MENDOZA: I will do my best.

9 THE COURT: -- that you contact an  
34AM 10 individual by the name of Marc Schifalacqua --

11 MS. MENDOZA: I've heard of him.

12 THE COURT: -- and see if you can get us  
13 the information we need on that, because it's arguably  
14 a constitutional issue that we're going to have to end  
34AM 15 up taking care of one way or the other. I'm assuming,  
16 Mr. Orth, that you would agree -- I mean, you objected  
17 to the continuance. I'm going to grant the  
18 continuance. I want you to acquiesce to us setting it  
19 on the 3rd so we can get that information regarding the  
35AM 20 potential for a double jeopardy, issue, all right?

21 THE DEFENDANT: And if you would, your  
22 Honor, just to make a record, I just don't want to  
23 implicate a waiver --

24 THE COURT: No.

35AM 25 THE DEFENDANT: So over my objection,

:35AM 1 fine.

2 THE COURT: You're still invoked. Just  
3 for purposes of the calendar I will set it on the 3rd.  
4 We are going to take up the issue with regard to the --

:35AM 5 I'm assuming it would only relate to Count 2, Ms.  
6 Mendoza, and if you could please communicate with  
7 Mr. Schifalacqua and get that relevant information, I'd  
8 appreciate it. We are going to reset the preliminary  
9 hearing for December 3<sup>rd</sup>. I'll see you then, Mr.

:35AM 10 Orth.

11 THE DEFENDANT: Thank you.

12 THE COURT: We'll take up whatever issues  
13 you want to take up at that time.

14 MS. MENDOZA: Thank you.

:35AM 15 THE CLERK: December 3<sup>rd</sup>, 9:30.

16

17 (The proceedings concluded.)

18

19 \* \* \* \* \*

:35AM 20

21 ATTEST: Full, true and accurate  
22 transcript of proceedings.

23

24 /S/Lisa Brenske

:35AM 25 LISA BRENSKE, CCR No. 186

EXHIBIT 19

1 TRAN

2 CASE NO.

3

4 IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP  
5 COUNTY OF CLARK, STATE OF NEVADA  
6

7 STATE OF NEVADA, )

8 Plaintiff, )

9 vs. )

CASE NO. 20CRH001571

10 SEAN RODNEY ORTH, )

11 Defendant. )

12

13 REPORTER'S TRANSCRIPT

14 OF

15 PROCEEDINGS

16 BEFORE THE HONORABLE SAMUEL G. BATEMAN

17 JUSTICE OF THE PEACE

18

19 THURSDAY, DECEMBER 3, 2020

20 APPEARANCES:

21 For the State:

ERIKA MENDOZA  
Deputy District Attorney

22

23 For the Defendant:

KARA SIMMONS  
Deputy Public Defender

24

25 Reported by: Lisa Brenske, CCR #186



HENDERSON, NEVADA, DECEMBER 3, 2020

\* \* \* \* \*

14AM 5 THE COURT: Sean Orth, 20CRH1571. Mr.  
6 Orth is not coming. I going to have to have you stand  
7 in, Miss Simmons, as standby. That's why standby does  
8 not work. Mr. Orth is hurting his case by representing  
9 himself. This was on for prelim. My understanding is  
10 he did end up being transported to NSP. I think I've  
11 been told that they are protocol quarantining I  
12 believe.

13 MS. SIMMONS: Which to me is a surprise to  
14 be fair. I spoke with Miss Mendoza I think yesterday  
15 or the day before. I had reached out once I found out  
16 he had been transported. I have a contact there to set  
17 up phone calls with clients and so I set a call up, but  
18 I also asked her to confirm if he would be transported  
19 today and she said yes, she saw that he was on a list  
20 to be transported. So unfortunately I did let Miss  
21 Mendoza know that because I believed he would be  
22 transported and this would be going forward and that's  
23 why it was left on. But hopefully she can get her  
24 witnesses not here.

15AM 25 THE COURT: We were just informed this

:15AM 1 morning by Officer A-E-O-H-O, transportation for High  
2 Desert and a warden won't let him due to quarantine.  
3 Without him I can't really take up his motions or  
4 anything else. I mean, because he represents himself.

:16AM 5 So I might have let you represent him in his motions  
6 today, but that was his choice. So you might want to  
7 let him know. It might be beneficial to have you as  
8 his attorney.

9 So what do we want to do? I don't know  
:16AM 10 when we can get him here for a prelim. What's your  
11 plan? You got the Grand Jury up and running?

12 MS. MENDOZA: Today is the last day.

13 THE COURT: So you're going to the Grand  
14 Jury today?

:16AM 15 MS. MENDOZA: On this?

16 THE COURT: Yes.

17 MS. MENDOZA: I wish I was, but time is of  
18 the essence when we only have a few days left and  
19 nobody is letting me in on this case today. I think  
:16AM 20 it's all murders and things like that.

21 THE COURT: What do you want to do?

22 MS. SIMMONS: I don't care when we reset  
23 it. I'll be here.

24 THE COURT: I mean, I could do another two  
:17AM 25 weeks. I don't know when they are going to be willing

:17AM 1 to transport him or not.

2 MS. SIMMONS: He's in custody so it's  
3 going to be hard since he is representing himself which  
4 makes it hard, but they are setting up video court. I  
:17AM 5 just don't know if that's going to be sufficient for  
6 him.

7 THE COURT: That's the first I've heard of  
8 it.

9 Do we have something around the 17<sup>th</sup>?

:17AM 10 MS. MENDOZA: One thing that I do think  
11 makes sense is if we calendar the motions for one day  
12 and the prelim for another day. Because I don't want  
13 to bring all these officers here and then maybe the  
14 case will get dismissed and I don't even need them.

:18AM 15 THE COURT: He's in prison. It would be  
16 easy. You can just go do whatever you're going to do  
17 whenever you want to do it.

18 MS. MENDOZA: If I had a Grand Jury, I  
19 would be happy to just indict this and not deal with  
:18AM 20 these shenanigans.

21 THE COURT: I don't know when I can get  
22 him down here for the motion. The motions, Miss  
23 Simmons, have you reviewed them? Because there's  
24 issues -- so what he brought up -- I was able to go  
:18AM 25 through them. The issues that I saw that he brought up

:18AM 1 as best as I can read them, and you can perhaps so that  
2 we can better decide what we are going to do going  
3 forward, it looks like he argued that there was a  
4 Fourth Amendment violation for his arrest without a  
:18AM 5 warrant. That's not something I'm going to take up  
6 because they can arrest him -- maybe you want to take  
7 some notes for when you talk to him.

8 MS. SIMMONS: Yes.

9 THE COURT: And then you can clarify it  
:19AM 10 for me so that we can narrow it down going forward  
11 rather than have him sit out here.

12 As best as I can tell his motion to  
13 suppress argued that he shouldn't have been arrested  
14 without a warrant, but I think pursuant to NRS 171.124  
:19AM 15 that they can do a PC arrest based on that statute. So  
16 unless there's something -- that's one that I probably  
17 wouldn't take up before a preliminary hearing, if I  
18 heard a preliminary hearing. And it's more like a  
19 probable cause issue. So you can take that up with  
:19AM 20 him.

21 He cited *Varios v. State* 113 Nevada 952.  
22 That involved anticipatory search warrants so I don't  
23 think that's relevant.

24 In that same motion he was asking  
:19AM 25 Ms. Mendoza about a different event number. It looked



1:19AM 1 like it was a Henderson event number 20-1989 or  
2 something like that. I don't know what that is so  
3 maybe you can look at the discovery on that.

4 MS. MENDOZA: I have requested everything  
1:20AM 5 from both of those events.

6 THE COURT: Okay.

7 MS. MENDOZA: And everything I've received  
8 from Henderson I've given to the defense. I don't  
9 think there is much regarding that initial event. I  
1:20AM 10 think that that event number is just the robbery  
11 victims calling in and then they went out there and  
12 then this event occurred.

13 THE COURT: I was kind of treating it as a  
14 request for discovery. So if there is anything related  
1:20AM 15 to that.

16 And then I think he referenced search  
17 warrant in there. I don't know whether there was a  
18 search warrant in this case, I don't remember and I  
19 don't know whether you're introducing evidence as a  
1:20AM 20 result of the search warrant. If he's moving to  
21 suppress the search warrant, then we would want to do  
22 that different at his different evidentiary hearing  
23 than the preliminary hearing. So I need to have that  
24 clarified. I don't know.

1:20AM 25 MS. MENDOZA: So what happens is these

:20AM 1 people call in and say that the defendant robbed them  
2 the night before and now he is back at their house.  
3 They say he's in this vehicle outside and he likely has  
4 guns. So police arrive, see the vehicle. He's in the  
:21AM 5 vehicle pulling out of the spot. They try and pull him  
6 over. He takes off. He then jumps out of the car  
7 carrying this bag and then they chase him, he drops the  
8 bag, eventually take him into custody. They get a  
9 search warrant for the bag and in the bag is the gun.  
:21AM 10 So the search warrant is relevant to the possession of  
11 a firearm charge.

12 THE COURT: If we go forward you'll need  
13 witnesses here that are relevant to the propriety of  
14 the search warrant. So he's brought up a motion to  
:21AM 15 suppress the search warrant so we can do that in  
16 conjunction with the preliminary hearing. Just make  
17 sure you have witnesses for that, if there's different  
18 witnesses for that. I don't know whether they would be  
19 the same for probable cause as the warrant or not.

:21AM 20 Was there a robbery charge? Did you guys  
21 file robbery charges?

22 MS. MENDOZA: They didn't end up filing  
23 the robbery charge.

24 THE COURT: The motion to dismiss as best  
:22AM 25 as I can tell he kept referring to his case being reset

:22AM 1 18 days. It wasn't set 18 days, it was reset in 16  
2 days. Shelton v. Lamb 95 Nevada 618 allows me to move  
3 for good cause outside the 15 days for calendar,  
4 although that's not entirely analogous since we were  
:22AM 5 moving it from the original 15 days. But I just want  
6 to correct the record, his record that it was 18 days.  
7 It was 16 days.

8 It looks like he brought up -- do you have  
9 any information on the misdemeanor case in Henderson?

:22AM 10 MS. MENDOZA: Yes, your Honor. I brought  
11 that if I can approach?

12 THE COURT: Can you just provide it to  
13 Miss Simmons.

14 MS. SIMMONS: She already did.

:22AM 15 THE COURT: You already have it?

16 MS. SIMMONS: Yes.

17 MS. MENDOZA: There hasn't been a motion  
18 filed yet regarding double jeopardy, but I think it'll  
19 be useful.

:23AM 20 THE COURT: Let me have that. Is he going  
21 to file something on that, do you know, Miss Simmons?

22 MS. SIMMONS: Yes, your Honor.

23 THE COURT: Okay. So I'll keep that in  
24 the file. It's case Number 20CR7366. That went to

:23AM 25 Municipal Court.

:23AM 1 He brought up issues with regard to  
2 getting provided discovery within five days of the  
3 preliminary hearing pursuant to 171.1965, Miss Mendoza.  
4 So if you can be prepared to respond to that. I'm  
:23AM 5 thinking it probably relates more to the added charge  
6 which you added on the day of the preliminary hearing  
7 and what information you did or didn't have or had not  
8 disclosed.  
9 And then other issues with regard to the  
:24AM 10 motion to continue.  
11 MS. MENDOZA: Could we do a date for the  
12 motions and then maybe we can --  
13 THE COURT: If I can get him here. I can  
14 set it next week Wednesday for the motions.  
:24AM 15 MS. MENDOZA: Can I have two weeks?  
16 THE COURT: These aren't hard motions.  
17 MS. MENDOZA: It's hard for me to even  
18 read what he wrote. What date was he brought there?  
19 THE CLERK: November 30<sup>th</sup>.  
:24AM 20 THE COURT: We'll do the motions next  
21 week. Are you able to communicate with him, Miss  
22 Simmons?  
23 MS. SIMMONS: Yes. I just have to  
24 organize the call.  
:24AM 25 THE COURT: I'm not going to do the motion



:24AM 1 to suppress the search warrant next week because that  
2 would -- unless legally, Miss Mendoza, you can show me  
3 that there's no basis to even have any sort of  
4 witnesses related to it. It makes sense probably for  
:25AM 5 the record to just tie that into the preliminary  
6 hearing.

7 MS. MENDOZA: I'll try and respond to it  
8 and then we can see whether or not we can make a  
9 decision.

:25AM 10 THE COURT: That's fine. So I'm not going  
11 to have an evidentiary hearing on the motion to  
12 suppress next week. I want to take up issues with  
13 regard to the discovery, the continuance. He can maybe  
14 clarify for us what he's challenging in the search  
:25AM 15 warrant so that you can be prepared at the preliminary  
16 hearing to address that with witnesses and be prepared  
17 with arguments regarding the discovery you did or did  
18 not turn over at the time. I don't know if there's any  
19 other issues. That's as much as I can pull out of what  
:25AM 20 he's filed.

21 Unless you saw something else, Miss  
22 Simmons.

23 MS. SIMMONS: No, Your Honor. Based on my  
24 conversations with him I think those are the big  
:25AM 25 picture. But I'll talk to him again.

:25AM 1 THE COURT: So we'll set it next week.  
2 You don't need to give me, Miss Mendoza, like a whole  
3 factual rendition of what's going on. Just address the  
4 legal issues that he brought up, okay? So it'll be  
:26AM 5 just easier to draft.

6 MS. MENDOZA: Well, if I'm going to do  
7 something, I'm going to do it right.

8 THE COURT: Well, if you did it right, I  
9 would have already had it here.

:26AM 10 MS. MENDOZA: In less than 48 hours.

11 THE COURT: Sometimes you have to work  
12 late in the DA's office. They don't do that anymore.  
13 I know. And then we'll set the preliminary hearing on  
14 the 15<sup>th</sup>. I mean, that's about all I can do. Or  
:26AM 15 what's the next date after the 15<sup>th</sup>?

16 THE CLERK: The 21<sup>st</sup>.

17 MS. SIMMONS: I'll be here.

18 THE COURT: Did you want to do it on the  
19 21<sup>st</sup> to be safe?

:26AM 20 MS. MENDOZA: Well, the 15<sup>th</sup> isn't even 15  
21 days from now.

22 THE COURT: You're not entitled to have it  
23 in exactly 15 days.

24 MS. MENDOZA: What are we talking about  
:26AM 25 for the motions?

:26AM 1 THE CLERK: December 9<sup>th</sup>.  
2 THE COURT: I think it's safe to set it on  
3 the --  
4 MS. MENDOZA: So I'm wondering if they  
:27AM 5 bring him here on the ninth for the motions, let's just  
6 say that happens.  
7 THE COURT: We can do the prelim that day.  
8 MS. MENDOZA: And then they bring him back  
9 to NDOC after the ninth, are they going to keep him  
:27AM 10 there for 14 days before they're willing to bring him  
11 back here again?  
12 THE COURT: I don't know what their  
13 quarantine procedure is. Do you want to do the prelim  
14 on the ninth? Have your witnesses here on the ninth.  
:27AM 15 Let's do it. Are they all officers?  
16 MS. MENDOZA: Yes, your Honor. I'll ask  
17 them -- I'm asking right now.  
18 THE COURT: I can text Lapeer and Ozawa  
19 and tell them to get everybody here since they were  
27AM 20 busy with their training.  
21 MS. MENDOZA: Before I even got up here I  
22 asked them if there was any dates coming up that they  
23 knew of right now that wouldn't work and they all said  
24 they couldn't think of anything other than Christmas.  
28AM 25 THE COURT: Christmas is not a basis to

:28AM 1 not come to court.

2 MS. MENDOZA: So I don't think that there  
3 would be a problem with the ninth.

4 THE COURT: I just don't know how we are  
:28AM 5 going to get him here. I have no clue. I mean,  
6 technically maybe the easiest -- I think it's better to  
7 not do two dates. Is it just all officers is your  
8 witnesses?

9 MS. MENDOZA: Yes. I have never been  
:28AM 10 planning on doing anything with these people that  
11 allege the robbery. Now, assuming considering if that  
12 becomes an issue due to the motion, like if the motion  
13 to suppress brings up an issue that would then require  
14 me to bring these people, that could create a problem.

:29AM 15 THE COURT: Let's get it started and do it  
16 on the 15<sup>th</sup>. That gives enough time to make sure he  
17 gets here.

18 MS. MENDOZA: I got an okay for the 9th  
19 from two of the three so far.

:29AM 20 THE COURT: Do you want the 9th or the  
21 15<sup>th</sup>? I was just going to give you more time to make  
22 sure that we get everybody here and get it all done in  
23 one day. Because I think it's too hard with him in NSP  
24 to do the motions first and then a prelim.

:29AM 25 MS. SIMMONS: I will note now for everyone



29AM 1 that I anticipate Mr. Orth having an objection to not  
2 having the people here who are the witnesses to the  
3 robbery. So whatever that date is I just need -- I as  
4 the person who will personally have to do it needs  
29AM 5 their contact information.

6 THE COURT: That's why your standby. Do  
7 you have discovery on their names?

8 MS. MENDOZA: It's probably in something  
9 that I gave her.

29AM 10 MS. SIMMONS: If I can't find it, I'll  
11 reach out to her.

12 THE COURT: Pursuant to --

13 MS. SIMMONS: But --

14 THE COURT: Hang on one second. I had to  
29AM 15 alert Mr. Lopez-Negrete and Ms. DiGiacomo of the  
16 relevant statutes for subpoenaing. You are aware of  
17 them?

18 MS. SIMMONS: I am aware of them.

19 THE COURT: And the State is allowed to  
30AM 20 object. So if you do a motion, Miss Simmons, you're  
21 not going to be able to get it done by the ninth. Do  
22 you want to do the 9th or the 15<sup>th</sup>, ladies?

23 MS. SIMMONS: I don't care.

24 MS. MENDOZA: The 15<sup>th</sup> is potentially  
30AM 25 terrible for me. The other thing I have on the 15<sup>th</sup>

:30AM 1 will likely go away, but obviously I can't commit to  
2 that. And given everything that's happening here, I  
3 don't want to send this with Miss Albritton or whoever  
4 is sitting here.

:30AM 5 THE COURT: I can guarantee Miss Albritton  
6 will refuse to handle it. I'm going to set it all for  
7 the ninth. I'm going to grant your motions for  
8 subpoenas for these witnesses orally today. So you can  
9 issue the subpoenas for them to come to court if you  
:30AM 10 need them. And let's do our best to just bang it  
11 out -- I would come a little later on the ninth, Miss  
12 Mendoza, because I will have to put all this on the end  
13 and we'll just push through it. See you on the ninth  
14 for everything. Everything.

:31AM 15  
16 (The proceedings concluded.)

17 \* \* \* \* \*

18 ATTEST: Full, true and accurate  
19 transcript of proceedings.

:31AM 20  
21 /S/Lisa Brenske  
22 LISA BRENSKE, CSR No. 186  
23  
24  
25

EXHIBIT 20



**Henderson Police Department  
Criminalistics Bureau  
222 Lead St. Henderson, NV 89015**

**LATENT PRINTS/IMPRESSIONS REPORT**

<b>Agency:</b>	Henderson Police Department	<b>Case Number:</b>	20-18994
<b>Agency Address:</b>	223 Lead Street Henderson, NV 89015	<b>Lab Case-Request #:</b>	LAB20-04008-0008
<b>Investigator:</b>	Karl Lippisch 1710	<b>Report Date:</b>	January 13, 2021
<b>Incident(s):</b>	Robbery, Subject with a Gun		

Item#	Description	Comments
1446-002-001	Tan duffel bag w/ black helmet and tools	Sean Orth Excluded/ AFIS search negative
2102-003-001	One (1) media disc containing Lab Processing images	Images used for analysis

**NARRATIVE**

Henderson Police Department (HPD) Officer K. Lippisch requested that the developed latent prints in this case be evaluated and suitable impressions be compared to Sean Orth (DOB [redacted]). It was also requested that any suitable impressions be searched through any available Automated Fingerprint Identification System (AFIS) databases.

Item 1446-002-001, a duffel bag containing a helmet, was previously processed for latent prints by Forensic Laboratory Evidence Processing Technician E. Sonum with three (3) latent impressions developed and photographed. The photographs of the developed latent prints were obtained from a media disc containing lab processing images. The media disc, Item 2102-003-001, was retrieved from the Unassigned Case File on January 11, 2021. Examination of the comparison photographs revealed the following:

Latent impression L2-1A, recovered from the side of the helmet, revealed no prints of value.

Latent impression L2-1B, recovered from the helmet visor, revealed no prints of value.

Latent impression L2-1C, recovered from the helmet visor, revealed one fingerprint of value for comparison, suitable for an AFIS search.

Record known prints bearing the name Sean Rodney Orth (DOB [redacted] record 0001269497, were retrieved from the Morphotrak Archives and compared to L2-1C. Orth was excluded from being the source of the impression.

L2-1C was searched through the Henderson Morphotrak, Western Identification Network (WIN) and the Federal Bureau of Investigation Next Generation Identification (FBI NGI) databases with negative results. Latent impression L2-1C will be retained in each of the system's Unsolved Latent File (ULF) for automated search against new incoming record prints.

One fingerprint of value remains unidentified. The unidentified latent print may also be compared to other individuals, to include victims or suspects with known prints on file, upon request. Submit a request if





Henderson Police Department  
Criminalistics Bureau  
222 Lead St. Henderson, NV 89015

LAB PROCESSING REPORT

Agency: Henderson Police Department Case Number: 20-18994  
Agency Address: 223 Lead Street Henderson, NV 89015 Lab Case-Request #: LAB20-04008-0005  
Investigator: Karl Lippisch 1710 Report Date: January 6, 2021  
Incident(s): Robbery, Subject with a Gun

Item#	Description	Comments
1446-002-001	Tan duffel bag w/ black helmet and tools	The motorcycle helmet was chemically processed with three (3) areas of ridge detail recovered from the visor and exterior side of the helmet. No processing was completed on the duffel bag, search warrant, or tools.
1446-003-001	Winchester model 12 .20 gauge S/N 1291469	The shotgun was chemically processed with insufficient ridge detail developed.
2102-001-001	One (1) swab of possible DNA from the neck lining and mouth guard of the motorcycle helmet (Evidence item #1446-002-001) prior to chemical processing	An LVMPD Lab Request is required for any further DNA processing.
2102-002-001	One (1) swab of possible DNA from the textured surfaces of the shotgun (Evidence item #1446-003-001) prior to chemical processing	An LVMPD Lab Request is required for any further DNA processing.
2102-003-001	One (1) media disc containing Lab Processing Images	Thirty-two (32) general documentation images and seven (7) comparison images
2102-004-001	One (1) media disc containing Lab Processing Images	Thirty-two (32) general documentation images and seven (7) comparison images (back-up copy)

NARRATIVE

Processing requested: Latent Print Processing, DNA

Henderson Police Department (HPD) Officer K. Lippisch #1710 submitted a request to have the motorcycle helmet and shotgun listed above processed for DNA and latent prints.

The evidence submitted in the case as items 1446-002-001 and 1446-003-001 was obtained from the HPD Evidence Vault on 01.04.21. Digital photographs were taken to document the overall condition of the packages and the individual items upon receipt.

Results of Processing

The requested DNA collection and latent print processing were completed with ridge detail recovered through comparison photography from the latent print processing. See Comments Section above for further details. The case was forwarded to the Impression Evidence Section for further analysis.

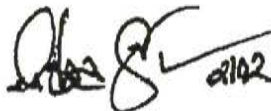
Disposition of Evidence

The items were resealed in the original packaging and returned to the evidence vault. The swabs of possible DNA [items 2102-001-001 and 2102-002-001] were impounded as evidence. An LVMPD Lab Request is required for any further DNA processing. All photographs were burned to media discs and impounded as evidence [items 2102-003-001 and 2102-004-001].

LAB PROCESSING REPORT

DR Number: 20-18994

This report contains examination results that relate only to the test items listed and conclusions are based on the interpretation/opinion of the below signed technician/analyst. The above listed performed work began on the date listed when the evidence was retrieved and was completed on the issue date of this report.



Elisha Sorum 2102  
Evidence Processing Technician



TECHNICAL REVIEWER

EKS<sup>th</sup> 2317

ADMINISTRATIVE REVIEWER

This report shall not be reproduced, except in full, without written approval of the Laboratory.



additional comparisons are needed.

**DISPOSITION OF EVIDENCE:**

The media disc will be resealed in the original packaging and will be retained in the Latent Print Case Archive following the case review.

*This report contains examination results that relate only to the test items listed and conclusions are based on the interpretation/opinion of the below signed examiner. The above listed performed work began on the date listed when the evidence was retrieved and was completed on the issue date of this report.*

*Elizabeth Stasik 2317*



Elizabeth Stasik 2317  
Forensic Scientist II

TECHNICAL REVIEWER

ADMINISTRATIVE REVIEWER

**NOTE 1:** The HPD Forensic Laboratory uses the ACE-V methodology of friction ridge impression examination utilizing a qualitative and quantitative assessment of Level 1, Level 2, and Level 3 details. Sufficiency is a product of the quality, quantity, and specificity of the objective data under observation (e.g., friction ridge, crease, and scar features). As the quality of an impression increases, the need for quantity of friction ridge features decreases, as well as the inverse.

**Identification** is the strongest degree of association between two friction ridge impressions. Identification is reached when the friction ridge impressions have sufficient quality and quantity of corresponding ridge detail in agreement, within tolerances, that the examiner would not expect to see the same arrangement of details repeated in an impression that came from a different source and that the chance the impression was made by a different source is so remote that it is considered as a practical impossibility. All identification decisions are verified (independently confirmed) by a second qualified examiner. The presence of a friction ridge print on an item of evidence indicates contact was made between the source and the item of evidence. The presence of a friction ridge print alone does not necessarily indicate the significance of either the contact or the time frame during which the contact occurred.

**Exclusion** is the strongest degree of disassociation between two friction ridge impressions and indicates that the friction ridge impressions did not originate from the same source. An exclusion decision can be based solely on Level 1 when sufficient pattern area and orientation indicators (e.g., recurves, cores, deltas, and creases) are available and when disagreement has been observed absent any significant distortion such as: double tap, overlaid impressions, or twisting. If significant distortion is observed, an exclusion decision can only be reached by considering both Level 1 and Level 2 details. If available, Level 3 detail may also be considered in conjunction with Level 2 detail. Level 3 details cannot be the sole factor in exclusion decisions. Level 3 details shall be considered in conjunction with Level 1 and Level 2 details. The exclusion of a friction ridge print alone does not necessarily indicate a lack of contact by that source on that surface.

**Inconclusive** is when the examiner cannot reach a conclusion of individualization or exclusion. The reasons for the inconclusive result will be detailed in the narrative of the report.

This report shall not be reproduced, except in full, without written approval of the Laboratory.

End of Report

AFTER REPEATED ATTEMPTS TO OBTAIN THIS EXHIBIT  
FROM STANBISY COUNSEL IT HAS NOT BEEN PROVIDED.  
A SUPPLEMENTAL APPENDIX OF EXHIBITS WILL FOLLOW.  
EXHIBIT 21



### Certificate of Service

I do hereby certify that on September 10, 2021  
I did mail a true and correct copy of the foregoing  
Defendant's Exhibits in Support of Petition For A  
Writ of Habeas Corpus to: Erika Mendocza, Chief  
Deputy District Attorney, 200 Lewis Ave, Las Vegas  
Nevada 89101,

Sean Orth

96723  
Sean Orth 96723  
PO Box 650  
Indian Springs, NV. 89070

8C-39

Legal  
Mails

Clerk of  
DISTRICT  
CLARK CO  
Deo Lewis  
LV, NV

3762

LEGAL MAIL

quadrant:

09/16/2021

US POSTAGE

\$008.05

PRIORITY MAIL



ZIP 89101  
041M12254121

of the Court  
COURT  
COUNTY, NEVADA  
S Ave  
89101



Label 107R, January 2008

