

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Sep 14 2022 02:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

TED MICHAEL DONKO,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-19-345584-1
Related Case A-22-852928-W
Docket No: 85261

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
TED DONKO # 1080899,
PROPER PERSON
1200 PRISON RD.
LOVELOCK, NV 89419

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

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CLERK OF THE COURT

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

TED DONKO,

Defendant

District Court Case No.: C-19-345584-1
Dept.: XXV

Justice Court Case No.: 19F24531X

CERTIFICATE

I hereby certify the foregoing to be a full, true and correct copy of the proceedings as
the same appear in the above case.

Dated this 18th day of December, 2019



Justice of the Peace, Las Vegas Township

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

TED DONKO

Defendant

District Court Case No.:

Justice Court Case No.: 19F24531X

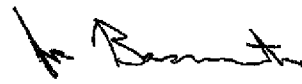
BINDOVER and ORDER TO APPEAR

An Order having been made this day by me that **TED DONKO** be held to answer before the Eighth Judicial District Court, upon the charge(s) of **Battery with use of deadly weapon, resulting in substantial bodily harm [50226]; Battery with use of deadly weapon, resulting in substantial bodily harm [50226]; Attempted murder - with the use of a deadly weapon or tear gas [50031]; Attempted murder - with the use of a deadly weapon or tear gas [50031]; Own/poss gun by prohibit pers [51460]; Assault, with use of deadly weapon [50201]; Attempted murder - with the use of a deadly weapon or tear gas [50031]; Dischg gun at/into occup struct/veh/craft [51442]** committed in said Township and County, on November 23, 2019 .

IT IS FURTHER ORDERED that said defendant is commanded to appear in the Eighth Judicial District Court, Regional Justice Center, Lower Level Arraignment Courtroom "A", Las Vegas, Nevada on December 20, 2019 at 10:00 AM for arraignment and further proceedings on the within charge(s).

IT IS FURTHER ORDERED that the Sheriff of the County of Clark is hereby commanded to receive the above named defendant(s) into custody, and detain said defendant(s) until he/she can be legally discharged, and be committed to the custody of the Sheriff of said County, until bail is given in the sum of \$50,000 and Electronic Monitoring High level.

Dated this 18th day of December, 2019



Justice of the Peace, Las Vegas Township

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

LAS VEGAS JUSTICE COURT
FILED IN OPEN COURT

NOV 26 2019

BY:

THE STATE OF NEVADA,

Plaintiff,

-vs-

TED MICHAEL DONKO #2668752,

Defendant.

CASE NO: 19F24531X

DEPT NO: 9

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031) and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460), in the manner following, to wit: That the said Defendant, on or about the 1st day of October, 2019, at and within the County of Clark, State of Nevada,

COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JONATHAN SANCHEZ, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ, resulting in substantial bodily harm to JONATHAN SANCHEZ.

COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: FERNANDO ESPINOZA, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA, resulting in substantial bodily harm to FERNANDO ESPINOZA.

19F24531X
CRM
Criminal Complaint
11780501



W:\2019\2019F24531\19F24531-COMP-001.DOCX

1 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
3 JONATHAN SANCHEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
4 shooting at and into the body of the said JONATHAN SANCHEZ.

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

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
7 FERNANDO ESPINOZA, a human being, with use of a deadly weapon, to wit: a firearm, by
8 shooting at and into the body of the said FERNANDO ESPINOZA.

9 COUNT 5 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

10 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
11 his custody or control, a firearm, to wit: an unknown .40 caliber semi-automatic firearm, the
12 Defendant being a convicted felon, having in 2014, been convicted of Attempt Burglary, in
13 Case No. C298636 and/or having in 2012, been convicted of Attempt Grand Larceny, in Case
14 No. C274598, in the Eighth Judicial District Court, Clark County, felonies under the laws of
15 the State of Nevada.

16 All of which is contrary to the form, force and effect of Statutes in such cases made and
17 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
18 this declaration subject to the penalty of perjury.

19
20 
21 11/24/19

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23
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26
27 19F24531X/lal
28 LVMPD EV# 191000002219
(TK9)

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: PC

Court Minutes



L011770362

PC19F24531X State of Nevada vs. Donko, Ted Michael

**11/24/2019 9:00:00 AM Initial Appearance
Justice Court (PC Review)**

Result: Matter Heard

PARTIES
PRESENT: State Of Nevada Fattig, John

Judge: Baucum, Suzan

Court Clerk: Cardenas, Pompeya

PROCEEDINGS

Hearings: 11/26/2019 7:30:00 AM: Status Check on Filing of Criminal Complaint Added

Events: **Defendant not Transported**

Refused

Probable Cause Found

Counsel Provisionally Appointed

J. Bayudan, Esq. provisionally appointed for limited purposes of first appearance hearing.

Bail Argument Heard

The Court has heard arguments from the prosecution and defense counsel regarding custody of the Defendant

Bail Reset - Cash or Surety

Counts: 001; 002; 003; 004; 005; 006; 007 - \$50,000.00/\$50,000.00 Total Bail

**Release Order - Bail AND Electronic Monitoring -
High Level**

No Contact with Victim

Bail Condition - Stay Away From Victim

and Victim's Address

**Continued for Status Check on filing of Criminal
Complaint**

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 09

Court Minutes



L011780616

19F24531X State of Nevada vs. Donko, Ted Michael

11/26/2019 7:30:00 AM Status Check on Filing of Criminal Complaint (In Custody) Result: Matter Continued

PARTIES PRESENT: State Of Nevada Beaumont, Austin

Judge: Bonaventure, Joseph M.

Court Reporter: Camgemi, Robert

Court Clerk: Veloz, Edward

PROCEEDINGS

Hearings: 11/27/2019 7:30:00 AM: Initial Appearance Added

Events: Criminal Complaint

Filed in open court.

Defendant not Transported

Refusal

Defendant to be Transported to Court by any Means Necessary

Unless deemed unsafe by the Clark County Detention Center

Bail Stands - Cash or Surety Amount: \$50,000.00

Counts: 001; 002; 003; 004; 005 - \$50,000.00/\$50,000.00 Total Bail

Release Order - Bail AND Electronic Monitoring - High Level

Bail Condition - Stay Away From Victim

and Victim's Address

No Contact with Victim

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 09

Court Minutes



L011786108

19F24531X State of Nevada vs. Donko, Ted Michael

Lead Atty: Public Defender

11/27/2019 7:30:00 AM Initial Appearance (In Custody)

Result: Matter Heard

PARTIES PRESENT:

State Of Nevada	Holloway, Quanisha S
Attorney	Compton, Katherine
Defendant	Donko, Ted Michael

Judge: Bonaventure, Joseph M.

Court Reporter: Nelson, Bill

Court Clerk: Veloz, Edward

PROCEEDINGS

Attorneys:	Compton, Katherine	DONKO, TED	Added
	Public Defender	DONKO, TED	Added

Hearings:	12/12/2019 9:00:00 AM: Preliminary Hearing	Added
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Events: **Initial Appearance Completed**

Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

Defendant Identified as Indigent

Defendant and the Court discussed the appointment of counsel and defendant requested appointment of counsel.

Public Defender Appointed

Bail Stands - Cash or Surety Amount: \$50,000.00

Counts: 001; 002; 003; 004; 005 - \$50,000.00/\$50,000.00 Total Bail

Release Order - Bail AND Electronic Monitoring - High Level

Released from Custody - DA Denial

Bail Condition - Stay Away From Victim

and Victim's address

No Contact with Victim

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 09

Court Minutes



L011841686

19F24531X State of Nevada vs. Donko, Ted Michael

Lead Atty: Public Defender

12/12/2019 9:00:00 AM Preliminary Hearing (In Custody)

Result: Matter Continued

PARTIES PRESENT:	State Of Nevada	Cannizzaro, Nicole
	Attorney	Hauser, Robson
	Defendant	Donko, Ted Michael

Judge: Bonaventure, Joseph M.

Court Reporter: Nelson, Bill

Court Clerk: Falcon, Kristian

PROCEEDINGS

Attorneys:	Hauser, Robson	DONKO, TED	Added
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Hearings:	12/18/2019 9:00:00 AM: Preliminary Hearing	Added
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Events: **Hill Motion by State to Continue - Granted**

Witness Not Present - With objection by Defense

Preliminary Hearing Date Reset

Date set at Defense's request

Oral Motion

by Defense to release Defendant on own recognizance or revise Electronic Monitoring to Medium level - State objects - Defense's request Denied

Bail Stands - Cash or Surety *Amount: \$50,000.00*

Counts: 001; 002; 003; 004; 005 - \$50,000.00/\$50,000.00 Total Bail

Bail Condition - Stay Away From Victim

and Victim's address

No Contact with Victim

Release Order - Bail AND Electronic Monitoring - High Level

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 09

Court Minutes



L011868508

19F24531X State of Nevada vs. Donko, Ted Michael

Lead Atty: Public Defender

12/18/2019 9:00:00 AM Preliminary Hearing (In custody)

Result: Bound Over

PARTIES PRESENT:	State Of Nevada	Cannizzaro, Nicole
	Attorney	Hauser, Robson
	Defendant	Donko, Ted Michael

Judge: Bonaventure, Joseph M.

Court Reporter: Cangemi, Robert

Court Clerk: Falcon, Kristian

PROCEEDINGS

Exhibits:	Document, Photograph, Etc. (ID: 001)	<i>Order for Revocation of Probation</i>	Admitted
	Document, Photograph, Etc. (ID: 002)	<i>Judgement</i>	Admitted
	Document, Photograph, Etc. (ID: 003)	<i>Photo Line-Up Instructions</i>	Admitted

**Justice Court, Las Vegas Township
Clark County, Nevada**

Events: Defendant Rejected the State's Offer

Preliminary Hearing Held

Motion to Exclude Witnesses by Defense -Motion Granted

States Witnesses:

1) Jonathan Sanchez

2) DeAndre Woods - Identifies Defendant

3) Fernando Espinoza

4) Detective J. Marin

State Rests.

Defendant Advised of His Statutory Right to call witnesses, present evidence and/or to testify on his own behalf. Defendant understands his rights and following the advice of his defense counsel, waives his rights at preliminary hearing

Defense Rests

Motion by State to amend Criminal Complaint by Interlineations - To add count 1- Assault with deadly weapon, Count 2 - Attempted murder with use of a deadly weapon, Count 3 - Discharge firearm into structure - Motion Granted

Bound Over to District Court as Charged

Review Date: 12/19/2019

District Court Appearance Date Set

Dec 20 2019 10:00AM: In custody

Remand - Cash or Surety

Counts: 001; 002; 003; 004; 005; 006; 007; 008 - \$50,000.00/\$50,000.00 Total Bail

Oral Motion

by Defense to reduce current bail setting or release Defendant to Electronic Monitoring - State objects - Denied without prejudice

Exhibits Ordered Transferred to District Court

Bail Condition - Stay Away From Victim

and Victim's address

**Release Order - Bail AND Electronic Monitoring -
High Level**

Case Closed - Bound Over

Charges: 006: Assault, with use of deadly weapon

**007: Attempted murder - with the use of a deadly weapon or tear
gas**

**008: Discharge firearm at or into occupied structure, vehicle,
aircraft or watercraft**

Plea/Disp: 001: Battery with use of deadly weapon, resulting in substantial bodily harm [50226]

Disposition: Bound Over to District Court as Charged (PC Found)

002: Battery with use of deadly weapon, resulting in substantial bodily harm [50226]

Disposition: Bound Over to District Court as Charged (PC Found)

Las Vegas Justice Court: Department 09

LVJC_RW_Criminal_MinuteOrderByEventCode

Justice Court, Las Vegas Township Clark County, Nevada

003: Attempted murder - with the use of a deadly weapon or tear gas [50031]

Disposition: Bound Over to District Court as Charged (PC Found)

004: Attempted murder - with the use of a deadly weapon or tear gas [50031]

Disposition: Bound Over to District Court as Charged (PC Found)

005: Own/poss gun by prohibit pers [51460]

Disposition: Bound Over to District Court as Charged (PC Found)

006: Assault, with use of deadly weapon [50201]

Disposition: Bound Over to District Court as Charged (PC Found)

007: Attempted murder - with the use of a deadly weapon or tear gas [50031]

Disposition: Bound Over to District Court as Charged (PC Found)

008: Dischg gun at/into occup struct/veh/craft [51442]

Disposition: Bound Over to District Court as Charged (PC Found)

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
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WILL FOLLOW VIA
U.S. MAIL**



INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA
I.A. 12/20/19
10:00 AM
PD

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-19-345584-1

-vs-

DEPT NO: XXV

TED MICHAEL DONKO,
#2668752
Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That TED MICHAEL DONKO, the Defendant(s) above named, having committed the crimes of **BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442); and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, on or about the 1st day of October, 2019, within the County of

Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JONATHAN SANCHEZ, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ, resulting in substantial bodily harm to JONATHAN SANCHEZ.

COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: FERNANDO ESPINOZA, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA, resulting in substantial bodily harm to FERNANDO ESPINOZA.

COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill JONATHAN SANCHEZ, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ.

COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill FERNANDO ESPINOZA, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA.

COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill DEANDRE WOODS, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at the said DEANDRE WOODS.

//

//

1 COUNT 6 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
4 attempt to use physical force against another person, to wit: DEANDRE WOODS, with use of
5 a deadly weapon, to wit: a firearm, by pointing and/or shooting said firearm at the said
6 DEANDRE WOODS.

7 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

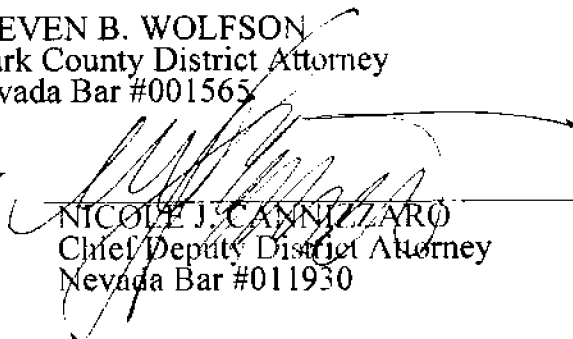
9 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
10 firearm at or into a structure, said structure, not having been abandoned, located at 56 Linn
11 Lane, Las Vegas, Clark County, Nevada.

12 COUNT 8 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

13 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
14 his custody or control, a firearm, to wit: an unknown .40 caliber semi-automatic firearm, the
15 Defendant being a convicted felon, having in 2014, been convicted of Attempt Burglary, in
16 Case No. C298636 and/or having in 2012, been convicted of Attempt Grand Larceny, in Case
17 No. C274598, in the Eighth Judicial District Court, Clark County, felonies under the laws of
18 the State of Nevada.

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

21 BY

22 
23 NICOLE J. CANNIZZARO
24 Chief Deputy District Attorney
25 Nevada Bar #011930
26
27
28

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

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD RECORDS
ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
MARIN, J.	LVMPD P#15026
RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE
STAFFOD, E.	LVMPD P#13642
WOODS, DEANDRE	C/O DISTRICT ATTORNEY'S OFFICE

19F24531X/lm/GU
LVMPD EV#191000002219
(TK9)



NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930
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-

TED MICHAEL DONKO,
#2668752

Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

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

TO: TED MICHAEL DONKO, Defendant; and
TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD RECORDS
ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
MARIN, J.	LVMPD P#15026
RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE

1 SANCHEZ-LOZA, JONATHAN C/O DISTRICT ATTORNEY'S OFFICE
2 STAFFORD, E. LVMPD P#13642
3 WOODS, DEANDRE C/O DISTRICT ATTORNEY'S OFFICE
4 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
5 NEVADA intends to call the following expert witnesses in its case in chief:
6 AOYAMA, KATHRYN – LVMPD P#8025 (or designee): LATENT PRINT
7 EXAMINER - Expert in the science and techniques of fingerprint comparison, and
8 comparisons done in this case and any reports prepared therefrom.
9 CHEN-HUNYH, STEPHANIE – LVMPD #16064 (or designee): CRIME SCENE
10 ANALYST II: Expert in the identification, documentation, collection and preservation of
11 evidence and is expected to testify as an expert to the identification, documentation, collection
12 and preservation of the evidence in this case.
13 GAUTHIER, KELLIE – LVMPD P#8691 (or designee): Expert in the field of DNA
14 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to
15 testify thereto.
16 GROVER, BRADLEY – LVMPD P#4934 (or designee): CRIME SCENE ANALYST:
17 Expert in the identification, documentation, collection and preservation of evidence and is
18 expected to testify as an expert to the identification, documentation, collection and
19 preservation of the evidence in this case.
20 MORRISON, MAELEEN – LVMPD #16191 (or designee): CRIME SCENE
21 ANALYST: Expert in the identification, documentation, collection and preservation of
22 evidence and is expected to testify as an expert to the identification, documentation, collection
23 and preservation of the evidence in this case.
24 STRUMILLO, JENNIFER – LVMPD #16067 (or designee): CRIME SCENE
25 ANALYST: Expert in the identification, documentation, collection and preservation of
26 evidence and is expected to testify as an expert to the identification, documentation, collection
27 and preservation of the evidence in this case.

28 //

1 WRIGHT, AMANDA - LVMPD P#9974 (or designee): FIREARMS/TOOLMARKS
2 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
3 expected to testify thereto, including, but not limited to, the forensic science underlying
4 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
5 microscopic comparison tools, technology, and findings, National Integrated Ballistic
6 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
7 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
8 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
9 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
10 homemade) examination, serial number restoration, and firearms modification or homemade
11 firearms examination).

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

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

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

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

21 BY /s/ NICOLE J. CANNIZZARO
22 NICOLE J. CANNIZZARO
23 Chief Deputy District Attorney
24 Nevada Bar #011930

25 CERTIFICATE OF ELECTRONIC MAIL

26 I hereby certify that service of the foregoing, was made this 30th day of December,
27 2019, by Electronic Mail to:

28 PUBLIC DEFENDER'S OFFICE
 E-mail Address: pdclerk@ClarkCountyNV.gov

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

lm/GU

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

Date: 06/25/10

Name: Kathryn Aoyama

P#: 8025

Classification: Forensic Scientist I

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of California, San Diego	9/84 to 6/89	Biology	B.A.
University of Nevada, Las Vegas	8/83 to 5/84	Biology	None
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
ASCLD /LAB International Preparation Course	Henderson, NV	12/01-12/03/09	
Nevada State IAI Tristate Conference – IND/Zn Workshop	Las Vegas, NV	10/07/09	
Latent Print Certification Preparation	Las Vegas, NV	06/08-06/10/09	
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/09-02/10/09	
GWS-L Latent User Methods and Operations	Las Vegas, NV	09/17-09/18/08	
RUVIS Training	Las Vegas, NV	8/6/2008	
Application of Statistics to Ridgeology And ACE-V Methodology	Las Vegas, NV	3/31-4/04/08	
Witnessing 101 - Clark County DA's Office	Las Vegas, NV	5/9/08	

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Application of Statistics to Ridgeology and the ACE-V Methodology	Las Vegas, NV	3/31 to 4/4/08
Forensic Photography	Las Vegas, NV	2/11-2/13/08
24-Hour Application Study in Forensic Photography	Las Vegas, NV	02/14/08
Forensic Digital Imaging	Las Vegas, NV	1/7/08 - 1/10/08
2007 2 nd Tri-Division IAI Educational Conference	Salt Lake City, UT	11/6/07 - 11/9/07
IAI 92 nd International Educational Conference	San Diego, CA	7/23/07 - 7/27/07
Driver=s Training	Las Vegas, NV	7/3/07
2006 1 st Tri-Division IAI Educational Conference	Henderson, NV	8/21/06 - 8/24/06
Forensic Photography II	Las Vegas, NV	1/06 - 5/06
Testifying in Court	Las Vegas, NV	11/30/05
Problem Solving, Independent Decision Making	Las Vegas, NV	8/10/05
Effective Interpersonal Communication	Las Vegas, NV	6/23/05
Searching Public Records Part I and II	Las Vegas, NV	3/2/05 - 3/3/05
Criminal Law for Civilians	Las Vegas, NV	11/4/04
Forensic Photography I	Las Vegas, NV	8/04 - 12/04
Forensic Science 101 and 201, American Institute of Applied Science	NC	8/03 - 5/04
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Las Vegas, NV District Court 7	Latent Prints	2
Las Vegas, NV District Court 6	Latent Prints	1
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist I - Latent Prints	4/08 to present

EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee - Latent Prints	3/07 to 4/08
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
International Association for Identification (IAI)	7-10-07 to present	

PUBLICATIONS / PRESENTATIONS:
Presentations:
05/04/10 Poster Presentation: Latent Prints from Firearms Evidence (Statistics 2008-2009), Association of Firearms & Tool Mark Examiners Training Seminar, Henderson, NV
06/11/08 "Historical and Scientific Development of Latent Print Methodologies", LVMPD, Las Vegas, NV
1/16/08 "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV
11/7/07 "Back to Basics - The Biological Basis for Latent Print Examination", 2 nd Tri-Division IAI Educational Conference, Salt Lake City, UT
08/21/07 "Disguising and Disrupting Fingerprints", LVMPD, Las Vegas, NV
08/07/07 "Distortion in Latent Prints", LVMPD, Las Vegas, NV
06/14/07 "Ridge Flows and Crease Patterns of the Hands and Feet", LVMPD, Las Vegas, NV
OTHER QUALIFICATIONS:
None



ASCLD/LAB-International
Application for Accreditation
Attachment 2

Statement of Qualifications

Name	Stephanie Chen-Huynh P# 16064	Date	08/22/2018
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Forensic Service Provider	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
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Job Title	Crime Scene Analyst I
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Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation, Body Fluid Identification
--

Education: List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of Nevada Las Vegas	2012-2017	Criminal Justice	Bachelor of Arts
University of Phoenix	10/2016		

Continuing Education: List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
Crime Scene Analyst Academy	LVMPD Las Vegas, NV	09/12/16 - 11/23/16
Hazardous Materials Evidence Collection for CBRNE Incidents	Center for Domestic Preparedness Anniston, AL	11/15/17-11/17/17
Basic Medicolegal Death Investigation Training	International Association of Coroners & Medical Examiners, Las Vegas, NV	07/22/18-07/26/18

Testimony: Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigation	09/01/2016 to present	0

Professional Affiliations: List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

Employment History: List all scientific or technical positions held, particularly those related to forensic science. **List current position first.** Add additional sections as necessary.

Job Title	Crime Scene Analyst I	Tenure	09/01/2016 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Other Qualifications: List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

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

Date: 06/28/10

Name: Kellie M. (Wales) Gauthier

P#: 8691

Classification: Forensic Scientist II

Current Discipline of Assignment: DNA/Biology

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support /	X
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of West Florida	8/98 - 5/02	Biology	B.S.
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
ASCLD/LAB- International Preparation Course	Henderson, NV	12/01-12/03/09	
Cold Case Analysis Training	Chicago, IL	07/15-07/16/09	
Hair Evaluation for DNA Analysis	Las Vegas, NV (Online Course)	01/14/09	
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV (Online Course)	11/18/08	
Seminar: The Parachute Case	Washington DC	02/22/08	
Seminar: Bringing Forensic Science to the Battlefield	Washington DC	02/21/08	
Seminar: Human Identification in a Post 9/11 World	Washington DC	02/20/08	

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Workshop: DNA Mixture Interpretation	Washington DC	02/19/08
Conference: American Academy of Forensic Sciences 60 th Annual Meeting	Washington DC	02/19/08-02/23/08
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV	01/31/08
Applied Biosystems Training on 3130xl Genetic Analyzer	Las Vegas, NV	11/01/07
Workshop: Forensic DNA Profiling	Las Vegas, NV	01/25-26/07
Workshop: Forensic Population Genetics and Statistics	Las Vegas, NV	11/27/06
FBI CODIS Training	McLean, VA	11/06
Conference: Bode Advanced DNA Technical Workshop	Captiva Island, FL	06/06
Workshop: Presenting Statistics in the Courtroom	Captiva Island, FL	06/06
Training: Differential Extraction	Las Vegas, NV	06/06
Training: Serological Techniques and DNA Screening - Colleen Proffitt, MFS	Las Vegas, NV	5/06
Conference: American Academy of Forensic Sciences 58 th Annual Meeting	Seattle, WA	2/20/06-2/25/06
Seminar: Racial Profiling SNP's	Seattle, WA	2/23/06
Seminar: The Atypical Serial Killer	Seattle, WA	2/22/06
Seminar: Bioterrorism Mass Disasters	Seattle, WA	2/21/06
Workshop: Sexual Homicide - Fantasy Becomes Reality	Seattle, WA	2/21/06
Workshop: Advanced Topics in STR DNA Analysis	Seattle, WA	2/20/06
National Incident Management System (NIMS) an Introduction	Las Vegas, NV	8/05
Drivers Training II	Las Vegas, NV	7/05

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems	Orlando, FL	9/04
Workshop: Southern Association of Forensic Scientists (SAFS) - Paternity Index DNA Statistics	Orlando, FL	9/04
Workshop: Forensic Epidemiology - Joint Training for Law Enforcement Hazardous Materials and Public Health Officials on Investigative Response to Bio-terrorism	Orlando, FL	7/04
Forensic Technology Training - Florida Department of Law Enforcement	Orlando, FL	4/04
Biology Discipline Meeting	Tampa, FL	3/04
Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems	Orlando, FL	9/03
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Clark County: Justice, District	DNA	30
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist	5/05 - present
Florida Dept. of Law Enforcement	Forensic Technologist	8/03 - 5/05
PROFESSIONAL AFFILIATIONS		
<i>Organization</i>	<i>Date(s)</i>	
American Academy of Forensic Sciences - Trainee Affiliate	10/06 - 12/09	
PUBLICATIONS / PRESENTATIONS:		
None		
OTHER QUALIFICATIONS:		
None		

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: Bradley Grover

P# 4934

Date: 10-1-03

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
UNLV	Science	Bachelor-1987
TESTIMONY		
Yes	No	
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Sr. Crime Scene Analyst	4-3-95

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
05-17-87	Bachelor of Science	University of Nevada	Degree
04-17-95	Range Training	LVMPD	4
04-07-95	Introductory Crime Scene Analyst Training	LVMPD	40
05-09-95	FATS Training	LVMPD	2
05-18-95	Driver Training - Level 2	LVMPD	2
06-30-95	Duty Weapon Qualification	LVMPD	1
08-02-95	New Civilian Employee Orientation	LVMPD	7
09-05-95	Range Training	LVMPD	1
09-30-95	Duty Weapon Qualification	LVMPD	1
11-29-95	Video - Courtroom Skills and Tactics	LVMPD	31 Min.
02-14-96	Forensic Science	American Institute of Applied Science	240
03-08-96	Firearms/Range Training	LVMPD	1
03-31-96	Duty Weapon Qualification	LVMPD	1
05-14-96	Firearms/Range Training	LVMPD	1
06-05-96	Verbal Judo	LVMPD	8
06-18-96	Oleoresin - Civilian	LVMPD	2
06-18-96	Combat Shooting Simulator/FATS Training	LVMPD	1
06-22-96	CAPSTUN Training	LVMPD	1.5
06-30-96	Duty Weapon Qualification	LVMPD	2
07-22-96	Gunshot and Stab Wounds: A Medical Examiner's View-	Barbara Clark Mims Associates	8
09-10-96	Firearms/Range Training	LVMPD	1
09-23 to 09-27-96	Crime Scene Technology II	Northwestern University, Traffic Institute	40
09-30-96	Duty Weapon Qualification	LVMPD	2
10-07 to 10-11-96	Fingerprinting Classification	Law Enforcement Officers Training School	40
11-27-96	Ultraviolet (UV) Light Orientation and Safety Presentation	LVMPD	1
01-28-97	Firearms/Range Training	LVMPD	1.5
02-18 to	Top Gun Training	LVMPD	21

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
02-20-97			
02-27-97	Moot Court - Video	LVMPD	2
03-30-97	Duty Weapon Qualification	LVMPD	2
04-23, 24 & 04-30-97	Civilian Use of Force & Firearm Training	LVMPD	21
04-30-97	Off-Duty Weapon Qualification	LVMPD	
06-13-97	NCIC Phase I - Video	LVMPD	20 Min.
07-02-97	Duty Weapon Qualification	LVMPD	2
08-22-97	Firearms/Range Training	LVMPD	1
09-15 to 09-19-97	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
09-30-97	Duty Weapon Qualification	LVMPD	2
10-06 to 10-10-97	Investigative Photography I	Northwestern University, Traffic Institute	40
10-13 to 10-17-97	Bloodstain Evidence Workshop 2	Northwestern University, Traffic Institute	40
11-03 to 11-07-97	Courtroom Presentation of Evidence: Effective Expert Witness Testimony Workshop (Running workshops on the dates noted. CSAs go for 7-hour course)	CAT/NWAFS/SWAFS/SAT Joint Meeting	7
11-14-97	Firearms/Range Training	LVMPD	1
12-31-97	Duty Weapon Qualification	LVMPD	2
02-20-98	Trauma Shooting - Video	LVMPD	30 Min.
02-23-98	Domestic Violence	LVMPD	1
02-26-98	Clandestine Lab Dangers - Video	LVMPD	30 Min.
02-27-98	Combat Shooting Simulator/FATS	LVMPD	1
02-27-98	FATS Training	LVMPD	1
03-06-98	Secondary Devices - Video	LVMPD	30 Min.
03-11 to 03-13-98	California Homicide Investigators Association: (Field of Homicide Investigations) Bakersfield, CA	California Homicide Investigators Association	24
03-98	Range	LVMPD	1
03-31-98	Duty Weapon Qualification	LVMPD	2
04-08-98	Critical Procedures Test	LVMPD	2
06-26-98	Duty Weapon Qualification	LVMPD	2
6-30-98	Range	LVMPD	1

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
07-08-98	Driver Training - Class II	LVMPD	8
09-11-98	Optional Weapon	LVMPD	
09-25-98	Range	LVMPD	1
12-98	Range	LVMPD	1
12-08-98	Training - Motor Home Driving	LVMPD	4
12-11-98	Duty Weapon Qualification	LVMPD	2
01-29-99	Low Lethal Certification	LVMPD	10
03-99	Range	LVMPD	1
03-99	PR Photograph	LVMPD	4
03-30-99	Duty Weapon Qualification	LVMPD	2
03-03	Accident Investigation Photography	LVMPD	2
04-20-99	Critical Procedures Test	LVMPD	2
04-30-99	NSDIAI Educational Conference	NSDIAI	8
05-18-99	Duty Weapon Qualification/Off-Duty Weapon Qualification	LVMPD	2
06-30-99			
08-11, 12, & 08-13-99	Bombs and Explosive Devices - Public Safety Continuing Education	Public Agency Training Council, National Crime Justice, "Academy Quality Module Training"	24
09-20 to 09-24-99	Investigative Photography 2	Northwestern University, Traffic Institute	40
09-21-99	Duty Weapon Qualification	LVMPD	2
09-99	Range	LVMPD	1
12-99	Range	LVMPD	1
01-19-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
01-20-00	Sticky-side Tape Processing	U.S. Secret Service	8
06-12 to 06-14-00	Clandestine Laboratory Safety Certification Course - Occasional Site Worker	LVMPD	24
09-06 to 09-08-00	Shooting Incident Reconstruction	Forensic Identification Training Seminars	24
04-11 to 04-13-01	3 rd Annual Educational Conference Florazine	NSDIAI	2
"	Bloodstain Report Writing	"	2
"	Forensic DNA	"	2

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
"	Forensic Anthropology	"	1
"	Ted Binion Homicide	"	2
10-15-01	Bloodstain Pattern Analysis - Angle of Impact Proficiency Exercise - Certificate #16	LVMPD Criminalistics Bureau	3
07-18-01	Driver's Training	LVMPD	8
04-01-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
04-02-02	Forensic Anthropology	LVMPD	1.5
04-15-02	Objective Approach to the Crime Scene	LVMPD - Criminalistics Bureau	1
05-22-02	Major Case Prints	LVMPD - Criminalistics Bureau	3
06-05-02	Documentation of Footwear & Tire Impressions	LVMPD - Criminalistics Bureau	1
08-04 to 08-10-02	87 th International Educational Conference - See below	IAI	
"	Investigating Cult and Occult Crimes	"	8
"	Homicide or Suicide?	"	1
"	Gizmos and Gadgets	"	2
"	Courtroom Testimony Techniques: Success Instead of Survival	"	4
01-20 to 01-24-03	Ridgeology Science Workshop - Forensic Identification Training Seminars	LVMPD	40



ASCLD/LAB-International
Application for Accreditation
Attachment 2

Statement of Qualifications

Name	Maeleen Morrison # 16191	Date	09/05/2018
-------------	--------------------------	-------------	------------

Forensic Service Provider	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
----------------------------------	---

Job Title	Crime Scene Analyst I
------------------	-----------------------

Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation

Education: List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of Nevada – Las Vegas	09/2008 – 08/2015	Biological Sciences	Bachelor of Science

Continuing Education: List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
02-2017 CSA Academy	LVMPD	08/21/17 - 11/2/17
Ethics in Forensic Science	West Virginia University	09/01/17 - 10/19/17

Testimony: Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigations	08/15/18 - present	1

Professional Affiliations: List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

Employment History: List all scientific or technical positions held, particularly those related to forensic science. List current position first. Add additional sections as necessary.

Job Title	Crime Scene Analyst I	Tenure	06/05/2017 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title	Forensic Laboratory Assistant (Part Time)	Tenure	11/07/2016 to 06/04/2017
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Exemplify the Department values, both on and off duty; maintain inventory of chemicals, forensic kits, scientific materials and supplies, and references; order supplies; ensure compliance with lab safety procedures; prepare, and verify chemical solutions and reagents to specific requirements; document results; clean and disinfect laboratory equipment; store cleaned items in proper laboratory area; conduct periodic quality checks on various laboratory equipment and reagents; ensure laboratory compliance with accreditation and safety requirements; document results; notify appropriate laboratory staff; transport and log evidence and property received by the Forensic Laboratory or Crime Scene Investigations Section; maintain security, proper records and storage of evidence; use standard laboratory techniques to perform applicable tasks; conduct delivery and pick-up of necessary supplies and equipment; Facilitate hazardous and biological waste disposal; query law enforcement computer systems for criminal history information; enter data into State databases; file documents electronically and via paper; communicate with a variety of law enforcement personnel via telephone, email, in person and through written correspondence; respond to letters and written inquiries.			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Other Qualifications: List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

--





ASCLD/LAB-International
Application for Accreditation
Attachment 2

Statement of Qualifications

Name	Jennifer Strumillo P# 16067	Date	08/08/2017
-------------	-----------------------------	-------------	------------

Forensic Service Provider	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
----------------------------------	---

Job Title	Crime Scene Analyst I
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Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation

Education: List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of California, Los Angeles	2004 - 2008	Physiological Science	Bachelor of Science

Continuing Education: List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
Crime Scene Analyst Academy	LVMPD Las Vegas, NV	09/12/16 - 11/23/16
2017 Basic Medicolegal Death Investigation	IACME Las Vegas, NV	07/23/17 - 07/27/17

Testimony: Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigation	09/01/2016 to present	0

Professional Affiliations: List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

Employment History: List all scientific or technical positions held, particularly those related to forensic science. List current position first. Add additional sections as necessary.

Job Title	Crime Scene Analyst I	Tenure	09/01/2016 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagraming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Other Qualifications: List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

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Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: WRIGHT, Amanda

P# 9974

Date: 05-14-07

CURRENT CLASSIFICATION

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

FORMAL EDUCATION

<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of New Haven	Forensic Science	Bachelor of Science - January 2006
Bowdoin College	Biochemistry	Bachelor of Arts - May 2001

TESTIMONY

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

EMPLOYMENT HISTORY

<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSA I	05-14-07 to



CASE NO. C-19-345584-1

DEPT. NO. 9

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

THE STATE OF NEVADA,)	
)	
Plaintiff,)	PRELIMINARY HEARING
)	
vs.)	Case No.
)	19F24531X
TED DONKO,)	
)	
Defendant.)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOE M. BONAVENTURE
JUSTICE OF THE PEACE

TAKEN ON WEDNESDAY, DECEMBER 18, 2019
AT 9:00 A.M.

APPEARANCES:

For the State: Nicole Cannizzaro, Esq.
Chief Deputy District
Attorney

For the Defendant: Robson Hauser, Esq.
Deputy Public Defender

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

I N D E X

WITNESSES:

D C RD RC

JONATHAN SANCHEZ-LOZA 5 14

DeANDRE WOODS 16 26

FERNANDO ESPINOZA 36

JASON NARIN 46 58

1 LAS VEGAS, NEVADA, WEDNESDAY, DECEMBER 18,
2 2019

3 * * * * *

4 THE COURT: State of Nevada versus Ted
5 Donko, 19F24531X.

6 THE DEFENDANT: How you are doing, Your
7 Honor?

8 THE COURT: This is the time set for the
9 preliminary hearing.

10 Mr. Donko is present in custody, represented
11 by counsel.

12 Counsel, is the State ready?

13 MS. CANNIZZARO: Yes, Your Honor, the State
14 is ready.

15 THE COURT: Is the defense ready?

16 MR. HAUSER: Yes, Your Honor, and not that I
17 think it is necessary, but I would like to invoke
18 the rule.

19 THE COURT: The exclusionary rule will be
20 in effect.

21 Any other preliminary matters?

22 MS. CANNIZZARO: Your Honor, just one. I
23 would like to just make a record of the offer that
24 was extended to the Defendant, which my
25 understanding is has been rejected.

1 The offer was to plead here to one count of
2 battery with use of a deadly weapon.

3 And also one count of possession of a
4 firearm by a prohibited person.

5 He would also be pleading in a separate case
6 to one count of possession of identification or
7 document of the person of another, a C felony.

8 The State would the retain the right to
9 argue, but it is my understanding that the Defendant
10 does not wish to accept that negotiation.

11 MR. HAUSER: Brief indulgence, Judge.

12 THE COURT: Yes.

13 MR. HAUSER: We are good.

14 THE COURT: So, counsel, is that a correct
15 statement that that was the offer that was conveyed?

16 MR. HAUSER: That's correct.

17 THE COURT: And you did convey it to your
18 client, and that was rejected?

19 MR. HAUSER: Yes.

20 THE COURT: Thank you.

21 MS. CANNIZZARO: And with that, Your Honor,
22 that is the substance of the State's preliminary
23 issue.

24 THE COURT: All right.

25 You may call your first witness.

1 MS. CANNIZZARO: Thank you, Your Honor.

2 The State's first witness will be Jonathan
3 Sanchez.

4

5 JONATHAN SANCHEZ-LOZA,

6

7 who, being first duly sworn to tell the
8 truth, the whole truth, and nothing but the
9 truth, was examined and testified as follows:

10

11 THE CLERK: Please be seated.

12 State your first and last name, and
13 spell it for the record.

14 THE WITNESS: Jonathan Sanchez-Loza.

15 J-o-n-a-t-h-a-n

16 S-a-n-c-h-e-z-L-o-z-a.

17 THE COURT: Thank you.

18 Please proceed.

19 MS. CANNIZZARO: Thank you, Your
20 Honor.

21

22 DIRECT EXAMINATION

23

24 BY MS. CANNIZZARO:

25 Q. Jonathan, I want to direct your

1 attention to October 1, 2019. On that date were you
2 living at Linn Lane?

3 A. Yes.

4 Q. And is that located in Clark County, Las
5 Vegas, Nevada?

6 A. Yes.

7 Q. Now, did you ever have a reason on that day
8 to go to a neighbor's house at 56 Linn Lane?

9 A. Yes.

10 Q. What was the reason that you went to your
11 neighbor's house on that date?

12 A. To go help them move some stuff to take to
13 the dump.

14 Q. Did you ever ask anyone that you knew to
15 come join you to help you move things?

16 A. No.

17 Q. Do you know an individual by the name of
18 Fernando?

19 A. Yes.

20 Q. And that's Fernando Espinoza?

21 A. Yes.

22 Q. How do you know Fernando?

23 A. Just a friend around the block.

24 Q. Did you ever talk to Fernando about coming
25 to help move things that day?

1 A. He is the one that called me.

2 Q. So he was the one that invited you to come
3 and help move things?

4 A. Yes, because they needed an extra hand.

5 Q. Do you know whether Fernando owns a truck?

6 A. Yes.

7 Q. What kind of truck?

8 A. A Ford Ranger.

9 Q. What color is it?

10 A. White.

11 Q. Was the truck at 56 Linn Lane that day?

12 A. Yes.

13 Q. And along with you and Fernando, were there
14 other people helping to move things out of your
15 neighbor's house?

16 A. Yes, the owner that lives there.

17 Q. Okay.

18 Where was the truck at 56 Linn Lane that
19 day?

20 A. Reversed in the driveway.

21 Q. And what was the reason for that?

22 A. To load up the truck with all the of stuff.

23 Q. So were you loading up the bed of the truck?

24 A. Yes.

25 Q. While you were helping to load things into

1 the truck, what happened as you were standing out in
2 front of the house?

3 A. Loading it up, I was standing on the
4 driver's side by the front tire.

5 I smashed the cabinet on the floor to break
6 it. I heard somebody say, hey, where is Shorty.

7 I turned around, and that's when I got shot.

8 Q. You mentioned that you had a cabinet that
9 you had broken down, was that in order so that it
10 would fit into the bed of the truck?

11 A. Yes, because it was already full.

12 Q. I think you mentioned that these were items
13 that were taken to the dump.

14 Right?

15 A. Yes.

16 Q. You said you heard someone say, hey, where
17 is Shorty?

18 A. Um-hum.

19 Q. Was that a yes?

20 A. Yes.

21 Q. Where was that voice coming from?

22 A. Behind me.

23 Q. By behind you, are you referencing like the
24 rest of the street?

25 Strike that.

1 Let me ask a different question.

2 What were you facing when you heard this
3 voice behind you?

4 A. Facing towards the house.

5 Q. So this would have been a voice coming from
6 the street?

7 A. The street, sidewalk.

8 Q. Did you recognize that voice?

9 A. Nope.

10 Q. You said when you heard that you turned
11 around?

12 A. Yes.

13 Q. Did you see anyone at that point?

14 A. I saw somebody.

15 Q. Were you able to get a good look at that
16 individual?

17 A. No.

18 Q. Why is that?

19 A. Because his pistol was in front of his face.

20 Q. When you turn around, is there already a gun
21 pointed towards where you are standing?

22 A. Yes.

23 Q. How soon, or how long did it take between
24 the time you turned around, and up mentioned that
25 you had gotten shot?

1 A. Seconds.

2 Q. Could you hear gunshots?

3 A. Yes.

4 Q. How many gunshots did you hear altogether?

5 A. About 10.

6 Q. You mentioned that you were shot.

7 A. Yes.

8 Q. Where were you shot?

9 A. In my right thigh. It entered and exited,
10 and hit my left thigh, and the bullet is still stuck
11 in my left thigh.

12 Q. When you are shot in your leg, do you stay
13 standing or do you fall down?

14 A. No, I drop immediately.

15 Q. Once you drop down to the ground, what else
16 did you see happen?

17 A. When I fell, I pulled my phone out and
18 called my uncle to let him know what happened.

19 After that, I can see underneath the truck
20 from like where the bed is, behind the tailgate.

21 I could see Fernando drop, and that's about
22 it.

23 Q. So it sounds like the way that you are
24 facing, you are actually looking underneath the
25 truck?

1 A. Yes.

2 Q. So you were not facing the street at that
3 point?

4 A. No, I just rotated my body like that.

5 MS. CANNIZZARO: And the witness is
6 indicating sort of turning towards the right.

7 Q. So you kind of turned away from the gun, is
8 that right?

9 A. Well, when he said, and I turned, I just
10 like froze.

11 I didn't turn all of the way around.

12 Q. You said you saw Fernando fall to the ground
13 as well.

14 Right?

15 A. Yes.

16 Q. Where was he in relation to the truck?

17 A. He was in the back.

18 Q. And could you see underneath the truck him
19 fall to the ground then?

20 A. Yes.

21 Q. Could you see whether Fernando had been
22 shot?

23 A. Yes.

24 Q. What did you see specifically?

25 A. On his lower abdomen.

1 Q. Was he bleeding?

2 A. I can't recall.

3 Q. But you remember seeing him falling from
4 being shot?

5 A. Yes.

6 Q. Could you see where the person who shot you
7 went after that?

8 A. No.

9 Q. At some point did police and an ambulance
10 arrive?

11 A. Yes.

12 Q. Were you transported to the hospital?

13 A. Yes.

14 Q. How long were you in the hospital?

15 A. 6 days.

16 Q. Did you go into any surgery as a result?

17 A. Yes.

18 Q. And I noticed that when you walked in, you
19 are using a cane.

20 A. Yes.

21 Q. Is that a result of this incident?

22 A. Yes.

23 Q. I think you also mentioned you still have
24 part of a bullet in your left leg?

25 A. Yes.

1 Q. Do you have any additional treatment or
2 appointments in order to help you recover from this
3 injury?

4 A. I go to physical therapy.

5 Q. How are you supposed to be going to physical
6 therapy?

7 A. It depends how I recover, but right now, 6
8 months.

9 Q. Are you in any pain as a result of this
10 injury?

11 A. Yes.

12 Q. And does that pain still exist today?

13 A. Yes.

14 Q. Were you ever able to get a good enough look
15 at the person who was shooting?

16 A. No.

17 Q. Is it fair to say you would not be able to
18 identify that particular individual?

19 A. No.

20 MS. CANNIZZARO: No further questions.

21 I pass the witness.

22 THE COURT: Thank you.

23 Cross.
24
25

CROSS-EXAMINATION

1
2 BY MR. HAUSER:

3 Q. Good afternoon, Mr. Sanchez.

4 A. Good afternoon.

5 Q. You stated that you were friends with
6 Fernando.

7 Is that right?

8 A. Yes.

9 Q. Are you aware that Fernando is a gang
10 member?

11 MS. CANNIZZARO: Objection, Your Honor,
12 relevance.

13 MR. HAUSER: It goes to the relationship
14 between the victims.

15 MS. CANNIZZARO: Your Honor, again, I don't
16 know why that is relevant to their relationship.

17 THE COURT: Sustained.

18 Move on.

19 Q. Mr. Sanchez, are you a gang member?

20 A. No.

21 MS. CANNIZZARO: Objection, Your Honor, it
22 goes for --that's character evidence, and it is
23 irrelevant in this case.

24 MR. HAUSER: He said no. I don't have any
25 follow-up.

1 THE COURT: Sustained.

2 Go ahead.

3 Q. Mr. Sanchez, you said that you were not able
4 to identify the individual that shot you.

5 A. Correct.

6 Q. You turned around after you heard the voice?

7 A. Correct.

8 Q. Is that a yes?

9 A. Yes.

10 Q. And you didn't recognize that voice?

11 A. No.

12 Q. And the man had the pistol in front of his
13 face?

14 A. Yes.

15 Q. So you didn't get a good look at him?

16 A. Yes.

17 Q. And you still don't know today who it is?

18 A. No.

19 Q. Do you know Mr. Donko?

20 A. No.

21 Q. Have you ever seen him on the street before?

22 A. No.

23 MR. HAUSER: Nothing further, Your Honor.

24 THE COURT: Anything else by the State?

25 MS. CANNIZZARO: No, Your Honor, nothing

1 further from the State.

2 THE COURT: Thank you for your time,
3 sir, you are excused.

4 MS. CANNIZZARO: Your Honor, the
5 State's next witness will be DeAndre Woods.

6

7 DeANDRE WOODS,

8

9 who, being first duly sworn to tell the
10 truth, the whole truth, and nothing but the
11 truth, was examined and testified as follows:

12

13 THE CLERK: Please be seated.

14 State your first and last name, and
15 spell it for the record.

16 THE WITNESS: My name is DeAndre
17 Woods, D-e-A-n-d-r-e W-o-o-d-s.

18 THE COURT: Thank you.

19 Please proceed.

20

21 DIRECT EXAMINATION

22

23 BY MS. CANNIZZARO:

24 Q. DeAndre, I want to direct your
25 attention to September 30, 2019, were you

1 staying at 54 Linn Lane at that point in time?

2 A. No, I was never at 56.

3 Q. I am sorry, 56 Linn Lane.

4 A. Yes.

5 Q. On September 30, do you recall being
6 approached by 2 males?

7 A. Yes.

8 Q. And can you describe for the Court what
9 happened on September 30 when those 2 males
10 approached you?

11 A. They asked me if I was Shorty.

12 Q. Were you outside of the house at 56 Linn
13 Lane?

14 A. Yes, I was.

15 Q. How did those 2 males arrive?

16 A. They walked up to me, and they left in a
17 car.

18 Q. Now, you mentioned that they were asking for
19 someone by the name of Shorty.

20 A. Yes.

21 Q. Do you know anybody by the name of Shorty?

22 A. No, I don't.

23 Q. Can you describe for the Court what -- I am
24 sorry, let me ask a different question.

25 Do you see any of those individuals in the

1 courtroom today?

2 A. One of them looked like a bald-headed dude
3 like the one sitting by him.

4 Q. Sitting by who?

5 A. The dude that's on my left.

6 Q. Can you point to that individual?

7 A. I don't like to point.

8 Q. I am asking you to.

9 A. (Indicating).

10 MS. CANNIZZARO: May the record reflect
11 identification of the Defendant?

12 THE COURT: Yes.

13 Q. And you mentioned that there was also a
14 second male.

15 Right?

16 A. Yes.

17 Q. What did that guy look like?

18 A. I don't remember him that well.

19 Q. Did you ever tell the Defendant and the
20 other male that you didn't know anybody by the name
21 of Shorty?

22 A. Yes. I told them I didn't know who Shorty
23 was, and I kept on telling them I didn't know who
24 Shorty was, and one of them was acting like they
25 wanted to shoot me.

1 Q. On that date did you ever see a gun?

2 A. What?

3 Q. On that date, on September 30, did you ever
4 see a gun?

5 A. I didn't see one that day when they shot at
6 us.

7 Q. And we will get there in just a moment.

8 But on the September 30, you told them you
9 didn't know anybody by the name of Shorty?

10 A. Yes, I did.

11 Q. Did they leave?

12 A. Yes.

13 Q. I now want to direct your attention to
14 October 1, 2019, were you at 56 Linn Lane on that
15 day?

16 A. Yes, I was.

17 Q. Do you recall a group of people helping to
18 put some items and move items in a truck?

19 A. Yes, I was.

20 Q. And were you also helping?

21 A. Yes, I was.

22 Q. What type of truck was this?

23 A. A Ford.

24 Q. Do you remember what color it was?

25 A. White.

1 Q. Now, do you remember ever seeing the
2 Defendant again on that day?

3 A. I saw the Defendant shoot at us.

4 Q. I want to back up for just a moment.
5 How did the Defendant arrive at 56 Linn
6 Lane?

7 A. In a gray car.

8 Q. Do you remember whether he was in the
9 driver's seat or the passenger's seat?

10 A. He was on the opposite side of the driver.

11 Q. So in the passenger side, then?

12 A. Yes.

13 Q. Do you remember what he was wearing that
14 day?

15 A. A red shirt with a black shirt.

16 Q. Now, you mentioned that he started shooting
17 on that day.

18 A. Yes.

19 Q. Before he started shooting, do you remember
20 him saying anything?

21 A. I just remember he asked my buddy who was at
22 the mailbox do he know Shorty, and he said, no, he
23 didn't, and he started shooting.

24 Q. How many shots do you remember hearing?

25 A. 6 or 5.

1 Q. Where were you when the shooting started?

2 A. I was sitting down in a chair.

3 Q. Was this in front of the house?

4 A. Yes.

5 Q. So were you outside?

6 A. Yes, I was.

7 Q. When he started shooting, what did you do?

8 A. I ran.

9 Q. Did you ever see whether anyone who was at
10 56 Linn Lane that day was shot?

11 A. Yes. I was looking around and seeing all of
12 the people that was hurt.

13 Q. Do you know somebody by the name of Jonathan
14 Sanchez?

15 A. Yes, I do.

16 Q. And did you just see him leave this
17 courtroom?

18 A. Yes.

19 Q. Was he one of the individuals who was shot?

20 A. Yes.

21 Q. Could you see any injuries to him on that
22 day?

23 A. His leg.

24 Q. Do you know somebody by the name of Fernando
25 Espinoza?

1 A. Yes, I do.

2 Q. Did you see whether Fernando was shot on
3 that day?

4 A. Yes, I saw all of the wounds.

5 Q. Where did you see injuries to Fernando on
6 that day?

7 A. His hand and his stomach.

8 Q. Was he bleeding?

9 A. Yes.

10 Q. After the Defendant shot at the house, did
11 you ever seem him leave?

12 A. I saw the car leave.

13 Q. Where did the car go when it left?

14 A. On Charleston.

15 Q. Did police and an ambulance arrive at the
16 scene on that day?

17 A. Yes, they did.

18 Q. Now, I want to talk you to about October 9,
19 2019, a few days later.

20 Do you remember talking with a detective on
21 that day?

22 A. Yes, I do.

23 Q. And do you remember that detective showing
24 you a set of photographs?

25 A. Yes, I do.

1 MS. CANNIZZARO: Permission to approach your
2 clerk, Your Honor.

3 THE COURT: Yes.

4 MS. CANNIZZARO: I am showing defense what
5 has been marked as State's Proposed Exhibit Number
6 3.

7 Permission to approach the witness.

8 THE COURT: Yes.

9 Q. DeAndre, I am going to show you page one of
10 State's Proposed Exhibit 3, do you see recognize
11 this page?

12 A. Yes, I do.

13 Q. And do you recognize this signature down
14 here, where it says --

15 A. That's mine.

16 Q. And that's where it says sign?

17 A. Yes.

18 Q. That's your signature?

19 A. Yes.

20 Q. And do you recognize the writing here where
21 it says statement?

22 A. That's my handwriting.

23 Q. Did you write this statement?

24 A. Yes.

25 Q. Do you recall the detective reading to you a

1 set of instructions before he showed you the
2 photographs we talked about?

3 A. Yes, I recall that.

4 Q. And is this the same page that included
5 those instructions?

6 A. Yes.

7 Q. I am going to show you page 2 of State's
8 Exhibit 3.

9 Do you recognize this page?

10 A. Yes, I do.

11 Q. And there seems to be another signature
12 here.

13 A. That's the one I picked.

14 Q. And is this also your signature?

15 A. Yes.

16 MS. CANNIZZARO: Your Honor, the State would
17 move to admit, subject to one other witness
18 testifying as to the third page of State's Exhibit
19 3, but we would move to admit at this point page one
20 and 2 of State's 3.

21 THE COURT: Your response?

22 MR. HAUSER: No objection, Your Honor.

23 THE COURT: Motion granted.

24 Q. So, DeAndre, you mentioned that the
25 detective read to you this set of instructions on

1 page one?

2 A. Yes.

3 Q. And then there is a statement here that
4 reads, the person that shot Amy, and was asking for
5 Shorty, 95 percent sure.

6 A. Yes.

7 Q. You wrote that statement?

8 A. Yes.

9 Q. And on page 2 there appears to be a circle
10 over the person in position 5.

11 Did you make that circle?

12 A. Yes.

13 Q. And then the signature you indicated here at
14 the bottom.

15 A. Yes.

16 Q. That's yours?

17 A. Yes.

18 Q. And is that the same person that you saw
19 shooting the gun that day?

20 A. Yes.

21 MS. CANNIZZARO: Court's brief indulgence.

22 THE COURT: Yes.

23 MS. CANNIZZARO: And, Your Honor, I have no
24 further questions.

25 I pass this witness.

1 THE COURT: Thank you.

2 Cross.

3 MR. HAUSER: Thank you, Your Honor.

4 May I approach and retrieve the exhibit?

5 THE COURT: Yes.

6 MR. HAUSER: Thank you.

7 May I proceed?

8 THE COURT: Yes.

9
10 CROSS-EXAMINATION

11
12 BY MR. HAUSER:

13 Q. Good afternoon, Mr. Woods.

14 A. Hello.

15 Q. You were a witness to the shooting in
16 October.

17 Is that right?

18 A. Yes.

19 Q. You were there?

20 A. Yes, I was there.

21 Q. What were you doing out front at the time?

22 A. Moving some stuff out of an ex-girlfriend's
23 house.

24 Q. And who were you helping move?

25 A. We were just moving stuff out of the yard.

1 Q. Let me rephrase that.

2 Whose stuff was it that you were moving?

3 A. My ex-girlfriend's stuff that she used to
4 have in the house and in the yard.

5 Q. Got it.

6 And Fernando and Johnny were helping you do
7 that?

8 A. Yes.

9 Q. They are friends of yours that you know?

10 A. Yes.

11 MR. HAUSER: May I approach, Your Honor?

12 THE COURT: Yes.

13 Q. Mr. Woods, this is the lineup you just saw,
14 right?

15 A. Yes.

16 Q. And that's the gentleman you picked out
17 in number 5?

18 A. Yes.

19 Q. I want you to keep looking at that photo
20 while I talk to you about this.

21 And you gave an interview to the police
22 about the person you saw.

23 Right?

24 A. Yes.

25 Q. You gave an interview about the person you

1 saw first time he showed up.

2 Right?

3 A. Yes.

4 Q. And the second time he showed up?

5 A. Yes.

6 Q. And you gave the police all of the
7 information you could at that time?

8 A. Yes.

9 Q. You wanted them to catch the person who shot
10 your friends?

11 A. Yes.

12 Q. And so you didn't hold back any information?

13 A. No.

14 Q. You wouldn't give them wrong information?

15 A. No.

16 Q. So you were as descriptive as you could be
17 when you described the person who did the shooting,
18 right?

19 A. Yes.

20 Q. All right.

21 You described that person to the police as
22 Hispanic.

23 Right?

24 A. Yes, I did.

25 Q. At one point you called him Mexican.

1 Right?

2 A. Yes.

3 Q. You described him as having no facial hair?

4 A. Yes.

5 Q. You described him as having no tattoos of
6 any kind?

7 A. Yes.

8 Q. You described both of the individuals you
9 saw as having no tattoos.

10 Right?

11 A. Yes.

12 Q. And both of the individuals had no facial
13 hair?

14 A. No.

15 Q. Do you see any tattoos there in photo number
16 5?

17 A. On this page?

18 Q. Yes, sir, the one that you circled.

19 A. No, I don't see no tattoos.

20 MR. HAUSER: May I approach, Your Honor?

21 THE COURT: Yes.

22 A. I see this one got a tattoo right here on
23 his neck.

24 Q. Who are you pointing at there?

25 Number 5 has a tattoo on his neck?

1 A. The person, when he shot at me, when he
2 turned his head, I can't see on this side, that's
3 why I only saw this side right here.

4 Q. Okay.

5 You didn't see any tattoos on the day of the
6 shooting?

7 A. No.

8 Q. And you didn't see any tattoos the day
9 before?

10 A. No.

11 Q. But the person in number 5 has a neck
12 tattoo.

13 Right?

14 A. Yes.

15 Q. I want you to look at Mr. Donko for me over
16 there.

17 Do you see any tattoos on his face?

18 A. No.

19 MR. HAUSER: Okay.

20 May I approach to retain?

21 THE COURT: Yes.

22 MR. HAUSER: Thank you.

23 Q. Mr. Woods, do you know Mr. Donko?

24 A. No.

25 Q. Have you ever met this gentleman before?

1 A. I never met him to that day that was the
2 shooting.

3 I don't know if it was him or not.

4 Q. You don't him from the neighborhood?

5 A. No.

6 Q. All right.

7 Let's talk about what you were doing at the
8 time of the shooting.

9 You were out in front of the house with
10 Johnny and Fernando, and a friend named Edgar,
11 right?

12 A. Yes.

13 Q. What were you guys doing at that exact
14 moment?

15 A. We were moving the stuff that my
16 ex-girlfriend wanted us to move out of the house.

17 Q. Were you drinking some beers while you were
18 doing it?

19 A. I was not drinking.

20 I don't drink.

21 Q. Was anybody drinking?

22 A. I don't recall.

23 Q. You don't remember?

24 A. I don't remember.

25 Q. Do you recall if anyone was using drugs?

1 A. Nobody do drugs over there.

2 Q. That's a no, no one was using drugs?

3 A. Nope.

4 Q. Okay.

5 Now, you told the police that you only
6 remembered one of the 2 individuals.

7 Is that right?

8 A. Yes.

9 Q. Let's talk about the first day.

10 On the first day those 2 individuals both
11 walk up to you.

12 Right?

13 A. Yes.

14 Q. About how far away you were those 2
15 individuals?

16 A. Like where you are at.

17 MR. HAUSER: Okay.

18 I guess I can eyeball it, Judge.

19 I don't know if we have one of those charts.

20 THE COURT: I believe I do.

21 Approximately 18 and a half feet.

22 Q. So they were a ways away from you?

23 A. Yes.

24 Q. How close were they on the second day?

25 A. The same amount.

1 Q. The same amount of space?

2 A. Yes.

3 Q. So on the first day, while he was 18 feet
4 away, you got a good look at one of the 2 people.

5 Right?

6 A. Yes.

7 Q. Were both people talking?

8 A. One talk, the other one talk after that and
9 tried to square up on me when I was telling him I
10 didn't know about Shorty at all.

11 Q. Okay.

12 So you got a good look at the first person
13 who talked to you or the second person that talked
14 to you?

15 A. I didn't really get a clear look at both of
16 them that much, because I was really trying to get
17 in my house.

18 Q. Okay.

19 When you said they were squaring up with
20 you, was that when they were still 18 and a half
21 feet away, roughly?

22 A. Yes.

23 Q. All right.

24 So you are not going to get hit from 18 and
25 a half feet.

1 Right?

2 A. Yes.

3 Q. But you only got a good look at one of them?

4 A. Yes, that I am aware of.

5 Q. Now, when you circled number 5 on there, you
6 said you were 95 percent sure.

7 Right?

8 A. Yes.

9 Q. Why?

10 A. Because that's the person. It looked like
11 that person.

12 Q. Why didn't you say one hundred?

13 A. Why, because of the fact they are different.

14 Q. Say that again.

15 A. The hair.

16 Q. Okay.

17 A. That's why. He had a little hair on his
18 head.

19 Q. Because the person in the picture has hair?

20 A. A little bit. The person that I saw had a
21 skin head.

22 Q. So the person you saw was completely bald?

23 A. Yes.

24 Q. So if they had any tattoos on their head,
25 you would have been able to see them because they

1 had no hair.

2 Right?

3 A. Yes.

4 MR. HAUSER: Okay.

5 Judge, I have nothing further at this time.

6 THE COURT: Any additional questions by the
7 State?

8 MS. CANNIZZARO: No, Your Honor.

9 THE COURT: Thank you for your time
10 today.

11 You are free to go.

12 MS. CANNIZZARO: The State's next
13 witness will be Fernando Espinoza.

14

15 FERNANDO ESPINOZA,

16

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

20

21 THE CLERK: Please be seated.

22 State your first and last name, and
23 spell it for the record.

24 THE WITNESS: Fernando Espinoza.

25 THE COURT: And please spell your

1 name.

2 THE WITNESS: F-e-r-n-a-n-d-o
3 E-s-p-i-n-o-z-a.

4 THE COURT: Thank you.
5 Please proceed.

6 MS. CANNIZZARO: Thank you, Judge.

7
8 DIRECT EXAMINATION
9

10 BY MS. CANNIZZARO:

11 Q. Fernando, I want to direct your attention to
12 October 1 of 2019.

13 Do you recall being at 56 Linn Lane on that
14 day?

15 A. No.

16 Q. Okay.

17 Do you ever remember in early October going
18 to 56 Linn Lane to help a neighbor move some items?

19 A. No.

20 Q. Okay.

21 Do you ever remember a day when you took
22 your truck over to your neighbor's house at 56 Linn
23 Lane to help move some items?

24 A. No.

25 Q. Do you remember -- have you ever taken your

1 truck over to your neighbor's house to help move
2 things?

3 A. I don't remember.

4 Q. Do you remember how it is -- well, let me
5 backup.

6 I notice that you appear to have something
7 kind of on your arm today.

8 Is that right?

9 A. Yes.

10 Q. When you were holding up your arm to get
11 sworn in by the clerk, there was something kind of
12 on your hand.

13 Is that right?

14 A. Yes.

15 Q. What is on your hand?

16 A. A splint.

17 Q. Where did you get the splint from?

18 A. From a gunshot.

19 Q. Where were you shot?

20 A. In the hand.

21 Q. Were you shot anywhere else?

22 A. In my stomach.

23 Q. Do you recall what you were you doing when
24 you got shot?

25 A. Lifting furniture.

1 Q. Where were you lifting that furniture to?

2 A. To a truck.

3 Q. What truck?

4 A. To my brother's truck.

5 Q. What color is that truck?

6 A. A white truck.

7 Q. Do you know what make and model that truck
8 is?

9 A. No, he just got it.

10 Q. Was that a truck that your brother let you
11 use from time to time?

12 A. I don't use it. He was just there that day.

13 Q. Is it fair to say that you are not entirely
14 comfortable being here today?

15 A. Yes. Well, I don't even want to be right
16 here, today.

17 Q. You don't want to be here testifying today?

18 A. I mean, I don't have no problem, but I mean,
19 I don't remember.

20 Q. Sure.

21 You are hear because you were subpoenaed to
22 come to Court today.

23 Is that right?

24 A. Yes.

25 Q. I want to take a little bit more about the

1 injury to your hand and your stomach.

2 Were you in the hospital for those injuries?

3 A. Yes.

4 Q. How long were you in the hospital for?

5 A. Probably from October to November.

6 Q. So you were in there for several weeks?

7 A. Yes.

8 Q. During that time, did you have any surgery?

9 A. Yes.

10 Q. Did you have surgeries to both your hand and
11 your stomach?

12 A. Yes.

13 Q. When you were in the hospital, would it be
14 fair to say that you were in and out of anesthesia
15 for those surgeries?

16 A. Yes.

17 Q. Were you also taking painkillers in the
18 hospital?

19 A. Yes.

20 Q. Do you remember much of what occurred while
21 you were in the hospital?

22 A. No.

23 Q. All right.

24 Now, I know you have indicated that you
25 don't remember too much about the day you were shot.

1 You did mention that you were lifting some
2 things into your brother's truck.

3 Are you familiar with the residence at 56
4 Linn Lane?

5 A. Well, I walk there like to go to the store.

6 Q. It is fair to say it is near your house?

7 A. My mom's house.

8 Q. Do you remember where the truck was when you
9 were loading things into it?

10 A. No, not really.

11 Q. Was it in front of a house parked in a
12 parking lot, parked on the street?

13 A. In a driveway.

14 Q. Were there other people helping to load
15 things into that truck?

16 A. A guy.

17 Q. Do you know that guy's name?

18 A. No.

19 Q. Did you just see the individual, DeAndre,
20 who left this courtroom?

21 A. Yes.

22 Q. Was he there that day?

23 A. I don't remember.

24 Q. Do you know somebody by the name of Jonathan
25 Sanchez?

1 A. No.

2 Q. Did you see anybody by the name of Jonathan
3 Sanchez outside of this courtroom?

4 A. No.

5 Q. Do you remember -- what is the last thing
6 you remember before you were shot that day?

7 A. Being pushed.

8 Q. Did you see somebody push you, or did you
9 just feel like someone pushed you?

10 A. Someone pushed me.

11 Q. What do you remember right before you got
12 pushed?

13 A. I guess they were arguing with the guy I was
14 helping, with his daughter or something, they were
15 arguing about.

16 Q. Did you ever remember hearing anyone ask for
17 Shorty?

18 A. No.

19 Q. Do you ever remember seeing an older Toyota
20 pull up to the house that day.

21 A. No.

22 Q. You mentioned that -- do you remember
23 talking to detectives about being shot?

24 A. No.

25 Q. You don't memory that at all?

1 A. No.

2 MS. CANNIZZARO: Court brief indulgence.

3 Q. Do you remember hearing any gunshots that
4 day?

5 A. No.

6 Q. You said you don't remember talking to
7 detectives either?

8 A. Maybe. I don't know if it was a detective
9 or the doctor.

10 I don't know.

11 Q. Okay.

12 Do you remember talking about this incident
13 where you got shot?

14 A. No. I don't remember.

15 Q. Is there any reason why you don't remember
16 much of this day?

17 A. I don't even know -- I don't remember what I
18 did yesterday.

19 Q. Are you still being treated for your
20 injuries?

21 A. Yes.

22 Q. Are you still taking any medication to help
23 treat your injuries?

24 A. Yes.

25 Q. What kind of medication?

1 A. All kinds.

2 Q. Are you still in pain from your injury?

3 A. Yes.

4 Q. Do you have any upcoming surgeries or
5 therapy for your injuries?

6 A. Yes.

7 Q. And is it both surgeries and therapy?

8 A. Therapy, and I don't know what else.

9 Q. How long are you supposed to be in physical
10 therapy?

11 A. Only God knows.

12 MS. CANNIZZARO: No further questions, Your
13 Honor.

14 I pass the witness.

15 THE COURT: Thank you.

16 Cross.

17 MR. HAUSER: Brief indulgence.

18 Thank you, Your Honor.

19
20 CROSS-EXAMINATION

21
22 BY MR. HAUSER:

23 Q. Mr. Espinoza, are you friends with DeAndre
24 Woods?

25 A. I don't know him.

1 Q. Okay.

2 The gentleman that you just saw leaving, do
3 you know him at all?

4 A. Which one?

5 Q. Any of them. Anybody you have seen here
6 today, are they your friend?

7 A. I know Johnny.

8 Q. Okay.

9 Johnny.

10 A. He works on cars.

11 Q. Who is Johnny?

12 A. The one with the cane.

13 Q. How do you know Johnny?

14 A. Because he works on cars.

15 Q. Does he live in your neighborhood?

16 A. He lives by the store by where I go to.

17 Q. Is he related to you, or are you just
18 friends?

19 A. No. I just know him because I walk by
20 there.

21 Q. Okay.

22 Do you know Ted?

23 A. I have never seen him in my life.

24 Q. All right.

25 You said that you remember being pushed.

1 Any idea who did it?

2 A. I don't remember. See Johnny works on cars
3 with another guy.

4 Q. That's all right.

5 I don't remember is perfectly fine.

6 A. And --

7 Q. Mr. Espinoza --

8 A. -- I am trying to think.

9 Q. I am sorry.

10 I didn't mean to cut you off.

11 A. I just felt him push me. There was
12 somebody. I don't know.

13 I just don't remember.

14 Q. That's okay.

15 It is completely acceptable.

16 How did you get here today, did somebody
17 drive you?

18 A. They dropped me off.

19 MR. HAUSER: Okay.

20 I have nothing further, Your Honor.

21 THE COURT: Anything else?

22 MS. CANNIZZARO: No.

23 THE COURT: Thank you, sir.

24 You are excused.

25 You can step down.

1 MS. CANNIZZARO: Your Honor, the
2 State's last witness will be Detective Jason
3 Narin.

4

5 JASON NARIN,

6

7 who, being first duly sworn to tell the
8 truth, the whole truth, and nothing but the
9 truth, was examined and testified as follows:

10

11 THE CLERK: Go ahead and have a seat.
12 State your name and spell it for the
13 record.

14 THE WITNESS: Jason Narin, J-a-s-o-n
15 N-a-r-i-n.

16

17 THE COURT: Please proceed.

18 MS. CANNIZZARO: Thank you, Your
19 Honor.

20

21 DIRECT EXAMINATION

22

23 BY MS. CANNIZZARO:

24 Q. Good afternoon, detective.

25 How are you currently employed?

1 A. As a police officers with the -- as a
2 detective with the Las Vegas Metropolitan Police
3 Department.

4 Q. How long have you been employed with the Las
5 Vegas Metropolitan Police Department?

6 A. A little over 5 years.

7 Q. And you mentioned that you are a detective?

8 A. Yes, ma'am.

9 Q. As part of your duties as a detective, are
10 you often assigned to do a follow-up investigation
11 to calls or service?

12 A. Yes, ma'am.

13 Q. I want to direct your attention to October 1
14 of 2019.

15 Do you recall being called out to reports of
16 a shooting at 56 Linn Lane?

17 A. Yes, ma'am.

18 Q. And is that located in Las Vegas, Clark
19 County, Nevada?

20 A. Yes, ma'am.

21 Q. What were the details that you had in
22 arriving to that scene?

23 A. Simply that a shooting had occurred.

24 2 individuals were shot and transported to
25 UMC.

1 Q. So your details included that 2 people had
2 been shot as a result?

3 A. Yes.

4 Q. When you arrived at 56 Linn Lane, were there
5 already patrol officers on scene then?

6 A. Yes.

7 Q. When you arrived on scene, did you ever
8 conduct a walk-through of the crime scene to
9 identify any pieces of evidence?

10 A. Yes.

11 Q. Specifically because this was a shooting
12 call, do you recall whether there were any cartridge
13 casings found on the scene?

14 A. Yes, there were.

15 Q. Where were those located?

16 A. They were in the roadway just in front of
17 the residence of 56 North Linn Lane.

18 Q. And, sorry, just to clarify, as a result of
19 your response, were CSA's also called out to help
20 process that crime scene?

21 A. Yes.

22 Q. Now, you mentioned there are cartridge
23 casings found in the street?

24 A. Yes.

25 Q. Did you also notice any impacts to anything

1 in front of the house?

2 A. Yes. There where several impacts to a white
3 pickup truck parked in the driveway.

4 And there was one impact to the garage of
5 the residence.

6 Q. So you mentioned that there was one impact
7 that was to the garage in the front of the
8 residence.

9 Is that right?

10 A. Yes.

11 Q. Now, were you able to make contact as well
12 with people who were living in that residence at the
13 time?

14 A. Yes, with 2 of them.

15 Q. Did you also make contact on that day with
16 DeAndre Woods?

17 A. Yes.

18 Q. Now, as part of your investigation, did you
19 ever become aware of a vehicle that was involved in
20 a shooting as well?

21 A. Yes.

22 Q. Were you ever able to locate that vehicle?

23 A. Patrol officers did.

24 Q. Where was that vehicle located?

25 A. I can't recall the exact address, but it was

1 a couple streets north of where the shooting had
2 occurred.

3 Q. Was that the vehicle also processed for
4 possible evidence?

5 A. Yes.

6 Q. Are you aware of whether there was anything
7 of note found within that vehicle?

8 A. Yes. There was a 40 caliber Win cartridge on
9 the passenger side floor board.

10 Q. The cartridge casings that were recovered
11 from in front of the house, were those also the same
12 type?

13 A. Yes. It was a 40 caliber with the head
14 stamp of Win.

15 Q. Were you yourself or other detectives, CSA's
16 able to locate any clothing that was potentially
17 associated with this event?

18 A. Yes, patrol officers located a red T-shirt
19 approximately one hundred yards from where the
20 vehicle was located.

21 Q. Now, you mentioned that you had spoken with
22 DeAndre Woods on that date.

23 A. Yes.

24 Q. Did he give you a description of the
25 shooter?

1 A. Yes.

2 Q. Is it fair to say you conducted an
3 investigation with respect to this incident.

4 Were you able to come up with a potential
5 suspect?

6 A. Yes.

7 Q. Who was that?

8 A. Ted Donko.

9 Q. Now, are you familiar you with photo
10 lineups?

11 A. Yes.

12 Q. Did you ever prepare a photographic lineup
13 in this particular case?

14 A. Yes.

15 MS. CANNIZZARO: Permission to approach your
16 clerk, Your Honor.

17 THE COURT: Yes.

18 MS. CANNIZZARO: I am showing the defense
19 State's Proposed 3.

20 Permission to approach the witness, Your
21 Honor.

22 THE COURT: Yes.

23 Q. And, detective, I am showing you what's been
24 marked and partially admitted as State's Exhibit 3,
25 do you recognize the first page of this exhibit?

1 A. Yes.

2 Q. How do you recognize this page?

3 A. I filled out the top portion, and read the
4 instructions to DeAndre Woods, and he filled and
5 signed the statement.

6 Q. Okay.

7 And there also appears to be an extra
8 officer's name and P number, and your name and a
9 personnel number.

10 Is that right?

11 A. Yes.

12 Q. And is that your personnel number as well?

13 A. Yes.

14 Q. Showing you page two of State's 3, do you
15 recognize this document?

16 A. Yes.

17 Q. How do you recognize this document?

18 A. I created the photo lineup with Ted Donko in
19 position number 5.

20 Q. And there also appears to be a J with a
21 number and an M on the end, is that also yours?

22 A. Yes.

23 Q. Okay.

24 And showing you finally page 3 of State's 3,
25 do you recognize this document?

1 A. Yes.

2 Q. How do you recognize this document?

3 A. This is the same document that we used for
4 the photo lineup with the names and ID numbers of
5 each individual used in the photos.

6 Q. Is it fair to say that each lineup also
7 includes a specific ID number?

8 A. Yes.

9 Q. And would this be same ID number associated
10 with the lineup you prepared in this case?

11 A. Yes.

12 MS. CANNIZZARO: The State would move to
13 admit to add page 3 of State's 3 into evidence.

14 MR. HAUSER: No objection.

15 THE COURT: Motion granted.

16 Q. Detective, you mentioned that page one was
17 the set of instructions that you had read to
18 DeAndre.

19 Is that right?

20 A. Yes.

21 Q. And then on page 2, you indicated that this
22 was your initials and personnel number, is that
23 right?

24 A. Yes.

25 Q. Did you see DeAndre circle this person in

1 position number 5?

2 A. Yes.

3 Q. And then on page 3, you indicated that this
4 was a key for that same photo lineup, and here, is
5 it fair to say in position number 5 is the name Ted
6 Donko?

7 A. Yes.

8 Q. And DeAndre identified Mr. Donko in that
9 photographic lineup.

10 Isn't that correct?

11 A. That's correct.

12 Q. And who did he identify Mr. Donko as being
13 in this case?

14 A. He identified him as being the person that
15 shot.

16 Q. Now, detective, when you arrived as part of
17 your investigation, did you also have an opportunity
18 to conduct an interview with the victims in this
19 case?

20 A. I didn't that day. I did the following day
21 at the hospital.

22 Q. So you actually went to the hospital to see
23 them?

24 A. Yes, the following day of the shooting.

25 Q. And that would have been Johnny Sanchez and

1 Fernando Espinoza?

2 A. Yes.

3 Q. Specifically do you recall speaking with
4 Fernando Espinoza?

5 A. Yes.

6 Q. And when you spoke with Fernando, did he
7 indicate to you that he had been at 56 Linn Lane on
8 October 1?

9 A. Yes.

10 Q. And did he also indicate to you that he was
11 helping a friend move some things into his truck?

12 A. Yes.

13 Q. Did he also indicate that while he was in
14 the driveway, he saw an older model Toyota pull up
15 to the residence?

16 A. Yes.

17 Q. Did he also tell you that he heard -- saw a
18 passenger get out and ask about someone named
19 Shorty?

20 MR. HAUSER: Judge, for the record, this is
21 hearsay.

22 MS. CANNIZZARO: It is being offered as a
23 prior inconsistent statement of the prior witness
24 who indicated that he did not recall that this
25 detective then did an interview.

1 And, so, I think it is appropriate for the
2 specific nature of that interview, since that
3 witness indicated that he did not recall any of
4 this.

5 MR. HAUSER: Judge, I don't think it is a
6 prior inconsistent statement.

7 The statements that were made were not that
8 he was not there, that he did not do these things,
9 it is that he does not remember.

10 It is not inconsistent, so much as it be
11 would be refreshing recollection.

12 But refreshing recollection would actually
13 have to be done through the witness who actually
14 made the statements.

15 THE COURT: Overruled.

16 Go ahead.

17 MS. CANNIZZARO: Your Honor, an indication
18 by a witness that they simply do not recall is also
19 the same as them indicating something that would be
20 inconsistent, and therefore, this is being elicited
21 for impeachment purposes and the substance of his
22 interview with this detective would be admissible.

23 THE COURT: I agree. It will be offered for
24 that reason.

25 Overruled.

1 MS. CANNIZZARO: Thank you, Your Honor.

2 Q. I think that you may have answered this
3 question, but I will ask it again just to be sure.

4 Did he also indicate to you that he had seen
5 an older model Toyota pull up to the residence?

6 A. Yes.

7 Q. And did he also indicate to you that the
8 passenger had exited that vehicle and asked
9 something about someone named Shorty?

10 A. He either asked about Shortly or said fuck
11 Shorty.

12 Q. Did he also indicate that that passenger
13 shot at the front of that residence where he was
14 located?

15 A. Yes.

16 Q. And did he also indicate to you that that is
17 when he was shot?

18 A. Yes.

19 MS. CANNIZZARO: Court brief indulgence.

20 MS. CANNIZZARO: Your Honor, I have no
21 further questions.

22 I pass the witness.

23 THE COURT: Thank you.

24 Cross.

25 MR. HAUSER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. HAUSER:

Q. Detective do you have the lineup in front of you?

A. I don't.

MR. HAUSER: All right.

Thank you, Your Honor.

And may I approach the witness with the exhibit?

THE COURT: Yes.

Q. Detective, showing you what's been admitted as Exhibit 3, you were just looking at this.

That is Mr. Donko there in number 5, right?

A. Yes.

Q. And Mr. Donko is the one who was identified by DeAndre Woods?

A. Yes.

Q. And neither of the victims in this case were able to identify Mr. Donko.

A. DeAndre Woods was.

Q. Right. DeAndre Woods was not shot in this case?

A. No, but he was the victim of assault with a

1 deadly weapon.

2 Q. Fair enough.

3 None of the victims of the alledged attempt
4 murders or shootings were able to identify
5 Mr. Donko.

6 Correct?

7 A. No.

8 Q. And he actually wrote on that form that he
9 was 95 percent sure.

10 A. Yes.

11 Q. Okay.

12 Now, what he told you during the interview
13 was is that he got a good look at these folks.

14 Right?

15 A. He got a good look at the shooter.

16 Q. The shooter, right, which is who he
17 identified as Mr. Donko?

18 A. Correct.

19 Q. He got a good luck at the shooter and
20 noticed that the shooter did not have facial hair,
21 right?

22 A. I can't recall.

23 Q. If I showed you the transcript of the
24 interview you took with him, would that refresh your
25 memory?

1 A. Yes.

2 MR. HAUSER: All right.

3 I will put that back together.

4 May I approach, Your Honor?

5 THE COURT: Yes.

6 Q. Officer I am going to show you -- this
7 redacted, but I think you will recognize it.

8 This is a redacted transcript of the
9 interview you did with DeAndre Woods?

10 A. Yes.

11 Q. I would invite your attention to pages 6 and
12 7.

13 Read these 2 pages and look up at me when
14 you are done.

15 A. 6 and 7?

16 Q. Yes, please.

17 A. I have read it.

18 Q. Thank you, detective.

19 Did that refresh your recollection about his
20 description of the shooter?

21 A. Yes.

22 Q. And at the time when you did the interview,
23 he described the shooter as having no facial hair?

24 A. That's correct.

25 Q. And no tattoos?

1 A. He didn't see if he had any tattoos. He
2 wasn't sure.

3 Q. You asked him multiple times if he had
4 tattoos?

5 A. And he said -- I think he said he didn't
6 see.

7 MR. HAUSER: May I approach and retrieve?

8 THE COURT: Yes.

9 Q. Go ahead and re-look at number 5 for me.
10 Do you see a neck tattoo in picture number
11 5?

12 A. Yes.

13 Q. And that picture was taken of Mr. Donko
14 before October 1?

15 A. Yes.

16 MR. HAUSER: All right.

17 I have to nothing further, Your Honor.

18 THE COURT: Any additional questions by the
19 State?

20 MS. CANNIZZARO: No, Your Honor.

21 THE COURT: Thank you for your time,
22 detective.

23 You are excused.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: I will hear from the State.

1 MS. CANNIZZARO: Your Honor, I do not have
2 any additional witnesses.

3 I do, however have a request to amend the
4 criminal complaint to conform with the evidence.

5 My request would be in the form of 3
6 additional counts.

7 One would be assault with use of a deadly
8 weapon at DeAndre Woods.

9 And the second would be attempt murder with
10 use of a deadly weapon as to DeAndre Woods.

11 He was also -- and I think the testimony
12 supports both of those charges, the same testimony,
13 so I will address it together.

14 DeAndre testified he was out in front of
15 this house as well, when anywhere from 10 to 6
16 shots -- he said 6 shots had been heard.

17 The detective noted that I believe there
18 were 8 cartridge casings recovered from the scene.

19 Johnny indicated that he heard 10 shots. We
20 are talking about multiple shots fired
21 indiscriminantly at the front of the residence
22 towards DeAndre.

23 I think that would certainly, as he sitting
24 in front of the house, qualify for the charges of
25 assault with use of a deadly weapon, and attempt

1 murder with use of a deadly weapon, based on the
2 fact that he was within the range of that gunfire,
3 and it was multiple shots fired towards that
4 residence.

5 The third request would be a third count for
6 discharging a firearm at or into an occupied
7 structure.

8 The detective testified that he had observed
9 one bullet impact to the garage door of the occupied
10 house at 56 Linn Lane. And, so, we would be asking
11 to add that count.

12 THE COURT: Thank you.

13 And I know we had Exhibit 3 admitted.

14 MS. CANNIZZARO: And, I am sorry, Your Honor,
15 thank you.

16 The State also submitted Exhibits 1 and 2.
17 They are certified prior judgements of conviction
18 for Case Number C-298636.

19 And also Case Number C-274598. They are
20 both for felony convictions out of the State of
21 Nevada for the Defendant.

22 I did allow defense counsel to look at both
23 of those certified judgements of convictions as
24 well, and at this point the State would move for the
25 admission of State's Proposed 1 and 2.

1 THE COURT: Any objection?

2 MR. HAUSER: No, I have no objection.

3 THE COURT: 1 and 2 will be admitted.

4 MS. CANNIZZARO: And with that, Your Honor,
5 the State would rest.

6 THE COURT: The State has rested.

7 Any witnesses or evidence on behalf of the
8 defense?

9 MR. HAUSER: No, Your Honor, we do not have
10 any witnesses to call.

11 I believe that Mr. Donko is going to follow
12 my advice and not exercise his right to testify
13 today.

14 THE COURT: All right.

15 Thank you.

16 Any argument, State?

17 MS. CANNIZZARO: Your Honor, we would waive
18 and reserve for rebuttal.

19 THE COURT: Argument, counsel?

20 MR. HAUSER: Judge, my argument to the
21 amendments is the same as my argument for all of the
22 other charges.

23 The problem here is that there is almost no
24 evidence of any kind. And I know the burden is low,
25 and I know it is a preliminary hearing.

1 But what we are left with are is 2 victims
2 who can't identify anyone. An officer who doesn't
3 have any confession or any physical evidence of any
4 kind linking Mr. Donko to the scene of the crime
5 itself.

6 And a witness who came in and told us that
7 he didn't see any tattoos, and he didn't see any
8 facial hair on Mr. Donko, but that he then picked
9 out a gentleman with tattoos in the lineup.

10 And that's the only evidence that exists.
11 Judge, I am sitting next to Mr. Donko right now, and
12 I count, one, a bunch tattoos on his arm.

13 To, a couple of tattoos on his neck, and 9
14 different tattoos on his face.

15 During his testimony, Mr. Woods said I
16 didn't see any tattoos, and that's the best evidence
17 the State has is have a witness who couldn't see any
18 of these tattoos, and that's all they have.

19 The burden is low, and I know he picked him
20 out of a lineup despite seeing a tattoo in that
21 lineup.

22 And I think when I asked him why he was 95
23 percent sure, obviously I couldn't quite make it
24 out, but I think he referenced the tattoo, because
25 even he isn't one hundred percent sure that that's

1 the guy who shot in this case.

2 The evidence simply doesn't add up even to
3 bind this over for preliminary hearing purposes.

4 No tattoos, no facial hair, and no other
5 identifications of any kind, Judge.

6 What we have is an unreliable eyewitness,
7 who was also ducking for his life, and he didn't get
8 a look within 20 feet, and apparently he didn't get
9 a look at the second person at all.

10 Even at the low stage, even at slight or
11 marginal evidence, this is not enough to hold
12 Mr. Donko for trial.

13 I would ask that all charges be dismissed.

14 THE COURT: Thank you.

15 State's response?

16 MS. CANNIZZARO: Your Honor, first I would
17 note that that as I am also observing Mr. Donko, I
18 am not observing these 9 face tattoos, for what that
19 is worth.

20 I think Mr. Woods was very forthcoming in
21 his acknowledgement that when he saw Mr. Donko on
22 the 2 occasions that he observed him, that when he
23 was shooting, he actually turned away from where the
24 visible face tattoos exists in the photograph in the
25 photographic lineup.

1 Nevertheless, even so, the credibility of
2 that particular witness and whether or not a jury
3 ultimately believes that that is sufficient for
4 identification to prove beyond a reasonable doubt is
5 something that the jury should consider.

6 For purposes of slight or marginal evidence,
7 Mr. Woods not only identified Mr. Donko in the
8 photographic lineup as being the shooter.

9 He also described him as being the same
10 individual he saw on the 30 of September.

11 And he also identified Mr. Donko in Court
12 today. And even though he identified him in Court
13 today, he acknowledged that at the time he did not
14 observe the neck tattoo that Mr. Donko has.

15 And, so, I certainly think that's a question
16 for a jury as to whether or not Mr. Woods is someone
17 who can be ultimately believed.

18 But I do think that here today there has
19 been several forms of evidence presented to identify
20 and link the Defendant to these crimes.

21 Now certainly, not every witness who comes
22 into this courtroom and testifies in a preliminary
23 hearing has to give each and every element and
24 circumstance, that's how come the State sometimes
25 has to call multiple witnesses.

1 We have 2 victims who have indicated they
2 cannot identify the shooter, because the shooter was
3 shooting at them, and they weren't able to have
4 ample time to get a look at them.

5 We also have Mr. Woods, who identifies the
6 Defendant both in Court and in the photo lineup.

7 And then I think there's plenty of evidence
8 to demonstrate certainly that these particular
9 crimes were committed.

10 And so, with that, Your Honor, I think the
11 State has more than met its burden for the purpose
12 of a preliminary hearing, and we would ask that the
13 Defendant be bound over on all of the charge present
14 in the criminal complaint, as well as the 3
15 requested additional charges by the State.

16 THE COURT: Thank you.

17 Mr. Woods did testify as to his prior
18 identification of Mr. Donko.

19 He did identify Mr. Donko in Court today,
20 and this does become a question of the reliability,
21 or the credibility of the witness that is better
22 suited for the State, I agree with the State's
23 arguments here.

24 Accordingly, it appearing to me from the
25 complaint on file, and the testimony and exhibits

1 adduced at today's hearing that the crimes of 2
2 counts of battery with use of a deadly weapon
3 resulting in substantial bodily harm.

4 3 counts of attempt murder with use of a
5 deadly weapon, including the count added by the
6 State.

7 One count of a prohibited person in
8 possession of a firearm.

9 An added count of assault with use of a
10 deadly weapon, as added by the State.

11 And an added count of discharging a firearm
12 at or into an occupied structure have been
13 committed.

14 There is sufficient evidence that the
15 Defendant, Ted Donko, has committed said offenses.

16 I hereby order that he be bound over and
17 held to answer in the Eighth Judicial District
18 Court.

19 So we will give the bind over date in
20 District Court.

21 THE CLERK: December 20, 10:00 a.m., lower
22 level Arraignment.

23 MR. HAUSER: Judge, Mr. Donko has asked that
24 I address custody.

25 THE COURT: Okay.

1 MR. HAUSER: Judge, you have reviewed the
2 NPR, and you just heard the testimony of the
3 witnesses.

4 This is certainly not the State's strongest
5 case, but it was sufficient to be bound over at
6 preliminary hearing.

7 They were able to meet slight or marginal
8 evidence, but the likelihood of meeting beyond a
9 reasonable doubt is certainly something that should
10 be considered when determining whether Mr. Donko
11 should remain in custody.

12 I am not asking for a straight OR in this
13 case, Judge, but \$50,000 bail is prohibitively high
14 for someone with a Public Defender in his
15 circumstances.

16 He also has \$20,000 bail in another case.
17 He can't make either of those rights now, that is
18 why he is still sitting before us in blues.

19 I understand that he does not have a perfect
20 record.

21 I also understand, though, that his record
22 is nonviolent, with the exception of these alledged
23 offenses.

24 So I do believe that electronic monitoring
25 or at least a bail reduction is appropriate.

1 I will submit it on that.

2 THE COURT: Thank you.

3 Next I will hear from the State.

4 MS. CANNIZZARO: Your Honor, the State would
5 object to any reduction in his custody status.

6 What I would note is that the State did add
7 3 additional felony charges. So, if anything, I
8 would like to address potentially increasing his
9 bail, given the nature of the charges in this
10 particular instance.

11 I would note that he has 2 prior felonies,
12 and one prior gross misdemeanor. He has 6 prior
13 failures to appear.

14 He absolutely remains a danger to the
15 community.

16 His other case, Your Honor, involves, I
17 believe it is, 22 or 23 counts of possession of
18 personal documents and identification of another,
19 along with a gross misdemeanor charge of possession
20 of burglary tools, which were shaved keys in that
21 particular instance.

22 So this is an individual that the State has
23 significant concerns for the safety of the
24 community, especially considering in this case the
25 charges that stem from a shooting in front of a

1 residence in the middle of the day, multiple shoots,
2 multiple victims, and there doesn't even appear to
3 be a real necessity. This wasn't borne out of a
4 fight.

5 This also appears to be wildly random. And,
6 so, from the State's perspective, I think he is
7 absolutely a danger to the community, and his
8 criminal history doesn't warrant a reduction in
9 bail.

10 And certainly at this point, I think that
11 the only thing that this Court should consider is a
12 potential increase in bail.

13 THE COURT: I should point out a couple of
14 things.

15 I have reviewed the risk assessment tool
16 here. It does indicate 6 failures to appear.

17 5 misdemeanor convictions.

18 This indicates 4 prior felony or gross
19 misdemeanor convictions. Obviously the 2 that were
20 introduced in Court today.

21 He does have a pending preliminary hearing.
22 He is now facing all of these charges in District
23 Court.

24 He is facing a significant penalty if
25 convicted, so due to the prior felonies and the

1 failures to appear, and the nature of the charges,
2 and the potential penalty would indicate the
3 potential risk of flight.

4 Additionally, looking at his arrest history
5 prior to this incident, I see arrests for --
6 arrestee tampering with electric device or escaping
7 from an electric device. I don't know the outcome
8 of that case.

9 I see an arrest for a probation violation.
10 That was in 2016.

11 Another arrest for a probation violation
12 in 2016.

13 Another arrest for contempt of Court.

14 A 2015 arrest for a probation violation and
15 contempt of Court.

16 I see a prior arrest in 2013 for attempt
17 battery resulting in substantial bodily harm.

18 A parole violation arrest in 2013.

19 A number of arrests on warrants.

20 An arrest in 2011 for threatening a witness.

21 An arrest in 2011 for kidnapping, robbery
22 with use of a deadly weapon.

23 Battery with intent to commit robbery.

24 Battery with a deadly weapon.

25 Another probation violation arrest in 2010.

1 There is dozens of arrests here, going back
2 to 2008, and his first arrest is for the violation
3 of a restraining order in June of 2008, and that's
4 at least locally.

5 I can't overlook an arrest history like that
6 with the nature of the charges here would indicate
7 that he is a high risk to re-offend, and a potential
8 danger to the community.

9 At this point he is now facing additional
10 charges in District Court.

11 So, no, he is not eligible for any type of
12 modification.

13 He will be remanded into custody on the
14 remaining charges.

15 I am not going to increase bail. The bail
16 setting will remain with the conditions as
17 previously set, and anything else.

18 This will be denied without prejudice to
19 address this in District Court, depending on how the
20 case proceeds.

21 MS. CANNIZZARO: Thank you, Your Honor.

22 MR. HAUSER: Thank you.

23 THE COURT: Thank you.

24 Did you already give the bind over date?

25 THE CLERK: Yes.

1 THE COURT: I believe that completes the
2 calendar.

3 THE CLERK: Yes.

4 THE COURT: All right.

5 That completes the calendar.

6
7 (Proceedings concluded.)
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1 REPORTER'S CERTIFICATE

2
3 STATE OF NEVADA)

4) ss.

5 CLARK COUNTY)
6
78 I, Robert A. Cangemi, a certified court
9 reporter in and for the State of Nevada, hereby
10 certify that pursuant to NRS 239B.030 I have not
11 included the Social Security number of any person
12 within this document.13 I further certify that I am not a relative
14 or employee of any party involved in said action,
15 nor a person financially interested in said action.
16
17

18 (signed) /s/ Robert A. Cangemi

19 -----
20 ROBERT A. CANGEMI, CCR NO. 888
21

22 C E R T I F I C A T E

23 STATE OF NEVADA)

24) ss.

25 CLARK COUNTY)

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I, Robert A. Cangemi, CCR 888, do
hereby certify that I reported the foregoing
proceedings, and that the same is true and
accurate as reflected by my original machine
shorthand notes taken at said time and place.

(signed) /s/ Robert A. Cangemi

Robert A. Cangemi, CCR 888
Certified Court Reporter
Las Vegas, Nevada

/s/

board

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(48:12) (50:6) (67:2) (67:16) (70:10)</p> <p>which (3:24) (44:4) (59:16) (71:20)</p> <p>while (7:25) (27:20) (31:17) (33:3) (39:20) (55:13)</p> <p>white (7:10) (19:25) (38:6) (49:2)</p> <p>who (5:7) (12:6) (13:15) (15:17) (16:9) (18:4) (18:22) (18:23) (20:21) (21:9) (21:19) (26:24) (28:9) (28:17) (29:24) (33:13) (35:17) (40:20) (44:11) (45:1) (46:7) (49:12) (51:7) (54:12) (55:24) (56:13) (58:16) (59:16) (65:2) (65:6) (65:17) (66:1) (66:7) (67:17) (67:21) (68:1) (68:5)</p> <p>whole (5:8) (16:10) (35:18) (46:8)</p> <p>whose (27:2)</p> <p>why (9:18) (14:15) (30:3) (34:9) (34:12) (34:13) (34:17) (42:15) (65:22) (70:18)</p> <p>wildly (72:5)</p> <p>will (3:19) (5:2) (16:5) (19:7) (35:13) (46:2) (56:23) (57:3) (60:3) (60:7) (61:25) (62:13) (64:3) (69:19) (71:1) (71:3) (74:13) (74:16) (74:18)</p> <p>win (50:8) (50:14)</p>	<p>wish (4:10)</p> <p>with (4:2) (4:21) (7:13) (7:22) (14:4) (20:15) (22:20) (31:9) (33:19) (40:3) (41:13) (41:14) (43:23) (44:12) (45:3) (47:1) (47:2) (47:4) (49:12) (49:14) 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	<p>yard (26:25) (27:4)</p> <p>yards (50:19)</p> <p>years (47:6)</p> <p>yes (3:13) (3:16) (4:12) (4:19) (6:3) (6:6) (6:9) (6:19) (6:21) (7:4) (7:6) (7:12) (7:16) (7:24) (8:11) (8:15) (8:19) (8:20) (9:12) (9:22) (10:3) (10:7) (11:1) (11:15) (11:20) (11:23) (12:5) (12:11) (12:13) (12:17) (12:20) (12:22) (12:25) (13:11) (13:13) (14:7) (15:8) (15:9) (15:14) (15:16) (17:4) (17:7) (17:14) (17:20) (18:12) (18:16) (18:22) (19:10) (19:12) (19:16) (19:19) (19:21) (20:12) (20:18) (21:4) (21:6) (21:11) (21:15) (21:18) (21:20) (22:1) (22:4) (22:9) (22:17) (22:22) (22:25) (23:3) (23:8) (23:12) (23:17) (23:19) (23:24) (24:3) (24:6) (24:10) (24:15) (25:2) (25:6) (25:8) (25:12) (25:15) (25:17) (25:20) (25:22) (26:5) (26:8) (26:18) (26:20) (27:8) (27:10) (27:12) (27:15) (27:18) (27:24) (28:3) (28:5) (28:8) (28:11) (28:19) (28:24) (29:2) (29:4) (29:7) (29:11) (29:18) (29:21) (30:14) (30:21) (31:12) (32:8) (32:13) (32:23) (33:2) (33:6) (33:22) (34:2) (34:4) (34:8) (34:23) (35:3) (37:9) (37:14) (38:15) (38:24) (39:3) (39:7) (39:9) (39:12) (39:16) (39:19) (40:21) (42:21) (42:24) (43:3) (43:6) (47:8) (47:12) (47:17) (47:20) (48:3) (48:6) (48:10) (48:14) (48:21) (48:24) (49:2) (49:10) (49:14) (49:17) (49:21) (50:5) (50:8) (50:13) (50:18) (50:23) (51:1) (51:6) (51:11) (51:14) (51:17) (51:22) (52:1) (52:11) (52:13) (52:16) (52:22) (53:1) (53:8) (53:11) (53:20) (53:24) (54:2) (54:7) (54:24) (55:2) (55:5) (55:9) (55:12) (55:16) (57:6) (57:15) (57:18) (58:11) (58:15) (58:18) (59:10) (60:1) (60:5) (60:10) (60:16) (60:21) (61:8) (61:12) (61:15) (74:25) (75:3)</p> <p>yesterday (42:18)</p> <p>you (3:6) (4:17) (4:20) (4:25) (5:1) (5:17) (5:19) (6:1) (6:7) (6:10) (6:14) (6:15) (6:17) (6:22) (6:24) (7:2) (7:5) (7:13) (7:23) (7:25) (8:1) (8:8) (8:9) (8:12) (8:16) (8:23) (9:2) (9:3) (9:8) (9:10) (9:13) (9:15) (9:20) (9:21) (9:24) (9:25) (10:2) (10:4) (10:6) (10:8) (10:12) (10:13) (10:15) (10:16) (10:23) (10:24) (11:2) (11:7) (11:12) (11:18) (11:21) (11:24) (12:3) (12:6) (12:12) (12:14) (12:16) (12:18) (12:23) (13:1) (13:2) (13:5) (13:9) (13:14) (13:17) (13:22) (14:4) (14:8) (14:18) (15:3) (15:4) (15:6) (15:10) (15:15) (15:17) (15:19) (15:21) (16:2) (16:3) (16:18) (16:25) (17:5) (17:8) (17:10) (17:12) (17:18) (17:21) (17:23) (17:25) (18:6) (18:8) (18:13) (18:19) (18:20) (19:1) (19:3) (19:8) (19:14) (19:17) (19:20) (19:24) (20:1) (20:8) (20:13) (20:16) (20:19) (20:24)</p>

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SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930
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-

TED MICHAEL DONKO,
#2668752

Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

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

TO: TED MICHAEL DONKO, Defendant; and

TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:

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

<u>NAME</u>	<u>ADDRESS</u>
AGUILOS, J.	LVMPD P#15042
ALATORRE, D.	LVMPD P#17011
ALICASTRO, J.	LVMPD P#17765
ALVARADO, D.	LVMPD P#6065
ARTIS, B.	LVMPD P#13475
BEAL, C.	LVMPD P#14111
BEATTY, J.	LVMPD P#8642

1	BIANCO, N.	LVMPD P#15086
2	BOXLER, B.	LVMPD P#13376
3	BRIDGES, W.	LVMPD P#15219
4	BUENCAMINO, G.	LVMPD P#17862
5	CALLEN, D.	LVMPD P#6717
6	CASPER, J.	LVMPD P#10142
7	CASPER, M.	LVMPD P#6549
8	CENIZA, C.	LVMPD P#17869
9	CLOSE, J.	LVMPD P#14919
10	CORBETT, J.	LVMPD P#6410
11	CORTEZ, J.	LVMPD P#14895
12	CRUZ, R.	LVMPD P#15656
13	CUSTODIAN OF RECORDS	AUTOZONE
14	CUSTODIAN OF RECORDS	CCDC
15	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
16	CUSTODIAN OF RECORDS	LVMPD RECORDS
17	DIXON, RODNEY	C/O DISTRICT ATTORNEY'S OFFICE
18	DOTY, K.	LVMPD P#13358
19	ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
20	FENRICH, E.	LVMPD P#13145
21	FOX, J.	LVMPD P#17873
22	GADEA, B.	LVMPD P#14894
23	GODFREY, J.	LVMPD P#8555
24	GRAMMAS, K.	LVMPD P#7808
25	HANNING, M.	LVMPD P#13733
26	HAUSMAN, C.	LVMPD P#17927
27	HENNIG, A.	LVMPD P#17592
28	HERVIS, E.	LVMPD P#15819

1	IVIE, T.	LVMPD P#6405
2	JACKSON, B.	LVMPD P#9690
3	JACOBS, J.	LVMPD P#6068
4	JERSEY, C.	LVMPD P#15092
5	JIMENEZ, J.	LVMPD P#12882
6	JUNGE, H.	LVMPD P#17922
7	KEEN, J.	LVMPD P#14455
8	KOMMEL, BERNSTEIN, J.	LVMPD P#9045
9	KRUEGER, M.	LVMPD P#13512
10	LARA-MARQUEZ, A.	LVMPD P#15495
11	LNU, FNU	Owner and/or Occupant of 5675 Big Sea St.
12	LNU, GILBERT	C/O DISTRICT ATTORNEY'S OFFICE
13	LUNA, C.	LVMPD P#8257
14	MAGSAYSAY, M.	LVMPD P#14804
15	MARIN, J.	LVMPD P#15026
16	MIRAMONTES, M.	LVMPD P#9813
17	MOORE, B.	LVMPD P#14318
18	MOSS, J.	LVMPD P#9212
19	MURPHY, S.	LVMPD P#9857
20	NORIEGA-PEREZ, V.	LVMPD P#16305
21	PATTERSON, M.	LVMPD P#8409
22	PERRY, S.	LVMPD P#6510
23	PORTER, H.	LVMPD P#14086
24	RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
25	RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
26	RANDY, K.	LVMPD P#6214
27	ROCHA, B.	LVMPD P#13510
28	SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE

1 SKELTON, MARY C/O DISTRICT ATTORNEY'S OFFICE
2 SOWERS, S. LVMPD P#15002
3 SPURLING, J. LVMPD P#13647
4 STAFFORD, E. LVMPD P#13642
5 STUART, J. LVMPD P#6519
6 TRAIL, A. LVMPD P#15093
7 VALDEZ, C. LVMPD P#8456
8 VAN PAMEL, B. LVMPD P#13657
9 WALFORD, B. LVMPD P#15033
10 WOODS, DEANDRE C/O DISTRICT ATTORNEY'S OFFICE
11 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
12 NEVADA intends to call the following expert witnesses in its case in chief:
13 AOYAMA, KATHRYN – LVMPD P#8025 (or designee): LATENT PRINT
14 EXAMINER - Expert in the science and techniques of fingerprint comparison, and
15 comparisons done in this case and any reports prepared therefrom.
16 CHEN-HUNYH, STEPHANIE – LVMPD #16064 (or designee): CRIME SCENE
17 ANALYST II: Expert in the identification, documentation, collection and preservation of
18 evidence and is expected to testify as an expert to the identification, documentation, collection
19 and preservation of the evidence in this case.
20 GAUTHIER, KELLIE – LVMPD P#8691 (or designee): Expert in the field of DNA
21 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to
22 testify thereto.
23 GROVER, BRADLEY – LVMPD P#4934 (or designee): CRIME SCENE ANALYST:
24 Expert in the identification, documentation, collection and preservation of evidence and is
25 expected to testify as an expert to the identification, documentation, collection and
26 preservation of the evidence in this case.
27 //
28 //

1 MCNICKLE, DR. ALLISON - UNIVERSITY MEDICAL CENTER: Will testify as a
2 medical expert and to her observations, treatment, diagnosis and prognosis of the injuries
3 sustained by the victim(s) in this case.

4 MORRISON, MAELEEN – LVMPD #16191 (or designee): CRIME SCENE
5 ANALYST: Expert in the identification, documentation, collection and preservation of
6 evidence and is expected to testify as an expert to the identification, documentation, collection
7 and preservation of the evidence in this case.

8 RUBINO, ALLISON – LVMPD P#14784 (or designee): Expert in the field of DNA
9 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to
10 testify thereto.

11 STRUMILLO, JENNIFER – LVMPD #16067 (or designee): CRIME SCENE
12 ANALYST: Expert in the identification, documentation, collection and preservation of
13 evidence and is expected to testify as an expert to the identification, documentation, collection
14 and preservation of the evidence in this case.

15 WRIGHT, AMANDA - LVMPD P#9974 (or designee): FIREARMS/TOOLMARKS
16 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
17 expected to testify thereto, including, but not limited to, the forensic science underlying
18 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
19 microscopic comparison tools, technology, and findings, National Integrated Ballistic
20 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
21 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
22 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
23 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
24 homemade) examination, serial number restoration, and firearms modification or homemade
25 firearms examination).

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

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

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

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

7 BY /s/ NICOLE J. CANNIZZARO
8 NICOLE J. CANNIZZARO
9 Chief Deputy District Attorney
10 Nevada Bar #011930

11 CERTIFICATE OF ELECTRONIC MAIL

12 I hereby certify that service of the foregoing, was made this 10th day of January, 2020,
13 by Electronic Mail to:

14 PUBLIC DEFENDER'S OFFICE
15 E-mail Address: pdclerk@ClarkCountyNV.gov

16 /s/ Laura Mullinax
17 Secretary for the District Attorney's Office

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28 lm/GU

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

Date: 06/25/10

Name: Kathryn Aoyama

P#: 8025

Classification: Forensic Scientist I

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of California, San Diego	9/84 to 6/89	Biology	B.A.
University of Nevada, Las Vegas	8/83 to 5/84	Biology	None
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
ASCLD /LAB International Preparation Course	Henderson, NV	12/01-12/03/09	
Nevada State IAI Tristate Conference – IND/Zn Workshop	Las Vegas, NV	10/07/09	
Latent Print Certification Preparation	Las Vegas, NV	06/08-06/10/09	
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/09-02/10/09	
GWS-L Latent User Methods and Operations	Las Vegas, NV	09/17-09/18/08	
RUVIS Training	Las Vegas, NV	8/6/2008	
Application of Statistics to Ridgeology And ACE-V Methodology	Las Vegas, NV	3/31-4/04/08	
Witnessing 101 - Clark County DA's Office	Las Vegas, NV	5/9/08	

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Application of Statistics to Ridgeology and the ACE-V Methodology	Las Vegas, NV	3/31 to 4/4/08
Forensic Photography	Las Vegas, NV	2/11-2/13/08
24-Hour Application Study in Forensic Photography	Las Vegas, NV	02/14/08
Forensic Digital Imaging	Las Vegas, NV	1/7/08 - 1/10/08
2007 2 nd Tri-Division IAI Educational Conference	Salt Lake City, UT	11/6/07 - 11/9/07
IAI 92 nd International Educational Conference	San Diego, CA	7/23/07 - 7/27/07
Driver=s Training	Las Vegas, NV	7/3/07
2006 1 st Tri-Division IAI Educational Conference	Henderson, NV	8/21/06 - 8/24/06
Forensic Photography II	Las Vegas, NV	1/06 - 5/06
Testifying in Court	Las Vegas, NV	11/30/05
Problem Solving, Independent Decision Making	Las Vegas, NV	8/10/05
Effective Interpersonal Communication	Las Vegas, NV	6/23/05
Searching Public Records Part I and II	Las Vegas, NV	3/2/05 - 3/3/05
Criminal Law for Civilians	Las Vegas, NV	11/4/04
Forensic Photography I	Las Vegas, NV	8/04 - 12/04
Forensic Science 101 and 201, American Institute of Applied Science	NC	8/03 - 5/04
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Las Vegas, NV District Court 7	Latent Prints	2
Las Vegas, NV District Court 6	Latent Prints	1
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist I - Latent Prints	4/08 to present

EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee - Latent Prints	3/07 to 4/08

PROFESSIONAL AFFILIATIONS	
Organization	Date(s)
International Association for Identification (IAI)	7-10-07 to present

PUBLICATIONS / PRESENTATIONS:
Presentations:
05/04/10 Poster Presentation: Latent Prints from Firearms Evidence (Statistics 2008-2009), Association of Firearms & Tool Mark Examiners Training Seminar, Henderson, NV
06/11/08 "Historical and Scientific Development of Latent Print Methodologies", LVMPD, Las Vegas, NV
1/16/08 "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV
11/7/07 "Back to Basics - The Biological Basis for Latent Print Examination", 2 nd Tri-Division IAI Educational Conference, Salt Lake City, UT
08/21/07 "Disguising and Disrupting Fingerprints", LVMPD, Las Vegas, NV
08/07/07 "Distortion in Latent Prints", LVMPD, Las Vegas, NV
06/14/07 "Ridge Flows and Crease Patterns of the Hands and Feet", LVMPD, Las Vegas, NV
OTHER QUALIFICATIONS:
None



ASCLD/LAB-International
Application for Accreditation
Attachment 2

Statement of Qualifications

Name	Stephanie Chen-Huynh P# 16064	Date	08/22/2018
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Forensic Service Provider	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
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Job Title	Crime Scene Analyst I
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Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation, Body Fluid Identification
--

Education: List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of Nevada Las Vegas	2012-2017	Criminal Justice	Bachelor of Arts
University of Phoenix	10/2016		

Continuing Education: List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
Crime Scene Analyst Academy	LVMPD Las Vegas, NV	09/12/16 - 11/23/16
Hazardous Materials Evidence Collection for CBRNE Incidents	Center for Domestic Preparedness Anniston, AL	11/15/17-11/17/17
Basic Medicolegal Death Investigation Training	International Association of Coroners & Medical Examiners, Las Vegas, NV	07/22/18-07/26/18

Testimony: Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigation	09/01/2016 to present	0

Professional Affiliations: List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

Employment History: List all scientific or technical positions held, particularly those related to forensic science. **List current position first.** Add additional sections as necessary.

Job Title	Crime Scene Analyst I	Tenure	09/01/2016 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Other Qualifications: List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

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

Date: 06/28/10

Name: Kellie M. (Wales) Gauthier

P#: 8691

Classification: Forensic Scientist II

Current Discipline of Assignment: DNA/Biology

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support /	X
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of West Florida	8/98 - 5/02	Biology	B.S.
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
ASCLD/LAB- International Preparation Course	Henderson, NV	12/01-12/03/09	
Cold Case Analysis Training	Chicago, IL	07/15-07/16/09	
Hair Evaluation for DNA Analysis	Las Vegas, NV (Online Course)	01/14/09	
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV (Online Course)	11/18/08	
Seminar: The Parachute Case	Washington DC	02/22/08	
Seminar: Bringing Forensic Science to the Battlefield	Washington DC	02/21/08	
Seminar: Human Identification in a Post 9/11 World	Washington DC	02/20/08	

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Workshop: DNA Mixture Interpretation	Washington DC	02/19/08
Conference: American Academy of Forensic Sciences 60 th Annual Meeting	Washington DC	02/19/08-02/23/08
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV	01/31/08
Applied Biosystems Training on 3130xl Genetic Analyzer	Las Vegas, NV	11/01/07
Workshop: Forensic DNA Profiling	Las Vegas, NV	01/25-26/07
Workshop: Forensic Population Genetics and Statistics	Las Vegas, NV	11/27/06
FBI CODIS Training	McLean, VA	11/06
Conference: Bode Advanced DNA Technical Workshop	Captiva Island, FL	06/06
Workshop: Presenting Statistics in the Courtroom	Captiva Island, FL	06/06
Training: Differential Extraction	Las Vegas, NV	06/06
Training: Serological Techniques and DNA Screening - Colleen Proffitt, MFS	Las Vegas, NV	5/06
Conference: American Academy of Forensic Sciences 58 th Annual Meeting	Seattle, WA	2/20/06-2/25/06
Seminar: Racial Profiling SNP's	Seattle, WA	2/23/06
Seminar: The Atypical Serial Killer	Seattle, WA	2/22/06
Seminar: Bioterrorism Mass Disasters	Seattle, WA	2/21/06
Workshop: Sexual Homicide - Fantasy Becomes Reality	Seattle, WA	2/21/06
Workshop: Advanced Topics in STR DNA Analysis	Seattle, WA	2/20/06
National Incident Management System (NIMS) an Introduction	Las Vegas, NV	8/05
Drivers Training II	Las Vegas, NV	7/05

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems	Orlando, FL	9/04
Workshop: Southern Association of Forensic Scientists (SAFS) - Paternity Index DNA Statistics	Orlando, FL	9/04
Workshop: Forensic Epidemiology - Joint Training for Law Enforcement Hazardous Materials and Public Health Officials on Investigative Response to Bio-terrorism	Orlando, FL	7/04
Forensic Technology Training - Florida Department of Law Enforcement	Orlando, FL	4/04
Biology Discipline Meeting	Tampa, FL	3/04
Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems	Orlando, FL	9/03
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Clark County: Justice, District	DNA	30
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist	5/05 - present
Florida Dept. of Law Enforcement	Forensic Technologist	8/03 - 5/05
PROFESSIONAL AFFILIATIONS		
<i>Organization</i>	<i>Date(s)</i>	
American Academy of Forensic Sciences - Trainee Affiliate	10/06 - 12/09	
PUBLICATIONS / PRESENTATIONS:		
None		
OTHER QUALIFICATIONS:		
None		

Curriculum Vitae

Las Vegas Criminalistics Bureau Statement of Qualifications

Name: Bradley Grover

P# 4934

Date: 10-1-03

CURRENT CLASSIFICATION			
	<i>Classification</i>	<i>Minimum Qualifications</i>	
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.	
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.	
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.	
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.	
FORMAL EDUCATION			
	<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
	UNLV	Science	Bachelor-1987
TESTIMONY			
Yes	No		
EMPLOYMENT HISTORY			
	<i>Employer</i>	<i>Title</i>	<i>Date</i>
	LVMPD	Sr. Crime Scene Analyst	4-3-95

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
05-17-87	Bachelor of Science	University of Nevada	Degree
04-17-95	Range Training	LVMPD	4
04-07-95	Introductory Crime Scene Analyst Training	LVMPD	40
05-09-95	FATS Training	LVMPD	2
05-18-95	Driver Training - Level 2	LVMPD	2
06-30-95	Duty Weapon Qualification	LVMPD	1
08-02-95	New Civilian Employee Orientation	LVMPD	7
09-05-95	Range Training	LVMPD	1
09-30-95	Duty Weapon Qualification	LVMPD	1
11-29-95	Video - Courtroom Skills and Tactics	LVMPD	31 Min.
02-14-96	Forensic Science	American Institute of Applied Science	240
03-08-96	Firearms/Range Training	LVMPD	1
03-31-96	Duty Weapon Qualification	LVMPD	1
05-14-96	Firearms/Range Training	LVMPD	1
06-05-96	Verbal Judo	LVMPD	8
06-18-96	Oleoresin - Civilian	LVMPD	2
06-18-96	Combat Shooting Simulator/FATS Training	LVMPD	1
06-22-96	CAPSTUN Training	LVMPD	1.5
06-30-96	Duty Weapon Qualification	LVMPD	2
07-22-96	Gunshot and Stab Wounds: A Medical Examiner's View-	Barbara Clark Mims Associates	8
09-10-96	Firearms/Range Training	LVMPD	1
09-23 to 09-27-96	Crime Scene Technology II	Northwestern University, Traffic Institute	40
09-30-96	Duty Weapon Qualification	LVMPD	2
10-07 to 10-11-96	Fingerprinting Classification	Law Enforcement Officers Training School	40
11-27-96	Ultraviolet (UV) Light Orientation and Safety Presentation	LVMPD	1
01-28-97	Firearms/Range Training	LVMPD	1.5
02-18 to	Top Gun Training	LVMPD	21

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
02-20-97			
02-27-97	Moot Court - Video	LVMPD	2
03-30-97	Duty Weapon Qualification	LVMPD	2
04-23, 24 & 04-30-97	Civilian Use of Force & Firearm Training	LVMPD	21
04-30-97	Off-Duty Weapon Qualification	LVMPD	
06-13-97	NCIC Phase I - Video	LVMPD	20 Min.
07-02-97	Duty Weapon Qualification	LVMPD	2
08-22-97	Firearms/Range Training	LVMPD	1
09-15 to 09-19-97	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
09-30-97	Duty Weapon Qualification	LVMPD	2
10-06 to 10-10-97	Investigative Photography I	Northwestern University, Traffic Institute	40
10-13 to 10-17-97	Bloodstain Evidence Workshop 2	Northwestern University, Traffic Institute	40
11-03 to 11-07-97	Courtroom Presentation of Evidence: Effective Expert Witness Testimony Workshop (Running workshops on the dates noted. CSAs go for 7-hour course)	CAT/NWAFS/SWAFS/SAT Joint Meeting	7
11-14-97	Firearms/Range Training	LVMPD	1
12-31-97	Duty Weapon Qualification	LVMPD	2
02-20-98	Trauma Shooting - Video	LVMPD	30 Min.
02-23-98	Domestic Violence	LVMPD	1
02-26-98	Clandestine Lab Dangers - Video	LVMPD	30 Min.
02-27-98	Combat Shooting Simulator/FATS	LVMPD	1
02-27-98	FATS Training	LVMPD	1
03-06-98	Secondary Devices - Video	LVMPD	30 Min.
03-11 to 03-13-98	California Homicide Investigators Association: (Field of Homicide Investigations) Bakersfield, CA	California Homicide Investigators Association	24
03-98	Range	LVMPD	1
03-31-98	Duty Weapon Qualification	LVMPD	2
04-08-98	Critical Procedures Test	LVMPD	2
06-26-98	Duty Weapon Qualification	LVMPD	2
6-30-98	Range	LVMPD	1

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
07-08-98	Driver Training - Class II	LVMPD	8
09-11-98	Optional Weapon	LVMPD	
09-25-98	Range	LVMPD	1
12-98	Range	LVMPD	1
12-08-98	Training - Motor Home Driving	LVMPD	4
12-11-98	Duty Weapon Qualification	LVMPD	2
01-29-99	Low Lethal Certification	LVMPD	10
03-99	Range	LVMPD	1
03-99	PR Photograph	LVMPD	4
03-30-99	Duty Weapon Qualification	LVMPD	2
03-03	Accident Investigation Photography	LVMPD	2
04-20-99	Critical Procedures Test	LVMPD	2
04-30-99	NSDIAI Educational Conference	NSDIAI	8
05-18-99	Duty Weapon Qualification/Off-Duty Weapon Qualification	LVMPD	2
06-30-99			
08-11, 12, & 08-13-99	Bombs and Explosive Devices - Public Safety Continuing Education	Public Agency Training Council, National Crime Justice, "Academy Quality Module Training"	24
09-20 to 09-24-99	Investigative Photography 2	Northwestern University, Traffic Institute	40
09-21-99	Duty Weapon Qualification	LVMPD	2
09-99	Range	LVMPD	1
12-99	Range	LVMPD	1
01-19-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
01-20-00	Sticky-side Tape Processing	U.S. Secret Service	8
06-12 to 06-14-00	Clandestine Laboratory Safety Certification Course - Occasional Site Worker	LVMPD	24
09-06 to 09-08-00	Shooting Incident Reconstruction	Forensic Identification Training Seminars	24
04-11 to 04-13-01	3 rd Annual Educational Conference Florazine	NSDIAI	2
"	Bloodstain Report Writing	"	2
"	Forensic DNA	"	2

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
"	Forensic Anthropology	"	1
"	Ted Binion Homicide	"	2
10-15-01	Bloodstain Pattern Analysis - Angle of Impact Proficiency Exercise - Certificate #16	LVMPD Criminalistics Bureau	3
07-18-01	Driver's Training	LVMPD	8
04-01-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
04-02-02	Forensic Anthropology	LVMPD	1.5
04-15-02	Objective Approach to the Crime Scene	LVMPD - Criminalistics Bureau	1
05-22-02	Major Case Prints	LVMPD - Criminalistics Bureau	3
06-05-02	Documentation of Footwear & Tire Impressions	LVMPD - Criminalistics Bureau	1
08-04 to 08-10-02	87 th International Educational Conference - See below	IAI	
"	Investigating Cult and Occult Crimes	"	8
"	Homicide or Suicide?	"	1
"	Gizmos and Gadgets	"	2
"	Courtroom Testimony Techniques: Success Instead of Survival	"	4
01-20 to 01-24-03	Ridgeology Science Workshop - Forensic Identification Training Seminars	LVMPD	40



NEVADA STATE BOARD OF MEDICAL EXAMINERS

Search

Licensee Details

Person Information

Name: Allison
Grace
McNICKLE
1701 W
Address: Charleston
Blvd
Ste 490
Las Vegas
NV 89102
Phone: 7026712201

License Information

License Type: Medical Doctor
License Number: 16558 Status: Active
Issue Date: 7/1/2016 Expiration Date: 6/30/2021

Scope of Practice

Scope of Practice: Surgery, General

Education & Training

School: Rush Medical College / Chicago, IL
Medical
Degree\Certificate: Doctor
Degree
Date Enrolled:
Date Graduated: 6/12/2010
Scope of Practice:

School: Rush University Medical Center / Chicago, IL
Degree\Certificate: Internship
Date Enrolled: 6/21/2010
Date Graduated: 6/20/2011
Scope of Practice: Surgery, General

School: Mount Sinai Hospital / Chicago, IL
Degree\Certificate: Residency
Date Enrolled: 7/1/2011
Date Graduated: 6/30/2016
Scope of Practice: Surgery, General

CURRENT EMPLOYMENT
STATUS/CONDITIONS/RESTRICTIONS ON LICENSE AND
MALPRACTICE INFORMATION

NONE

Board Actions

NONE

Please note that the settlement of a medical malpractice action may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the provider. Therefore, there may be no disciplinary action appearing for a licensee even though there is a closed malpractice claim on file. A payment in the settlement of medical malpractice does not create a presumption that medical malpractice occurred. Sometimes insurance companies settle a case without the knowledge and/or agreement of the physician. This database represents information from insurers to date. Please note: All insurers may not have submitted claim information to the Board.

Close Window



ASCLD/LAB-International
Application for Accreditation
Attachment 2

Statement of Qualifications

Name	Maeleen Morrison # 16191	Date	09/05/2018
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Forensic Service Provider	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
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Job Title	Crime Scene Analyst I
------------------	-----------------------

Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation

Education: List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of Nevada – Las Vegas	09/2008 – 08/2015	Biological Sciences	Bachelor of Science

Continuing Education: List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
02-2017 CSA Academy	LVMPD	08/21/17 - 11/2/17
Ethics in Forensic Science	West Virginia University	09/01/17 - 10/19/17

Testimony: Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigations	08/15/18 - present	1

Professional Affiliations: List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

Employment History: List all scientific or technical positions held, particularly those related to forensic science. List current position first. Add additional sections as necessary.

Job Title	Crime Scene Analyst I	Tenure	06/05/2017 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagraming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title	Forensic Laboratory Assistant (Part Time)	Tenure	11/07/2016 to 06/04/2017
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Exemplify the Department values, both on and off duty; maintain inventory of chemicals, forensic kits, scientific materials and supplies, and references; order supplies; ensure compliance with lab safety procedures; prepare, and verify chemical solutions and reagents to specific requirements; document results; clean and disinfect laboratory equipment; store cleaned items in proper laboratory area; conduct periodic quality checks on various laboratory equipment and reagents; ensure laboratory compliance with accreditation and safety requirements; document results; notify appropriate laboratory staff; transport and log evidence and property received by the Forensic Laboratory or Crime Scene Investigations Section; maintain security, proper records and storage of evidence; use standard laboratory techniques to perform applicable tasks; conduct delivery and pick-up of necessary supplies and equipment; Facilitate hazardous and biological waste disposal; query law enforcement computer systems for criminal history information; enter data into State databases; file documents electronically and via paper; communicate with a variety of law enforcement personnel via telephone, email, in person and through written correspondence; respond to letters and written inquiries.			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Other Qualifications: List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

--



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
CURRICULUM VITAE**

Date: 01/09/14

Name: Allison Rubino

P#: 1478
4

Classification: Forensic Scientist I

Current Discipline of Assignment: Biology/DNA Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	x	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	x
Quality Assurance		Technical Support / DNA	

EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of Scranton	08/03-05/07	Biochemistry	B.S.
University of New Haven	08/07-05/09	Forensic Science (Criminalistics)	M.S.

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
More Ys in half the time. See Y: An Overview of the Global PPY23-YHRD Database Project	Webinar (Armed Forces DNA Identification Laboratory/AFDIL)	October 2013
Introducing TrueAllele Casework at the New York State Police	Webinar (AFDIL)	October 2013
Recovery of Human DNA Profiles from Poached Deer Remains/ Australian Centre for Ancient DNA	AFDIL	February 2013
Lecture about Quant Duo	AFDIL	January 2013
Y-STR History and Review	AFDIL	January 2013

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
LCN Y-filer	AFDIL	December 2012
Promega Fusion	Webinar (AFDIL)	December 2012
Globalfiler System	Webinar (AFDIL)	November 2012
Topics and Techniques for Forensic DNA Analysis	NYC OCME	April 2012
Cognitive Factors in Forensic Decision Making	NYC OCME	September 2011
Forensic Ethics Training	NYC OCME	August 2011
Principles of Genetics	Farmingdale State College	August – December 2011
Forensic Relationship Training	Marshall University at NYS Police Academy	July 2011
Advanced DNA Training	Marshall University	June 2011
TrueAllele Casework Technology by Cybergenetics	Suffolk County Crime Laboratory	April 2011
American Academy of Forensic Science Meeting	Chicago, Illinois	February 2011
Forensic Toxicology	University of Verona	November 2010
Advanced Analytical Techniques in Biomedical and Forensic Investigations	University of Verona	October 2010
19th Annual Markle Symposium Police Involved Shootings-Investigation of Critical Incidents and Issues	Ledyard, CT	September 2010
HID Future Trends in DNA Technology	HID University at NYC OCME	August 2010
Statistics 110	Farmingdale State College	July 2010
Forensic Scientist Criminal Trial Training	New York Prosecutor's Training Institute	March 2010
18th Annual Markle Symposium Investigating International Crimes	Ledyard, CT	April 2009
American Academy of Forensic Science meeting	Denver, CO	February 2009
17th Annual Markle Symposium Conspiracies: Investigating Complex Cases	Ledyard, CT	March 2008
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
None		
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist I (In-Training)	January 2013- Present
Armed Forces DNA Identification Laboratory (AFDIL)	Forensic Scientist I - Technician	June 2012 – December 2013
Lab Support, A Division of On Assignment/ Suffolk County Crime Laboratory	Research Associate/ Forensic Scientist I	April 2009 – June 2012
University of Verona/University of New Haven	Research Student	January – December 2010
University of New Haven	Graduate Assistant	August 2007 – May 2009
Suffolk County Crime Laboratory	Intern	August 2008
University of Verona	Intern	July 2008
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
American Academy of Forensic Sciences	2009-Present	
PUBLICATIONS / PRESENTATIONS:		
American Academy of Forensic Sciences meeting in Chicago, Illinois February 2011; presented a poster in the Toxicology section		
OTHER QUALIFICATIONS:		
<i>Instrumental and Computer Skills:</i> Qiagen - EZ1 Robotics, Qiagility Applied Biosystems – 7500 RT-PCR and software, GeneAmp PCR System 9700, 3130 Genetic Analyzer and software, and GeneMapper ID software v3.2.1 Windows and Macintosh software - Microsoft Word, Excel and PowerPoint, Access TrueAllele Data Review System		

Curriculum Vitae

**Las Vegas Criminalistics Bureau
Statement of Qualifications**

Name: WRIGHT, Amanda

P# 9974

Date: 05-14-07

CURRENT CLASSIFICATION

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

FORMAL EDUCATION

<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of New Haven	Forensic Science	Bachelor of Science - January 2006
Bowdoin College	Biochemistry	Bachelor of Arts - May 2001

TESTIMONY

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

EMPLOYMENT HISTORY

<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSA I	05-14-07 to

Steven D. Grierson

1 **ROC**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **NICOLE J. CANNIZZARO**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #11930**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **TED MICHAEL DONKO,**
13 **#2668752**

14 **Defendant.**

CASE NO: C-19-345584-1

DEPT NO: XXV

15 **RECEIPT OF COPY**

16 **RECEIPT OF COPY of the following is hereby acknowledged this 13 day of**

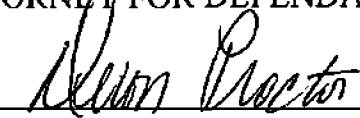
17 *Jan*, 2020.

- 18 1. LVMPD Communications Log, EN 191000002219 – 8 pgs
- 19 2. LVMPD Unit Log, EN 191000002219 – 14 pgs
- 20 3. LVMPD Communications COR Affidavit – 2 pgs
- 21 4. LVMPD Communications Log, EN 191000000931 – 1 pg
- 22 5. LVMPD Unit Log, EN 191000000931 – 1 pg
- 23 6. LVMPD Communications COR Affidavit – 2 pgs
- 24 7. LVMPD Forensics Lab Biology/DNA Casework, Lab Case No. 19-
25 11301.3 (Rubino) – 2 pgs
- 26 8. LVMPD Gang Crimes Bureau, hooting Diagram (Sanchz) – 1 pg
- 27 9. LVMPD Gang Crimes Bureau, Shooting Diagram (Espinoza – 1 pg
- 28 10. Officer's Report, EN 191000002219, (Beal) – 4 pgs

11. Property Report, EN 191000002219, Search Warrant (Beal) – 1 pg
12. ICR, EN 191000002219 – 3 pgs
13. Folder Notes, EN 191000002219 – 4 pgs
14. Stolen Vehicle Questionnaire, EN 191000000931 – 2 pgs
15. ICR, EN 191000000931 – 2 pgs
16. Folder Notes, EN 191000000931 – 1 pg
17. 911/Radio Traffic, EN 191000002219 & 191000000931 – 1 CD
18. Photos, EN 191000002219 – 1 CD

ROBSON HAUSER
ATTORNEY FOR DEFENDANT

BY



, Nevada

nc/GU



ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930
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-

TED MICHAEL DONKO,
#2668752

Defendant.

CASE NO. C-19-345584-1

DEPT NO. XXV

**EX PARTE MOTION AND ORDER FOR RELEASE OF CERTIFIED
MEDICAL RECORDS AND AUTHORIZATION FOR RELATED
WITNESS TESTIMONY**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through NICOLE J. CANNIZZARO, Chief Deputy District Attorney, and moves this Honorable Court for an Order releasing evidence which includes protected health information being held by UNIVERSITY MEDICAL CENTER, consisting of any and all medical records, to include a certificate of custodian of records, for patient: FERNANDO ESPINOZA, DOB: September 18, 1977, concerning diagnosis, prognosis and/or treatment given or provided on or after October 1, 2019, which relate to injuries sustained on or about said date, to be released to a representative of the DISTRICT ATTORNEY'S OFFICE, and authorizing the appearance and testimony from any and all medical personnel referenced in the foregoing medical records at pre-trial conferences and all court proceedings, for the purpose of prosecuting the above referenced case charging the crimes of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

1 (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A
2 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC
3 50031); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC
4 50201); DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,
5 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442); and
6 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B
7 Felony - NRS 202.360 - NOC 51460).

8 Pursuant to 45 CFR164.512(f), Movant represents that the information sought is
9 relevant and material to a legitimate law enforcement inquiry; that the request is specific and
10 limited in scope to the extent reasonably practicable in light of the purpose for which the
11 information is sought; and that de-identified information could not reasonably be used.

12 NOW THEREFORE, pursuant to 45 CFR164.512(f), and GOOD CAUSE
13 APPEARING, IT IS HEREBY ORDERED that UNIVERSITY MEDICAL CENTER shall
14 release to a representative of the DISTRICT ATTORNEY'S OFFICE, any and all medical
15 records, to include a certificate of custodian of records, concerning diagnosis, prognosis,
16 and/or treatment of FERNANDO ESPINOZA, whose date of birth is September 18, 1977,
17 which were prepared on or after October 1, 2019, and relate to injuries sustained on or about
18 said date.

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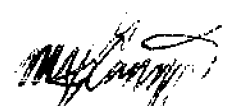
1 IT IS FURTHER ORDERED that any and all medical personnel referenced in the
2 foregoing medical records shall be authorized to appear for pre-trial conferences and pursuant
3 to subpoena to testify regarding their treatment of FERNANDO ESPINOZA at all court
4 proceedings.

5 DATED this 15th day of January, 2020.

6
7 
DISTRICT JUDGE

8 STEVEN B. WOLFSON
9 Clark County District Attorney
NEVADA BAR #001565

10
11 BY


12 NICOLE J. CANNIZZARO
13 Chief Deputy District Attorney
Nevada Bar #011930

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ORDER

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C-19-345584-1

TED MICHAEL DONKO,
#2668752

DEPT NO. XXV

Defendant.

**EX PARTE MOTION AND ORDER FOR RELEASE OF CERTIFIED
MEDICAL RECORDS AND AUTHORIZATION FOR RELATED
WITNESS TESTIMONY**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through NICOLE J. CANNIZZARO, Chief Deputy District Attorney, and moves this Honorable Court for an Order releasing evidence which includes protected health information being held by UNIVERSITY MEDICAL CENTER, consisting of any and all medical records, to include a certificate of custodian of records, for patient: JONATHAN SANCHEZ, DOB: April 10, 1991, concerning diagnosis, prognosis and/or treatment given or provided on or after October 1, 2019, which relate to injuries sustained on or about said date, to be released to a representative of the DISTRICT ATTORNEY'S OFFICE, and authorizing the appearance and testimony from any and all medical personnel referenced in the foregoing medical records at pre-trial conferences and all court proceedings, for the purpose of prosecuting the above referenced case charging the crimes of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B

1 Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY
2 WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031);
3 ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201);
4 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,
5 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442); and
6 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B
7 Felony - NRS 202.360 - NOC 51460).

8 Pursuant to 45 CFR164.512(f), Movant represents that the information sought is
9 relevant and material to a legitimate law enforcement inquiry; that the request is specific and
10 limited in scope to the extent reasonably practicable in light of the purpose for which the
11 information is sought; and that de-identified information could not reasonably be used.

12 NOW THEREFORE, pursuant to 45 CFR164.512(f), and GOOD CAUSE
13 APPEARING, IT IS HEREBY ORDERED that UNIVERSITY MEDICAL CENTER shall
14 release to a representative of the DISTRICT ATTORNEY'S OFFICE, any and all medical
15 records, to include a certificate of custodian of records, concerning diagnosis, prognosis,
16 and/or treatment of JONATHAN SANCHEZ, whose date of birth is April 10, 1991, which
17 were prepared on or after October 1, 2019, and relate to injuries sustained on or about said
18 date.

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1 IT IS FURTHER ORDERED that any and all medical personnel referenced in the
2 foregoing medical records shall be authorized to appear for pre-trial conferences and pursuant
3 to subpoena to testify regarding their treatment of JONATHAN SANCHEZ at all court
4 proceedings.

5 DATED this 16th day of January, 2020.

6
7 
DISTRICT JUDGE

8 STEVEN B. WOLFSON
9 Clark County District Attorney
NEVADA BAR #001565

10
11 BY 

12 NICOLE J. CANNIZZARO
13 Chief Deputy District Attorney
14 Nevada Bar #011930
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MOT
DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ROBSON M. HAUSER, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 13692
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Robson.Hauser@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-19-345584-1
)	
v.)	DEPT. NO. XXV
)	
TED MICHAEL DONKO,)	
)	
Defendant,)	DATE: February 3, 2020
)	TIME: 9:00 a.m.

MOTION TO COMPEL PRODUCTION OF DISCOVERY & BRADY MATERIAL

Defendant, TED MICHAEL DONKO, through counsel, ROBSON M. HAUSER, Deputy Public Defender, hereby requests this Honorable Court to order the State of Nevada to produce the discovery and Brady material discussed herein **at least 30 days before trial** pursuant to NRS 174.235; NRS 174.285; Kyles v. Whitley, 514 U.S. 419 (1995); Brady v. Maryland, 373 U.S. 83 (1963) (and their progeny).

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

DATED this 23rd day of January, 2020.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser
ROBSON M. HAUSER, #13692
Deputy Public Defender

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ROBSON M. HAUSER makes the following declaration:

1. I am an attorney licensed to practice law in the State of Nevada and I am a Deputy Public Defender for the Clark County Public Defender's Office, counsel of record for Defendant TED MICHAEL DONKO, in the present matter;

2. I make this Declaration in support of Mr. Donko's Motion for Production of Discovery & Brady material;

3. 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 23rd day of January, 2020.

ROBSON M. HAUSER

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Ted Donko is charged by way of Information with three counts of Attempted Murder
4 with the Use of a Deadly Weapon, two counts of Battery with Use of a Deadly Weapon
5 Resulting in Substantial Bodily Harm, one count of Assault with a Deadly Weapon, one count of
6 Discharging Firearm at or into Occupied Structure, Vehicle, Aircraft, or Watercraft, and one
7 count of Ownership or Possession of Firearm by Prohibited Person. Trial is currently set to
8 begin February 10, 2020, with a Calendar Call date of February 3, 2020.
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ARGUMENT

Prior to trial, prosecutors are required to disclose both inculpatory and exculpatory information within their actual or constructive possession.

I. Prosecutors must Disclose *Inculpatory* Evidence

NRS 174.235 requires prosecutors to disclose evidence “within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known,” including:

- The defendant’s written or recorded statements or confessions,
- Any witness’s written or recorded statements the prosecuting attorney intends to call during the witness during the State’s case in chief,
- Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case,¹ and
- Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the State’s case in chief.

NRS 174.235(1)(a)-(c).

A. Prosecutors must disclose all inculpatory evidence, regardless of whether the material is intended for use in the government’s case in chief

Prosecutors may not lawfully withhold inculpatory information from the defense simply because they do not intend to present the information in the government’s case-in-chief. State v. Harrington, 9 Nev. 91, 94 (1873); People v. Carter, 312 P.2d 665, 675 (Cal.1957); People v. Bunyard, 756 P.2d 795, 809 (Cal. 1988). Any holding to the contrary would allow prosecutors to engage in unfair surprise by withholding inculpatory material from the government’s case-in-chief, only to surprise the defense by using it in rebuttal. Thus, prosecutors must disclose all

¹ This includes medical data, imaging, films, reports and slides, histological, colposcopic, or otherwise. The right to counsel guaranteed by the Sixth Amendment obligates defense counsel to conduct “an adequate pre-trial investigation into . . . medical evidence.” Gersten v. Senkowski, 426 F.3d 588, 605 (2d Cir. 2005). This duty includes obtaining and reviewing pertinent medical imaging even if the testing reveals no significant findings. Id. at 605, 607-10 (discussing the exculpatory nature of “normal” medical examinations in cases in which a complainant alleges physical harm). Thus, the discovery obligations set forth in NRS 174.235(2) require prosecutors to disclose physical imaging and testing.

1 inculpatory evidence of which they are actually or constructively aware, including material not
2 necessarily intended for introduction in the prosecution's case-in-chief.

3 B. Fundamental fairness requires that NRS 174.235 be interpreted to encompass all
4 statements made by a defendant, regardless of whether they are reduced to writing or
5 recorded

6 While NRS 174.235 obligates prosecutors to disclose a defendant's written or recorded
7 statements, fundamental fairness requires disclosure of unrecorded statements and statements for
8 which a defendant can be held vicariously liable.² Courts have recognized the fundamental
9 fairness involved in "granting the accused equal access to his own words, no matter how the
10 government came by them." U.S. v. Caldwell, 543 F.2d 1333, 1353 (D.D.C. 1974). This
11 includes allowing an accused access to his unrecorded words, including adoptive or vicarious
12 admissions. Since these admissions are admissible at trial whether recorded or not, NRS
13 174.235 must be construed to require pretrial disclosure of any unrecorded statements or
14 admissions, including those for which the defendant can be held vicariously liable.

15 **II. Prosecutors Must Disclose Exculpatory Evidence as Required by the U.S. and** 16 **Nevada Constitutions**

17 The United States and Nevada Constitutions require prosecutors to disclose all
18 exculpatory information of which they are actually or constructively aware. U.S. Const. Amend.
19 V, VI, XIV; Nev. Const. Art. 1, Sect. 8; Brady v. Maryland, 373 U.S. 83 (1963); Kyles v.
20 Whitley, 514 U.S. 419, (1995). A prosecutor's failure to disclose exculpatory evidence violates
21 the Due Process Clause. Jimenez v. State, 112 Nev. 610, 618 (1996). A due process violation
22 occurs when exculpatory evidence is withheld, regardless of the prosecution's motive. Jimenez,
23 112 Nev. 610.

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27 ² NRS 51.035(3)(a)-(e) provides that a defendant can be held vicariously liable for
28 statements made by third parties. See also Fields v. State, 129 Nev. 785 (2009) (finding
evidence of defendant's silence following wife's complaint that she was in jail because of his
conduct admissible as an adoptive admission).

1 A. Brady Places Broad Disclosure Obligations on Prosecutors, Questions About Which Must
2 Be Resolved In Favor Of Disclosure

3 Exculpatory evidence is information favorable to the defendant that is material to the
4 issue of guilt or punishment. U.S. v. Bagley, 473 U.S. 667, 675 (1985). Evidence is material
5 and favorable to the accused if its non-disclosure undermines confidence in the outcome of the
6 trial. Kyles, 514 U.S. at 434-35. This evidence must be disclosed even in the absence of a Brady
7 request.³ Bagley, 473 U.S. at 680-82.

8 Ultimately, prosecutors are tasked with a “broad duty of disclosure.” Strickler, 527 U.S.
9 at 281; cf. U.S. v. Agurs, 427 U.S. 97, 108 (1976) (holding that “the prudent prosecutor will
10 resolve doubtful questions in favor of disclosure”). As the Nevada Supreme Court has
11 explained:

12 Due process does not require simply the disclosure of “exculpatory” evidence.
13 Evidence also must be disclosed if it provides grounds for the defense to attack the
14 reliability, thoroughness, and good faith of the police investigation, to impeach the
15 credibility of the state’s witnesses, or to bolster the defense case against
 prosecutorial attacks. Furthermore, “discovery in a criminal case is not limited to
 investigative leads or reports that are admissible in evidence.” Evidence “need not
 have been independently admissible to have been material.”

16 Mazzan v. Warden, 116 Nev. 48, 67 (2000) (internal citations omitted). Thus, any question as to
17 whether certain material, information, or evidence falls within the purview of Brady should be
18 resolved in favor of disclosure. Agurs, 427 U.S. at 108; see also Kyles, 514 U.S. at 439 (“a
19 prosecutor anxious about tacking too close to the wind will disclose a favorable piece of
20 evidence.”).

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23 ³ However, a specific Brady request changes the standard of review on appeal. When a
24 defendant makes a specific request, a reversal is warranted when “there exists a reasonable
25 *possibility* that the claimed evidence would have affected the judgment of the trier of fact.”
26 Jimenez, 112 Nev. 619; State v. Bennett, 119 Nev. 589 (2003). However, absent a specific
27 request, reversal is warranted, “if there exists a reasonable *probability* that, had the evidence
28 been disclosed, the result of the proceeding would have been different.” Bagley, 473 U.S. at
667, 682, 685; Pennsylvania v. Ritchie, 480 U.S. 39, 57 (1986). A reasonable probability is a
probability sufficient to undermine confidence in the outcome. Bagley, 473 U.S. at 678, 685;
Ritchie, 480 U.S. at 57.

1 B. Favorable Evidence Includes Impeachment Information

2 The Due Process Clause of the Fifth and Fourteenth Amendments requires prosecutors to
3 disclose “any information about its witnesses that could cast doubt on their credibility.” U.S. v.
4 Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992). A witness can be attacked by “revealing possible
5 biases, prejudices, or ulterior motives of the witnesses as they may relate directly to issues or
6 personalities in the case at hand. The partiality of a witness is . . . always relevant [to]
7 discrediting the witness and affecting the weight of his testimony.” Davis, 415 U.S. at 316; see
8 also Lobato v. State, 120 Nev. 512 (2004) (discussing the nine basic modes of impeachment).
9 Accordingly, favorable evidence includes impeachment information pertaining to all government
10 witnesses. Giglio v. U.S., 405 U.S. 150, 154 (1972); Youngblood v. West Virginia, 547 U.S.
11 867 (2006); U.S. v. Bagley, 473 U.S. at 676 (requiring disclosure of all impeachment evidence).

12 *1. Impeachment information includes cooperation agreements and benefits*

13 Impeachment information includes all cooperation agreements between a government
14 witness and prosecutors. Giglio v. U.S., 405 U.S. 150, 154 (1972) (requiring disclosure of
15 cooperation agreement between government witness and prosecutors). It also includes benefits
16 provided to a government witness, regardless of whether an explicit deal is outlined. Browning
17 v. State, 120 Nev. 347, 369 (2004). It is the witness’s own anticipation of reward, not the intent
18 of the prosecutor, which gives rise to the required disclosure. Moore v. Kemp, 809 F.2d 702,
19 726, 729-30 (11th Cir. 1987); Duggan v. State, 778 S.W.2d 465, 468 (Tex. Crim. App. 1989)
20 (noting that agreements need not be express or formal arrangements, and recognizing favorable
21 treatment that is merely implied, suggested, insinuated, or inferred to be of possible benefit to a
22 witness constitutes proper material for impeachment).

23 Notably, benefits are not limited to agreements made in relation to the case in which they
24 are sought. Jimenez, 112 Nev. at 622-23. Benefits include evidence that a witness acted as a
25 paid informant on one or more occasions. State v. Bennett, 119 Nev. 589, 603 (2003).
26 Additionally, benefits include travel and lodging compensation, immigration assistance of any
27 kind, whether actual or anticipatory, as well as counseling, treatment, or other assistance
28

1 provided to any witness. These benefits are relevant to issues regarding possible bias,
2 credibility, and motive to lie, all of which constitute impeachment evidence. Davis v. Alaska,
3 415 U.S. 308 (1974).

4 *2. A witness's criminal history constitutes impeachment information*

5 Impeachment information includes evidence relating to a witness's criminal history.
6 Briggs v. Raines, 652 F.2d 862, 865-66 (9th Cir. 1981). Under Brady, prosecutors must produce
7 criminal histories useful to demonstrating a witness's history of, or propensity for, a relevant
8 character trait. Id. Prosecutors must also produce criminal histories disclosing a witness's bias,
9 prejudice or motive to lie. Davis, 415 U.S. at 354.

10 A witness's entire criminal record should be disclosed, even if it is more than ten years
11 old. Moore, 809 F.2d 702. Prosecutors are often under the mistaken impression that they must
12 disclose only felony convictions within the last ten years that can be utilized for impeachment
13 under NRS 50.095. However, in Davis, the U.S. Supreme Court found that a witness can be
14 attacked by "revealing possible biases, prejudices, or ulterior motives The partiality of a
15 witness is . . . always relevant [to] discrediting the witness and affecting the weight of his
16 testimony." 415 U.S. at 354 (internal quotations omitted). The Davis Court found that the
17 policy interest in protecting offender records must yield to the defendant's right to cross-examine
18 as to bias. Id. at 356; see also Lobato v. State, 120 Nev. 512 (2004), discussing the "nine basic
19 modes of impeachment." Therefore, even juvenile records, misdemeanors, and older criminal
20 records may yield information relevant to many forms of impeachment other than that outlined in
21 NRS 50.095.

22 Prosecutors must also produce criminal history information maintained by law
23 enforcement agencies other than the Las Vegas Metropolitan Police Department, such as the
24 federal government's National Crime Information Center ("NCIC") database.⁴ "[K]nowledge

25 ⁴ Federal law permits disclosure of NCIC information under circumstances such as those
26 here. 28 C.F.R. Chapter 1 addresses the U.S. Dept. of Justice and Criminal Justice Information
27 Systems. 28 C.F.R. Sec. 20.33 sets forth the instances in which NCIC information may be
28 disclosed. It provides for NCIC disclosure "(1) To criminal justice agencies for criminal justice
purposes" 28 C.F.R. Sec. 20.3(g) defines criminal justice agencies as *inter alia* courts.
Additionally, 28 C.F.R. Sec. 20.3 defines the "[a]dministration of criminal justice" to include the

1 [of the NCIC database] may be imputed to the prosecutor, or a duty to search may be imposed, in
2 cases where a search for readily available background information is routinely performed, such
3 as routine criminal background checks of witnesses.” Odle v. Calderon, 65 F. Supp. 2d 1065,
4 1072 (N.D. Cal. 1999), rev’d on other grounds by Odle v. Woodford, 238 F.3d 1084 (9th Cir.
5 2001). A prosecutor’s lack of knowledge regarding a witness’s criminal history does not relieve
6 the prosecutorial obligation to obtain and produce that information. Martinez v. Wainwright,
7 621 F.2d 184, 187-89 (5th Cir. 1980) (defendant entitled to criminal records of state-government
8 witnesses, including data obtainable from the FBI; prosecutor’s lack of awareness of alleged
9 victim’s criminal history did not excuse duty to obtain and produce rap sheet).

10 Requiring prosecutors to run background checks on their witnesses is not a novel
11 proposition. See U.S. v. Perdomo, 929 F.2d 967 (3d Cir. 1991) (adopting 5th Circuit’s rationale
12 in requiring government to obtain complete criminal history on prosecution witnesses). It is the
13 prosecutor’s “obligation to make a thorough inquiry of all enforcement agencies that had a
14 potential connection with the witnesses” U.S. v. Thornton, 1 F.3d 149 (3d Cir. 1993). If the
15 witness has no criminal history, the prosecutor is not required to produce the NCIC printout, as it
16 need not disclose a lack of criminal history. U.S. v. Blood, 435 F.3d 612, 627 (6th Cir. 2006).
17 Thus, prosecutors must run a thorough background check on every witness they intend to call,
18 and produce all criminal history information to the defense.

19 *3. Impeachment information includes evidence contradicting a government witness’s*
20 *statement*

21 Impeachment evidence encompasses prior inconsistent statements and other evidence that
22 contradicts government witnesses. Accordingly, prosecutors must disclose prior inconsistent
23 statements by prosecution witnesses. Lay v. State, 116 Nev. 1185, 1199 (2000). Prosecutors
24 must also disclose other evidence contradicting the testimony of government witnesses. Rudin v.
25 State, 120 Nev. 121, 139 (2004).

26 “performance of any of the following activities . . . adjudication” Therefore, the C.F.R.
27 authorizes prosecutors to access and disclose NCIC data pursuant to Court order as part of a
28 criminal case adjudication.

1 4. *Confidential records must be disclosed if they contain impeachment information*

2 Impeachment evidence can derive from privileged or confidential material. When this
3 occurs, the privileged or confidential nature of the material at issue must yield to a defendant's
4 constitutionally secured right to confront and cross-examine those who testify against him.
5 Davis, 415 U.S. at 356 (finding the State's interest in maintaining confidentiality of juvenile
6 records must yield to defendant's right to cross-examine as to bias); see also U.S. v. Nixon, 418
7 U.S. 683, 713 (1974) (generalized assertion of privilege must yield to demonstrated, specific
8 need for evidence in a pending criminal case). Thus, prosecutors must obtain and disclose
9 privileged and confidential records when the records contain information bearing on witness
10 credibility.⁵

11 This includes mental health records. U.S. v. Lindstrom, 698 F.2d 1154, 1166-67 (11th
12 Cir. 1983); U.S. v. Robinson, 583 F.3d 1265, 1271-74 (10th Cir. 2009); Wyman v. State, 125
13 Nev. 592, 607-08 (2009). It also includes Child Protective Services (or the functional
14 equivalent) and school records. See Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (defendant
15 entitled to *in camera* review of Child and Youth Services records⁶); and State v. Cardall, 982
16 P.3d 79, 86 (Utah 1999) (defendant entitled to complainant's school psychological records
17 indicating she had propensity to lie and had fabricated prior rape allegations). It further includes
18 adult and juvenile parole, probation, jail, and prison records. U.S. v. Strifler, 851 F.2d 1197,
19 1201 (9th Cir. 1988); Carriger v. Stewart, 132 F.3d 463, 479-82 (9th Cir. 1997) (requiring
20 production of Department of Corrections file on principle government witness); Davis, 415 U.S.
21 at 356; see also Bennett, 119 Nev. at 603 (2003) (failure to disclose co-conspirator's juvenile
22 records in penalty hearing amounted to Brady violation). Thus, prosecutors cannot refuse

23
24 ⁵ At a minimum, otherwise confidential or privileged material must be submitted to the
25 Court for an *in camera* review to determine materiality. Pennsylvania v. Ritchie, 480 U.S. 39, 60
(1987).

26 ⁶ The Ritchie Court held that the State cannot claim privilege to refuse disclosure of CPS
27 records, unless there is a statutory scheme that forbids any use, including disclosure to a
28 prosecutor, of such records. Ritchie, 480 U.S. at 57-58. NRS 432B.290 allows for disclosure of
such records to the prosecutor and to the court for *in camera* review.

1 disclosure of impeachment information on the basis that the information is privileged or
2 confidential.

3 *5. Impeachment Information Includes Prior Allegations of Sexual Misconduct and Prior*
4 *Sexual Knowledge*

5 Under Nevada law, prior false allegations of sexual misconduct amount to an exception
6 to rape shield laws. Miller v. State 105 Nev. 497 (1989). Accordingly, Nevada law authorizes
7 disclosure of prior false allegations, including those made by juvenile complainants. NRS
8 432B.290(3) specifically authorizes child welfare agencies to disclose “the identity of a person
9 who makes a report or otherwise initiates an investigation . . . if a court, after reviewing the
10 record *in camera* and determining that there is reason to believe that the person knowingly made
11 a false report, orders the disclosure.” Similarly, the Ninth Circuit recognizes it is error to
12 exclude evidence of minor’s prior false sexual assault allegations as this evidence “might
13 reasonably have influenced the jury’s assessment of [the complainant’s] reliability or credibility .
14 . . .” Fowler v. Sacramento Co. Sheriff’s Dept., 421 F.3d 1027, 1032-33; 1040 (9th Cir. 2005).

15 Impeachment evidence in sexual misconduct cases further includes evidence of a
16 complainant’s prior sexual conduct to show sexual knowledge. Summitt v. State, 101 Nev. 159
17 (1985); see also Holley v. Yarborough, 568 F.3d 1091, 1099-1100 (9th Cir. 2009) (finding it was
18 error to exclude evidence that complainant made comments to friends regarding a prior sexual
19 encounter and claimed other boys expressed a desire to engage in sexual acts with her, as this
20 evidence revealed complainant’s active sexual imagination, and may have altered jury’s
21 perception of the complainant’s credibility and reliability of her claims). Thus, prosecutors must
22 disclose evidence of a complainant’s prior accusations of sexual misconduct as well as evidence
23 of a complainant’s prior sexual conduct in cases where such evidence bears on the charged
24 crimes.

25 *6. Law enforcement personnel files may contain impeachment information*

26 Under U.S. v. Henthorn, 931 F.2d 29, 31 (9th Cir. 1991), prosecutors must examine law
27 enforcement personnel files upon defense request. See also U.S. v. Cadet, 727 F.2d 1453 (9th
28

1 Cir. 1984). A defendant is not required to make an initial showing of materiality before
2 prosecutors must examine the files—the examination obligation arises solely from the
3 defendant’s request. Henthorn, 931 F.2d at 31. “Absent such an examination, [the State] cannot
4 ordinarily determine whether it is obligated to turn over the files.” Id. Once examined,
5 prosecutors must “disclose information favorable to the defense that meets the appropriate
6 standard of materiality If the prosecution is uncertain about the materiality of the
7 information within its possession, it may submit the information to the trial court for an in
8 camera inspection and evaluation” Henthorn, 931 F.2d at 30-31 (quoting Cadet, 727 F.2d at
9 1467-68). Thus, if requested to do so by the defense, the prosecution must canvass relevant law
10 enforcement personnel files for information material to the case.

11 C. Favorable Evidence Includes Witnesses with Exculpatory Information

12 Prosecutors must disclose the identity of witnesses possessing exculpatory information,
13 as no legitimate interest is served by precluding the defense from calling such witnesses for trial.
14 U.S. v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); U.S. v. Houston, 339 F.Supp. 762 (N.D. GA
15 1972).

16 D. Favorable Evidence Includes Evidence of Third-Party Guilt

17 The U.S. Constitution guarantees a criminal defendant the right to present evidence of
18 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to
19 allow defendant to present evidence of third party guilt deprives him of a meaningful right to
20 present a complete defense under the Sixth and Fourteenth Amendments to the U.S.
21 Constitution). Under Brady, prosecutors must disclose all evidence suggesting another
22 perpetrator committed the charged crimes. Lay, 116 Nev. at 1195-96. This includes evidence
23 that another individual was arrested in connection with the charged crime. Banks v. Reynolds,
24 54 F.3d 1508, 1518 n.21 (10th Cir. 1995). It also includes evidence of investigative leads
25 pointing to other suspects. Jimenez, 112 Nev. at 622-23 (withholding evidence of investigative
26 leads to other suspects, regardless of admissibility, constitutes Brady violation).

1 Additionally, prosecutors must provide the actual documents, evidence, and reports
2 pertaining to evidence of third-party guilt; it is not enough for prosecutors to provide the defense
3 with a summary of the information relating to other suspects. Mazzan, 116 Nev. at 69 (summary
4 of prosecutor's perspective on written reports relating to potential suspects were constitutionally
5 inadequate; actual reports should have been disclosed pursuant to Brady); Bloodworth v. State,
6 512 A.2d 1056, 1059-60 (Md. 1986). Thus, prosecutors must disclose any information or
7 evidence indicating someone other than the instant defendant committed the charged crimes.

8 E. Favorable Evidence Includes All Evidence that May Mitigate a Defendant's Sentence

9 Favorable evidence also includes evidence which could serve to mitigate a defendant's
10 sentence upon conviction. Jimenez, 112 Nev. 610. Accordingly, prosecutors must disclose any
11 evidence tending to mitigate punishment in the instant matter.

12 **III. The Disclosure Obligations Conferred by NRS 174.235 and Brady Include Rough**
13 **Notes**

14 Raw notes made by any law enforcement officer or other prosecution agent in connection
15 with the investigation of instant matter must be disclosed to the defense. See, e.g., State v.
16 Banks, 2014 WL 7004489 (Nev. S.Ct. Dec. 10, 2014) (unpublished) (court did not take issue
17 with lower court's order requiring preservation and disclosure of police officer's rough notes);
18 see also U.S. v. Clark, 385 F.3d 609, 619 (6th Cir. 2004) (finding rough notes discoverable under
19 F.R.C.P. 16); U.S. v. Molina-Guevara, 96 F.3d 698, 705 (3d Cir. 1996) (remanding on other
20 grounds but noting that, on remand, production of rough notes required under F.R.C.P. 16); U.S.
21 v. Harris, 543 F.2d 1247 (9th Cir. 1976) (noting as important, and requiring preservation of, law
22 enforcement rough notes). Notably, this does not include information amounting to work
23 product.

24 In Hickman v. Taylor, 329 U.S. 495, 508-11 (1947), the U.S. Supreme Court recognized
25 the privileged nature of discussions relating to the preparation of a case for trial.⁷ The work

26 ⁷ "In performing his various duties, however, it is essential that a lawyer work with a
27 certain degree of privacy, free from unnecessary intrusion by opposing parties and their
28 counsel... Proper preparation of a client's case demands that he assemble information, sift what
 he considers to be the relevant from the irrelevant facts, prepare his legal theories and plan his

product doctrine announced in Hickman shelters not only material generated by an attorney in preparation for trial, but by his agent, as well:

At its core, the work product doctrine shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case. But the doctrine is an intensely practical one, grounded in the realities of litigation in our adversary system. One of those realities is that attorneys often must rely on the assistance of investigators and other agents in preparation for trial. It is therefore necessary that the doctrine protect material prepared by agents for the attorney as well as those prepared by the attorney himself. Moreover, the concerns reflected in the work-product doctrine do not disappear once trial has begun

U.S. v. Nobles, 422 U.S. 225, 238-39 (1975). Codifying this, NRS 174.235(2) exempts from discovery:

1. An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.
2. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

Accordingly, only raw notes generated by, or on behalf of, the prosecutor are exempted from disclosure under the work product doctrine. Any other raw notes compiled during the investigation of this matter must be turned over pursuant to the disclosure obligations imposed by NRS 174.235 and Brady.

IV. The Disclosure Obligations Set Forth Above Extend to All Material in the Prosecutors Actual or Constructive Possession

Prosecutors must turn over all material related to the case in the possession, control and custody of any government agent or agency. See U.S. v. Blanco, 392 F.3d 382, 388 (9th Cir.

strategy without undue and needless interference... This work is reflected, of course, in interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways – aptly... termed... as the ‘work product of the lawyer.’ Were such materials open to opposing counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney’s thoughts, heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be demoralizing. And the interests of clients and the cause of justice would be poorly served.” Id.

1 2004). Prosecutors are responsible for disclosing evidence in their possession as well as
2 evidence held or maintained by other government agents, as “it is appropriate to charge the State
3 with constructive knowledge” of evidence held by any investigating agency. Bennett, 119 Nev.
4 at 603.

5 This constructive possession rule applies to evidence that is *withheld* by other agencies.
6 Bennett, 119 Nev. at 603. Even if investigating officers withhold reports without the
7 prosecutor’s knowledge, “the state attorney is *charged with constructive knowledge and*
8 *possession of evidence withheld by other state agents*, such as law enforcement officers.” Id.
9 (internal quotations and citation omitted) (emphasis added). “Exculpatory evidence cannot be
10 kept out of the hands of the defense just because the prosecutor does not have it, where an
11 investigative agency does.” U.S. v. Zuno-Arce, 44 F.3d 1420, 1427 (9th Cir. 1995). “It is a
12 violation of due process for the prosecutor to withhold exculpatory evidence, and his motive for
13 doing so is immaterial.” Jimenez, 112 Nev. at 618.

14 In fact, a prosecutor has an *affirmative obligation* to obtain Brady material and provide it
15 to the defense, *even if the prosecutor is initially unaware of its existence*. “The prosecution’s
16 affirmative duty to disclose evidence favorable to a defendant can trace its origins to early 20th
17 century strictures against misrepresentation and is of course most prominently associated with
18 this Court’s decision in Brady” Kyles, 514 U.S. at 432. This obligation exists even where
19 the defense does not make a request for such evidence. Id. As the U.S. Supreme Court
20 explained:

21 This in turn means that the individual prosecutor *has a duty to learn* of any
22 favorable evidence known to the others acting on the government’s behalf in the
23 case, including the police. But whether the prosecutor succeeds or fails in meeting
24 this obligation (whether, that is, a failure to disclose is in good faith or bad faith),
25 the prosecution’s responsibility for failing to disclose known, favorable evidence
26 rising to a material level of importance is inescapable. . . . Since then, the
27 prosecutor has the means to discharge the government’s Brady responsibility if he
28 will, any argument for excusing a prosecutor from disclosing what he does not
happen to know about boils down to a plea to substitute the police for the
prosecutor, and even for the courts themselves, as the final arbiters of the
government’s obligation to ensure fair trials.

1 Kyles, 514 U.S. at 437-38 (emphasis added) (citations and footnotes omitted); see also Carriger,
2 132 F.3d at 479-82 (holding that “the prosecution has a duty to learn of any exculpatory evidence
3 known to others acting on the government’s behalf. *Because the prosecution is in a unique*
4 *position to obtain information known to other agents of the government, it may not be excused*
5 *from disclosing what it does not know but could have learned.*” (citations omitted) (emphasis
6 added). Thus, the disclosure obligations outlined above extend not only to material directly in
7 the possession of prosecutors, but material prosecutors constructively possess, as well.

8 **V. An “Open File” Policy Does Not Obviate the Disclosure Obligations Outlined Above**

9 Historically, the Clark County District Attorney’s Office (CCDA) has employed an open
10 file policy in which prosecutors allow defense counsel to review the discovery contained in the
11 government’s trial file. While the CCDA currently may not be adhering to this practice, it is
12 worth noting that an open file policy does not vitiate above-referenced disclosure obligations.
13 Strickler, 527 U.S. at 283 (holding that a prosecutor’s open file policy does not in any way
14 substitute for or diminish the State’s obligation to turn over Brady material). “If a prosecutor
15 asserts that he complies with Brady through an open file policy, defense counsel may reasonably
16 rely on that file to contain all materials the State is constitutionally obligated to disclose under
17 Brady.” Strickler, 527 U.S. at 283, n.23.; see also Amando v. Gonzalez, 758 F.3d 1119, 1136
18 (9th Cir. 2014); McKee v. State, 112 Nev. 642, 644 (1996) (reversing a judgment of conviction
19 based on prosecutorial misconduct where the prosecutor did not make available all relevant
20 inculpatory and exculpatory evidence consistent with the county district attorney’s open file
21 policy); see also Furbay v. State, 116 Nev. 481 (2000) (discussing prosecution’s duty to provide
22 all evidence in its possession where it has promised to do so). Accordingly, if the defense relies
23 on the government’s assurance of an open file policy, the defense is not required to hunt down
24 information otherwise obtained and maintained pursuant to that policy.

25 ///

26 ///

27 ///

1 **VI. Adjudication of the Instant Motion is Necessary for Preservation of Issues Relating**
2 **to Discovery Disclosures**

3 NRS 174.235 requires disclosure of (1) written and recorded statements of a defendant or
4 any witness the prosecutor intends to call in his case-in-chief; (2) results and reports of any
5 examinations or tests conducted in connection with the case at bar; and (3) any document or
6 tangible object the prosecutor intends to introduce in his case in chief—upon the request of the
7 defense. Additionally, constitutional jurisprudence requires disclosure of any evidence tending
8 to exculpate the accused. The instant Motion is brought, *inter alia*, to ensure the availability of
9 appropriate sanctions should later discovery issues arise. This requires a Court Order compelling
10 the production of the information and material sought herein. Donovan v. State, 94 Nev. 671
(Nev. 1978).

11 A. Nevada Law Provides for Judicial Oversight of the State's Discovery Obligations

12 Eighth Judicial District Court Rule (EDCR) 3.24 governs discovery motions in local
13 criminal practice. It states:

14 (a) Any defendant seeking a court order for discovery pursuant to the provisions of
15 NRS 174.235 or NRS 174.245 may make an oral motion for discovery at the
16 time of initial arraignment. The relief granted for all oral motions for discovery
will be as follows:

- 17 (1) That the State of Nevada furnish copies of all written or recorded
18 statements or confessions made by the defendant which are within the
19 possession, custody or control of the State, the existence of which is
known or by the exercise of due diligence may become known to the
district attorney.
- 20 (2) That the State of Nevada furnish copies of all results or reports of
21 physical or mental examinations, and of scientific tests or experiments
22 made in connection with this case which are within the possession,
23 custody or control of the State, the existence of which is known or by
24 the exercise of due diligence may become known to the district
attorney.
- 25 (3) That the State of Nevada permit the defense to inspect and copy or
26 photograph books, papers, documents, tangible objects, buildings,
27 places, or copies or portions thereof, which are within the possession,
28 custody or control of the State, provided that the said items are material
to the preparation of the defendant's case at trial and constitute a
reasonable request.

1 (b) Pursuant to NRS 174.255, the court may condition a discovery order upon a
2 requirement that the defendant permit the State to inspect and copy or
3 photograph scientific or medical reports, books, papers, documents, tangible
4 objects, or copies or portions thereof, which the defendant intends to produce at
the trial and which are within the defendant's possession, custody or control
provided the said items are material to the preparation of the State's case at trial
and constitute a reasonable request.

5 Thus, EDCR 3.24 specifically provides for the discovery motion brought in the instant matter.

6 Not surprisingly, the Nevada Supreme Court has held that a discovery motion and
7 corresponding order is a prerequisite to obtaining relief under NRS 174.295⁸ for later discovery
8 violations:

9 Although NRS 174.295 provides relief for a prosecutor's failure to notify defense
10 counsel of all discoverable material, that statute is only operative in situations
11 where a previous defense motion has been made and a court order issued. That
12 provision is not applicable to any informal arrangements that are made, as here
between counsel without benefit of court sanction.

13 Donovan, 94 Nev. 671 (internal citations omitted).

14 This comports with other portions of NRS 174, which, by implication, suggests criminal
15 discovery is a matter that must be pursued by way of motion rather than a simple written or oral
16 request. For example, NRS 174.285 states that "a request made pursuant to NRS 174.235 or
17 174.245 may be made only within 30 days after arraignment or at such reasonable time *as the*
18 *court may permit*. A party shall comply with a request made pursuant to NRS 174.235 or
19 174.245 not less than 30 days before trial or at such reasonable later time *as the court may*
20 *permit*." (Emphasis added). The judicial permission required for late discovery requests and late
21 compliance contemplates judicial oversight of discovery matters.

22 Similarly, NRS 174.125 contemplates discovery requests via written motion. NRS
23 174.125 requires that, any motion "which by [its] nature, if granted, delay[s] or postpone[s] the
24 time of trial must be made before trial, unless an opportunity to make such a motion before trial
25 did not exist or the moving party was not aware of the grounds for the motion before trial." A
26 discovery request, depending on the timing and nature of the request, may necessarily cause a

27 ⁸ NRS 174.295 sets forth sanctions for discovery violations, such as inspection of
28 material not properly disclosed, trial continuance, or exclusion of the undisclosed material.

1 trial delay. Accordingly, under NRS 174.125, discovery requests should be made via motion
2 prior to trial. Id.

3 Thus, the statutorily-based discovery requests set forth herein are properly brought before
4 this Honorable Court and must be adjudicated. Refusal to adjudicate the instant Motion obviates
5 Mr. Donko's statutorily created liberty interest in (1) ensuring access to the discoverable material
6 covered by NRS 174 and (2) ensuring application of the enforcement and sanction provisions
7 outlined in NRS 174. Such an arbitrary deprivation of a state-created liberty interest violates the
8 Due Process Clause. See Hicks v. Oklahoma, 447 U.S. 343, 346 (1980) (arbitrary deprivation of
9 state-created liberty interest amounts to Due Process violation).

10 B. Brady Material and Relevant Authority

11 Brady and related authority also contemplate pre-trial regulation and adjudication of
12 prosecutorial disclosures. Brady is not a discovery rule but a rule of fairness and minimum
13 prosecutorial obligation. Curry v. U.S., 658 A.2d 193, 197 (D.C. 1995) (internal quotations and
14 citations omitted). It does not require the production of specific documents. It requires the
15 production of information. This prosecutorial obligation is non delegable—it is not contingent
16 on, nor is the defense required to make, specific Brady requests. See Strickler, 527 U.S. at 281-
17 82 (setting forth the elements of a Brady claim and clarifying that there is no requirement that
18 defense make request).⁹

19 However, to prevail on a Brady claim, should one arise, a defendant must establish that
20 (1) the prosecution was in actual or constructive possession of favorable information; (2) the
21 prosecution failed to disclose this information to the defense in a timely fashion or at all; and (3)
22 the withheld information was material to the outcome of the trial. Strickler, 527 U.S. at 281-82.
23 The standard for determining materiality depends upon whether defense counsel requested the

24 ⁹ Any argument by prosecutors that “the defense is able to independently seek out any
25 discovery which they desire . . . it is not the State’s responsibility to perform investigations or
26 inquiries on behalf of the defense,”—common responses to defense discovery motions—is
27 patently wrong. Strickler, 527 U.S. at 281-82 (rejecting the argument that defense counsel
28 should have uncovered Brady information); Banks v. Dretke, 540 U.S. 668, 695-98 (2004) (“A
rule thus declaring ‘prosecutor may hide, defendant must seek’ is not tenable in a system
constitutionally bound to accord defendants due process.”).

1 information at issue and, if a request was made, whether the request was specific or general in
2 nature. “If a defendant makes no request or only a general request for information, the evidence
3 is material when a reasonable *probability* exists that the result would have been different had it
4 been disclosed.” Bennett, 119 Nev. at 600 (emphasis added). Yet, “if the defense request is
5 specific, the evidence is material upon the lesser showing that a reasonable *possibility* exists of a
6 different result had there been disclosure.” Id. (emphasis added) Accordingly, the fact and
7 nature of a Brady request is critical to later adjudication of alleged Brady violations.

8 Defense counsel enjoys to the right to pursue Brady requests—and thereby construct the
9 record on them—in the manner counsel sees fit. The best way to ensure that the record
10 adequately reflects the nature and scope of a Brady request is via pre-trial discovery motion—a
11 motion, as set forth above, specifically provided for by Nevada law.¹⁰ See Myles v. State, 127
12 Nev. 1161 (2011) (unpublished) (no discovery violation where undisclosed photo not requested
13 as part of discovery motion).

14 A cursory review of federal discovery jurisprudence reveals the broad authority with
15 which trial courts are vested to regulate pretrial Brady disclosures and thereby ensure that this
16 constitutional rule—which exists to prevent a miscarriage of justice—works as it should.
17 Bagley, 473 U.S. at 675; U.S. v. Odom, 930 A.2d 157, 158 (D.C. 2007); see also U.S. v. W.R.
18 Grace, 526 F.3d 499, 509 (9th Cir. 2008) (affirming trial court’s order requiring government to
19 disclose its finalized witness list a year prior to trial as an exercise of the court’s inherent
20 authority to manage its docket”); U.S. v. Coppa, 267 F.3d 132, 146 (2d Cir. 2001)
21 (acknowledging trial court’s discretion to order pretrial disclosures as a matter of sound case
22 management); U.S. v. Rigas, 779 F. Supp. 408, 414 (M.D. Pa. 2011 (recognizing authority of
23 trial court to order pretrial disclosure of Brady material to ensure effective administration of
24 criminal justice system); U.S. v. Cerna, 633 F. Supp. 2d 1053, 1057 (N.D. Cal. 2009) (exercising
25 power to issue Brady order); U.S. v. Thomas, 2006 WL 3095956 (D.N.J. 2006) (issuing pretrial
26 order regulating, *inter alia*, Brady disclosures).

27 ¹⁰ This is especially true given the absence of compelling Nevada or other authority
28 recognizing an informal Brady request as sufficient to preserve the record on this critical issue.

1 Indeed, trial courts must, as a constitutional matter, exercise this oversight power. Boyd
2 v. U.S., 908 A.2d 39, 61 (D.C. 2006) (“courts have the obligation to assure that [prosecutorial
3 discretion] is exercised in a manner consistent with the right of the accused to a fair trial”); see
4 also Smith v. U.S., 665 A.2d 962 (D.C. 2008) (abuse of discretion for court to refuse to review a
5 transcript *in camera* where prosecution concede there were “minor inconsistencies in the
6 testimony as to how the shooting happened”). As such, judicial oversight of Brady disclosures is
7 commonplace in federal criminal prosecutions. See, e.g., U.S. v. Johnson, 2010 WL 322143
8 (W.D. Pa. 2010) (trial court ordering government to disclose all Brady material, including
9 impeachment material no later than ten days prior to trial); U.S. v. Lekhtman 2009 WL 5095379
10 at 1 (E.D.N.Y. 2009) (ordering disclosure of Brady material as it is discovered and Giglio
11 material two weeks before commencement of trial); U.S. v. Rodriguez, 2009 WL 2569116 at 12
12 S.D.N.Y. 2009) (ordering government to turn over Brady material as it is discovered and Giglio
13 material twenty-one days before trial); U.S. v. Libby, 432 F. Supp. 2d 81, 86-87 (D.D.C. 2006)
14 (ordering immediate production of all Brady material); U.S. v. Thomas, 2006 CR 553, 2006 WL
15 3095956 (D.N.J. 2006) (unpublished) (ordering disclosure of “[a]ny material evidence favorable
16 to the defense related to issues of guilt, lack of guilt, or punishment . . . within the purview of
17 Brady and its progeny” within ten days of order). Thus, the constitutionally-based Brady
18 requests set forth herein are properly brought before this Honorable Court and must be
19 adjudicated to preserve Mr. Donko’s rights.

20 **VII. The Court Must Adjudicate the Instant Motion Regardless of Whether a Discovery** 21 **Dispute Exists**

22 A dispute over the discoverability of certain material is not a prerequisite to compelling
23 production of discovery and exculpatory information. This is because such disputes rarely occur.
24 With the exception of records that are otherwise privileged (such as CPS or medical records),
25 prosecutors typically do not inform defense counsel of material they intend to withhold from the
26 defense. They simply keep the information hidden. The withheld information is later discovered
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1 by the defense either through subsequent defense investigation, fortuitous circumstances, or
2 during the post-conviction discovery process.

3 Recognizing this, the U.S. Supreme Court has not required defense counsel to divine (and
4 bring to the Court's attention) particular information within the government's file that is being
5 shielded from defense view:

6 We rejected a similar argument in Strickler. There, the State contended that
7 examination of a witness's trial testimony, alongside a letter the witness published
8 in a local newspaper, should have alerted the petitioner to the existence of
9 undisclosed interviews of the witness by the police. We found this contention
10 insubstantial. In light of the State's open file policy, we noted, 'it is especially
11 unlikely that counsel would have suspected that additional impeaching evidence
must scavenge for hints of undisclosed Brady material when the prosecution
represents that all such material has been disclosed. As we observed in Strickler,
defense counsel has no 'procedural obligation to assert constitutional error on the
basis of mere suspicion that some prosecutorial misstep may have occurred.

12 Banks, 540 U.S. at 695-96 (internal citations omitted). Thus, a dispute need not exist over the
13 discoverability of a particular piece of information in order for this Court to entertain motions
14 such as that brought here and enforce the government's discovery obligations. Accordingly, Mr.
15 Donko respectfully requests that this Honorable Court adjudicate his Motion to Compel
16 Production of Discovery.

17 **VIII. Prosecutors Must Oppose or Concede Each Discovery Request; and the Court Must**
18 **Adjudicate Each Request**

19 Prosecutors often respond to discovery requests some combination of the following: (1) the
20 government is aware of its discovery obligation and will act accordingly; (2) the government has
21 complied with the requests or will facilitate review of discovery as needed; or (3) the request is
22 objectionable as overbroad, immaterial, or not authorized by law. Only the last of these is
23 responsive to a particular request; the first two are not. Each request needs to be opposed or
24 conceded. Saying "we have complied" or "we are aware of our discovery obligations" or "we
25 will facilitate a review of detective notebooks" is nothing more than attempt to subvert a ruling
26 enforcing the discovery provisions mandated by state and federal law. It is a way to goad the
27 court into believing the issue is moot. Discovery is a continuing obligation. A criminal
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1 defendant is entitled to an order enforcing the discovery provisions outlined by state and federal
2 law, regardless of whether the prosecutor has already provided certain requested material, is
3 aware of pertinent discovery rules, and is willing to facilitate further discovery review. The
4 prosecutor needs to oppose or concede each request. The Court needs to rule on each request,
5 accordingly.¹¹

6 **IX. Defendant's Specific Discovery Requests**

7 Based upon the foregoing, Mr. Donko requests that this Honorable Court enter an order
8 directing prosecutors to provide the following related to this case:¹²

9 **General Discovery**

10 **1. Defendant's Statements and Any Potential Co-Defendants' Statements**

11 All statements made by the defendant and any co-defendants, regardless of whether
12 the statements were written or recorded, including but not limited to:

- 13 • Comments made at the time of arrest or during transport to the detention center,
- 14 • All conversations, telephonic or otherwise, intercepted by any law enforcement
15 agencies, including federal authorities, and
- 16 • The substance of any statements, conversations, or correspondence overheard or
17 intercepted by any jail personnel or other inmates which have not been recorded
or memorialized.

18 **2. Potential Witnesses' Statements**

19 All written or recorded statements of witnesses and potential witnesses, including, but
20 not limited to:

- 21 • Audio and video recording in any form collected by investigating officers or any
22 other law enforcement agent as part of the investigation of this matter, as well as
any related matters,
- 23 • Notes of interviews, such as notes of patrol officers, or notes of phone calls made
24 to potential witnesses, or attempts to contact such witnesses, and

25 ¹¹ Combination responses, which contain conciliatory language in conjunction with some
26 form of opposition, must be treated as an opposition to a particular request, thereby warranting
adjudication by this Honorable Court.

27 ¹² Significantly, this request is not in any way intended to be a substitute for the
28 generalized duties described above.

- Interviews of the following individuals: Rodney Dixon, Fernando Espinoza, Fnu Lnu, Gilbert Lnu, Genaro Ramos-Grajeda, Jonathan Sanchez-Loza, Mary Skelton, Deandre Woods, and any other witness or investigative official involved in the instant matter and any related matter.

3. Records Related to Investigation

All records of the Las Vegas Metropolitan Police Department and any other law enforcement agencies involved in the investigation of this or any related matter, including, but not limited to:

- Copies of handwritten or other notes,
- Investigative leads that were not followed up on,
- Any other matter bearing on the credibility of any State witness,
- Information pertaining to this case or any witnesses in this case, no matter what the form or title of the report, including:
 - “Case Monitoring Forms,”
 - Use of Force reports,
 - 911 recordings,
 - Dispatch logs, and
 - Information regarding leads or tips provided to law enforcement or a crime tip organization such as Crime Stoppers, including any reward or benefit received for such tip.

4. Crime Scene Analysis, Evidence Collection, and Forensic Testing

All requests, results, reports, and bench notes pertaining to all crime scene analysis, evidence collection and forensic testing performed in this case,¹³ including, but not limited to:

- Photographic, video, and audio recordings of evidence collection and testing,
- Fingerprint Evidence: All latent prints recovered in the instant matter, regardless of their value for identification, as well as exemplars compiled in connection with the investigation of this matter, including:

¹³ This is required under NRS 171.1965(1)(b) and NRS 174.235(1)(b).

- photographs, reports, and recordings related to collecting and testing of fingerprints,
- Results of fingerprint collection and comparison, and
- Automated Fingerprint Identification System (AFIS) searches and results,
- DNA Evidence: DNA testing, raw data and Combined DNA Index System (CODIS) searches and results,
- Scientific Evidence: toxicological, chemical, biochemical, laboratory, and other laboratory or forensic analyses, including trace evidence analyses, crime scene reconstruction or blood spatter analysis, and
- Forensic Analysis: reports and notes related to any forensic analysis and requests for forensic analysis, regardless of the outcome of such request.

5. Medical Records

All records, including photos, reports, imaging studies, test results, and notes pertaining to:

- Any alleged victim generated pursuant to treatment provided in connection with the instant matter; including, without limitation, all emergency medical, fire department, hospital, or other medical care provider records, including all relevant prior medical records,
- All pathological, neuropathological, toxicological, or other medical evaluations of any of the alleged victims, including all relevant prior medical records and
- The name and badge number of any paramedics who responded to the scene, and all documentation, notes, reports, charts, conclusions, or other diagnostic, prognostic, or treatment information pertaining to any person evaluated, assessed, treated, or cleared by a paramedic at the scene, or transported to a hospital from the scene.

6. Preservation of and Access to Raw Evidence

Access to and preservation of all material collected in the investigation of this case to include but not limited to:

- forensic material, raw data, biological samples and toxicological samples; and
- video surveillance, photographic negatives, and digital negatives.

7. Electronic Communications and Associated Warrants

All intercepted communications, whether electronic oral or otherwise, as well as communications sent to and from a handset, telephone, or computer obtained by any law enforcement agency, including federal authorities via subpoena, interception, or

other means, pertaining to the instant matter or any related matter, including but not limited to:

- Audio, Push to Talk, Data, and Packet Data
- Electronic messaging such as: Global System for Mobile Communications (GSM), Short Message Service (SMS), Multimedia Messaging Service (MMS), and Internet Relay Chat,
- File Transfer Protocol (FTP), Internet Protocol (IP), Voice Over Internet Protocol (VOIP), Transmission Control Protocol (TCP), and
- Electronic mail or other internet based communications.

8. Law Enforcement Video or Audio Recordings

All video and audio recordings obtained by the Las Vegas Metropolitan Police Department recording device, including but not limited to:

- Dashboard cameras,
- Body-mounted officer cameras,
- Any other recording equipment operational during the investigation of this case, and
- Any video footage captured by body cameras worn by any officer present for Las Vegas Metropolitan Police Department Event number LLV191000002219 and any other related or connected Event Number.

9. Non-Activated Body Camera

The name and "P#" of any officer present for Las Vegas Metropolitan Police Department Event number LLV191000002219 and any related or connected Event Number who is required by department policy to wear, but did not activate his body-worn camera.

10. Monitoring, Tracking, and Associated Warrants

All data, recordings, reports, and documentation of the following: voice monitoring devices, geographic tracking devices, pen registers, trap and trace devices installed pursuant to interception, warrant, or other means, obtained by law enforcement pertaining to the instant matter or any related matter.

1 **11. 911 and 311 Calls**

2 Any and all 911 and 311 recordings to include, but not limited to:

- 3 • Car-to-car audio communications,
- 4 • Car-to-dispatch radio communications, and
- 5 • Unit Log incident print out related to the event.

6 **12. Chain of Custody**

7 All relevant chain of custody reports, including reports showing the destruction of

8 any evidence in the case.¹⁴

9 **13. Witness Contact Information**

10 All updated witness contact information, including last known addresses and phone

11 numbers. This includes the names and contact information for witnesses who may

12 have information tending to exculpate Mr. Donko.

13 **14. Information Obtained from Confidential Informants**

14 All information obtained from confidential informants for any aspect of the

15 investigation of this case. This includes, but is not limited to, informants who

16 purportedly obtained information about this case while incarcerated, whether the

17 information came from Mr. Donko, a co-defendant, unindicted co-conspirator, or

18 another source, regardless of whether prosecutors intend to use the informant-related

19 information at the upcoming trial of this matter.

20 **Exculpatory Evidence**

21 **15. Alternative Suspects**

22 All information which shows that Mr. Donko did not commit the crimes alleged, or

23 which shows the possibility of another perpetrator, co-conspirator, aider and abettor,

24 or accessory after the fact, including the names of those individuals. This includes,

25 but is not limited to, any information concerning the arrest of any other individual for

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27 ¹⁴ Destruction of evidence can result in dismissal of the case or a jury instruction stating

28 such evidence is presumed favorable to the accused. Crockett v. State, 95 Nev. 859, 865 (1979);

Sparks v. State, 104 Nev. 316, 319 (1988); Sanborn v. State, 107 Nev. 399, 409 (1991).

1 the charged crimes and any information suggesting that someone other than Mr.
2 Donko perpetrated one or more of the charged crimes.

3 **16. Identification and Mis-Identification**

4 All statements of identification associated with this case, including any information
5 concerning witnesses who did not identify Mr. Donko as the perpetrator of the alleged
6 crimes. This request includes:

- 7 • Statements identifying another person as the perpetrator of this offense,
- 8 • Prior non-identifications by eyewitnesses now identifying Mr. Donko as the
9 perpetrator, and
- 10 • Color copies of all photographic lineups shown to any witness (including lineups
11 created without Mr. Donko) as well as any other identification procedures used to
12 identify suspects including show-ups, lineups, photo-array lineups, single photo
13 show-ups, photo compilations and composite drawings. This request includes:
 - 14 ○ The identification of each witness who was shown an identification procedure,
 - 15 ○ The date and time such procedures occurred,
 - 16 ○ The names of all persons who were present when the procedures took place,
 - 17 ○ Instructions given to the witnesses prior to the procedure,
 - 18 ○ The results of the procedure, including an accounting of each witness's
19 statements before, during and after the identification procedure; the amount of
20 time taken by each witness to make an identification; and any hesitancy or
21 uncertainty of each witness in making an identification, and
 - 22 ○ Whether officers informed any witness that he identified the suspect officers
23 believed committed the crime.

24 **17. General Exculpatory Evidence Request**

25 All information which shows that Mr. Donko was not the alleged shooter in this case.
26 This includes any evidence, in the form of records, witness interviews, or other
27 information bearing on the charge(s) at issue herein.

28 **General Impeachment**

29 **18. Witness Benefits**

30 Disclosure of all express or implied compensation, promises of favorable treatment or
31 leniency, or any other benefit that any of the State's witnesses received in exchange

1 for their cooperation with this or any related prosecution. This includes, but is not
2 limited to:

- 3 • Records and notes from the CCDA Victim Witness Office, including records of
4 any expectation of any benefit or assistance to be received, or already received by
5 any witness in this case,
- 6 • Monetary benefits received as well as any express or implied promises made to
7 any witness to provide counseling, treatment, or immigration assistance as a result
8 of the witness's participation in this case,
- 9 • Names of all agencies, workers or other referrals that were given to any witness or
10 his family member, relative, or guardian in connection with this case or any
11 related matter, and
- 12 • Estimate of future benefits to be received by any witness during or after the trial,
13 including travel expenses.

14 **19. Prior Witness Statements**

15 Disclosure of any and all statements, tangible or intangible, recorded or unrecorded,
16 made by any witness that are in any manner inconsistent with the written or recorded
17 statements previously provided to the defense. This includes oral statements made to
18 an employee or representative of the CCDA or any other government employee, local
19 or federal, during pre-trial conferences or other investigative meetings.

20 **20. Law Enforcement Impeachment Information—Henthorn Request**

21 Mr. Donko hereby requests the prosecutor review the personnel files of each officer
22 involved in this case. After review, the prosecutor must disclose all impeachment
23 information located in the personnel files of any police witness called to testify at trial
24 or any pretrial hearing in this matter, including, but not limited to, any Statement of
25 Complaint regarding the witness or this investigation, any Employee Notice of
26 Internal Investigation, any Internal Affairs Investigative Report of Complaint, any
27 witness statement, any Bureau Investigation Supervisory Intervention, and any other
28 document maintained or generated by the Office of Internal Affairs, Critical Incident
Review Panel, or other investigative agency.

21. Criminal History Information

1 Criminal history information on any actual or potential witness, showing specific
2 instances of misconduct, instances from which untruthfulness may be inferred or
3 instances which could lead to the discovery of admissible evidence. To this end, the
4 defense requests that, in addition to any other lay witnesses the State intends to call at
5 trial or upon whose testimony or statements the State will rely during either the guilt
6 or penalty phases of trial, the CCDA provide NCIC reports on the following
7 individuals: Rodney Dixon, Fernando Espinoza, Fnu Lnu, Gilbert Lnu, Genaro
8 Ramos-Grajeda, Jonathan Sanchez-Loza, Mary Skelton, Deandre Woods. The
9 defense further requests that the NCIC information be provided to defense counsel as
10 soon as possible and that prosecutors identify those individuals for whom no NCIC
11 information is found. While the defense is not insisting that prosecutors run NCICs
12 on expert or law enforcement witnesses, the defense requests that the State be ordered
13 to comply with its Brady obligations with respect to these witnesses. The instant
14 criminal history request includes, but is not limited to:

- 15 • Juvenile records,
- 16 • Misdemeanors,
- 17 • Out-of-state arrests and convictions,
- 18 • Outstanding arrest warrants or bench warrants,
- 19 • Cases which were dismissed or not pursued by the prosecuting agency, and
- 20 • Any other information that would go to the issues of credibility or bias, or lead to
21 the discovery of information bearing on credibility or bias, regardless of whether
the information is directly admissible by the rules of evidence.

22 **U Visa and Immigration Related Benefits**¹⁵

23 **22. U Visas¹⁶ and Related Information**

24 ¹⁵ These requests are made out of an abundance of caution as the defense is unaware of
25 the victim's and witnesses' alienage and legal statuses in the United States.

26 ¹⁶ "The U Visa is an immigration benefit that can be sought by victims of certain crimes
27 who are currently assisting or have previously assisted law enforcement in the investigation or
28 prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of
criminal activity. . . . The U Visa provides eligible victims with nonimmigrant status in order to
temporarily remain in the United States (U.S.) while assisting law enforcement. If certain

Information indicating whether the alleged victim, an immediate family member, or any other qualifying person¹⁷ has consulted with a CCDA representative or victim advocate, or any other person acting in a representative capacity, regarding obtaining a U Visa as a result of this case.¹⁸

23. U Visa Policies and Procedures

All policies and procedures established by any relevant law enforcement agency or the prosecutor's office regarding U Visa certification.¹⁹

24. Application for U Visa

Information indicating whether the alleged victim, immediate family member, or any other qualifying person has applied for a U Visa as a result of this case.

25. United States Citizenship and Immigration Service (UCSIS) I-918 Forms

All USCIS Form I-918, Petition for U Nonimmigrant Status (Form I-918) completed as a result of this case, including any supporting documentation filed with Form I-918.²⁰

conditions are met, an individual with U nonimmigrant status may adjust to lawful permanent resident status.” “U Visa Law Enforcement Certification Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement,” Dept. of Homeland Sec. (hereinafter “U Visa Guide”), available at: http://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf at 1. The crime of domestic violence is identified as a qualifying crime for a U Visa petition. Id. at 3.

¹⁷ The U Visa is available to an alleged victim; her unmarried children under the age of twenty-one; her spouse; her parents, if she is under twenty-one; and unmarried siblings under eighteen years old if the alleged victim is under age twenty-one. Id. at 5. Furthermore, when the principal alleged victim is under twenty-one years old, her noncitizen parent can apply for a U Visa as an “indirect victim” regardless of whether the principal alleged victim is a U.S. citizen or noncitizen. Id. at 13.

¹⁸ “Given the complexity of U Visa petitions, petitioners often work with a legal representative or victim advocate,” and, in fact, “is usually done with the assistance of an advocate.” Id. at 2, 5.

¹⁹ “Whether a certifying agency signs a certification . . . [depends on the] policies and procedures it has established regarding U Visa certification.” “U Visa Guide” at 3; 8 (discussing the best practices in U Visa certifications and department policies). “DHS encourages all jurisdictions to implement U Visa certification practices and policies.” Id. at 9.

²⁰ This is the U Visa form that must be completed by the individual seeking the U Visa. Id. at 2.

1 **26. USCIS Form I-918, Supplement B Forms**

2 All USCIS Forms I-918, Supplement B (Form I-918B) completed by a law
3 enforcement agency, the prosecuting attorney or representative, any judge, child or
4 adult protective services, any other authority that has the responsibility for the
5 investigation or prosecution of a qualifying crime or criminal activity, or any other
6 certifying agency as a result of this case,²¹ including any additional documents,
7 attachments, or addenda submitted with Form I-918B.²²

8 **27. Request for Form I-918B**

9 Information indicating whether an individual requested a certifying agency fill out
10 Form I-918B on behalf of the alleged victim or other qualifying individual, even if
11 the certifying agency declined to fill out Form I-918B.²³

12 **28. Refusal to Complete Form I-918B**

13 Information indicating whether a certifying agency has refused to sign or complete
14 Form I-918B on behalf of the alleged victim or other qualifying individual, and any
15 information regarding that certifying agency's refusal to sign or fill out Form I-918B.

16 ²¹ Form I-918B is the certification document that a law enforcement or other certifying
17 agency completes for the individual seeking a U Visa. Without the certification, "the victim will
18 not be eligible for a U Visa." "In order to be eligible for a U Visa, the victim *must* submit a law
19 enforcement certification completed by a certifying agency. Certifying agencies include all
20 authorities responsible for the investigation, prosecution, conviction or sentencing of the
21 qualifying criminal activity, including but not limited to" law enforcement agencies, prosecutors'
22 offices, judges, family protective services, Equal Employment Opportunity Commission, Federal
23 and State Departments of Labor and "other investigative agencies." Id. at 2-3 (emphasis added),
24 9. After signing Form I-918B, the certification must be returned to the alleged victim or her
25 representative. Id. at 6.

26 ²² A certifying agency may submit additional documentation, and if so, it must state "see
27 attachment" or "see addendum" on Form I-918B. Id. at 6.

28 ²³ There is no statute of limitations on signing the law enforcement certification, and a
law enforcement certification "can even be submitted for a victim in a closed case." Id. at 4, 10.
An alleged victim "may be eligible for a U Visa based on having been helpful *in the past* to
investigate or prosecute a crime." Id. at 10. Therefore, a certifying agency could wait until after
the close of the case to fill out Form I-918B and then argue that there is no discoverable
immigration information or immigration benefit received as part of this case. However, if an
individual has requested a certifying agency fill out Form I-918B, that individual is therefore
attempting to gain an immigration benefit as part of this case, which would be discoverable
regardless of whether the certifying agency has or has not completed the certification.

1 **29. Evidence submitted to USCIS**

2 Any evidence submitted to the USCIS as part of a U Visa application by a certifying
3 agency or the individual applying for the U Visa related to this case. This evidence
4 includes, but is not limited to, fingerprint and criminal history information,
5 immigration records, security concerns, and other background information.²⁴

6 **30. Contact from USCIS**

7 Information indicating whether the USCIS has contacted the certifying agency
8 regarding issues or questions based on the information provided in the certification on
9 behalf of the alleged victim or other qualifying individual, and what issues or
10 questions the USCIS had for the certifying agency.²⁵

11 **31. USCIS Determination**

12 Information indicating the USCIS found the alleged victim or other qualifying person
13 inadmissible and any information regarding the reason for the inadmissibility
14 determination.²⁶

15 **32. Further Information Disclosed to USCIS**

16 Information indicating whether the certifying agency has contacted the USCIS
17 regarding any later-discovered information regarding the alleged victim, the crime, or
18 certification that the agency believes the USCIS should be aware of, or whether the

19 ²⁴ The USCIS conducts a background check for all U Visa petitioners. This includes a
20 fingerprint check and name check. This also includes “[a]ny evidence that law enforcement and
21 immigration authorities possess . . . [which] includes, but is not limited to, the person’s criminal
22 history, immigration records, and other background information.” *Id.* at 5. “If law enforcement
23 believes USCIS should know something particular about a victim’s criminal history, that
24 information can be cited on the certification or with an attached report or statement detailing the
25 victim’s criminal history with that law enforcement agency or his or her involvement with the
26 crime.” *Id.* at 14.

27 ²⁵ “USCIS may contact the certifying law enforcement agency if there are any issues or
28 questions arise during the adjudication based on information provided in the law enforcement
29 certification.” *Id.* at 5, 9.

30 ²⁶ The USCIS may find the alleged victim or other qualifying person inadmissible when
31 there are security related concerns, multiple or violent criminal arrests, multiple immigration
32 violations, or complicity or culpability in the criminal activity in which she claims the
33 victimization occurred. *Id.* at 8, 14.

agency contacted the USCIS to withdraw or disavow the certification, including withdrawal or disavowal based upon the alleged victim's failure to cooperate.²⁷ If the agency has notified the USCIS in writing regarding the withdrawal or disavowal, a copy of the writing is requested.²⁸

33. Refusal to Cooperate

Information indicating whether the certifying agency has notified the USCIS that the alleged victim has unreasonably refused to cooperate in the investigation or prosecution of the crime.²⁹

34. USCIS Requests for Further Information

Information indicating whether the USCIS has requested further evidence from the petitioner or certifying agency as part of the U Visa process, as well as any information indicating the USCIS suspected fraud in the U Visa application.³⁰

35. Significant Public Benefit Parole

Information indicating whether any witness in the case has been granted Significant Public Benefit Parole (SPBP) in connection with this case.³¹

36. Violence Against Women Act (VAWA) Relief

Information indicating whether an alleged victim has self-petitioned for VAWA relief as a part of this case, and if so, a copy of the completed Form I-360 and corroborating evidence.³²

²⁷ Id. at 10.

²⁸ If the alleged victim stops cooperating, the certifying agency can withdraw or disavow Form I-918B, but must notify the USCIS Vermont Service Center in writing. Id. at 12.

²⁹ Id.

³⁰ "If USCIS suspects fraud in a U Visa petition, USCIS may request further evidence from the petitioner and may also reach out to the law enforcement agency for further information." Id. at 15. The USCIS has a dedicated fraud detection unit called the Fraud Detection and National Security unit. Id.

³¹ SPBP allows a witness, defendant, cooperating source, and immediate family members into the United States for up to one year. Id. at 16.

1 **37. Contacting Other Agencies**

2 Finally, the defendant requests that this Court order the prosecution to contact other
3 agencies or agents acting on behalf of or working with the prosecution, or in any
4 other way a part of the prosecution team, and initiated to ascertain whether any of
5 those agencies or agents possess or know of any material information that would tend
6 to exculpate Mr. Donko, impeach a prosecution witness, or mitigate Mr. Donko's
7 possible punishment.

8 **IX. Request for Timely Disclosure**

9 NRS 174.285(1) requires that any discovery request pursuant to NRS 174.235 be made
10 “within 30 days after arraignment or at such reasonable later time as the court may permit.”
11 NRS 174.285(2) mandates that “A party shall comply with a request made pursuant to NRS
12 174.235 . . . not less than 30 days before trial or at such reasonable later time as the court may
13 permit.” Accordingly, Mr. Donko requests that this Honorable Court enter an order directing
14 prosecutors to provide the discovery sought herein within a reasonable time in advance of trial so
15 as to enable counsel to effectively prepare. Further, Mr. Donko requests that this Honorable
16 Court order that prosecutors be precluded from admitting at trial any discovery or evidence not
17 timely produced. See NRS 174.295 (“If at any time during the course of the proceedings it is
18 brought to the attention of the court that a party has failed to comply with the provisions of NRS
19 174.235 to 174.295, inclusive, the court may order the party to permit the discovery or inspection
20 of materials not previously disclosed, grant a continuance, or *prohibit the party from introducing*
21 *in evidence the material not disclosed*, or it may enter such other order as it deems just under the
22 circumstances.”) (emphasis added).

26 ³² The VAWA Visa allows an alleged victim to self-petition for relief without a law
27 enforcement certification. This relief applies equally to men and women and is available to the
28 abused spouse or former spouse of a U.S. citizen or lawful permanent resident, the abused child
 of a U.S. citizen or lawful permanent resident, or the abused parent of a U.S. citizen.

1 **CONCLUSION**

2 Based on the foregoing, Mr. Donko, respectfully requests that this Honorable Court grant
3 the instant motion, and order the timely disclosure of the material sought herein. NRS 174.235;
4 Brady v. Maryland, 373 U.S. 83 (1963); U.S.C.A. V, VI, XIV; and Nev. Const. Art. 1 § 8.

5 DATED this 23rd day of January, 2020.

6 PHILIP J. KOHN
7 CLARK COUNTY PUBLIC DEFENDER

8
9 By: /s/Robson M. Hauser
10 ROBSON M. HAUSER, #13692
11 Deputy Public Defender
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the foregoing Motion on for hearing before the Court on the 3rd day of February, 2020 at 9:00 a.m.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

By: /s/Brett B. Spratt
An employee of the
Clark County Public Defender's Office



NOTC
DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ROBSON M. HAUSER, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 13692
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Robson.Hauser@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-19-345584-1
)	
v.)	DEPT. NO. XXV
)	
TED MICHAEL DONKO,)	
)	
Defendant,)	
_____)	

DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, TED MICHAEL DONKO, intends to call the following witness in his case in chief:

Ana Nellis - PD, Investigator

DATED this 3rd day of February, 2020.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser
ROBSON M. HAUSER, #13692
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing NOTICE was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountynyda.com on this ____ day of February, 2020.

By: /s/Robson M Hauser -PD

An employee of the
Clark County Public Defender's Office

Case Name: Ted Michael Donko

Case No.: C-19-345584-1

Dept. No.: District Court, Department XXV

Steven D. Grierson

ROC
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #11930
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-

TED MICHAEL DONKO,
#2668752
Defendant.

CASE NO: C-19-345584-I

DEPT NO: XXV

RECEIPT OF COPY

RECEIPT OF COPY of the following is hereby acknowledged this 3 day of

Feb, 2019.

1. Video Surveillance – 1 CD

ROBSON HAUSER
ATTORNEY FOR DEFENDANT

BY *Robson Hauser*
, Nevada

nc/GU



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930
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-

TED MICHAEL DONKO,
#2668752

Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

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

TO: TED MICHAEL DONKO, Defendant; and

TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:

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

<u>NAME</u>	<u>ADDRESS</u>
AGUILOS, J.	LVMPD P#15042
ALATORRE, D.	LVMPD P#17011
ALICASTRO, J.	LVMPD P#17765
ALVARADO, D.	LVMPD P#6065
ARTIS, B.	LVMPD P#13475
BEAL, C.	LVMPD P#14111
BEATTY, J.	LVMPD P#8642

1	BIANCO, N.	LVMPD P#15086
2	BOXLER, B.	LVMPD P#13376
3	BRIDGES, W.	LVMPD P#15219
4	BUENCAMINO, G.	LVMPD P#17862
5	CALLEN, D.	LVMPD P#6717
6	CASPER, J.	LVMPD P#10142
7	CASPER, M.	LVMPD P#6549
8	CENIZA, C.	LVMPD P#17869
9	CLOSE, J.	LVMPD P#14919
10	CORBETT, J.	LVMPD P#6410
11	CORTEZ, J.	LVMPD P#14895
12	CRUZ, R.	LVMPD P#15656
13	CUSTODIAN OF RECORDS	AUTOZONE
14	CUSTODIAN OF RECORDS	CCDC
15	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
16	CUSTODIAN OF RECORDS	LVMPD RECORDS
17	DIXON, RODNEY	C/O DISTRICT ATTORNEY'S OFFICE
18	DOTY, K.	LVMPD P#13358
19	ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
20	FENRICH, E.	LVMPD P#13145
21	FOX, J.	LVMPD P#17873
22	GADEA, B.	LVMPD P#14894
23	GODFREY, J.	LVMPD P#8555
24	GRAMMAS, K.	LVMPD P#7808
25	HANNING, M.	LVMPD P#13733
26	HAUSMAN, C.	LVMPD P#17927
27	HENNIG, A.	LVMPD P#17592
28	HERVIS, E.	LVMPD P#15819

1	IVIE, T.	LVMPD P#6405
2	JACKSON, B.	LVMPD P#9690
3	JACOBS, J.	LVMPD P#6068
4	JERSEY, C.	LVMPD P#15092
5	JIMENEZ, J.	LVMPD P#12882
6	JUNGE, H.	LVMPD P#17922
7	KEEN, J.	LVMPD P#14455
8	KOMMEL, BERNSTEIN, J.	LVMPD P#9045
9	KRUEGER, M.	LVMPD P#13512
10	LARA-MARQUEZ, A.	LVMPD P#15495
11	LNU, FNU	Owner and/or Occupant of 5675 Big Sea St.
12	LNU, GILBERT	C/O DISTRICT ATTORNEY'S OFFICE
13	LUNA, C.	LVMPD P#8257
14	MAGSAYSAY, M.	LVMPD P#14804
15	MARIN, J.	LVMPD P#15026
16	MILLER, EDGAR	C/O DISTRICT ATTORNEY'S OFFICE
17	MIRAMONTES, M.	LVMPD P#9813
18	MOORE, B.	LVMPD P#14318
19	MOSS, J.	LVMPD P#9212
20	MURPHY, S.	LVMPD P#9857
21	NORIEGA-PEREZ, V.	LVMPD P#16305
22	PATTERSON, M.	LVMPD P#8409
23	PERRY, S.	LVMPD P#6510
24	PORTER, H.	LVMPD P#14086
25	RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
26	RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
27	RANDY, K.	LVMPD P#6214
28	ROCHA, B.	LVMPD P#13510

1	SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE
2	SKELTON, MARY	C/O DISTRICT ATTORNEY'S OFFICE
3	SOWERS, S.	LVMPD P#15002
4	SPURLING, J.	LVMPD P#13647
5	STAFFORD, E.	LVMPD P#13642
6	STUART, J.	LVMPD P#6519
7	TRAIL, A.	LVMPD P#15093
8	VALDEZ, C.	LVMPD P#8456
9	VAN PAMEL, B.	LVMPD P#13657
10	WALFORD, B.	LVMPD P#15033
11	WOODS, DEANDRE	C/O DISTRICT ATTORNEY'S OFFICE

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

14 AOYAMA, KATHRYN – LVMPD P#8025 (or designee): LATENT PRINT
15 EXAMINER - Expert in the science and techniques of fingerprint comparison, and
16 comparisons done in this case and any reports prepared therefrom.

17 CHEN-HUNYH, STEPHANIE – LVMPD #16064 (or designee): CRIME SCENE
18 ANALYST II: Expert in the identification, documentation, collection and preservation of
19 evidence and is expected to testify as an expert to the identification, documentation, collection
20 and preservation of the evidence in this case.

21 GAUTHIER, KELLIE – LVMPD P#8691 (or designee): Expert in the field of DNA
22 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to
23 testify thereto.

24 GROVER, BRADLEY – LVMPD P#4934 (or designee): CRIME SCENE ANALYST:
25 Expert in the identification, documentation, collection and preservation of evidence and is
26 expected to testify as an expert to the identification, documentation, collection and
27 preservation of the evidence in this case.

28 //

1 MCNICKLE, DR. ALLISON - UNIVERSITY MEDICAL CENTER: Will testify as a
2 medical expert and to her observations, treatment, diagnosis and prognosis of the injuries
3 sustained by the victim(s) in this case.

4 MORRISON, MAELEEN – LVMPD #16191 (or designee): CRIME SCENE
5 ANALYST: Expert in the identification, documentation, collection and preservation of
6 evidence and is expected to testify as an expert to the identification, documentation, collection
7 and preservation of the evidence in this case.

8 RUBINO, ALLISON – LVMPD P#14784 (or designee): Expert in the field of DNA
9 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to
10 testify thereto.

11 STRUMILLO, JENNIFER – LVMPD #16067 (or designee): CRIME SCENE
12 ANALYST: Expert in the identification, documentation, collection and preservation of
13 evidence and is expected to testify as an expert to the identification, documentation, collection
14 and preservation of the evidence in this case.

15 WRIGHT, AMANDA - LVMPD P#9974 (or designee): FIREARMS/TOOLMARKS
16 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
17 expected to testify thereto, including, but not limited to, the forensic science underlying
18 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
19 microscopic comparison tools, technology, and findings, National Integrated Ballistic
20 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
21 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
22 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
23 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
24 homemade) examination, serial number restoration, and firearms modification or homemade
25 firearms examination).

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

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

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

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

7 BY /s/ NICOLE J. CANNIZZARO
8 NICOLE J. CANNIZZARO
9 Chief Deputy District Attorney
10 Nevada Bar #011930

11 CERTIFICATE OF ELECTRONIC MAIL

12 I hereby certify that service of the foregoing, was made this 5th day of February, 2020,
13 by Electronic Mail to:

14 PUBLIC DEFENDER'S OFFICE
15 E-mail Address: pdclerk@ClarkCountyNV.gov

16 /s/ Laura Mullinax
17 Secretary for the District Attorney's Office

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28 lm/GU



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930
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-

TED MICHAEL DONKO,
#2668752
Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

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

TO: TED MICHAEL DONKO, Defendant; and

TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:

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

<u>NAME</u>	<u>ADDRESS</u>
AGUILOS, J.	LVMPD P#15042
ALATORRE, D.	LVMPD P#17011
ALICASTRO, J.	LVMPD P#17765
ALL, CATHRYN M	5675 Big Sea St, LVN 89110-4955
ALL, RANDALL	5675 Big Sea St, LVN 89110-4955
ALVARADO, D.	LVMPD P#6065
ARTIS, B.	LVMPD P#13475

1	BEAL, C.	LVMPD P#14111
2	BEATTY, J.	LVMPD P#8642
3	BIANCO, N.	LVMPD P#15086
4	BOXLER, B.	LVMPD P#13376
5	BRIDGES, W.	LVMPD P#15219
6	BUENCAMINO, G.	LVMPD P#17862
7	CALLEN, D.	LVMPD P#6717
8	CASPER, J.	LVMPD P#10142
9	CASPER, M.	LVMPD P#6549
10	CENIZA, C.	LVMPD P#17869
11	CLOSE, J.	LVMPD P#14919
12	CORBETT, J.	LVMPD P#6410
13	CORTEZ, J.	LVMPD P#14895
14	CRUZ, R.	LVMPD P#15656
15	CUSTODIAN OF RECORDS	AUTOZONE
16	CUSTODIAN OF RECORDS	CCDC
17	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
18	CUSTODIAN OF RECORDS	LVMPD RECORDS
19	DANNENBERGER, KIMBERLY	LVMPD P#13772
20	DIXON, RODNEY	C/O DISTRICT ATTORNEY'S OFFICE
21	DOTY, K.	LVMPD P#13358
22	ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
23	FENRICH, E.	LVMPD P#13145
24	FOX, J.	LVMPD P#17873
25	GADEA, B.	LVMPD P#14894
26	GODFREY, J.	LVMPD P#8555
27	GRAMMAS, K.	LVMPD P#7808
28	HANNING, M.	LVMPD P#13733

1	HAUSMAN, C.	LVMPD P#17927
2	HENNIG, A.	LVMPD P#17592
3	HERVIS, E.	LVMPD P#15819
4	IVIE, T.	LVMPD P#6405
5	JACKSON, B.	LVMPD P#9690
6	JACOBS, J.	LVMPD P#6068
7	JERSEY, C.	LVMPD P#15092
8	JIMENEZ, J.	LVMPD P#12882
9	JUNGE, H.	LVMPD P#17922
10	KEEN, J.	LVMPD P#14455
11	KOMMEL, BERNSTEIN, J.	LVMPD P#9045
12	KRUEGER, M.	LVMPD P#13512
13	LARA-MARQUEZ, A.	LVMPD P#15495
14	LNU, FNU	Owner and/or Occupant of 5675 Big Sea St.
15	LNU, GILBERT	C/O DISTRICT ATTORNEY'S OFFICE
16	LUNA, C.	LVMPD P#8257
17	MAGSAYSAY, M.	LVMPD P#14804
18	MARIN, J.	LVMPD P#15026
19	MILLER, EDGAR	C/O DISTRICT ATTORNEY'S OFFICE
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21	MOORE, B.	LVMPD P#14318
22	MOSS, J.	LVMPD P#9212
23	MURPHY, S.	LVMPD P#9857
24	NORIEGA-PEREZ, V.	LVMPD P#16305
25	PATTERSON, M.	LVMPD P#8409
26	PERRY, S.	LVMPD P#6510
27	PORTER, H.	LVMPD P#14086
28	RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR

RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
RANDY, K.	LVMPD P#6214
ROCHA, B.	LVMPD P#13510
SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE
SKELTON, MARY	C/O DISTRICT ATTORNEY'S OFFICE
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STAFFORD, E.	LVMPD P#13642
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VALDEZ, C.	LVMPD P#8456
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WOODS, DEANDRE	C/O DISTRICT ATTORNEY'S OFFICE

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CHEN-HUNYH, STEPHANIE – LVMPD #16064 (or designee): CRIME SCENE ANALYST II: Expert in the identification, documentation, collection and preservation of evidence and is expected to testify as an expert to the identification, documentation, collection and preservation of the evidence in this case.

GAUTHIER, KELLIE – LVMPD P#8691 (or designee): Expert in the field of DNA extractions, comparisons, analysis, and the identification of bodily fluids and is expected to testify thereto.

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**PLEADING
CONTINUES
IN NEXT
VOLUME**