

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

2
3 **No. 85782**

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Elizabeth A. Brown
Clerk of Supreme Court

4 **JUSTIN D. PORTER**

5
6 Appellant,

7 v.

8 **THE STATE OF NEVADA**

9 Respondent.

10
11 Appeal from a Judgment of Conviction
12 Eighth Judicial District Court, Clark County
13 The Honorable Jacqueline Bluth, District Court Judge
14 District Court Case No. 01C174954

15 **APPELLANT’S APPENDIX**
16 **VOLUME IV**

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1 JUROR NO. 253: Thirty-seven.

2 MS. KOLLINS: Twenty-seven.

3 JUROR NO. 253: Okay.

4 MS. KOLLINS: What year were you on the --

5 JUROR NO. 253: Let's see. 2018. We finished
6 January of '19.

7 MS. KOLLINS: In my tenure, I can tell you that.

8 JUROR NO. 253: Yeah, I think you -- I might have
9 seen you in there, but I just can't remember. It's been -- we
10 saw so many.

11 MS. KOLLINS: Right. And you would have listened to
12 cases with similar charges --

13 JUROR NO. 253: Oh, absolutely.

14 MS. KOLLINS: Okay. And were you able to resolve
15 those cases fairly, even though the background that you have,
16 what happened to your brother and your daughters?

17 JUROR NO. 253: I was. You know, we have to bring
18 down a true bill and they're not created unless you can all
19 agree if this person should be indicted. So, yes, it didn't
20 happen if we all didn't agree to it, so --

21 MS. KOLLINS: No. But I guess what I'm asking you
22 is, you know, you kind of expressed a little while ago that
23 this case could stir up some emotions --

24 JUROR NO. 253: Right.

1 MS. KOLLINS: -- based on what's happened in your
2 family.

3 JUROR NO. 253: Right.

4 MS. KOLLINS: And -- and I'm just saying, did that
5 happen at -- every time you had to hear one of these cases in
6 the grand jury? Because that's just so much secondary trauma.
7 I'm sorry for you.

8 JUROR NO. 253: It did. But I still based on what
9 was presented to me to make my verdict, to make my decision.
10 So I think I can do it totally on what I seeing and hearing,
11 is what I'm saying. So --

12 MS. KOLLINS: Okay. And the situation with your
13 daughters, was that something that happened, like, you know,
14 at a friend's house or at a camp or was it inside the family
15 or --

16 JUROR NO. 253: My oldest daughter, she was 19 when
17 it happened to her. And it happened on a date. And my
18 youngest daughter was at a home of someone. And an older
19 person in the home is the one that abused her. So --

20 MS. KOLLINS: Was she younger?

21 JUROR NO. 253: She was 15.

22 MS. KOLLINS: Okay.

23 JUROR NO. 253: So, yeah.

24 MS. KOLLINS: And all that happened in Clark County?

1 JUROR NO. 253: Yes. Yes.

2 MS. KOLLINS: Obviously, because no one as

3 ultimately held responsible, that's tough; right?

4 JUROR NO. 253: Yes.

5 MS. KOLLINS: Are you -- you know that this case and

6 the prosecutors that are in here had nothing to do with that

7 case --

8 JUROR NO. 253: Oh --

9 MS. KOLLINS: -- your cases not resolving.

10 JUROR NO. 253: Oh, no. No. I -- I -- no. I know

11 you aren't.

12 MS. KOLLINS: And this case is old. You've heard me

13 say that --

14 JUROR NO. 253: Mm-hmm.

15 MS. KOLLINS: -- a thousand times today. Does that

16 cause you any anxiety at all, that it's old?

17 JUROR NO. 253: Oh, no. I know.

18 MS. KOLLINS: That some of the people might not be

19 here live --

20 JUROR NO. 253: Mm-hmm.

21 MS. KOLLINS: -- to speak to you?

22 JUROR NO. 253: I understand that.

23 MS. KOLLINS: Okay. Great. Thank you very much.

24 JUROR NO. 253: You're welcome.

1 MS. KOLLINS: Let's see. [JUROR NO. 210] in --
2 juror 210, in seat 11.

3 JUROR NO. 210: Yes.

4 MS. KOLLINS: How are you?

5 JUROR NO. 210: All right.

6 MS. KOLLINS: You thought you almost made it, didn't
7 you, sitting back there?

8 JUROR NO. 210: It happened.

9 MS. KOLLINS: Okay. Does it cause you any
10 heartburn, for lack of a better word, that we're in an adult
11 court and the crimes for which Mr. Porter is accused were
12 committed when he was 17?

13 JUROR NO. 210: No, not a problem.

14 MS. KOLLINS: Okay.

15 JUROR NO. 210: Base it on the facts.

16 MS. KOLLINS: And what about the notion that this
17 case is getting a little dusty? You okay with that?

18 JUROR NO. 210: Yes, there was a crime, it needs to
19 be -- justice needs to happen.

20 MS. KOLLINS: Okay. And you may never know why it
21 took so long to get here. Is that okay?

22 JUROR NO. 210: That's okay.

23 MS. KOLLINS: All right. Thank you very much.

24 (Indiscernible) down here. [JUROR NO. 216], juror 216,

1 seat 23.

2 How are you?

3 JUROR NO. 216: Good.

4 MS. KOLLINS: Good. And kind of the same line of
5 questions. Does it cause you any anxiety or heartburn that
6 we're in an adult courtroom and Mr. Porter was 17 when he was
7 charged with these crimes?

8 JUROR NO. 216: No.

9 MS. KOLLINS: Okay. What about the notion that the
10 case is old?

11 JUROR NO. 216: No.

12 MS. KOLLINS: No. Do you agree with me that the
13 truth never changes?

14 JUROR NO. 216: Yes.

15 MS. KOLLINS: Okay. Anything that would cause you
16 distraction over the next few weeks from your service?

17 JUROR NO. 216: No. The end of the month, we're
18 flying to Pasco, Washington, to see grandchildren, but -- on
19 the 30th, but I'm assuming we'll be done by then.

20 MS. KOLLINS: That sounds lovely. And I am hoping
21 we are done by then. We should be.

22 JUROR NO. 216: Okay.

23 MS. KOLLINS: Thank you. If you could just pass
24 that one to your right.

1 Is it [JUROR NO. 212]?

2 JUROR NO. 212: [JUROR NO. 212].

3 MS. KOLLINS: [JUROR NO. 212].

4 JUROR NO. 212: Yes.

5 MS. KOLLINS: Juror 212. How are you?

6 JUROR NO. 212: Good, yourself?

7 MS. KOLLINS: Good. Thank you. You heard all the
8 stuff we were talking about --

9 JUROR NO. 212: Yes.

10 MS. KOLLINS: -- today. I don't want to keep you
11 super long because we're kind of getting to the --

12 JUROR NO. 212: Okay.

13 MS. KOLLINS: -- bewitching hour here, okay? What
14 do you think about the notion that we're in adult court but
15 Mr. Porter was 17 when he did -- when he was charged with
16 committing these crimes.

17 JUROR NO. 212: That's not a problem.

18 MS. KOLLINS: Okay. And you heard me talk about all
19 the different kinds of evidence, including testimony; right?

20 JUROR NO. 212: Yes.

21 MS. KOLLINS: And are you comfortable with that some
22 of the people that you will hear from, you'll be hearing from
23 their transcripts and they're no longer with us?

24 JUROR NO. 212: Yes.

1 MS. KOLLINS: Okay. Anything that would distract
2 you of -- from your service for the next few weeks?

3 JUROR NO. 212: Yes, because I'm not -- in a
4 professional situation where I have to be in California and in
5 Las Vegas, back and forth, and that can create a conflict
6 for -- for me, professionally speaking. And I'm afraid that
7 it's hard for me to focus if -- if I'm having problem with --
8 with my job. Not on a financially [sic] standpoint. Not on a
9 financial standpoint but on a purely professional standpoint.

10 MS. KOLLINS: Okay. And when are you scheduled to
11 be in California?

12 JUROR NO. 212: Well, I -- I don't know yet. But
13 soon because I have to oversee the construction of a project
14 that is gonna start some time this month.

15 MS. KOLLINS: Okay. And you don't know if that's
16 the end of the month or --

17 JUROR NO. 212: No, I do not at the moment.

18 MS. KOLLINS: Okay. And when will you know that?

19 JUROR NO. 212: It can be any day.

20 MS. KOLLINS: Okay. May we approach?

21 THE COURT: Uh-huh.

22 [BENCH CONFERENCE BEGIN]

23 MS. KOLLINS: It's the one that said he wanted -- he
24 was gonna be transferred before.

1 THE COURT: Yeah.

2 MS. KOLLINS: And I don't really understand -- he

3 said --

4 THE COURT: (Indiscernible) date to which he said --

5 MS. KOLLINS: I know.

6 THE COURT: -- do you know what I mean? So he can

7 stay.

8 MS. KOLLINS: All right. I'm just gonna pass him

9 for cause.

10 MR. GOODWIN: Could be -- if you ask him, it could

11 be California's permitting system. See if they're waiting on

12 permits.

13 THE COURT: What?

14 MR. GOODWIN: It could be California's permitting

15 system. I know that they're a joke out there with their --

16 THE COURT: I don't know what it is.

17 MR. GOODWIN: -- permits.

18 THE COURT: I just know that he was (indiscernible)

19 so I'm not worried.

20 MR. GOODWIN: Okay.

21 MR. GILL: Okay.

22 MS. KOLLINS: All right.

23 THE COURT: Thank you.

24 MS. KOLLINS: Thanks.

1 [BENCH CONFERENCE END]

2 MS. KOLLINS: State would pass for cause,
3 Your Honor. Thank you.

4 THE COURT: Mr. Gill or Mr. Goodwin, whenever you're
5 ready.

6 MR. GILL: Thank you, Your Honor.

7 MR. GOODWIN: Thank you, Your Honor.

8 THE COURT: Of course.

9 MR. GOODWIN: I had it and then I moved my papers
10 around.

11 VOIR DIRE EXAMINATION BY DEFENSE

12 MR. GOODWIN: [JUROR NO. 253] -- sorry. Trust me,
13 we're not picking on you. So you've heard a lot of your
14 conversation about that and I think you mentioned a little
15 bit. When you start hearing a lot of the things, can you
16 separate the emotions that you might be feeling in relation to
17 this and -- and -- and the case for Mr. Porter, or Justin's
18 case? Do you feel like you'd be able to separate that?
19 Because you weren't -- didn't sound 100 percent sure about
20 that.

21 JUROR NO. 253: I'm not. Probably till I actually
22 have it presented. But I did have similar things presented
23 during grand jury duty that were not difficult for me to make,
24 you know, car -- you know, what do you call it? --

1 compartmentalize?

2 MR. GOODWIN: Sure. Or put aside --

3 JUROR NO. 253: Yeah. But --

4 MR. GOODWIN: -- whatever you want to say.

5 JUROR NO. 253: -- put aside, whatever it is, yes.

6 MR. GOODWIN: Okay.

7 JUROR NO. 253: I -- I didn't have problems then, so
8 I think I would be just fine.

9 MR. GOODWIN: Okay. So when you were on the grand
10 jury, you heard similar cases that would, if you felt would
11 have influenced, would have hit you already.

12 JUROR NO. 253: Right. Correct. Yes. But --

13 MR. GOODWIN: Okay. And you were able to --

14 JUROR NO. 253: Yes. I was able to -- to do my job.

15 MR. GOODWIN: Okay. Brief Court's indulgence,
16 Your Honor.

17 Pass for cause, Your Honor.

18 THE COURT: Okay. Thank you.

19 All right. So, ladies and gentlemen, at this point in
20 time, if you remember for some of you yesterday and for those
21 of you that joined us for the first time today, I talked about
22 how each side has what's referred to as "preemptory
23 challenges." So that means that each side -- you'll see a
24 white piece of paper going back and forth. Each side is going

1 to be able to strike ten of you. So 20 in total. The
2 individuals that they do not strike are the 16 jurors that are
3 left.

4 So it's important that you remain in your seats because
5 there's kind of strategy in regards to where you're sitting.
6 So it's important to be able to see your face in the seat that
7 you're in. But feel free to talk quietly amongst yourselves
8 or you can pull out your cell phone if you want. Just make
9 sure it's on silent. Because this often takes a little bit
10 because, like I said, they have to each pick or kick ten of
11 you. So just be patient during this.

12 And then after they're done with that, we'll have our
13 jury and we'll excuse you for the evening, okay?

14 And we can go on court pause, if you'd like.

15 [RECESS AT 4:20 P.M.; PROCEEDINGS RESUMED AT
16 4:39 P.M.]

17 THE COURT: All right. If you hear your name,
18 please stand. [JUROR NO. 211], 211; [JUROR NO. 503], 503;
19 [JUROR NO. 060], 060; [JUROR NO. 205], 205; [JUROR NO. 248],
20 248; [JUROR NO. 517], 517; [JUROR NO. 178], 178; [JUROR
21 NO. 081], 081; [JUROR NO. 212], 212; [JUROR NO. 216], 216;
22 572, [JUROR NO. 572]; 584, [JUROR NO. 584]; 253, [JUROR
23 NO. 253]; 447, [JUROR NO. 447]; 116, [JUROR NO. 116]; 647,
24 [JUROR NO. 647]; [JUROR NO. 054], 54, [JUROR NO. 054]; 483,

1 [JUROR NO. 483]; 128, [JUROR NO. 128]; and 145, [JUROR
2 NO. 145].

3 If you are standing, please move to the back of the room.
4 Even those of you that are in the back of the room, still move
5 to the back of the -- further back of the room.

6 So all of you to my right and then [JUROR NO. 486] and
7 [JUROR NO. 490], you are my jurors. So if you 16 could stay
8 for a second. Those of you that are -- everyone else, thank
9 you so much for being here, you are excused from jury duty.

10 [JUROR NO. 506]?

11 JUROR NO. 506: Yes.

12 THE COURT: Would you scoot to seat number 2 for me
13 and [JUROR NO. 221], would you follow?

14 JUROR NO. 221: Right?

15 THE COURT: Yeah.

16 JUROR NO. 221: Okay.

17 THE COURT: And then [JUROR NO. 245]?

18 JUROR NO. 245: Yes.

19 THE COURT: Would you go back there and go in
20 seat 5. And it might be easier for [JUROR NO. 210] and [JUROR
21 NO. 190], you'll be in 5 and 6. So if you want to just go in
22 there and then [JUROR NO. 245] can go into seat 4.

23 Yeah, let's let him through first. Thank you.

24 And then [JUROR NO. 190] is already there. [JUROR

1 NO. 030], would you go in the seat directly behind you?

2 [JUROR NO. 296], directly behind you. [JUROR NO. 538]

3 directly behind you. [JUROR NO. 306] directly behind you.

4 [JUROR NO. 548] directly behind you.

5 Then, [JUROR NO. 343], would you go in the seat directly
6 behind you? [JUROR NO. 185], directly behind you. Followed
7 by [JUROR NO. 558], [JUROR NO. 486], and [JUROR NO. 490].

8 UNIDENTIFIED: (Indiscernible) is number 12; right?

9 THE COURT: Yes. Yep, sorry. I said directly
10 behind her. I can (indiscernible) my fault. And then the
11 four of you can kind of spread out, if you want. You don't
12 have to sit, like, right next to each other. If you want to
13 sit every other, however it works, is fine.

14 All right. So I know that this will come as a shock to
15 you, but that jury selection process actually went a lot
16 faster than it normally does. Normally it takes us three --
17 about three days to do these types of trials; sometimes it
18 takes five, on murders. So the fact that they got it done in
19 two is actually a lot quicker than we normally do.

20 So because of that, we won't be having court tomorrow
21 because opening statements and witnesses will not be here
22 until Tuesday, since it's a three-day weekend. So we won't --
23 we will be in recess or we -- we call it in the court system
24 we're "dark." The Court is dark tomorrow.

1 So when we come back on Tuesday -- because Monday's a
2 holiday, so we have that three-day weekend. When we come
3 back, we'll come back at 1:00 o'clock. And we -- I will read
4 you the Court instructions so you know, you know, everything
5 that's going forward from this point on in the process.

6 And then after my opening instructions, the parties will
7 give their opening statements, if they choose to do so, and
8 then we will roll right into witnesses, okay?

9 So I have to give that admonition that I've been reading
10 to you guys every time we leave the courtroom. The law says
11 that I have to do it. I know that by the end of it, you may
12 have it memorized. But I do have to make sure that I admonish
13 you in the proper way legally.

14 So I'll see you on Tuesday at 1:00 o'clock. On days
15 where we come in -- any time where we come, like, at 11:00,
16 11:30 or after, we don't take an hour lunch break because that
17 just eats up the entire afternoon. So on Tuesday, we won't
18 have a -- a lunch break. On Wednesday I think -- I -- I'll
19 let you know on Tuesday. I think on Wednesday we maybe have
20 one. So come full-on Tuesday. And then, of course, you'll
21 have your afternoon recesses for drinks or snacks or anything
22 like that; all right?

23 During this recess, please remember to not discuss or
24 communicate with anyone, including fellow jurors, in any way

1 regard the case or its merits either by voice, phone, e-mail,
2 text, internet, or other means of communication or social
3 media. Please do not read, watch, or listen to any news,
4 media accounts, or comments about the case; do any research,
5 such as consulting dictionaries, using the internet, or using
6 reference materials.

7 Please do not make any investigation, test a theory of
8 the case, recreate any aspect of the case, or in any other way
9 attempt to learn or investigate the case on your own. And
10 please do not form or express any opinion regarding this
11 matter until it's formally submitted to you.

12 And please, please, please do not go on the internet and
13 research any of the names that have to do with this case.
14 It's really difficult when jurors do that because we start
15 this whole process over.

16 So thank you so much for your attention, your willingness
17 to serve. We will see you on Tuesday at 1:00 o'clock. Have a
18 nice three-day weekend.

19 THE MARSHAL: All rise. And if I could just see the
20 jurors for five minutes outside. I'll just go over some basic
21 (indiscernible).

22 [OUTSIDE THE PRESENCE OF THE JURY]

23 THE COURT: All right, guys. So just remind me to
24 swear them in on Monday. Or on Tuesday. I don't -- I never

1 swear them in over a long weekend 'cause you never know what
2 happens. And I think that's it.

3 So Tuesday, the instructions -- they take me 20 minutes
4 to read. The opening instructions, they take me 20 minutes.
5 So just be prepared for opening and witnesses for the rest of
6 the afternoon.

7 MR. GILL: Thank you.

8 THE COURT: All right. Thanks, guys.

9 MR. GILL: And it's 1:00, Tuesday? 1:00 o'clock?

10 THE COURT: Yeah, 1:00 o'clock Tuesday.

11 MR. GILL: Thanks.

12 MS. KOLLINS: And do you have a calendar on Tuesday?

13 THE COURT: Yeah. I have a calendar until about
14 11:30 and then I have an executive meeting 12:00 to 1:00. But
15 I'll leave a couple minutes early.

16 MS. KOLLINS: So we had a -- a bunch of exhibits
17 brought up from Justice Court. So maybe --

18 THE COURT: When do you want them, Chris?

19 THE CLERK: I have the exhibits from Justice Court
20 already here.

21 MS. KOLLINS: Right. So maybe Tuesday I can come a
22 little early and look at them or --

23 THE COURT: Do you -- do you want her to come when I
24 go to executive? When do you want her to come?

1 THE CLERK: What time do you go?

2 THE COURT: I go to executive from 12:00 to 1:00.

3 Or do you want to do it -- that before calendar?

4 THE CLERK: It's up to you. I'll be open. I'm here
5 at 7:00. Of course we start at 9:30. So if you want to come
6 at 8:00 or -- I don't know how long it's gonna take you.
7 8:30-ish. Or I can -- okay.

8 MS. KOLLINS: (Indiscernible) I have court and
9 stuff.

10 THE CLERK: I figured, but I just threw it open.

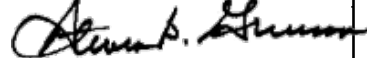
11 MS. KOLLINS: Thank you.

12 [Hearing concluding at 4:43 p.m.]

13 *****

14
15 ATTEST: I do hereby certify that I have truly and
16 correctly transcribed the audio/video proceedings in the
above-entitled case to the best of my ability.

17
18 
19 ALLISON SWANSON, CSR NO. 13377
20 CERTIFIED SHORTHAND REPORTER
21 FOR THE STATE OF CALIFORNIA
22
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8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 JUSTIN D. PORTER, aka,
14 Jug Capri Porter, #1682627
15 Defendant.

CASE NO. C174954

DEPT NO. VI

FOURTH AMENDED
INFORMATION

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss:

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

20 That JUSTIN D. PORTER, aka, Jug Capri Porter, the Defendant above named, having
21 committed the crimes of **BURGLARY WHILE IN POSSESSION OF A DEADLY**
22 **WEAPON (Felony - NRS 205.060, 193.165), FIRST DEGREE KIDNAPPING WITH**
23 **USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320, 193.165), SEXUAL**
24 **ASSAULT WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366,**
25 **193.165), ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS 200.380,**
26 **193.165), FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON**
27 **WITH SUBSTANTIAL BODILY HARM (Felony - NRS 200.310, 200.320, 193.165),**
28 **SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON WITH SUBSTANTIAL**

1 **BODILY HARM (Felony - NRS 200.364, 200.366, 193.165), ATTEMPT MURDER**
2 **WITH USE OF A DEADLY WEAPON (Felony - NRS 200.010, 200.030, 193.330,**
3 **193.165), FIRST DEGREE ARSON (Felony - NRS 205.010), SEXUAL ASSAULT**
4 **WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS OF AGE OR OLDER**
5 **(Felony - NRS 200.364, 200.366, 193.165, 193.167), ROBBERY WITH USE OF A**
6 **DEADLY WEAPON, VICTIM 65 YEARS OF AGE OR OLDER (Felony - NRS 200.380,**
7 **193.165, 193.167), ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON**
8 **(Felony - NRS 200.380, 193.165, 193.330), and BATTERY WITH USE OF A DEADLY**
9 **WEAPON (Felony - NRS 200.481), on or between February 1, 2000 and June 9, 2000, within**
10 **the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such**
11 **cases made and provided, and against the peace and dignity of the State of Nevada,**

12 **COUNT I -BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON**

13 did, on or about February 1, 2000, then and there wilfully, unlawfully, and feloniously
14 enter, while in possession of a deadly weapon, to wit: a knife, with intent to commit larceny,
15 and/or a felony, to wit: sexual assault and/or robbery and/or any other felony, that certain
16 building occupied by TERESA TYLER, located at 2895 East Charleston Boulevard,
17 Apartment No. 1016 therein, Las Vegas, Clark County, Nevada.

18 **COUNT II - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON**

19 did, on or about February 1, 2000, wilfully, unlawfully, feloniously, and without
20 authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away
21 TERESA TYLER, a human being, with the intent to hold or detain the said TERESA TYLER,
22 against her will, and without her consent, for the purpose of committing robbery and/or sexual
23 assault, said Defendant using a deadly weapon, to wit: a knife, during the commission of said
24 crime.

25 **COUNT III - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON**

26 did, on or about February 1, 2000, then and there wilfully, unlawfully, and feloniously
27 sexually assault and subject TERESA TYLER, a female person, to sexual penetration, to-wit:
28 sexual intercourse, by inserting his penis into the vagina of the said TERESA TYLER, against

1 her will, said Defendant using a deadly weapon, to wit: a knife, during the commission of said
2 crime.

3 COUNT IV - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

4 did, on or about February 1, 2000, then and there wilfully, unlawfully, and feloniously
5 sexually assault and subject TERESA TYLER, a female person, to sexual penetration, to-wit:
6 sexual intercourse, by inserting his penis into the vagina of the said TERESA TYLER, against
7 her will, said Defendant using a deadly weapon, to wit: a knife, during the commission of said
8 crime.

9 COUNT V - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

10 did, on or about February 1, 2000, then and there wilfully, unlawfully, and feloniously
11 sexually assault and subject TERESA TYLER, a female person, to sexual penetration, to-wit:
12 fellatio, by placing his penis in or on the mouth of the said TERESA TYLER, against her will,
13 said Defendant using a deadly weapon, to wit: a knife, during the commission of said crime.

14 COUNT VI - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

15 did, on or about February 1, 2000, then and there wilfully, unlawfully, and feloniously
16 sexually assault and subject TERESA TYLER, a female person, to sexual penetration, to-wit:
17 fellatio, by placing his penis in or on the mouth of the said TERESA TYLER, against her will,
18 said Defendant using a deadly weapon, to wit: a knife, during the commission of said crime.

19 COUNT VII - ROBBERY WITH USE OF A DEADLY WEAPON

20 did, on or about February 1, 2000, then and there wilfully, unlawfully, and feloniously
21 take personal property, to wit: lawful money of the United States, from the person of TERESA
22 TYLER, or in her presence, by means of force or violence or fear of injury to, and without the
23 consent and against the will of the said TERESA TYLER, said Defendant using a deadly
24 weapon, to wit: a knife, during the commission of said crime.

25 COUNT VIII -BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

26 did, on or about March 7, 2000, then and there wilfully, unlawfully, and feloniously
27 enter, while in possession of a deadly weapon, to wit: scissors and/or a knife, with intent to
28 commit larceny, and/or a felony, to wit: sexual assault and/or robbery and/or any other felony,

1 that certain building occupied by LEONA CASE, located at 2900 East Charleston Boulevard,
2 Apartment No. 50 therein, Las Vegas, Clark County, Nevada.

3 COUNT VIX - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
4 WITH SUBSTANTIAL BODILY HARM

5 did, on or about March 7, 2000, wilfully, unlawfully, feloniously, and without authority
6 of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away LEONA
7 CASE, a human being, with the intent to hold or detain the said LEONA CASE, against her
8 will, and without her consent, for the purpose of committing robbery and/or sexual assault,
9 said Defendant using a deadly weapon, to wit: a knife, during the commission of said crime,
10 resulting in substantial bodily harm to the said LEONA CASE.

11 COUNT X - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON WITH
12 SUBSTANTIAL BODILY HARM

13 did, on or about March 7, 2000, then and there wilfully, unlawfully, and feloniously
14 sexually assault and subject LEONA CASE, a female person, to sexual penetration, to-wit:
15 sexual intercourse, by inserting his penis into the vagina of the said LEONA CASE, against
16 her will, said Defendant using a deadly weapon, to wit: a knife, during the commission of said
17 crime, resulting in substantial bodily harm to the said LEONA CASE.

18 COUNT XI - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

19 did, on or about March 7, 2000, then and there, without authority of law, and with
20 premeditation and deliberation, and with malice aforethought, wilfully and feloniously
21 attempt to kill LEONA CASE, a human being, by stabbing at or into the body of the said
22 LEONA CASE with a deadly weapon, to wit: a knife, and by choking the said LEONA CASE
23 around the neck with a phone cord, and/or by the Defendant thereafter locking LEONA CASE
24 in her bathroom and setting her apartment on fire, said Defendant using a deadly weapon, to
25 wit: knife, during the commission of said crime.

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1 COUNT XII- SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON WITH
2 SUBSTANTIAL BODILY HARM

3 did, on or about March 7, 2000, then and there wilfully, unlawfully, and feloniously
4 sexually assault and subject LEONA CASE, a female person, to sexual penetration, to-wit:
5 sexual intercourse, by inserting his penis into the vagina of the said LEONA CASE, against
6 her will, said Defendant using a deadly weapon, to wit: a knife, during the commission of said
7 crime, resulting in substantial bodily harm to the said LEONA CASE.

8 COUNT XIII - ROBBERY WITH USE OF A DEADLY WEAPON

9 did, on or about March 7, 2000, then and there wilfully, unlawfully, and feloniously
10 take personal property, to wit: lawful money of the United States and/or jewelry and/or food
11 stamps, from the person of LEONA CASE, or in her presence, by means of force or violence
12 or fear of injury to, and without the consent and against the will of the said LEONA CASE,
13 said Defendant using a deadly weapon, to wit: a knife, during the commission of said crime.

14 COUNT XIV - FIRST DEGREE ARSON

15 did, on or about March 7, 2000, then and there willfully, unlawfully, maliciously and
16 feloniously set fire to, and thereby cause to be burned, a certain apartment, located at 2900
17 East Charleston Boulevard, Apartment No. 50 therein, Las Vegas, Clark County, Nevada, said
18 property being then and there the property of LEONA CASE, by use of open flame and
19 flammable and/or combustible materials, and/or by manner or means unknown.

20 COUNT XV -BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

21 did, on or about March 25, 2000, then and there wilfully, unlawfully, and feloniously
22 enter, while in possession of a deadly weapon, to wit: a knife, with intent to commit larceny,
23 and/or a felony, to wit: sexual assault and/or robbery and/or any other felony, that certain
24 building occupied by RAMONA LEYVA, located at 600 East Bonanza Avenue, Apartment
25 No. 114 therein, Las Vegas, Clark County, Nevada.

26 COUNT XVI - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

27 did, on or about March 25, 2000, wilfully, unlawfully, feloniously, and without
28 authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away

1 RAMONA LEYVA, a human being, with the intent to hold or detain the said RAMONA
2 LEYVA, against her will, and without her consent, for the purpose of committing robbery
3 and/or sexual assault, said Defendant using a deadly weapon, to wit: a knife, during the
4 commission of said crime.

5 COUNT XVII - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

6 did, on or about March 25, 2000, then and there wilfully, unlawfully, and feloniously
7 sexually assault and subject RAMONA LEYVA, a female person, to sexual penetration, to-
8 wit: sexual intercourse, by inserting his penis into the vagina of the said RAMONA LEYVA,
9 against her will, said Defendant using a deadly weapon, to wit: a knife, during the commission
10 of said crime.

11 COUNT XVIII - ROBBERY WITH USE OF A DEADLY WEAPON

12 did, on or about March 25, 2000, then and there wilfully, unlawfully, and feloniously
13 take personal property, to wit: car keys and/or a 1980 Buick, bearing Nevada license no. 657
14 KMC, from the person of RAMONA LEYVA, or in her presence, by means of force or
15 violence or fear of injury to, and without the consent and against the will of the said RAMONA
16 LEYVA, said Defendant using a deadly weapon, to wit: a knife, during the commission of
17 said crime.

18 COUNT XIX -BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

19 did, on or about April 4, 2000, then and there wilfully, unlawfully, and feloniously
20 enter, while in possession of a deadly weapon, to wit: a knife, with intent to commit larceny,
21 and/or a felony, to wit: sexual assault and/or robbery and/or any other felony, that certain
22 building occupied by MARLENE LIVINGSTON, located at 2301 Clifford, Las Vegas, Clark
23 County, Nevada.

24 COUNT XX - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON, VICTIM 65
25 YEARS OF AGE OR OLDER

26 did, on or about April 4, 2000, then and there wilfully, unlawfully, and feloniously
27 sexually assault and subject MARLENE LIVINGSTON, a female person being 65 years of
28 age or older, to sexual penetration, to-wit: fellatio, by placing his penis in or on the mouth of

1 the said MARLENE LIVINGSTON, against her will, said Defendant using a deadly weapon,
2 to wit: a knife, during the commission of said crime.

3 COUNT XXI - ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS OF
4 AGE OR OLDER

5 did, on or about April 4, 2000, then and there wilfully, unlawfully, and feloniously take
6 personal property, to wit: lawful money of the United States and/or jewelry and/or car keys
7 and/or a 1991 Dodge, bearing Nevada license no. 728 ENB, from the person of MARLENE
8 LIVINGSTON, a person 65 years of age or older, or in her presence, by means of force or
9 violence or fear of injury to, and without the consent and against the will of the said
10 MARLENE LIVINGSTON, said Defendant using a deadly weapon, to wit: a knife, during
11 the commission of said crime.

12 COUNT XXII -BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

13 did, on or about April 12, 2000, then and there wilfully, unlawfully, and feloniously
14 enter, while in possession of a deadly weapon, to wit: a knife, with intent to commit larceny,
15 and/or a felony, to wit: sexual assault and/or robbery and/or any other felony, that certain
16 building occupied by CLARENCE AND FRANCIS RUMBAUGH, located at 436 North 12th
17 Street, Apartment No. B therein, Las Vegas, Clark County, Nevada.

18 COUNT XXIII - ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS
19 OF AGE OR OLDER

20 did, on or about April 12, 2000, then and there wilfully, unlawfully, and feloniously
21 take personal property, to wit: lawful money of the United States, from the person of
22 CLARENCE RUMBAUGH, a person 65 years of age or older, or in his presence, by means
23 of force or violence or fear of injury to, and without the consent and against the will of the
24 said CLARENCE RUMBAUGH, said Defendant using a deadly weapon, to wit: a knife,
25 during the commission of said crime.

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1 COUNT XXIV ROBBERY WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS
2 OF AGE OR OLDER

3 did, on or about April 12, 2000, then and there wilfully, unlawfully, and feloniously
4 take personal property, to wit: lawful money of the United States, from the person of
5 FRANCIS RUMBAUGH, a person 65 years of age or older, or in her presence, by means of
6 force or violence or fear of injury to, and without the consent and against the will of the said
7 FRANCIS RUMBAUGH, said Defendant using a deadly weapon, to wit: a knife, during the
8 commission of said crime.

9 COUNT XXV -BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

10 did, on or about June 6, 2000, then and there wilfully, unlawfully, and feloniously
11 enter, while in possession of a deadly weapon, to wit: a knife, with intent to commit larceny,
12 and/or a felony, to wit: sexual assault and/or robbery and/or any other felony, that certain
13 building occupied by LEROY FOWLER, located at 1121 East Ogden, Apartment No. 9
14 therein, Las Vegas, Clark County, Nevada.

15 COUNT XXVI -BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

16 did, on or about June 7, 2000, then and there wilfully, unlawfully, and feloniously
17 enter, while in possession of a deadly weapon, to wit: a knife, with intent to commit larceny,
18 and/or a felony, to wit: sexual assault and/or robbery and/or any other felony, that certain
19 building
20 occupied by JONI HALL, located at 624 North 13th Street, Apartment No. B therein, Las
21 Vegas, Clark County, Nevada.

22 COUNT XXVII - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

23 did, on or about June 7, 2000, wilfully, unlawfully, feloniously, and without authority
24 of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away JONI
25 HALL, a human being, with the intent to hold or detain the said JONI HALL, against her will,
26 and without her consent, for the purpose of committing robbery and/or sexual assault, said
27 Defendant using a deadly weapon, to wit: a knife, during the commission of said crime.

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1 COUNT XXVIII - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

2 did, on or about June 7, 2000, then and there wilfully, unlawfully, and feloniously
3 sexually assault and subject JONI HALL, a female person, to sexual penetration, to-wit:
4 sexual intercourse, by inserting his penis into the vagina of the said JONI HALL, against her
5 will, said Defendant using a deadly weapon, to wit: a knife, during the commission of said
6 crime.

7 COUNT XXIX - ROBBERY WITH USE OF A DEADLY WEAPON

8 did, on or about June 7, 2000, then and there wilfully, unlawfully, and feloniously take
9 personal property, to wit: a Westinghouse color television and/or a Lenox portable CD player
10 and/or a baby stroller, from the person of JONI HALL, or in her presence, by means of force
11 or violence or fear of injury to, and without the consent and against the will of the said JONI
12 HALL, said Defendant using a deadly weapon, to wit: a knife, during the commission of said
13 crime.

14 COUNT XXX -BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

15 did, on or about June 9, 2000, then and there wilfully, unlawfully, and feloniously
16 enter, while in possession of a deadly weapon, to wit: a gun, with intent to commit larceny,
17 and/or a felony, to wit: sexual assault and/or robbery and/or any other felony, that certain
18 building occupied by LAURA ZAZUETA, GUADALUPE LOPEZ and BEATRIZ
19 ZAZUETA, located at 2830 East Cedar, Apartment No. 229 therein, Las Vegas, Clark
20 County, Nevada.

21 COUNT XXXI - ROBBERY WITH USE OF A DEADLY WEAPON

22 did, on or about June 9, 2000, then and there wilfully, unlawfully, and feloniously take
23 personal property, to wit: lawful money of the United States, from the person of LAURA
24 ZAZUETA, or in her presence, by means of force or violence or fear of injury to, and without
25 the consent and against the will of the said LAURA ZAZUETA, said Defendant using a deadly
26 weapon, to wit: a gun, during the commission of said crime.

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1 COUNT XXXII - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

2 did, on or about June 9, 2000, then and there wilfully, unlawfully, and feloniously
3 attempt to take personal property, to wit: lawful money of the United States and/or jewelry
4 and/or any other property of LAURA ZAZUETA, GUADALUPE LOPEZ and/or BEATRIZ
5 ZAZUETA, from the person of GUADALUPE LOPEZ, or in his presence, by means of force
6 or violence or fear of injury to, and without the consent and against the will of the said
7 GUADALUPE LOPEZ, said Defendant using a deadly weapon, to wit: a gun, during the
8 commission of said crime.

9 COUNT XXXIII - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

10 did, on or about June 9, 2000, then and there wilfully, unlawfully, and feloniously
11 attempt to take personal property, to wit: lawful money of the United States and/or jewelry
12 and/or any other property of LAURA ZAZUETA, GUADALUPE LOPEZ and/or BEATRIZ
13 ZAZUETA, from the person of BEATRIZ ZAZUETA, or in her presence, by means of force
14 or violence or fear of injury to, and without the consent and against the will of the said
15 BEATRIZ ZAZUETA, said Defendant using a deadly weapon, to wit: a gun, during the
16 commission of said crime.

17 COUNT XXXIV- ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

18 did, on or about June 9, 2000, then and there, without authority of law, and with
19 premeditation and deliberation, and with malice aforethought, wilfully and feloniously
20 attempt to kill GUADALUPE LOPEZ, a human being, by pointing a gun at the body of the
21 said GUADALUPE LOPEZ, the Defendant thereafter putting the gun to the forehead of the
22 said GUADALUPE LOPEZ and threatening to "start blasting" if he did not receive money,
23 the Defendant thereafter firing approximately three shots at the said GUADALUPE LOPEZ,
24 striking him once in the leg, the defendant using a deadly weapon, to wit: a gun, during the
25 commission of said crime.

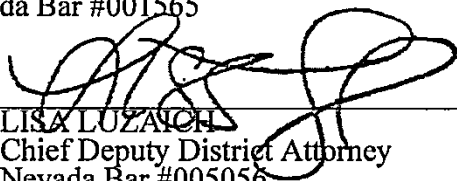
26 COUNT XXXV - BATTERY WITH USE OF A DEADLY WEAPON

27 did, on or about June 9, 2000, then and there, wilfully, unlawfully, and feloniously use
28 force and violence upon the person of another, to wit: GUADALUPE LOPEZ, with use of a

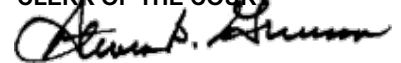
1 deadly weapon, to wit: a gun, by the Defendant shooting a gun at the said GUADALUPE
2 LOPEZ, striking him in the leg.

3
4 STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

6 BY


7 LISA LUZAICH
Chief Deputy District Attorney
8 Nevada Bar #005056

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26 0006090140/0006101143/0007120766
BURGWDW; FIRST KID. WDW, SAWDW, ROBBWDW, ATT. MURDER WDW,
27 FIRST ARSON WDW, FIRST KID. WDW WSBH, SAWDWWSBH,
FIRST KID.WDWVO65, SAWDWVO65, ROBBWDWVO65, MURDERWDW, BWDW
28 (TK6)



RTRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,)	
)	
Plaintiff(s),)	CASE NO. 01C174954
)	
vs.)	
)	DEPT. NO. VI
PORTER, JUSTIN D.,)	
)	
Defendant(s).)	
_____)	

BEFORE THE HONORABLE JACQUELINE M. BLUTH,

DISTRICT COURT JUDGE

TUESDAY, SEPTEMBER 6, 2022

RECORDER'S TRANSCRIPT OF HEARING:
JURY TRIAL - DAY 3

APPEARANCES:

For the Plaintiffs:	STACY L. KOLLINS
	ELISSA LUZAICH
For the Defendants:	ADAM L. GILL
	CHARLES R. GOODWIN

RECORDED BY: DE'AWNA TAKAS, COURT RECORDER
TRANSCRIBED BY: ALLISON SWANSON, CSR No. 13377

I N D E X O F W I T N E S S E S

PLAINTIFFS' WITNESSES:

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DEBBIE LOVE

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LIST OF EXHIBITS

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Exhibit 187

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1 Las Vegas, Nevada, Tuesday, September 6, 2022

2 [Case called at 1:15 p.m.]

3 *****

4 [IN THE PRESENCE OF THE JURY]

5 THE MARSHAL: All rise.

6 THE COURT: All right. Thank you, everyone. Please
7 be seated.

8 We are on the record in State of Nevada versus
9 Justin Porter, C174954. Mr. Porter is present with Mr. Gill,
10 as well as Mr. Goodwin. Both Chief Deputy District Attorneys,
11 Ms. Luzaich as well as Ms. Kollins are present on behalf of
12 the State.

13 Do the parties stipulate to the presence of the jury?

14 MS. LUZAICH: Yes.

15 MS. KOLLINS: Yes, Judge. Sorry.

16 MR. GILL: Yes, Your Honor.

17 THE COURT: All right. Perfect.

18 Okay. So, ladies and gentlemen, I want to -- first, I
19 think what we'll do is we'll swear the jury in first and then
20 I'll go into our introductions.

21 THE CLERK: Please stand. And raise your right
22 hand.

23 [THE JURY WAS DULY SWORN]

24 THE CLERK: Please be seated.

1 THE COURT: All right. So before we begin the
2 trial, for those who remain as jurors, I'd like to let you
3 know what you can expect throughout this process. What I will
4 now say is intended to serve as a general introduction to the
5 trial of this case. It is not a substitute for the detailed
6 instructions on the law, which I will give you at the close of
7 the case and before you retire to consider your verdict.

8 [THE COURT READ THE INSTRUCTIONS TO THE JURY]

9 THE COURT: At this point in time may I have the
10 parties approach for one quick question.

11 [BENCH CONFERENCE BEGIN]

12 THE COURT: I know that during -- when you were
13 picking the jury that we -- that the parties had decided that
14 we weren't going to read each count and the underlying factual
15 under (indiscernible). At this point in time did you want
16 each -- each charge and the -- it's totally fine if you do. I
17 just need to decide --

18 MS. KOLLINS: We do.

19 MR. GILL: I think -- yeah.

20 THE COURT: Okay.

21 MR. GILL: We had discussed it.

22 THE COURT: Sounds good.

23 MR. GILL: I think that's --

24 THE COURT: Thanks, guys.

1 MR. GILL: Thanks.

2 [BENCH CONFERENCE END]

3 THE COURT: The clerk will now read this information
4 to the ladies and gentlemen of the jury, and they -- then
5 state the plea of the Defendant to that information.

6 [CLERK READ THE INFORMATION]

7 [THE COURT CONTINUED TO READ THE INSTRUCTIONS TO THE
8 JURY]

9 THE COURT: State, are you prepared to give your
10 opening statement at this point in time?

11 MS. LUZAICH: Yes, Your Honor.

12 THE COURT: Ms. Luzaich.

13 MS. LUZAICH: Thank you.

14 As the judge knows, I am completely technologically lost.
15 Sorry about that.

16 OPENING STATEMENT BY THE STATE

17 MS. LUZAICH: In 2000, between February 1st and
18 June 9th, there was a series of home invasions. From
19 February 1st through June 9th, there were eight separate
20 incidents in the downtown area.

21 First, on February 1st, 2000, Teresa Tyler was living
22 alone in her apartment at 2895 East Charleston. While she was
23 living in her apartment, she was home one night. It was late
24 in the evening. The Defendant entered her apartment,

1 Apartment 1016, 1016. He had a drink of water and then he
2 pulled a knife.

3 Teresa was in her apartment on the couch. He ordered her
4 to her bedroom. He made her take her clothes off. And still,
5 while holding the nice to -- knife -- sorry -- to her, he
6 sexually assault her multiple times. He took money from her.
7 He forced her to wipe her vaginal area with a towel that was
8 in her home. He then forced her into her closet. And I'm
9 sorry. That had occurred by her bed.

10 He then forced her into her closet where he hogtied her,
11 basically. He tied her hands. He tied her feet. He tied
12 them together with a phone cord. He then left a knife on
13 the -- okay.

14 One day I'm gonna learn how to use this. Oh, well.

15 He then left a knife on the floor of the carpet -- closet
16 next to her, telling her, "When I leave, you can use this to
17 cut yourself free."

18 Well, she was afraid to touch the knife and try to
19 (indiscernible) herself free. But eventually, she was able to
20 get free and she went and called for help. She went to
21 University Medical Center, had a sexual assault kit done and
22 evidence was tested later on.

23 Sorry. And some of the evidence that you will see -- or
24 at least photos that you will see are the items that he used

1 to tie her with, as well as the towel -- you can't really see
2 that very clearly in the picture on the bottom left, the white
3 towel.

4 On March 7th of 2000, in the downtown area, Marlene -- or
5 sorry -- Leona Case was living alone. She was living at
6 290 East Charleston, apartment 50, in building number 2.
7 Around 12:30 at night she was alone watching TV. The
8 Defendant kicked her door in. He slapped her when she tried
9 to call 9-1-1. He knocked her to the ground and he took her
10 phone.

11 He went into the kitchen where he got a knife. He asked
12 her where the money was. When she said she didn't have any,
13 he was not happy about that. He grabbed her purse from her
14 bedroom. He dumped it out, found around \$40 and some food
15 stamps. He took a ring from her finger.

16 And while wielding that knife, he moved her into the
17 bedroom, where he cut the cord of a lamp, put it around her
18 neck, and strangled her with the cord. As she began losing
19 consciousness, she heard him say, "Why don't you just die,
20 bitch."

21 Leona slumped forward and he let go. She did not, at
22 that time, lose consciousness. He told her to take her
23 clothes off; that he was gonna "fuck her." He used the
24 plastic wrapper from the coffee filters in her kitchen as a

1 makeshift condom, put it on his penis, and sexually assaulted
2 her. When he was done, he flushed that plastic piece from the
3 coffee filter down the toilet.

4 Meanwhile, while he was doing that, Leona got dressed and
5 she hid the knife that he used, as well as the phone cord,
6 'cause she didn't want him to do that again. Well, he went in
7 the kitchen, got yet another knife, told her to undress again
8 'cause he was gonna "fuck her up the ass," is what he said.
9 He got another piece of plastic. He put it on his penis, and
10 he sexually assaulted her again. He flushed that piece of
11 plastic, too, down the toilet. And then he stabbed her,
12 twice, in the abdomen. You can see on the top right
13 photograph.

14 He tried to cut her throat. When Leona realized that he
15 was gonna kill her, she went off him, trying to tackle him.
16 However, he strangled her into unconsciousness.

17 When Leona regained consciousness, he had her go to the
18 bathroom and wash herself, get rid of evidence. Ultimately,
19 the Defendant barricaded Leona in the bathroom with a -- one
20 of her dressers pushed up against the door. She locked the
21 door so that he couldn't get in but, boy, he fooled her, and
22 he pushed that up against the door so she couldn't get out.
23 And then he lit her apartment on fire. And left.

24 So Leona is in the bathroom, alone, smells smoke, and the

1 dresser is up against her bathroom door. With all her might,
2 she is able to push it away and get out. Fortunately, a
3 neighbor saw smoke and called the fire department. The fire
4 department came and that's what Leona's apartment looked like
5 by the time the evening was done.

6 Leona survived, but her apartment was trashed. She was
7 taken to the hospital where she, too, had a sexual assault kit
8 done. And whatever evidence they could look at, police came
9 and looked at.

10 On March 25th of 2000, Ramona Leva was living in an
11 apartment, with her husband, at 600 East Banana -- banana,
12 sorry -- Bonanza Avenue, apartment 114. Leona [sic] worked
13 during the -- Ramona -- sorry -- worked during the day. She
14 drove to work, came home, and then her husband worked in the
15 evening. She would drive him to work and then go home. She
16 would shower when she got home because at 7:00 o'clock the
17 next morning she was supposed to be at work and she didn't
18 want to get up that early.

19 So on March 25th, she drove her husband to work. She
20 came home. She was about to get in the shower when the
21 Defendant kicked her door in. Ramona was in the bathroom,
22 unclothed, when the Defendant kicked her door in. He dragged
23 her by the hair and neck to the kitchen with a knife to her
24 neck. He was yelling at her the whole time.

1 Ramona speaks Spanish; the Defendant speaks English. She
2 could tell that he was quite angry about what was happening
3 because he's yelling at her. She's not responding, and he's
4 looking through closets. She assumed that he was looking for
5 things.

6 When he found nothing, he dragged her to the bed; he
7 started taking his clothes off, and he found a rubber glove on
8 one of the stands in the room and used it to cover his penis
9 when he sexually assaulted her. When he was done, he found
10 the keys to her car and he left and took the car.

11 Ramona was eventually able to get in contact with her
12 husband, and he took her to report this. The car was found
13 later, but it didn't work. Ramona had a sexual assault
14 exam -- bless you -- and police investigated. Unfortunately,
15 there is no leads at this point. Nobody knows who this is.
16 The description of the individual who did these crimes is very
17 similar to each other, yet it continues.

18 On April 4th of 2020, Marlene Livingston was living
19 alone. She's over -- was over 65 at the time. She was living
20 at 2301 Clifford, in that same downtown vicinity. And late at
21 night, the Defendant kicked her door in. He had a knife, when
22 she saw him, and he demanded money from her as well.

23 Marlene gave him what she had, as well as a ring. He
24 then made her suck his penis and told her that he liked to

1 fuck old ladies. He held the back of her head, forcing it up
2 and down on his penis. He asked her if she had a car. Well,
3 he asked her if she had a car and a gun and a husband that
4 would come home.

5 She did, in fact, have a car. He demanded keys to her
6 car. She gave him the keys to her car from her purse. He
7 made her, then, go into the bathroom, wash her mouth out,
8 after his penis had been in it. He told her to stay in the
9 bathroom, which she did because she was quite afraid to come
10 out.

11 Eventually, when she came out, she noticed that her car
12 was gone. She called the police -- sorry. Her landlord, who
13 helped her call the police, and she too went to the hospital
14 for a sexual assault exam.

15 On April 12th of 2000, Clarence and Francis Rumbaugh, who
16 are both over 65 at the time, were living in an apartment at
17 436 North 12th Street. They were living in apartment B. Late
18 at night, around 11:30, they were in their home, eating ice
19 cream and cake. The front door was open, but the screen door
20 was latched and closed.

21 While they sat door, the -- sat there -- sorry -- the
22 Defendant burst into their apartment. He closed the door. He
23 picked up the knife that Francis was using to eat -- or to cut
24 the cake and he cut their phone cord. He then grabbed

1 Francis, threw her on the couch. He actually wrestled with
2 Clarence, threw him on the ground, and demanded money.

3 They too -- sorry. They too, once he left, called the
4 police, who came, took fingerprints, investigated, and what
5 you'll hear is that in their bathroom there was several cups
6 from the El Cortez that had money in them. He dumped the
7 money from those cups into his pockets. Later, when the
8 police came, they fingerprinted those cups.

9 On -- sorry -- June 8th of 2000, Leroy Fowler was living
10 alone in his apartment at 1121 East Ogden. He lived in
11 apartment 9. At 2:00 in the morning he was alone in his
12 apartment. The Defendant kicked the door in, armed, yet
13 again, with a knife. Leroy, however, picked up that chair and
14 confronted the Defendant. The Defendant ran from the
15 apartment and Leroy chased after him, down the street, at
16 2:00 o'clock in the morning, alone in the dark, and lost him
17 in an alleyway by 13th Street.

18 On June 7th of 2000, Joni Hall was living in her
19 apartment with her own child, a roommate, and her roommate's
20 children. They lived at 624 North 13th Street in apartment B.
21 Joni got home that night around 1:30, 2:00 in the morning.
22 She went right to bed. And she woke to a thud. The Defendant
23 had kicked her door in and was standing in her room with a
24 knife, putting something over his face.

1 He asked her for money and car keys. She didn't have
2 either, unfortunately. So he got her out of bed, had her
3 follow him into the living room, started going through the
4 cabinets, looking for things. At some point he had a drink
5 and he grabbed a pack of cigarettes out of one of the
6 cabinets.

7 With the cigarettes, he took the cellophane off. He made
8 Joni go back into her room. He forced her over the bed and he
9 sexually assaulted her with the cellophane from the cigarettes
10 on his penis. Afterwards, he took that cellophane and he
11 burnt it in the sink.

12 He forced her back into the bedroom again, told her he
13 was "gonna get some pussy from a scared white girl." Then he
14 made her tear some saran off -- Saran wrap off of one of the
15 rolls of Saran wrap in the kitchen. He put a knife to her ear
16 and told her if she screamed, he was going to kill her. He
17 then put Saran wrap on his penis and sexually assaulted her.
18 After that, he flushed that piece of Saran wrap as well.

19 Sorry. And -- just to go back for one second, he had
20 kicked the door so hard that the bolt flew and actually landed
21 on the couch in the living room.

22 After he flushed the Saran wrap down the toilet, he took
23 a telephone -- television that was in the apartment. He had
24 forced her to have sex on the floor in front of that couch.

1 He took the television and a Walkman out of her apartment,
2 putting it in her baby's stroller.

3 She woke her roommate to tell her what happened and to
4 call the police. The police came. They found the stroller
5 not far from the apartment. Joni also went to the -- the
6 hospital and had a sexual assault kit.

7 There also came a time, detectives knowing that so many
8 of these incidents were occurring in the same area by an
9 individual that fit the same description, that the detective
10 had Joni Hall sit down with a com -- a sketch artist and do a
11 compat -- composite drawing. And that was the drawing that
12 they accomplished.

13 On June 9th of 2020 -- 2000 -- sorry. Human typo.
14 June 9th of 2000, Guadalupe Lopez, his girlfriend
15 Beatriz Zazueta, and that is Laura Zazueta, Beatriz's sister,
16 were living with Guadalupe and Beatriz's children at 2850 East
17 Cedar in apartment 229, again in that same area. At 1:30 they
18 were all sleeping. Laura woke up to a deafening sound and the
19 Defendant standing over her bed with a gun pointed at her
20 head. His face was partially covered.

21 He put the gun to Laura's head and demanded money. Laura
22 jumped out her bed to the dresser to give him the tips that
23 she had earned that day. 'Cause she was a waitress at the
24 time.

1 That wasn't enough for the Defendant, however. He wanted
2 more. So he, with a gun to her back, had her go into her
3 sister and her sister's husband's bedroom where they slept
4 with their child in the bed between them.

5 Guadalupe Lopez wakes, again, to the Defendant standing
6 over him with a gun and thinking that -- and -- and he's
7 yelling, "Money. Money. Where's the money? Give me money."

8 Well, Guadalupe says, "We don't have any. Take whatever
9 you want. Take anything in the house. I don't care. I don't
10 want it. We just don't have any money."

11 Realizing that this is not going well and fearful that
12 the Defendant is going to kill himself, his wife, his child,
13 the other child, and Laura, Guadalupe actually jumps out of
14 the bed, grabs the Defendant by the arm with the gun, puts the
15 arm behind his hand.

16 The Defendant shoots the gun. Guadalupe is hit in the
17 leg with the gun and continues to wrestle with the Defendant.
18 They kind of wrestle their way out of the bedroom into the
19 hallway, at which point the Defendant is actually able to get
20 away from Guadalupe, runs down the hall. God bless Guadalupe.
21 He goes running after the Defendant, tackles him in the living
22 room, at which point the Defendant hits Guadalupe over the
23 head with the gun.

24 Guadalupe goes to the ground, kind of stunned by being

1 hit in the head with the gun, blood, you know, coming out of
2 his head. And the Defendant jumps out the window of their
3 apartment and runs away.

4 So they have these eight incidents. And the detectives
5 are realizing that there are numerous similarities to the
6 incidents: The description of the suspect is all similar, if
7 not the same, the time -- it always happens late at night,
8 many of these incidents have actually happened on Tuesdays.
9 They were all in the downtown area. Everybody lived in an
10 apartment. There was force entry in most of them. The
11 Defendant was armed in all of them. He demanded money -- or
12 the individual -- sorry -- at this point. They don't -- they
13 have no idea who it is.

14 So the individual had demanded money. When there were
15 only women present, the women were sexually assaulted. Where
16 there were men present, there were robberies. And the
17 individual had attempted to conceal his identity, whether it's
18 putting something over his face, putting something on his
19 penis, you know, flushing, having people wipe, attempts to
20 conceal his identity.

21 On June 13th of 2000, detectives learned that --
22 remember, Ramona Leva had had a sexual assault kit;
23 Teresa Tyler had a sexual assault kit, but also that towel
24 that she had used to wipe herself had been collected.

1 The analysts at Metro's crime lab did DNA comparisons.
2 They obtained profiles from their evidence that you'll hear
3 about. And they discovered that the individual who left DNA
4 on the towel in Teresa Tyler's apartment was the same
5 individual who left DNA on Ramona Leva's sexual assault kit.

6 So also on 13 -- June 13th of 2000, a task force is
7 assembled. You'll hear from Metro detectives that there are
8 different areas of the detective bureau. So there is a sexual
9 assault area, there's a property crimes area, there's a
10 robbery area, there's a murder area. They all investigate
11 their own kinds of crimes.

12 So the sexual assault detectives had been investigating
13 the sexual assaults; the robbery detectives had been
14 investigating the robberies. They got together with the PSU,
15 it's the Problem Solving Unit, kind of plain clothes patrol
16 officers, and on June 13th, they decided that they're gonna
17 start combing the streets of that downtown area, looking to
18 see if they could find individuals who matched the
19 description.

20 So what they did was anybody who they found, then, you
21 know, over the next week or so, they collected buccal swabs.
22 You'll hear that a buccal swab, it's merely a very long Q-tip
23 that you put in the mouth. You kind of rub the cheeks, and
24 you obtain somebody's DNA. Then you package it and you send

1 it over to the lab so that it can be compared.

2 Interestingly, also on June 13th of 2000, the Defendant
3 was found in that target area. He was, at the time, sitting
4 on a power box. It was after curfew. He was, at the time,
5 17 years old. So he was not supposed to be out after curfew.

6 He was brought, by Detective Love, home to his mother.
7 And it was discussed with him and his mother that there were
8 these crimes that were being committed in that downtown area
9 and they were trying to collect buccal swabs from anybody
10 matching the general physical description, which he did. The
11 Defendant and his mother both signed a consent for a buccal
12 swab, and Detective Love obtained Defendant's buccal swab.

13 For the next couple of days, weeks, whatever, many
14 people's buccal swabs were collected and analyzed. However,
15 on August 10th of 2000 was the first real break in the case.
16 Detective Love got a phone call from Dave Welch at the crime
17 lab, telling him that the Defendant, Justin Porter's DNA
18 profile matches that towel that we just talked in
19 Teresa Tyler's apartment, as well as -- this she used --
20 sorry -- to wipe herself with, that he made her use to wipe
21 herself with -- as well as the vaginal swabs in Ramona Leva's
22 case.

23 So they indicated to other police in the area that the
24 Defendant, Justin Porter, was wanted for questioning in these

1 crimes. That's a picture of Justin -- Justin Porter from
2 2000.

3 And what they do is they go around briefings -- you know,
4 before police go out on the streets, they all have a briefing,
5 their squads. They -- they go to briefings and say "this is
6 who we're looking for."

7 Also on August 10th of 2000, detectives have contact with
8 the Defendant's mother, Angela Porter -- can we approach?

9 THE COURT: Yes.

10 [BENCH CONFERENCE BEGIN]

11 MR. GILL: She said they're not on the witness list
12 (indiscernible).

13 MS. LUZAICH: She's a witness.

14 MR. GILL: Oh, she said no.

15 MS. LUZAICH: Yeah, she is.

16 MR. GILL: Okay.

17 THE COURT: She's -- she's named by the State.

18 MS. LUZAICH: And --

19 MR. GILL: Okay.

20 THE COURT: And -- I don't know.

21 MR. GOODWIN: Who was that? I'm sorry. Mom?

22 THE COURT: It's his mom.

23 MR. GOODWIN: Yeah.

24 THE COURT: And --

1 MS. LUZAICH: And she needs to be ordered back
2 because she blew us off for our pretrial.

3 THE COURT: Okay. So if we can put her in the
4 anteroom and let her know we'll be with her in a moment.

5 MR. GILL: Okay. Will do.

6 MS. LUZAICH: And who's with her?

7 [BENCH CONFERENCE END]

8 MS. LUZAICH: Sorry about that.

9 Train of thought. On August 10th, detectives had contact
10 with Angela Porter-Smith, who is the Defendant's mother, and
11 Sergo Provost -- Prevost, who is the Defendant's stepfather.
12 And what they learned was that, on July 13th, the Defendant
13 had taken a bus to Chicago, where he was going to stay with
14 his father.

15 They also learned from Angela Porter-Smith that the
16 Defendant would stay out late at night quite often and that he
17 would come and go while she slept at night.

18 Now, interestingly, after June 13th, when the Defendant's
19 buccal swab was collected, there were no more incidents in the
20 downtown area.

21 So on August 11th, and the 10th, at night, into the 11th,
22 so around midnight and to 1:00 in the morning, 10th into the
23 11th, a search warrant was served at the Defendant's parent --
24 mom's home. And while that's going on, on the 11th,

1 detectives here contacted Chicago. They said, "Hey, you know,
2 we're looking for this kid. He's wanted in all of these
3 crimes. We are told that he is in Chicago. He's staying with
4 his dad, George Porter, at this address. Can your detectives
5 go and find him for us? Here is our probable cause for his
6 arrest. Can you go get him?"

7 So the Chicago detectives go to the apartment belonging
8 to the Defendant's father, George Porter. They find the
9 Defendant in that apartment, hiding in the foldaway couch.
10 Once our detectives here in Las Vegas learn that the Defendant
11 is in custody in Chicago, our detectives here go to Chicago so
12 that they can talk to the Defendant and interview him.

13 And, of course, he's got every right not to, if he
14 chooses. However, he was read his rights pursuant to Miranda,
15 and he did elect to give a statement.

16 So you're probably wondering, why do I keep saying "the
17 Defendant did this," "the Defendant did that." How did I know
18 the Defendant did this, the Defendant did that? Well, we know
19 this because when the detectives talked to the Defendant, he,
20 in fact, admitted that he participated in an incident
21 pertaining to Teresa Tyler. The Defendant admitted to the
22 detectives that he participated in the incident re --
23 pertaining to Leona Case. Remember, that's the one where he
24 burned the house down.

1 The Defendant admitted to detectives that he participated
2 in the incident pertaining to Marlene Livingston. The
3 Defendant admitted that he participated in the incident
4 pertaining to Joni Hall. And the Defendant admitted, in his
5 own words, these all are -- to the incident pertaining to
6 Guadalupe Lopez and Beatriz and Laura Zazueta.

7 Additionally -- remember, we talked about crime scene
8 analysts went out and they did investigation. The Defendant's
9 fingerprints were found in the scene pertaining to Joni Hall
10 and Marlene Livingston and Clarence and Francis Rumbaugh.

11 At the end of this case, Ms. Kollins and I are gonna talk
12 to you again and we are going to ask you to find the Defendant
13 guilty because we, by the end, will have proven to you, beyond
14 a reasonable doubt, that the Defendant is, in fact, guilty of
15 all the crimes that he is charged with.

16 Thank you.

17 THE COURT: Thank you.

18 And can the parties approach, please.

19 [BENCH CONFERENCE BEGIN]

20 THE COURT: It's his sister. (Indiscernible)

21 MR. GILL: Yeah, I didn't get (indiscernible) his
22 sister. I don't care if she waits until the break or whatever
23 you want to do, Judge. But it's not -- it's not
24 (indiscernible). I know you're trying to --

1 THE COURT: Is -- does his sister have the same
2 name?

3 MS. LUZAICH: No.

4 MR. GILL: I don't think so.

5 THE COURT: She says she's his sister. I don't
6 know. And I think he says -- he'll turn around and kind of
7 (indiscernible) his sister.

8 MS. LUZAICH: Okay. I mean, his sister can say -- I
9 would just ask you to admonish her not to speak to his mother
10 at all about what happens here --

11 THE COURT: So.

12 MS. LUZAICH: -- because his mother is a witness.

13 THE COURT: That's fine. So after Adam -- I'll --
14 I'll bring her back --

15 MR. GILL: (Indiscernible)

16 THE COURT: Oh, after (indiscernible) the opening,
17 then I will give them a short break, bring her in, and explain
18 it to her.

19 MS. LUZAICH: Okay. Thank you.

20 MR. GILL: Thank you.

21 [BENCH CONFERENCE END]

22 THE COURT: Mr. Goodwin, are you ready to give your
23 opening statement, sir?

24 MR. GOODWIN: Yes, Your Honor.

1 THE COURT: Okay.

2 OPENING STATEMENT BY THE DEFENSE

3 MR. GOODWIN: Good afternoon, everybody.

4 Want to tell you all a little story about the
5 British Cycling fee. Perhaps you've heard of it, perhaps you
6 haven't --

7 MS. LUZAICH: Objection. Opening statement is for
8 what the evidence is going to show.

9 THE COURT: Sustained.

10 MR. GOODWIN: May be approach (indiscernible)?

11 THE COURT: Mm-hmm.

12 [BENCH CONFERENCE BEGIN]

13 MR. GOODWIN: I'm just doing an analogy. That's it.
14 It's an analogy.

15 THE COURT: To what?

16 MR. GOODWIN: Between the -- between their evidence
17 and that --

18 THE COURT RECORDER: Can you step one closer?

19 THE COURT: If you could come a little closer to the
20 microphone --

21 MR. GOODWIN: I'm sorry.

22 THE COURT: That's okay.

23 MR. GOODWIN: It's going to be a full-on analogy
24 between the evidence that's going to be presented and how,

1 even though making (indiscernible).

2 MS. LUZAICH: That's argument. It's not for
3 opening. Opening statement is so that both parties can
4 explain what the evidence is going to be.

5 MR. GOODWIN: And I'm just saying, the analogy
6 here -- the whole point of the story is for there to be an
7 analogy. Like, that's it. I'm not --

8 THE COURT: Well, tell me what the analogy is
9 because I don't (indiscernible) --

10 MR. GOODWIN: But the evidence is not gonna be
11 sufficient to convict. That while there is huge things
12 here --

13 MS. LUZAICH: That's argument.

14 THE COURT: That -- if it's an insufficiency of
15 evidence, that's definitely argument. And openings are --
16 they are simply tailored to this is what the evidence will
17 show. I mean, you can definitely say, you know, "I'd ask you
18 to consider this, look at this, look at this, see if you see
19 any holes when you're hearing this." That's all fine.

20 MR. GOODWIN: Right.

21 THE COURT: But in regard to insufficiency of
22 evidence in an analogy, that's for closing.

23 MR. GOODWIN: Sure. So -- so the whole thing is to
24 state about how there's just some pieces missing here. I

1 mean, so you don't want me to get into any of that there and
2 just having to take a critical eye and make sure that it's all
3 there because that is the difference between --

4 MR. GILL: Just --

5 MR. GOODWIN: -- winning and losing?

6 MR. GILL: Just say that without the (indiscernible)
7 and then we can close with the analogy.

8 THE COURT: So I don't -- so I don't mind -- let's
9 say --

10 MR. GILL: (Indiscernible) that's argument.

11 MS. LUZAICH: Oh, close. Closing. Yes. Sorry.

12 MR. GILL: Yeah.

13 THE COURT: A, B, and C is missing; right? So
14 you're -- I don't mind if you say, "The evidence will show you
15 that A is not there, B is not there" --

16 MR. GOODWIN: I mean, I -- sure.

17 THE COURT: -- "C is not there." But an analogy in
18 regards to insufficiency of evidence and then a story in
19 regards to (indiscernible).

20 MR. GOODWIN: Sorry. I -- I phrased that
21 incorrectly. What I meant was the whole point of the story
22 was to show that these little things are incredibly important
23 between being bottom or being top; right? I'm not trying to
24 make the argument, but I'm saying keep an eye out for those

1 little things as you go through here. That's (indiscernible).

2 THE COURT: See, you can say that, but not
3 (indiscernible) analogy. So you can say, "I'm gonna ask you,
4 when going through this to consider that," but not -- you're
5 gonna have to save that for closing.

6 MR. GOODWIN: Would it be okay if we took the recess
7 first?

8 THE COURT: Sure.

9 MR. GOODWIN: Just because if I get up there, I'm
10 gonna screw everything up and I don't want to (indiscernible).

11 THE COURT: That's okay. Yeah, we can take one.

12 MR. GILL: Thanks, Judge.

13 THE COURT: Yep.

14 [BENCH CONFERENCE END]

15 THE COURT: All right. We're gonna take a quick
16 break.

17 During this recess, please remember not to discuss or
18 communicate with anyone, including fellow jurors, in any way
19 regard the case or its merits either by voice, phone, e-mail,
20 text, internet, or other means of communication or social
21 media. Please do not read, watch, or listen to any news,
22 media accounts, or comments about the case; do any research,
23 such as consulting dictionaries, using the internet, or using
24 reference materials.

1 Please do not make any investigation, test a theory of
2 the case, recreate any aspect of the case, or in any other way
3 attempt to learn or investigate the case on your own. And
4 please do not form or express any opinion on this matter until
5 it's formally submitted to you.

6 We will see you at 2:45. Go ahead. Thank you.

7 THE MARSHAL: All rise.

8 [OUTSIDE THE PRESENCE OF THE JURY]

9 THE COURT: Hey, Chris, could you bring in
10 Mr. Porter's sister, please?

11 THE MARSHAL: Yes, ma'am.

12 MR. GILL: I think it's his sister and nephew.
13 There was two people.

14 THE COURT: Sister and nephew.

15 MR. GILL: Thank you, Your Honor.

16 THE COURT: Okay. Great.

17 Ma'am? Hi. May I have your name for the record?

18 MS. PORTER: Dana Porter.

19 THE COURT: Dana?

20 MS. PORTER: Yes.

21 THE COURT: Oh, okay. Good afternoon.

22 MS. PORTER: Good afternoon.

23 THE COURT: It's my understanding that you would
24 like to be present for parts of the trial, or all of the

1 trial, which I'm happy to have you here. It's your right as a
2 citizen to be able to watch it. The only thing I have to
3 admonish you, as well as any other witnesses, is that if
4 someone is a named witness, they can't come in and watch the
5 trial because they can't hear all of the other testimony
6 that's going on; right?

7 MS. PORTER: Yes.

8 THE COURT: And so the same admonishment happens for
9 those that are, like, closely connected. So for instance, I
10 believe your -- your mother is a -- a witness that's been
11 subpoenaed. And so I think that she -- I'm not sure, but it's
12 my understanding that she may be coming in to testify. So you
13 just can't convey to her any of the things that you've heard
14 in the trial.

15 MS. PORTER: Okay.

16 THE COURT: Because then it can be said that it
17 could influence her. Does that make sense?

18 MS. PORTER: Makes sense.

19 THE COURT: Okay. Perfect. And that would go for
20 you, too, sir. May I have your name?

21 MR. COLLINS: Adair Collins (phonetic).

22 THE COURT: Adair. Okay. So other than that,
23 please feel free to stay or come and go as you wish. I just
24 have to make sure that we're all playing by the same rules, if

1 that makes sense.

2 MS. PORTER: Yes, ma'am.

3 THE COURT: Okay. Thank you.

4 MR. GILL: Thank you, Your Honor.

5 THE COURT: All right.

6 [RECESS AT 2:30 P.M.; PROCEEDINGS RESUMED AT
7 2:47 P.M.]

8 [IN THE PRESENCE OF THE JURY]

9 THE COURT: All right. Welcome back, everybody.

10 We're on the record in State of Nevada versus
11 Justin Porter, C174954. Mr. Porter is present with --

12 MS. KOLLINS: Yes.

13 THE COURT: -- Mr. Goodwin as well as Mr. Gill.
14 Both Chief Deputy District Attorneys, Ms. Luzaich as well as
15 Ms. Kollins, are present on behalf of the State.

16 Do the parties stipulate to the presence of the jury?

17 MS. LUZAICH: Yes, Judge.

18 MR. GILL: Yes, Your Honor.

19 THE COURT: All right. Mr. Goodwin, whenever you're
20 ready, sir.

21 OPENING STATEMENT BY THE DEFENSE

22 MR. GOODWIN: Good afternoon, everyone. We'll try
23 this again.

24 So ladies and gentlemen of the jury, what you just heard

1 was an opening statement that telled [sic] a pretty gruesome
2 story. And that story is one that, for most people, just
3 hearing it, can trigger some emotions and some other things
4 inside of them. And I understand that.

5 However, I'd like to also tell you that whenever we're
6 dealing with this kind of situation, there's two things.
7 First is this: The State gets to tell their story first. And
8 it's very difficult to (indiscernible) story. Myself and
9 Mr. Gill cannot come up here and prove that he did nothing
10 because that's one of the core ideas that we have. It's
11 impossible to prove a negative. So we will not be attempting
12 to prove the negative.

13 That's why these cases can be very difficult and why, in
14 the jury selection, it took some time to kind of go through
15 these. These were emotionally draining, difficult cases to
16 hear.

17 However, we'd just -- like I -- just like I told you, and
18 just like there's a saying, "You can't beat a story with
19 facts." Anybody who sat with friends at a bar, anybody who's
20 had political arguments over Thanksgiving dinner, and anybody
21 who has just tried to go out with friends, it's very difficult
22 to (indiscernible) story.

23 Except, there is one place in this place, in the country,
24 where facts are really all that matter, and that's the

1 courtroom. The American courtroom. Here, facts that are
2 proven to be true are what you are to consider. The emotion,
3 the contradictory statements, expert opinion that may or may
4 not be supported by the science, all these claims, these are
5 things that you're going to be hearing and you're going to be
6 weighing.

7 What we ask you today is to please, again, remember that
8 we have the presumption of innocence. Mr. Porter here has --
9 is considered innocent until these facts come out, until this
10 trial comes forward, until the State is able to establish
11 these facts. And once all those facts have been established,
12 that's when you (indiscernible), the jury will be asked to
13 consider.

14 So at this time we just ask that you keep the open mind
15 and remember the presumption of innocence. And while it is a
16 great story, at the end of the day, in the American courtroom,
17 all that will be focused on are the facts.

18 Thank you.

19 THE COURT: Thank you.

20 State, first witness.

21 MS. KOLLINS: State would call Detective Debbie
22 Love. Excuse me. Former Detective Debbie Love.

23 THE MARSHAL: Just step up there, remain standing,
24 and raise your right hand so the clerk can swear you in.

1 DEBBIE LOVE,
2 [Having been called as a witness and being first duly
3 sworn testified as follows:]

4 THE WITNESS: I do.

5 THE CLERK: Please be seated.

6 Will you please state your name and spell it for the
7 record.

8 THE WITNESS: Yes. Debbie, D-E-B-B-I-E, Love,
9 L-O-V-E.

10 THE CLERK: Thank you.

11 DIRECT EXAMINATION

12 BY MS. KOLLINS:

13 Q Good afternoon, ma'am. Thank you for your patience.
14 What was your previous profession?

15 A I was sergeant and a detective at the Las Vegas
16 Metropolitan Police Department for 25 years and 7 months.

17 Q And when did you leave Metro?

18 A March of 2015.

19 Q And in March of 2015, what was your position within
20 Metro?

21 A I was a sergeant on patrol.

22 Q And prior to being a sergeant on patrol, how were
23 you assigned?

24 A Back in 1996 -- so I started in 1989. I graduated

1 in 1991. I was on patrol and then I went to the
2 Detective Bureau for Burglary in 1995. And then I went to
3 Sexual Assault in 1996 until 2003. 2003 I was in
4 Internal Affairs for a year. And then in 2004, I got promoted
5 to sergeant and finished my career there.

6 Q So for a span of about six years, you were a sexual
7 assault detective.

8 A Almost eight.

9 Q Almost eight. Sorry. My bad math. I apologize --

10 A Yeah.

11 Q -- for that.

12 A It was like -- the -- the bur -- the burglary and
13 the sexual assaults kind of ended up running together.

14 Q And could you explain to the ladies and gentlemen of
15 the jury, generally, what a sexual assault detective does and
16 how your position at that time worked.

17 A So, back in 1996, it was probably about four
18 detectives in the Adult Sexual Assault Crimes Against Victims.
19 'Cause we had a juvenile division and adult. I was in the
20 adult. We investigated all sexual assaults, whether they be,
21 you know, somebody they knew or a stranger.

22 And sexual assaults take precedence over every other
23 crime, except for homicide. So if it was a robbery and a --
24 and a door kick and a sexual assault, the sexual assault

1 detectives take over all the cases. And if it's -- a
2 homicide's the only one that takes over a sexual assault
3 homicide. They're the only one's that take precedence over
4 sexual assaults.

5 Q So it sounds like your sexual assault detective
6 career spanned over the year 2000; fair to say?

7 A Yes, it did.

8 Q And early 2000, were you assigned to respond to a
9 series of sexual assaults?

10 A Yes.

11 Q Okay. Now, there's a specific area here in
12 Las Vegas, we call it "Downtown Area Command." What does that
13 encompass? What's that general area?

14 A Okay. So Downtown Area Command, back in 2000, is a
15 little bit different than it is today. As you know, Vegas has
16 grown like crazy. Our parameters for the Downtown Area
17 Command went up to the I15 and it went down to Boulder
18 Highway. And then it went from Sahara all the way over, I
19 believe, until Owens or something like that.

20 Q Okay. So kind of a -- a northeast quadrant of
21 downtown, fair to say?

22 A Correct. There was only four area commands then,
23 unlike we have about ten now.

24 Q Okay. So in early 2000, when you began working

1 these sexual assaults, did there come a time when there was
2 some collaboration between Sexual Assault and Robbery?

3 A Yes, there was. We had noticed that we had a same
4 suspect description in some of the sexual assaults that were
5 also not just sexual assaults but they were robberies as well.
6 And then we had noticed that some of the cases that were
7 robberies had the same MO, but they may have been a male
8 victim, so there was no sexual assault that had occurred.

9 Q So when -- so robbery is a separate unit of
10 detectives; correct --

11 A Correct.

12 Q -- at that time?

13 A And so when Robbery and Sexual Assault kind of get
14 together and discuss these points of commonality, if you will,
15 tell us what some of those were at that time.

16 A Some of the cases or --

17 Q No, tell us what some of the -- the things in common
18 were. You said suspect description --

19 A Correct. The suspect description. Do you want the
20 suspect description? Is that what you're --

21 Q Yeah. What suspect description did you have at that
22 time?

23 A Well, at that time we had what we called a black
24 male adult. But the range came from about 17 to 25. He had

1 short -- very short curly hair, as it was explained. He was
2 about five -- 5-9, 5-7, 5-8. We kind of got -- there's
3 multiple cases, so, you know, there's multiple heights
4 involved. And his weight kind of ranges from 160 to about
5 180.

6 Q Okay. And was there a particular time of day that
7 Robbery and Sexual Assault noticed these crimes were
8 occurring?

9 A Yes, they all happened -- or I should say most --
10 most of these cases that we noticed, that we believed to be
11 related, were happening between, like, midnight and 5:00 a.m.

12 Q Did some of them occur on the same day of the week?

13 A Yes, that's really part of what we really noticed is
14 three or four of the events had taken place on a Tuesday, two
15 of 'em had taken place on a Wednesday, and I think we only had
16 one that took place on a Saturday.

17 Q In terms of the type of residences that were focused
18 on but what -- by what you believed at the time to be the same
19 perpetrator or set of perpetrators, what kind of residence
20 were they --

21 A They were all apartment complexes.

22 Q That was a bad question. I'm sorry.

23 A Yeah.

24 Q Sometimes, 3:00 in the afternoon, not my best time.

1 Sorry.

2 Was there similarity in weapons used?

3 A Yes, almost every single one was a knife used. And
4 most the time they believed that it was brought with him. If
5 he didn't bring it with him, he would grab a knife from the
6 kitchen.

7 Q Okay. In terms of restraining victims, was there
8 some commonality in that?

9 A Yes, in one case he cut the phone lines and he tied
10 the victim up with the phone lines and some -- and some
11 bandanas, scarfs-type bandanas. The other one, he cut the
12 lamp cord and tied the victim up and actually used the lamp
13 cord to strangle her. And the -- the last -- no, that -- I
14 think those are the two that they got tied up with.

15 Q But points of similarity, nevertheless; right --

16 A Absolutely.

17 Q -- for -- for a task force.

18 What about cleaning up the crime scene or trying to avoid
19 being identified? Anything that --

20 A Yeah --

21 Q -- Robbery and Sexual Assault noticed?

22 A Yes. In three of the -- oops. Sorry.

23 In three of the related events, the suspect made a
24 makeshift condom. One of 'em he had used cellophane from a

1 cigarette pack. In that same one, he committed a second
2 sexual assault and he had used sail -- the cellophane off of a
3 coffee filter. And then in the other one he made the victim
4 hand him some Saran wrap that he saw. So before he penetrated
5 the victim, he wrapped his penis in Saran wrap. And the other
6 one that he had -- you know, the yellow latex gloves that use
7 to, like, wash dishes, he had taken and cut a finger out of
8 that and put it on his penis as a condom. He flushed 'em all
9 down the toilet.

10 Q What about means of entry?

11 A Most -- when he -- the cases that first started, he
12 knocked on the door. The rest of 'em, he started doing door
13 kicks.

14 Q Okay. So based on that, you created a task force;
15 fair?

16 A Correct.

17 Q And when was that task force created?

18 A Well, we first noticed the similarities, like,
19 really -- 'cause we -- back in 2000, if you'll forgive me, we
20 don't have the technology that we have today. Today it's much
21 easier for us to notice these series. The -- some of the
22 other sexual assault detectives, we were talking and we
23 noticed the similarities.

24 With that being said, we decided that we needed to do

1 something more about it. You know, more about being active
2 about catching the suspect. Because we really had -- we'd had
3 one lead in the first case. And we really had no leads. We
4 had no idea.

5 So based on the area, the confined area that it was
6 happening in, we got detectives from Robbery, detectives from
7 Sexual Assault, and we got some help from a unit that works
8 that specific area command, they're called the Problem Solving
9 Unit. And we borrowed them as well to help us so that we
10 could get a really good task force, try and catch the suspect.

11 Q Okay. So fair to say there were five sexual
12 assaults; correct?

13 A Correct.

14 Q And there were three robbery cases.

15 A Correct.

16 Q That everyone believed were related.

17 A Correct.

18 Q And you were not personally the assigned detective
19 in all of those.

20 A Correct.

21 Q Right?

22 But just as a matter of listing those for now, who was
23 the first sexual assault case?

24 A My first victim happened February 1st of 2000. Her

1 name was Teresa Tyler. And she lived at 2895 East Charleston,
2 in an apartment.

3 Q Okay. And what about the next victim?

4 A My second victim was on March 7th. Her name was
5 Leona Case. And she lived at 2900 East Charleston, in an
6 apartment.

7 Q And the next sexual assault victim?

8 A The next sexual assault victim that was assigned to
9 me was Joni Hall. And she lived at six -- if I can like --
10 the number's six --

11 Q Would it refresh your recollection to review notes?

12 A Yeah. It's just right here. Sorry. It's --
13 it's --

14 THE COURT: Detective --

15 MS. KOLLINS: Detective --

16 THE WITNESS: Problems?

17 THE COURT: -- what do you have in front of you?
18 That's okay. We just have to make a record.

19 THE WITNESS: Oh, just -- just a -- just a note of
20 the addresses. If you'd like to look at it.

21 THE COURT: Oh, okay. Mr. Gill, did you want to --

22 MS. KOLLINS: Would you like to look at that?

23 THE COURT: -- come up and --

24 MR. GILL: Just take a quick look?

1 THE COURT: Yeah. Of course.

2 MR. GILL: Thank you.

3 THE WITNESS: Yeah. And that address was 624.
4 Sorry. My memory's not as good as it used to be.

5 MR. GILL: Thank you, Your Honor.

6 THE COURT: All right.

7 BY MS. KOLLINS:

8 Q And just for the record, Detective, you brought your
9 own notes with you. That's not anything that was created or
10 provided to you; correct?

11 A No, it was just being that the case is 22 years old,
12 it was just notes I made to refresh my memory.

13 THE COURT: And I just want to be clear, in regards
14 to the notes, it's notes that you made recently. It's not
15 detective case notes from previous --

16 THE WITNESS: Correct. No, this is just me reading
17 this weekend.

18 THE COURT: Okay. All right. So if you -- any time
19 you need to refer to those, just let us know so we can make a
20 record of it.

21 THE WITNESS: No problem. Thank you.

22 THE COURT: All right. Thank you.

23 BY MS. KOLLINS:

24 Q And so Joni Hall was the last victim you were

1 assigned to; correct?

2 A Correct. And hers was June 7th --

3 Q Right.

4 A -- 2000.

5 Q And so in between, however, Teresa Tyler and
6 Leona Case and then Joni Hall there were two other sexual
7 assault victims --

8 A Correct.

9 Q -- that you were not assigned to; fair to say?

10 A Correct.

11 Q And do you recall those names and dates?

12 A Yes, I do. So --

13 Q Is -- are -- are you --

14 A If I can refer to my notes.

15 THE COURT: If that would help refresh your
16 recollection, feel free to do so.

17 THE WITNESS: Okay. So a case not assigned to me,
18 it was assigned to two other detectives in the Sexual Assault
19 Unit, happened on March 25th at 600 East Bonanza, in an
20 apartment.

21 BY MS. KOLLINS:

22 Q And was that victim's name Ramona Leva?

23 A It was.

24 Q Okay. And, then, turning your attention, was the

1 next sexual assault victim, prior to Joni Hall but also not
2 assigned to you, a Marlene Livingston?

3 A Correct. And she lived at 2301 Clifford, apartment
4 number 8, also in the Downtown Area Command.

5 Q And that would have been on April 4th of 2000?

6 A Yes, it was April 4th, a Tuesday, at 3:30 in the
7 morning.

8 Q So all of those cases occurred in that Downtown Area
9 Command that we spoke about --

10 A Yes, it did.

11 Q -- correct?

12 And then there -- there were at least three robbery --
13 there were three robberies that were thought to be related;
14 correct?

15 A Correct. And I have that information if you would
16 like it.

17 Q And those were not assigned to you because you are
18 not a robbery detective.

19 A Correct. And no sexual assault occurred, so it
20 wouldn't go to Sexual Assault Detail.

21 Q And just very quickly, the names and dates of those
22 robberies.

23 A Yes. So on April 12th it -- 436 North 12th Street,
24 apartment B, at 11:30 at night, on a Wednesday. And the

1 victims were Clarence and Francis Rumbaugh, same suspect
2 description. And same -- same type of entry along with
3 (indiscernible).

4 Q And next. Were there two more robberies associated?

5 A Yeah. Okay. I'm sorry. I didn't know you wanted
6 me to keep going. So, yes, on June 6th at 1121 East Ogden,
7 apartment number 9, on a Tuesday, and the victim was a male,
8 Leroy Fowler. Same suspect description. And the entry, door
9 kick, again, with a knife. And then --

10 Q And then -- and there was one last one --

11 A Yes.

12 Q -- associated?

13 A And it was June 9th at 2850 East Cedar Avenue, also
14 an apartment. That one occurred on a Saturday. And the
15 victims were -- and there were two victims, Laura Elaina
16 Zazueta and Guadalupe Lopez, which is male. Same suspect
17 description. There's an unknown entry. And this time the
18 weapon was a gun.

19 Q So before we talk some more about the task force,
20 I'd like to talk to you about the individual cases that you
21 were assigned to. Is that okay?

22 A Yes.

23 Q Okay. Great. The first one would have been
24 Teresa Tyler; correct?

1 A Correct.

2 Q Tell me what your involvement was with the
3 Teresa Tyler incident.

4 A So back in 2000, I did -- I was not called out, due
5 to the date -- the time that it occurred. And this one had
6 actually occurred a little early. It was 8:30 on a Tuesday --
7 8:30 p.m., excuse me. The criteria for a callout -- because
8 there was no suspect information, didn't -- didn't qualify.

9 So what we have is called "general assignment
10 detectives." They work the shift when no other detectives are
11 working. And so the general assignment detectives responded
12 and had the crime scenes processed and also did the statement
13 with Teresa Tyler.

14 In all the sexual assaults, the victims get transported
15 to UMC Hospital where we have special nurses, they're called
16 "SANE nurses." They're sexual assault nurse examiners.
17 That's what SANE stands for. And at the time we only had
18 three of 'em. And they all did sexual assault exams on all of
19 the sexual assaults.

20 So she was transported to UMC where they did the sexual
21 assault kit on her. And I received the case a few days later.

22 MS. KOLLINS: May I approach, Your Honor?

23 THE COURT: Yes.

24 MS. KOLLINS: 185.

1 BY MS. KOLLINS:

2 Q Showing you what has been marked for purposes of
3 identification as State's 185, do you recognize the person
4 depicted in that photograph?

5 A Yes, that's Teresa Tyler.

6 Q And how is it that you recognize her?

7 A I -- I did the follow-up on the case. So I had
8 contact with her from several days after her event through the
9 end of the cases.

10 Q And fairly and correctly depicts her as she appeared
11 back in 2000.

12 A Correct.

13 MS. KOLLINS: I would move for the admission of 185.

14 THE COURT: Mr. Gill and Mr. Goodwin?

15 MR. GILL: No objection, Your Honor.

16 MS. KOLLINS: Permission to publish, please.

17 THE COURT: All right. So as there be no objection,
18 that'll be admitted.

19 [STATE'S EXHIBIT 185 ADMITTED.]

20 THE COURT: Ms. Kollins, you can publish.

21 BY MS. KOLLINS:

22 Q Okay. So in terms of Teresa Tyler's sexual assault,
23 what criteria that occurred kind of fit the MO to refer this
24 to the task force?

1 A Well, the sexual assault, but the description of the
2 suspect -- this was the first case, so -- hence the reason
3 I -- I wasn't called out is because the description was just a
4 black male adult. There was no evidence that we knew of. But
5 it met my criteria because a sexual assault was involved,
6 along with fellatio. He had forced the victim to also perform
7 fellatio on him. And that's why it was assigned to me.

8 Q Okay. Later, gathering what you knew about the
9 series as a whole, what specifically about Teresa Tyler's case
10 kind of put it in that group? Like, was she restrained at
11 all?

12 A Teresa Tyler was -- she was the one -- sorry.
13 I'm -- she was the one that -- yeah. She was tied with a
14 telephone cord behind her back. And not only telephone call
15 [sic] but -- cord -- sorry -- but some handkerchiefs, bandana,
16 scarfs. And he tied her behind her back. But he had put her
17 by a closet. And he actually left a knife for her to be able
18 to get herself loose eventually.

19 And so with that being said, it matched some of the M --
20 of the MO, the modus operandi of some of the other cases.

21 Q Was a weapon used in the Teresa Tyler case?

22 A Yes, a knife was used. And he also -- he had -- we
23 believe he came with a knife, but he also left her, her -- her
24 knife to cut herself loose.

1 Q Okay. You mentioned that most of these scenes were
2 processed by crime scene analysts. Did that happen in
3 Teresa Tyler's case?

4 A Yes, it did.

5 Q Okay. Did you learn of any efforts on behalf of the
6 perpetrator to kind of cover his tracks in the Teresa Tyler
7 case?

8 A In the Teresa Tyler case, I do not remember him
9 covering his tracks as well.

10 Q Okay. Do you recall whether or not a towel was
11 used?

12 A Yeah. Well, that was to clean himself -- their --
13 theirselves up. He made the victim clean themselves up. And he
14 left a -- the white towel. And he also had used a -- the red
15 bandana to help -- he helped clean her vagina up and slightly
16 penetrated her with his fingers.

17 MR. GILL: Your Honor, can we approach?

18 THE COURT: Sure.

19 [BENCH CONFERENCE BEGIN]

20 MR. GILL: All right. I know why we're doing what
21 we're doing a little bit, but she's also testifying on behalf
22 of either transcripts that are gonna be read in or witnesses
23 who are actually gonna show and testify to this stuff. So I
24 know that we're looking for similarities here, but --

1 MS. KOLLINS: Well, its effect on the listener. I
2 mean, why did they accumulate a task force? I mean, they have
3 to identify similarities. I mean, this is about as far as I'm
4 going --

5 MR. GILL: Okay.

6 MS. KOLLINS: -- with each --

7 MR. GILL: Okay.

8 MS. KOLLINS: I'm not gonna get results of forensic
9 testing --

10 MR. GILL: I gotcha. I gotcha.

11 MS. KOLLINS: -- from her or from, you know --

12 MR. GILL: Just to set up the task force?

13 THE COURT: I think -- so two things. I think it's
14 okay to set up the foundation like, "Hey, we started a task
15 force. The way we looked at these individual crimes and
16 whether or not they were going to be part of this
17 investigation was because of the similar -- similarities. The
18 similarities were" --

19 MR. GILL: Right.

20 THE COURT: -- "A, B, C, D." Also, if you have a
21 good-faith basis that these individuals are going to come in
22 and give all of these facts anyways, then I think that lays
23 another lay -- layer of security. It's my understanding --

24 MR. GILL: Okay.

1 THE COURT: -- that the State has stated --
2 MR. GILL: Yeah. Yeah.
3 THE COURT: -- that they do have these individuals
4 or that they --

5 MR. GILL: We have transcripts, at least.

6 THE COURT: -- are deceased and have transcripts.

7 MR. GILL: Yeah.

8 THE COURT: So I'm going to allow it.

9 MR. GILL: Okay. Thank you, Your Honor.

10 THE COURT: Yep.

11 [BENCH CONFERENCE END]

12 THE COURT: Ms. Kollins, go ahead.

13 MS. KOLLINS: Thank you.

14 BY MS. KOLLINS:

15 Q The next case to which you were personally assigned
16 as the lead sexual assault detective would have been
17 Leona Case; is that fair?

18 A That is correct.

19 Q Okay. And what can you tell us about the Leona Case
20 case, generally, that made it jump out as having similarities
21 to these other sexual assaults?

22 A Okay. And I responded to this one. It was a
23 callout, met the criteria. And so in this particular case he
24 had cut a lamp cord to tie her up. And he actually put the

1 lamp cord around her neck. He used makeshift condoms in this
2 case, which had mentioned earlier the makeshift condom was the
3 cellophane from the coffee filters that they used to come in.
4 And also off of the cigarette pack, he -- he wrapped his penis
5 in that. So -- and he flushed it down the toilets to get rid
6 of evidence.

7 Q How did he make entry in this case, this apartment?

8 A This particular one, Leona Case, she thought that
9 she had seen him on March 5th. Now, the case happened on
10 March 7th. And he had asked her to use the phone. With that
11 being said, she just kind of ignored him. He came back to her
12 apartment on the 7th, knocked on her door at approximately 25
13 after midnight asking to use the phone. She told him no, shut
14 the door, and then five minutes later there was a door kick
15 and opened the door and he came in.

16 Q Was there a money demand in this case?

17 A Yes. He took her money and he took a ring off of
18 her finger that said "mom" on it and also some food stamps.
19 And forgive, I -- I meant to tell you in the first case, he
20 had also stolen money.

21 Q So what kind of force does he exhibit with
22 Leona Case?

23 A I'm sorry?

24 Q What kind of force does he exhibit with Leona Case?

1 Does he strike her? Does he use a weapon?

2 A Yes. When he -- when he -- he took her into the
3 bedroom. When he was sexually assaulting, he told her that
4 she could identify him so that he was going to have to kill
5 her. So during the second sexual assault he had put the --
6 the lamp cord that he had cut around her neck and was
7 strangling her, and he stabbed her two times in the torso.

8 Q Okay. You said he tied her with the electrical
9 cord. Did he do anything with that electrical cord?

10 A Yeah. After -- well, after he had strangled her and
11 everything, then he tied her up again and he forced her,
12 after -- after the sexual assault, he had forced her into the
13 bathroom --

14 Q Okay.

15 A -- and --

16 Q And he forced her into the bathroom. What happened
17 to her apartment?

18 A So he locked her in the bathroom, as he had stated
19 about being able to identify her -- him. So he forced her in
20 the bathroom, tied up, locked her in the bathroom -- the door
21 opened out, so he was able to put a dresser against the door
22 to keep the victim from being able to open the door. He then
23 set fire to the apartment. He disabled the smoke alarm, set
24 fire to the apartment, and then left.

1 And neighbors ended up -- it got fully engulfed. The
2 apartment was fully engulfed. And she was able to force the
3 door open enough to squeeze out. And in a T-shirt, underwear
4 and ran out to the front of the apartment complex where
5 neighbors called the fire department first and the police.

6 Q And that would have been what prompted your callout;
7 fair?

8 A Correct.

9 Q And I don't know if I asked you, in this
10 circumstance, did the perpetrator use anything to -- as a
11 substitute for a condom?

12 A Yes, this is the case where he used the cellophane
13 off the coffee filter for the first sexual assault, and his
14 second sexual assault he used the cellophane off of a
15 cigarette pack as a condom.

16 MS. KOLLINS: May I approach, Your Honor?

17 THE WITNESS: He flushed 'em both down the toilet.

18 MS. KOLLINS: I'm sorry.

19 THE WITNESS: Oh, sorry.

20 THE COURT: Yes.

21 BY MS. KOLLINS:

22 Q Showing you what I previously showed Defense counsel
23 as State's Proposed 186, do you recognize the person depicted
24 in that photo?

1 A Yes, that's Leona Case.

2 Q A -- fairly and accurately depict Ms. Case after the
3 events that you just described back in 2000?

4 A Yes.

5 Q And that was her being treated at UMC; fair?

6 A That is correct.

7 Q Okay.

8 MS. KOLLINS: Move to admit 186.

9 THE COURT: Defense?

10 MR. GILL: Just a quick question, if I can,
11 Your Honor.

12 Did you actually appear at UMC and -- and discuss
13 anything with Ms. Case?

14 THE WITNESS: I -- I did go to UMC and I -- I did a
15 tape statement with her.

16 MR. GILL: Nothing further, Your Honor. And no
17 objection.

18 THE COURT: Okay. That'll be admitted and you can
19 publish.

20 MS. KOLLINS: Thank you.

21 [STATE'S EXHIBIT 186 ADMITTED.]

22 BY MS. KOLLINS:

23 Q Now, Joni Hall was the last of the series to which
24 you were personally assigned; fair?

1 A Correct. That was the third and final case that was
2 actually assigned to me.

3 Q Okay. And that was on June --

4 A June --

5 Q -- 7th of 2000?

6 A June 7th of 2000.

7 Q So in terms of the Joan -- did you personally
8 respond to that case?

9 A Yes, I did.

10 Q In terms of the Joni Hall case, what was the manner
11 of entry?

12 A Manner of entry was a door kick.

13 Q Was the suspect description the same, the black male
14 adult, kind of nondescript build, 5-7 to 5-9? Was it
15 approximately the same?

16 A Correct.

17 Q Okay. And was there a weapon used?

18 A There was a knife used.

19 Q Okay. And what transpired inside that apartment
20 as -- that you discovered as part of your investigation?

21 A Joni Hall, she was actually in bed sleeping. She
22 actually had a roommate upstairs in the apartment -- in the
23 apartment, a female roommate. She was sleeping in bed with
24 her two-year-old son.

1 When the door got kicked, it made her awake. And she
2 came out and confronted the suspect. He had the knife. He
3 told her not to scream or he'd kill her. Then he made her go
4 to the kitchen and he asked her what kind of food and drinks
5 she had. She -- he was wearing a -- a white stocking mask
6 with the eyes slit.

7 She then got an NFL cup, plastic cup with a surge on it
8 and she poured him a glass of Kool-Aid. He made her turn
9 around while he removed the mask, assumingly, and he took a
10 drink --

11 MR. GILL: Your Honor --

12 THE WITNESS: -- out of the cup --

13 MR. GILL: -- same objection as I -- I made at the
14 bench as well as speculation.

15 THE COURT: So I'm gonna sustain this part of it. I
16 think we're a little bit astray from similarities.

17 MS. KOLLINS: Okay.

18 BY MS. KOLLINS:

19 Q So let's back up. I think I asked you, "Was a
20 weapon used?"

21 And you said, "Yes, I knife" --

22 A A knife.

23 Q -- correct?

24 Was there a sexual assault?

1 A There was. On the floor in the living room, since
2 the child was still asleep in the bedroom.

3 Q Okay. Was anything used as a makeshift condom or in
4 an --

5 A Yes, a yellow -- the yellow latex glove that I had
6 explained earlier, where he cut the finger off of it and put
7 it on his penis before inserting his penis in her vagina.

8 Q Was there a demand for money made?

9 A Yes, there was.

10 Q Did -- was anything stolen?

11 A He -- he -- there was demand for money and for keys.
12 The victim stated she had no money. The suspect made her
13 unhook the -- the TV that was in the living room from the
14 cable box, which was a 19-inch Westinghouse. Some of you
15 probably don't know that brand, but it was a common brand back
16 then. And he -- he demanded a -- it's Lennox CD player. He
17 took that and then he took the baby stroller to transport the
18 goods in that stroller.

19 Q And she -- she also was transported for a sexual
20 assault exam and -- and criminalistics was also called to her
21 apartment; correct?

22 A Correct.

23 Q Okay. Now, circling back to this task force. In
24 June of 2000, early June of 2000, like, just off the heels of

1 the Joni Hall case, there are no known suspects; is that fair?

2 A That is correct.

3 Q Okay. And so in an effort to identify a suspect or
4 exclude some people, you -- this task force is created; fair?

5 A Yes.

6 Q And --

7 A It was created for this reason, to be proactive and
8 look for a suspect.

9 Q And by being proactive and looking for a suspect,
10 what you were all doing in plain clothes is driving around
11 this portion of Downtown Area Command in the hours that these
12 crimes have been occurring; fair to say?

13 A Yes.

14 Q That -- that's the plan; right?

15 A It is the plan.

16 Q Okay. So that actually doesn't commence till
17 June 13th of 2000; fair?

18 A That is correct.

19 Q Okay. On June 10th of 2000, do you learn something,
20 which is just three days before the task force, do you learn
21 something about some of the evidence in this case?

22 A Yes, I did. On -- on June 10th I received a call
23 from one of our crime scene -- not crime scene, one of our
24 analysts. And he had told me that he had a DNA match between

1 my first case, Teresa Tyler, and one of the other detective's
2 case, Ramona Leva.

3 Q Leva?

4 A Leva. Sorry.

5 Q So that would be the first-in-time and third-in-time
6 case; fair?

7 A Correct. Yes.

8 Q And at this time the profiles from those two cases
9 match, but we don't have a suspect. We don't have someone
10 that we know they belong to; fair?

11 A Correct.

12 Q Okay. So on June 13th, do you participate in this
13 task force?

14 A Yes, I do.

15 Q And are you riding alone or with someone else?

16 A I was alone in my plain car.

17 Q Okay. Did you have contact with someone you see
18 here in court today?

19 A Yes. Justin Porter.

20 Q Okay. And where is Mr. Porter seated and what is he
21 wearing in court today?

22 A He's wearing a dark blue-type button-up shirt.

23 Q No jacket?

24 A No jacket.

1 MS. KOLLINS: May the record reflect identification
2 of Justin Porter.

3 THE COURT: It will.

4 MS. KOLLINS: Thank you.

5 BY MS. KOLLINS:

6 Q So at the time you had contact with Justin Porter,
7 did you know any of his involvement in this case?

8 A No, I did not.

9 Q Okay. Where and when did you first see him on
10 June 13th?

11 A So the detectives, we were kind of logging on at
12 different times. And so I was patrolling the area by myself
13 in my car. And I was patrolling a specific area that, based
14 on the map of where the crimes had occurred, it was kind of
15 like the central hub. So I thought, possibly, that maybe he
16 lived in that area, based on the area -- or the locations of
17 the crime.

18 And I had observed a black male, matching the
19 description -- and we had also had a sketch made by Joni Hall.
20 And I observed a -- a guy out at 2:00 o'clock in the morning.
21 It was like 2:15 in the morning, and he was sitting on what I
22 think was electrical box or an air conditioner, you know, big
23 square box. He was just sitting there. And I was by myself,
24 in my car. And I had had a -- a knee injury. So I had

1 requested that somebody come and help me to make the stop
2 'cause if this person had taken off, I couldn't chase him, to
3 be realistic. And --

4 Q And -- and I'm sorry, detective. I'm going to cut
5 you off for just a moment.

6 A Yeah.

7 Q I got ahead of myself just a little bit.

8 MS. KOLLINS: Showing you 182.

9 May I approach, Your Honor?

10 THE COURT: Yeah.

11 BY MS. KOLLINS:

12 Q Showing you what has been marked, or for purposes of
13 identification and shown to Defense counsel as State's
14 Proposed 182, do you recognize that?

15 A Yes. This is -- this is one of the sketches that we
16 had made of the suspect.

17 Q Okay. Is that the sketch --

18 A From --

19 Q -- that was made with Joni Hall?

20 A Joni Hall.

21 Q And then showing you one -- State's Proposed 187,
22 also shown to Defense counsel, do you recognize the person
23 depicted in that?

24 A Yes, that's Joni Hall.

1 MS. KOLLINS: Okay. So permission to publish,
2 Your Honor?

3 THE COURT: Um --

4 MS. KOLLINS: Or I move to admit. Excuse me.

5 THE COURT: Yeah. It's okay.

6 Mr. Gill, on each of those?

7 MR. GILL: No objection, Your Honor.

8 THE COURT: Okay. Those can be -- those will be
9 admitted and they can be published.

10 MS. KOLLINS: Thank you.

11 [STATE'S EXHIBITS 182 and 187 ADMITTED.]

12 BY MS. KOLLINS:

13 Q So that is Joni Hall back in 2000; correct?

14 A Yes. Yes.

15 THE COURT: And which one is that? I apologize,
16 Ms. Kollins.

17 MS. KOLLINS: I -- I'm sorry, Your Honor. 187.

18 THE COURT: 187. Thank you.

19 BY MS. KOLLINS:

20 Q And publishing 182. That is the sketch given to a
21 criminal artist -- correct? -- given by Joni Hall and then
22 that's her rendition of the --

23 A Correct.

24 Q -- description; correct?

1 A Correct.

2 Q And that's what you had on this evening; fair?

3 A I did, yes. And I had distributed it to the
4 detectives working.

5 Q Okay. So you see Mr. Porter sitting on this
6 electrical box and you decide "hey, maybe I better get some
7 backup." So who do you call?

8 A Well, I had called -- actually called several
9 people. I called Detective Sullivan (phonetic) and he had
10 just started to log on. So I had the Sergeant Winslow
11 (phonetic) of the PSU cell phone. So I had called him and
12 told him that I needed some help in --

13 Q Okay.

14 A -- in assisting with a stop.

15 Q All right. And what time in the morning is it?

16 A That time of the morning was about two -- 2:30.

17 Q So 2:30 a.m., after midnight; correct?

18 A Correct.

19 Q All right.

20 A On a Tuesday.

21 Q Okay. So you call these people from PSU. Do they
22 meet you at the location where Mr. Porter is or do they --

23 A They -- yeah, they were -- they were coming to the
24 stop. And I had received a call to help another detective who

1 needed a DNA buccal swab. So they observed him while I went
2 to -- they -- they watched him while I went to deliver this
3 buccal swab to this other scene.

4 Q Okay. We're gonna stop there (indiscernible).

5 A Sorry.

6 Q Okay. So there's another detective who's also part
7 of this task force; fair enough?

8 A Yes.

9 Q And that detective needed to obtain a buccal swab?

10 A Correct.

11 Q And that's something that was just kind of becoming
12 common back then; correct?

13 A Correct.

14 Q Okay. And that's just a Q-tip and an envelope. And
15 you taking that to her.

16 A Correct.

17 Q All right. And in the meantime these prob -- PSU
18 detectives are going to look for this -- this person that
19 matches the description.

20 A Correct.

21 Q Okay. So by the time you go help the other
22 detective and you come back, have these detectives made
23 contact with Mr. Porter?

24 A Yes, they had.

1 Q Was he under arrest?
2 A No.
3 Q Okay. Did you learn how old he was?
4 A Seventeen years old.
5 Q Okay. And 17-year-old supposed to be out at 2:30 in
6 the morning back in 2000?

7 MR. GILL: Objection, Your Honor.

8 THE COURT: Oh --

9 MR. GILL: Relevance.

10 MS. KOLLINS: Well, it --

11 THE COURT: I think it's relevant. I'm gonna
12 overrule it. From a legal perspective, as a police officer --

13 THE WITNESS: Yes.

14 THE COURT: -- you can answer that.

15 THE WITNESS: Yes. Yes. He was 17 and that -- that
16 stop -- by the time they (indiscernible) him was about
17 3:00 a.m., just to clarify. But, yeah, they had ascertained
18 that he was 17 years old and in violation of curfew.

19 BY MS. KOLLINS:

20 Q Okay. So did you -- did you have a conversation
21 with him at that time?

22 A Yes, I did.

23 Q Did you let him know what you were doing?

24 A Yes, I did. I had questioned him whether or not he

1 had heard about this series of crimes that we're having in the
2 area. And he said he had. And I asked him if he was a
3 suspect, and he told me no. So then I asked him if he would
4 consent to a DNA buccal swab. He didn't know -- he said he
5 knew what it was. But I explained it further about what a DNA
6 buccal swab was like. And he told me I had to ask his mother.

7 Q Okay. So the first night of the task force, do you
8 know how many individuals were given buccal swabs?

9 A I couldn't put, from memory, an exact number. But
10 it was -- it was multiple -- like, ten.

11 Q Okay. So he says "you have to ask my mom." So
12 what's the next thing that happens?

13 A So the -- the Problem Solving officers and
14 detectives transport him back to his mother's house and I
15 follow 'em.

16 Q Okay. And when you -- when they transported him
17 back to his mother's house, did you have contact with his mom?

18 A Oh, yes, I did.

19 Q And what was his mom's name?

20 A Angela Porter-Smith.

21 Q Okay. And was anyone else home with
22 Angela Porter-Smith?

23 A Yes, the stepdad, Sergio (phonetic), maybe. I can't
24 remember his name. I apologize.

1 Q Okay. Did you have -- without telling me what
2 Ms. Smith said, did you tell Ms. Angela Porter-Smith what you
3 were doing?

4 A Yes, I did.

5 Q Okay. And did you tell her -- did you tell her
6 about the task force and the series of crimes? Did you let
7 her know all of that information?

8 A Yes, I had also asked her if she had heard of the
9 series of crimes, and she told me she had.

10 Q So having told her that, did you say -- did you ask
11 her if she would give permission to take a buccal swab from
12 her son's mouth?

13 A Yes, I did. I asked her if -- if she would help
14 consent. And I explained to her what a DNA buccal swab was.
15 And she said she would.

16 Q Okay. And just briefly, just for the record,
17 describe how -- what the protocol is for taking a buccal swab
18 from someone.

19 A So back in 2000, the -- it came as a kit. We'd call
20 it a -- a "buccal swab kit." And it was -- contained a -- an
21 evidence -- an evidence envelope, you know, with all of the
22 name that you would put a name and who you got it from and
23 everything else, date, time, location.

24 Inside the kit there -- there's two Q-tips for all

1 intents and purposes. There's two Q-tips. Well, when you ask
2 somebody to swab their mouth, you have 'em swab it on one side
3 first and on the other side second. They're kind of hard to
4 open. I -- I usually open it to start and then have whoever's
5 swabbing their own mouth -- usually the volunteers swab it
6 themselves -- grab the Q-tip and swab their mouth. And then I
7 have 'em place it back.

8 There's a little white box, you know, the little white
9 box that fits the Q-tip. It's -- it's about like that
10 (indicating). And you have 'em place it into that white box.

11 Q Okay. So the dimensions you showed with your hand
12 were about six inches by two inches; fair enough?

13 A Yeah. Yeah. The box was probably even skinnier
14 than that. But, yeah. But it was taller. So the -- the --
15 the Q-tip itself was, you know, like -- about like that
16 (indicating).

17 Q So you collect that and then you preserve it so that
18 there's no contamination. That's kind of the goal; right?

19 A Correct. I had Mr. Porter put the Q-tips in that
20 little white box. 'Cause it's kind of smashed when you put it
21 in so you kind of put it together and I had him put it in the
22 box himself.

23 Q Okay. So this process that you kind of explained to
24 us, did you explain that to Ms. Porter and Justin?

1 A Yes, I did.

2 Q Okay. And everybody was in agreement it was okay?

3 A Correct.

4 Q And did you request that Mrs. Porter,
5 Mrs. Angela Porter-Smith, I guess, sign a consent to obtain
6 that buccal swab?

7 A Yes, I did.

8 Q Okay. And you also had Justin Porter --

9 A Correct.

10 Q -- do that as well; right?

11 A Correct.

12 MS. KOLLINS: Showing Defense counsel 181. May I
13 approach?

14 THE COURT: Yep.

15 BY MS. KOLLINS:

16 Q Showing you, former Detective Love -- it's hard for
17 me to say -- State's Proposed 181. Do you recognize that
18 document?

19 A Yes, I do.

20 Q And what is that document?

21 A This is the consent to search document.

22 Q And do you recognize it uniquely from being from
23 Justin Porter back on June 13th of 2000 as well as his mom?

24 A Yes, that's their handwriting there and their

1 handwriting there and my handwriting in the middle.

2 Q And your signature?

3 A And my signature at the bottom with my P number.

4 Q And fair and accurate copy?

5 A Yes, and along with I -- I do an event number for
6 this particular buccal swab. Whenever we swab somebody, they
7 get their own unique event number.

8 MS. KOLLINS: State would move for the admission of
9 181, with permission to publish.

10 THE COURT: Mr. Gill?

11 MR. GILL: No objection.

12 THE COURT: Admitted and granted.

13 [STATE'S EXHIBIT 181 ADMITTED.]

14 BY MS. KOLLINS:

15 Q So at this time Mr. Porter is just like anyone else
16 you buccaled in that series of people; correct?

17 A Correct.

18 Q Okay. You've had no particular reason to focus on
19 him, other than the fact you found him out at 2:30 in the
20 morning, fair to say?

21 A Correct.

22 Q In the vicinity of where these crimes had been
23 occurring.

24 A Correct.

1 Q All right. Now, you have the -- two event numbers
2 where the DNA is from the same individual, but you don't have
3 a known suspect yet; correct?

4 A That is correct.

5 Q And you submit this buccal swab that was obtained,
6 with consent, to the forensic lab; correct?

7 A Correct.

8 Q And the forensic lab takes that buccal swab and they
9 get a profile; correct --

10 A That is --

11 Q -- if they're able.

12 A Correct.

13 Q Right. On August 10th did you receive some
14 information about the profile obtained from that buccal swab
15 and Justin Porter?

16 A Yes, I did. I received a -- a phone call from
17 Analyst Welch, who advised me that Justin Porter's DNA profile
18 matched Teresa Tyler case in -- in the February 1st and also
19 Ramona Leva.

20 Q Okay. And that -- back then, that DNA profile took
21 a while. Because we're talking -- you obtained that buccal
22 swab June 13th. We're talking August 10th; right?

23 A Correct.

24 Q Okay. And that match, did that set some things in

1 motion?

2 A Yes, it did. It -- it set things in motion for us
3 to start getting search warrants and arrest warrants for
4 Justin Porter.

5 Q Okay. Was there a search warrant obtained for
6 Defendant's house?

7 A Yes, there was.

8 Q After that search warrant or, you know, during right
9 in that time frame that that warrant was obtained for his
10 house, was it learned that the Defendant was not in the
11 jurisdiction, not in Las Vegas?

12 A Correct. We learned that he was in Chicago.

13 Q Did you learn whether or not he had family in
14 Chicago?

15 A Yes, his father lived in Chicago.

16 Q When you learned that he was in Chicago, was that
17 the same day or the next day that the DNA match came out?

18 A That was the same day that we got the DNA match, we
19 started looking for Mr. Porter.

20 Q Okay. When Las Vegas Metropolitan Police
21 Department, you know, the sexual assault detectives learned
22 that he was in Chicago, were efforts made to contact law
23 enforcement in Chicago for assistance?

24 A Yes, Detective Castaneda contacted Chicago PD for

1 assistance in locating Justin Porter.

2 Q Okay. And once that contact was made, did
3 detectives from Las Vegas actually travel to Chicago?

4 A Yes, on the morning of August 12th, Detective
5 La Rochelle, Detective Jensen, and Sergeant Cricket
6 (phonetic), I believe, were the three that went to Chicago.

7 Q And -- and you did not travel to Chicago?

8 A I was injured. I was not able to make the trip.

9 Q Now, did you continue some follow-up investigation
10 here?

11 A In Las Vegas with the search warrant and also we had
12 obtained information of some girlfriends of Justin Porter.

13 Q Okay. Specifically, I want to talk to you about a
14 young lady named Shenel Matthews. Do you recall a young lady
15 named Shenel Matthews?

16 A Yes, I do.

17 Q Did you have contact with Shenel Matthews?

18 A Yes, I made contact with her and her mother --

19 Q Okay.

20 A -- at her residence.

21 Q Did you know whether or not Shenel Matthews was an
22 associate with Justin -- associate of Justin Porter?

23 A She was an associate, an actual girlfriend.

24 Q Okay. Did you obtain any -- did you contact her on

1 August 11th? I'm sorry. Did I ask that? 2000?

2 A I believe that was the date, yes.

3 Q Did you obtain any property from her that you
4 connected back to any of these sexual assaults or robberies?

5 A Yes, Shenel Matthews voluntarily gave me items that
6 she had received from Justin Porter. And a CD -- Lennox CD
7 player that was stolen from Joni Hall was recovered.

8 Q Now, just backing you up one second here, detective.
9 I keep calling you "detective." Sorry. I don't know what to
10 call you when you retire.

11 A I don't either.

12 Q Happy? How's that?

13 After you made contact with Justin Porter on June 13th of
14 2000 and you obtain that buccal swab, were you called out or
15 made aware of any further cases in the series?

16 A I was not.

17 Q Okay.

18 MS. KOLLINS: Court's indulgence.

19 THE COURT: Yep.

20 MS. KOLLINS: Your Honor, I will pass the witness.
21 May I approach your clerk?

22 THE COURT: Yeah.

23 Mr. Gill, whenever you're ready, sir.

24 MR. GILL: Thank you Your Honor.

CROSS-EXAMINATION

BY MR. GILL:

Q I'm gonna stick with "detective"; is that okay?

A That's perfectly fine.

Q Detective, you first got on this case when? I don't -- you might have mentioned it.

A Yeah. My very first case was from February 1st --

Q And that was --

A -- and I received the case a few days later.

Q Sorry. (Indiscernible) correct?

A That's correct.

Q Okay. And then this task force was created sometime in June?

A Yes, it was -- once we had learned on June 10th that we had the same suspect, confirmation in two of the cases is when the task force came to form.

Q And in, specifically, June 10th, you received that phone call from the analyst that you have a match. And I think it was the Tyler and Leva cases.

A That's correct.

Q Okay. So from there kind -- things kind of ramped up with the task force; is that fair?

A That's fair.

Q Okay. And then on the 13th of June was when you

1 were driving around this area.

2 A Correct.

3 Q And -- and when I say "area," the area where these
4 crimes had occurred and where you kind of went to the middle
5 of that; is that fair?

6 A Correct.

7 Q Okay. So you're out there by yourself and you're in
8 a marked patrol car or a plain car?

9 A Plain car.

10 Q Okay.

11 A Plain detective car.

12 Q And those are -- you say "plain." Describe a plain
13 car for me.

14 A At the time I believe I was driving a -- a gray
15 Mercury. And inside there was a radio. It does have lights
16 that -- you know, the visor comes down, lights. And it has
17 antenna on the back.

18 Q But not much else to it; right?

19 A No.

20 Q It doesn't say "Metro" or anything like that?

21 A No.

22 Q And you -- the license plate might have the EDX on
23 it?

24 A It did not. It had a regular plate on it.

1 Q Okay. So it was pretty, quote-unquote, "plain."

2 A Correct.

3 Q All right. And then you -- you see somebody at a --
4 an electrical box or something. And that was Mr. Porter;
5 correct?

6 A Correct.

7 Q Was he with anybody?

8 A No, he was not.

9 Q He was by himself that night?

10 A Correct.

11 Q And then, again, that -- that was about 2:30 in the
12 morning, 1:30 in the morning?

13 A I first spotted him at about 2:30 in the morning.
14 The stop didn't take place till about 3:15 in the morning.

15 Q And the reason for that, you had a broken foot -- or
16 a --

17 A Oh --

18 Q -- a surgically repaired foot.

19 A Knee.

20 Q Knee? I'm sorry. I'm sorry.

21 A It's okay.

22 Q And you weren't about to go chase anyone down if you
23 needed to.

24 A Correct.

1 Q Okay. He -- so you call backup. They came out.
2 And that's when this buccal swab occurred -- correct? -- or
3 attempted to occur.

4 A The -- the stop occurred.

5 Q Okay. And then you went to another scene real
6 quick?

7 A Correct. Just gone about five minutes.

8 Q Okay. And was that nearby?

9 A Yeah, the detective met me halfway because I was
10 busy and they needed the buccal swab to swab another person.
11 So she met me halfway, I dropped it off, and then I
12 immediately returned.

13 Q Oh, okay. So for that one, you didn't necessarily
14 stay; they just needed the kit.

15 A That's it. Was a --

16 Q All right.

17 A -- met halfway and dropped it off.

18 Q And then that was in relation to this set of
19 circumstances as well?

20 A Yes, it was.

21 Q Now, you -- you did talk to Justin kind of near the
22 electrical box; correct?

23 A Yes, he was very cooperative.

24 Q And that's after you returned from delivering the

1 buccal swab.

2 A Correct.

3 Q And at some point in that conversation is when he
4 said I -- "you better ask my mom."

5 A Correct.

6 Q And you knew at this point that he was 17; right?

7 A I did.

8 Q Okay. And, then, was that just him identifying
9 himself as 17 or did he have ID on him? Do you remember?

10 A I don't recall.

11 Q Okay. But either way, you figured he's 17, he wants
12 mom, he wants you to ask his -- his mother, so you did; right?

13 A Correct. We would have -- we would have -- first,
14 if he said no, we wouldn't have went, like, to the mom's
15 house -- I mean, we would have went to mom's house to return
16 him.

17 Q Okay.

18 A You know, 'cause we can't leave him out. And we'd
19 be liable if something happened to him. So we would of had to
20 return him. But if he said he didn't want it, then --

21 Q You wouldn't have done it.

22 A Wouldn't have done it.

23 Q Did you cite him for curfew violations?

24 A No.

1 Q But you did end up at Angela's house -- correct? --
2 his mother?

3 A Correct.

4 Q And you did take the buccal swab; correct?

5 A Correct.

6 Q And you said he was cooperative. Was it throughout?

7 A Throughout the entire stop.

8 Q You know, I -- I want to skip a little bit forward
9 to August 10th of 2000. You received a call from Welch;
10 correct?

11 A Correct.

12 Q And that was that there was a match in DNA.

13 A Correct.

14 Q Okay. And your -- your quote was that you -- that
15 set things in motion to obtain search and arrest warrants.

16 A Well, no. That didn't -- after -- well, you --
17 'cause you said June.

18 Q August 10th. I skipped forward.

19 A Okay. August 10th. Correct. Once we learned that
20 Justin Porter was our suspect, we started to write arrest
21 warrants and search warrants.

22 Q Okay. And then you -- you learned that he was in
23 Chicago.

24 A Correct.

1 Q You -- do you recall how you learned that?

2 A From my understanding -- it was not myself that did
3 it. And there's probably another detective that will tell you
4 how he learned that.

5 Q Okay. But you -- you just heard it from another
6 detective, is that --

7 A Correct. Correct.

8 Q Okay. So that was how you, quote-unquote, "learned
9 it."

10 A Correct.

11 Q Okay. And then you weren't one of those three, I
12 think you described, that went to Chicago?

13 A I was not.

14 Q Okay. Now, as far as Ms. Matthew's house, you did
15 go to her mother's home, or her home?

16 A Correct. Her mom was present.

17 Q And she was a juvenile as well?

18 A Correct.

19 Q And so she's with -- with her mother when you
20 questioned both of them?

21 A Correct.

22 Q And that's where she turned over this CD player.

23 A Correct. They -- they both signed consents to
24 search. Detective Castaneda, he is the one that actually

1 interviewed her and -- and then she handed us the property.
2 She told us where it was.

3 Q Okay. So what -- I mean, as far as a search, you
4 described it -- was it much of a search or was it --

5 A No. No. She was cooperative as well.

6 Q Okay.

7 A She's the one that handed us the stuff.

8 Q And I just want to be clear for the record. I said
9 "CD player." What else were you given?

10 A She -- she'd given us Saucony? Is that how you say
11 the tennis shoes? Saucony tennis shoe?

12 Q And I'll spell it. Is it S-A-U-C-O-N-Y?

13 A Correct.

14 Q Okay. And that was the tennis shoes; correct?

15 A Correct. And also she gave us a T-shirt. It had --
16 it was significant in one of the cases because they had bought
17 identical stuff. And the label had "DD" on it. And she told
18 us that they had bought that together.

19 Q "They" being Ms. Matthews and Mr. Porter.

20 A Correct.

21 Q Okay. So there were two T-shirts or she just had
22 one?

23 A She had one -- they had matching T-shirts and
24 matching shoes.

1 Q So she gave you her pair of shoes and her T-shirt.

2 A Correct. And the CD player.

3 Q And the CD player. Was there anything else?

4 A A ring, I believe.

5 Q Okay. And is that everything?

6 A I believe so, yes.

7 Q Okay. And, again, as far as, like, this,
8 quote-unquote, "search," you had talked to her and her mother
9 and these things were provided to detectives?

10 A Correct. We never searched her property. These --
11 but when they give you stuff, you still have 'em sign the
12 paperwork that gives us permission to take it.

13 Q Okay. Just kind of an extra cross your T, dot your
14 I kind of thing.

15 A Correct.

16 Q And that was August 10th -- correct? -- or
17 August 11th. I'm sorry.

18 A Eleventh, I think. Yes.

19 Q My apologies. August 10th you received the call;
20 August 11th you went to Ms. Matthew's house. And you were
21 present and Detective Castaneda interviewed her?

22 A Correct.

23 Q Okay. Did you interview the mother, if you recall?

24 A I believe Detective Castaneda did that as well.

1 Q Okay. And then --

2 MR. GILL: Court's indulgence. I do apologize.
3 Thank you, Detective, one second.

4 THE WITNESS: No problem.

5 BY MR. GILL:

6 Q Just a few other follow-ups, detective.

7 A Okay.

8 Q The -- and I'm gonna go kind of back to the
9 beginning of this task force that you guys set up.

10 A Okay.

11 Q And I do want to talk about kind of the
12 commonalities. Now, you had black male adult; correct?

13 A Correct.

14 Q And you had an age description of 17 to 25?

15 A Yeah, I believe when you put 'em all together, with
16 the cases that we were looking at that -- that the ages
17 started around 17 to 25.

18 Q Okay. And -- and do you know for sure -- and I
19 don't want -- I don't want to tie you to an answer if you
20 don't know for sure, but were there anything outside of that
21 range, any -- that you reviewed?

22 A I think, in one case, it -- somebody might have said
23 25 to 30.

24 Q Okay. So --

1 A But other than that, there -- they were all pretty
2 common.

3 Q Okay. So you're thinking late teens early 20s --

4 A Correct.

5 Q -- is that fair?

6 And then short curly hair, you were given?

7 A Correct.

8 Q Now, when you say "you were given," you -- you
9 conducted three primary investigations; correct?

10 A Yes, myself. Yes.

11 Q Correct. Yourself. And then you're involved in
12 some of the others, or aware, I guess I should say, of the
13 others; correct?

14 A Correct.

15 Q And that's where you're getting this information,
16 some of it?

17 A All -- yeah, all of 'em put together kind of made
18 that description.

19 Q Okay. And 5-7 to 5-9; correct?

20 A Correct.

21 Q And then 160 to 180 on the weight.

22 A Yeah, right around there. There might have been one
23 that was 155.

24 Q Okay. So just maybe just a little outside.

1 Now, you also talked about the timing, midnight to
2 5:00 a.m.?

3 A Was -- was the primary -- the primary time. There
4 was other times as well, but that was kind of a -- when you --
5 when you try to do a, specifically, task force, you're trying
6 to figure out when the most logical time is that we might
7 catch somebody.

8 Q And you guys came up with midnight to 5:00 because
9 of, kind of, an average; is that fair, on a --

10 A Yeah. That's -- that's fair. An average.

11 Q Okay. So then --

12 A And that's why we picked Tuesday.

13 Q 'Cause there might be some things outside of that,
14 but --

15 A Absolutely.

16 Q -- but your mean or --

17 A There were, yes. Absolutely.

18 Q Okay. And I don't mean to talk over you. I
19 apologize.

20 A No. No. Absolutely. There -- there were some out.
21 We --

22 Q And -- and is that true with the Tuesdays? You said
23 three to four Tuesdays?

24 A Yes.

1 Q And how many total were you investigating? Do you
2 recall?

3 A How many total --

4 Q Sexual assault crimes were you investigating at this
5 time?

6 A Total?

7 Q Total. Not -- pertaining to this suspect.

8 THE COURT: Her personally or the task force?
9 Sorry, Mr. Gill.

10 MR. GILL: The task force. I apologize.

11 BY MR. GILL:

12 Q I know you had the three. How many others were
13 there?

14 A I -- I guess you would say it's eight. Eight cases.

15 Q Give or take. Is that fair --

16 A There -- there was more cases, correct. More cases.

17 Q Right. So you had -- you had quite a bit of cases
18 out there that you're working on at any given time; correct?

19 A I'm sorry?

20 Q At any given time, you're working on more than one
21 case or more than one set of cases.

22 A Yeah. Yeah. But what I'm saying is there were more
23 cases than just the current cases --

24 Q Okay.

1 A -- that matched the description.

2 Q And is that common in -- in detective work?

3 A Well, yes. Of course.

4 Q And then -- so back to the Tuesdays. You said there
5 were three to four Tuesdays.

6 A Correct.

7 Q And then all apartment complexes.

8 A All of 'em had been apartment complexes.

9 Q And is that a common structure for that area that
10 you guys were investigating? Are there a lot of apartments
11 there?

12 A Yeah, this's -- there is a lot of apartments in that
13 area.

14 Q Kind of the downtown area.

15 A Yes.

16 Q And you said almost everyone had a knife. Do you
17 recall which did and which did not?

18 A If you let me refer to my notes.

19 Q And --

20 THE COURT: If --

21 MR. GILL: Can we approach on the note issue --

22 THE COURT: Yeah.

23 MR. GILL: -- very quickly.

24 THE COURT: Of course.

1 [BENCH CONFERENCE BEGIN]

2 MR. GILL: (Indiscernible) court exhibit?

3 MS. KOLLINS: I missed all that --

4 MR. GOODWIN: What was that?

5 MS. KOLLINS: -- sorry.

6 MR. GILL: It's okay. I didn't say anything.

7 THE COURT: So they were asking it's -- Mr. Gill was
8 asking your position on -- or my position on whether or not
9 the notes could be copied as a court exhibit. I don't know,
10 necessarily, if they need to me copied --

11 MR. GILL: Just the --

12 THE COURT: -- as much as, like, we can lay a
13 foundation on the record right now. If we want, we can take a
14 look at them and just say what's on them.

15 MR. GILL: I'm not concerned about it. I just --
16 just for record's sake.

17 THE COURT: Sure.

18 MR. GILL: I mean --

19 MS. KOLLINS: And --

20 MR. GILL: -- I know they're just literally her
21 going through over the weekend --

22 THE COURT: Yeah.

23 MR. GILL: -- and making notes down.

24 THE COURT: So I -- I've been looking -- she's been

1 looking at 'em --

2 MR. GILL: Okay.

3 THE COURT: -- just to break down --

4 MR. GILL: Okay.

5 THE COURT: -- (indiscernible) --

6 MR. GILL: Like timing and --

7 THE COURT: -- the time and the chronological order
8 of them (indiscernible).

9 MR. GILL: Just to remember?

10 MS. KOLLINS: Right.

11 THE COURT: Yeah.

12 MS. KOLLINS: And so -- and I don't know what
13 question you asked, but just so we're clear, there are some
14 cases that were not --

15 MR. GILL: I know.

16 MS. KOLLINS: -- bound over --

17 MR. GILL: I know. I know.

18 MS. KOLLINS: And she --

19 MR. GILL: I know.

20 MS. KOLLINS: -- just said --

21 MR. GILL: I know she said --

22 MS. KOLLINS: -- there are more cases --

23 THE COURT: I agree. So -- and I think --

24 MR. GILL: And I tried to move on.

1 THE COURT: Yeah.

2 MR. GILL: 'Cause I caught that she --

3 THE COURT: I think -- so I -- I caught that as
4 well. I mean, I think that (indiscernible) but I think that
5 Mr. Gill repaired that situation when he said, you know, you
6 were investigating multiple cases and then he said something
7 like --

8 MR. GILL: She said -- she said -- she said eight.

9 THE COURT: And -- and is that -- sorry --
10 (indiscernible).

11 MS. KOLLINS: There's five SA, three robberies. So
12 there are eight charged.

13 THE COURT: So -- okay. So we're good with that.

14 MR. GILL: Yeah. She said --

15 MS. KOLLINS: Okay. So --

16 THE COURT: But just don't (indiscernible) that.

17 MR. GILL: No. No. No. I moved on.

18 THE COURT: Okay. All right. (Indiscernible)

19 MS. KOLLINS: So while we're up here, can we have
20 another conversation?

21 THE COURT: Yeah.

22 MS. KOLLINS: So we have a young woman,
23 Teresa Tyler, did you see the Teddy bear picture? That --
24 when I was moving victim pictures in, did you see her?

1 THE COURT: The lady with the Teddy bear?

2 MS. KOLLINS: Yes.

3 MR. GILL: Sitting -- sitting like --

4 THE COURT: Yeah.

5 MS. KOLLINS: So her sister's kind of got her all

6 riled up that she doesn't have to come down here. So we're

7 kind of having a problem. So this is gonna be it for us

8 today, I'm afraid. Sorry.

9 THE COURT: Okay.

10 MS. LUZAICH: And then if we can get her here in the

11 morning, we'll have you --

12 MS. KOLLINS: Right.

13 MR. GILL: (Indiscernible)

14 MS. LUZAICH: I don't know.

15 MS. KOLLINS: No, she's a little -- she's a little

16 delayed. So --

17 THE COURT: Okay. Yeah. You can --

18 MS. KOLLINS: Right. Right. So it -- we had her in

19 a really good place and then her sister kept saying, "Well,

20 she's not gonna want to come. She's not gonna" -- I'm like,

21 "She's fine. Just hold on." So now it's kind of -- it's

22 blown up into a thing. Okay?

23 THE COURT: Okay.

24 MS. KOLLINS: So sorry.

1 THE COURT: Okay.

2 MS. LUZAICH: Just letting you know now.

3 THE COURT: Okay.

4 [BENCH CONFERENCE END]

5 BY MR. GILL:

6 Q And, detective, when -- before we broke, you asked
7 if you could review your notes. And of course, you can.

8 A Okay. So you wanted to know in these cases, how
9 many of 'em had a knife?

10 Q Correct.

11 A Okay. So, real quick, I have -- one, two --

12 MR. GILL: And, Your Honor, just to make a clear
13 record, just -- and if you, maybe, count to yourself,
14 detective. She is reviewing her notes yet again that she
15 prepared over the weekend. And I -- you can correct me if I'm
16 wrong, Detective, these are your own personal notes created
17 from reviewing crime scene reports and things like that over
18 the weekend.

19 THE WITNESS: Correct.

20 And so out of these eight cases, seven of 'em had a
21 knife; one had a gun.

22 MR. GILL: Okay. Nothing further, Your Honor. I'll
23 pass the witness.

24 MS. KOLLINS: Just very briefly.

REDIRECT EXAMINATION

BY MS. KOLLINS:

Q And I don't know if I asked you this question. Just to be clear, detective, after you made contact with Justin Porter on June 13th of 2000, did you continue to monitor the downtown area to make -- because you didn't know that you'd already made contact with a suspect; right?

A That is correct.

Q Okay. So did you continue to take buccal swabs?

A Yes.

Q And continue to have those compared?

A Yes.

Q And no one else's DNA was ever identified; correct?

A Correct.

Q Other than Mr. Porter's.

A Correct.

MR. GILL: Just a real quick question, Your Honor.

THE COURT: Okay.

RE CROSS-EXAMINATION

BY MR. GILL:

Q You had stated that you went to Mr. Porter's house; correct?

A Correct.

Q After he said "ask my mom"?

1 A Correct.

2 Q You recall how close that -- that house was to where
3 you guys were?

4 A About two blocks.

5 MR. GILL: Okay. Nothing further, Your Honor.
6 Thank you.

7 MS. KOLLINS: Nothing by the State, Your Honor.
8 Thank you.

9 THE COURT: Okay. Former detective, thank you so
10 much for being here. Please don't share your testimony with
11 anyone else involved in the case, as it is ongoing. But we
12 appreciate you being here. You're excused.

13 THE WITNESS: Thank you.

14 THE COURT: Oh, yeah. Sorry. Sometimes I forget
15 that part. Any questions from the jury, before I let the
16 detective go?

17 Sorry. Forgot.

18 Okay. You are excused. Thank you.

19 THE WITNESS: Thank you.

20 THE COURT: All right. So, ladies and gentlemen,
21 that is going to be it today, in regards to witnesses. We're
22 having a little bit of a minor schedule issue. So we're
23 gonna -- going to come back tomorrow morning at 9:30. Your
24 notebooks and everything stay here. Your badge can go with

1 you, but notebooks have to stay in your seat, and we'll make
2 sure you get those back tomorrow.

3 Please during this recess, please remember not to discuss
4 or communicate with anyone, including fellow jurors, in any
5 way regard the case or its merits either by voice, phone,
6 e-mail, text, internet, or other means of communication or
7 social media. Please do not read, watch, or listen to any
8 news, media accounts, or comments about the case; do any
9 research, such as consulting dictionaries, using the internet,
10 or using reference materials.

11 Please do not make any investigation, test a theory of
12 the case, recreate any aspect of the case, or in any other way
13 attempt to learn or investigate the case on your own. And
14 please do not form or express any opinion on this matter until
15 it's formally submitted to you.

16 Please have a nice evening. We'll see you back here
17 tomorrow morning at 9:30. Thank you.

18 THE MARSHAL: All rise.

19 [OUTSIDE THE PRESENCE OF THE JURY]

20 THE COURT: Anything outside the presence, guys,
21 before I --

22 MS. KOLLINS: Just very briefly by the State,
23 Your Honor. Mr. Gill requested that a copy of the notes that
24 were referred to for Detective Love to refresh her

1 recollection --

2 THE COURT: Yeah.

3 MS. KOLLINS: -- be preserved as a Court's Exhibit.
4 I obtained that notepad from her. Be happy to make that a
5 Court's exhibit.

6 THE COURT: Okay. Yeah.

7 MR. GILL: Thank you, Stacy.

8 THE COURT: Mr. Porter?

9 THE DEFENDANT: Just one thing. I want it to be
10 known that, you know, the -- the place they said I was at, I
11 was actually with Shenel Matthews right there. And the
12 detective said I wasn't with nobody. But Nelly live --
13 Shenel Matthews live right there where they were supposed to
14 stop me. She lived right in those town -- those apartment
15 complex as well. And I -- I probably most likely want the
16 question to be asked.

17 THE COURT: So -- right. So I under --

18 THE DEFENDANT: Just -- nothing -- nothing --
19 nothing against my lawyers or nothing like that.

20 THE COURT: I know.

21 THE DEFENDANT: I just wanted that question asked
22 'cause I didn't want anybody think that I'm aimlessly roaming
23 around out there and nobody knows that she lives right there.
24 And the detective knew that. And if she -- you know, I just

1 felt that that question had -- had it came in and I felt
2 more --

3 MR. GILL: I asked her if -- if she [sic] was with
4 anyone and she said no.

5 THE DEFENDANT: She did --

6 THE COURT: If he was with anyone.

7 THE DEFENDANT: Yeah, she said no, but I -- my thing
8 was, so they'll get a clear picture that why I was down there
9 was for her.

10 THE COURT: Right.

11 THE DEFENDANT: To see her. That was the whole
12 purpose of the meter box that I was sitting on. She lived
13 just a step down, right in the apartment complex. So I was
14 just waiting for her. And that's who I was waiting for.

15 MR. GILL: And --

16 THE DEFENDANT: And I understand what he's saying.
17 I understand what --

18 MR. GILL: Can I -- can I just respond to that?

19 THE DEFENDANT: Yeah. Sorry.

20 MS. LUZAICH: I'm not sure how she would know any of
21 that.

22 THE DEFENDANT: Right.

23 THE COURT: Yeah, that's my thing is how -- how
24 would she know -- how would she of known that?

1 THE DEFENDANT: Well, I was gonna say because I was
2 gonna ask her, when did she find out -- did she find where
3 Shenel Matthews live? Was that the same spot that Mr. Porter
4 was supposed to be pulled over at?

5 THE COURT: Yeah. But so --

6 THE DEFENDANT: That would have gave a little
7 clarity to -- because I -- I felt like maybe they thinking I'm
8 just aimlessly roaming around here --

9 THE COURT: Sure.

10 THE DEFENDANT: -- when I -- you know --

11 THE COURT: No, I get --

12 THE DEFENDANT: -- that's -- that's just my
13 personal --

14 THE COURT: I understand. Yeah, we were saying --

15 THE DEFENDANT: -- my lawyer --

16 THE COURT: -- and I --

17 THE DEFENDANT: -- but I understand what he's
18 saying.

19 THE COURT: Yeah. And I know you know this, but you
20 always have the opportunity -- right? -- to testify and tell
21 your whole story too; right?

22 THE DEFENDANT: Oh, okay. Yep.

23 THE COURT: So --

24 THE DEFENDANT: Sorry.

1 MR. GILL: Don't apologize.

2 THE DEFENDANT: You know, I get nervous.

3 THE COURT: Okay.

4 MR. GILL: I know.

5 THE COURT: And then, has the situation been
6 remedied in regards to your showering and -- they told me that
7 they wouldn't give you sheers, but they made an appointment
8 for the barber with you. And they told me they'd be taking
9 that -- taking care of that immediately. But they did tell me
10 you were showered this morning.

11 THE DEFENDANT: Yeah. I -- no, I was able to come
12 out -- see, they didn't just open the door and say, "Oh, you
13 can come out and take a shower." They let us out for tier and
14 I had to go to the officer and I begged him to use the
15 clippers. And he allowed me to use the clippers. And that
16 was the only way.

17 But as far as being able to come out -- like, they said,
18 "A judge said I got to let you out," no way is they -- they
19 giving me any inkling that you called 'em and said that I'll
20 be able to or anything.

21 THE COURT: I had to -- I had to sign an order. I
22 had to write out an order and sign it.

23 THE DEFENDANT: And as far as my legal books -- now,
24 I was trying to receive them, but they ain't still -- I put in

1 a grievance behind and the grievance told me to ask --

2 THE COURT: Mr. Gill?

3 THE DEFENDANT: -- the -- the COs that work in the
4 unit. And, basically, I don't know how many --

5 THE COURT: For the books?

6 THE DEFENDANT: Yeah. It's four. I don't know how
7 many books I'm allowed to have.

8 THE COURT: I thought that was part -- how do I --
9 how do I that you -- how do I get his legal books to him?

10 UNIDENTIFIED: It all depending also if -- if it
11 came from prison, sometimes some things aren't able to get
12 back to him immediately. But I -- I told him that's
13 (indiscernible) fill out a proper release form and if we're
14 able to release it (indiscernible).

15 THE COURT: Okay. Okay. I'll work on that. All
16 right.

17 MR. GILL: Thanks, Judge.

18 THE COURT: Thanks, guys.

19 THE DEFENDANT: I didn't get none of that.

20 MR. GILL: She's gonna work on it.

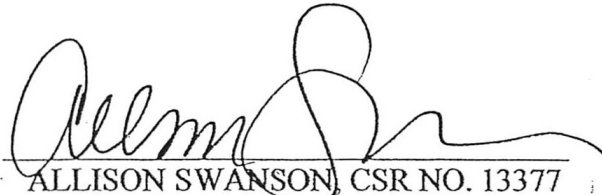
21 THE COURT: Yeah.

22 MR. GILL: The books. Yeah, she's --

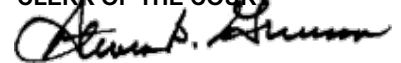
23 THE COURT: The books. So -- all right.

24 [Hearing concluding at 4:04 p.m.]

ATTEST: I do hereby certify that I have truly and
correctly transcribed the audio/video proceedings in the
above-entitled case to the best of my ability.

A handwritten signature in black ink, appearing to read 'Allison Swanson', is written over a horizontal line.

ALLISON SWANSON, CSR NO. 13377
CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA



RTRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,)	
)	
Plaintiff(s),)	CASE NO. 01C174954
)	
vs.)	
)	DEPT. NO. VI
PORTER, JUSTIN D.,)	
)	
Defendant(s).)	
_____)	

BEFORE THE HONORABLE JACQUELINE M. BLUTH,

DISTRICT COURT JUDGE

WEDNESDAY, SEPTEMBER 7, 2022

RECORDER'S TRANSCRIPT OF HEARING:
JURY TRIAL - DAY 4

APPEARANCES:

For the Plaintiffs:	STACY L. KOLLINS
	ELISSA LUZAICH
For the Defendants:	ADAM L. GILL
	CHARLES R. GOODWIN

RECORDED BY: DE'AWNA TAKAS, COURT RECORDER
TRANSCRIBED BY: ALLISON SWANSON, CSR No. 13377

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1 Las Vegas, Nevada, Wednesday, September 7, 2022

2 [Case called at 9:41 a.m.]

3 *****

4 [OUTSIDE THE PRESENCE OF THE JURY]

5 THE COURT: We're on the record. State of Nevada
6 versus Justin Porter, C174954. Mr. Porter is present in
7 custody with Mr. Gill. Ms. Luzaich as well as Ms. Kollins are
8 present on behalf of State. We're outside the presence of the
9 jury.

10 So I'm gonna have a --

11 MS. KOLLINS: Judge, Teresa Tyler -- Stacy Kollins
12 on behalf of the State, 5391.

13 Teresa Tyler was here. She is the February 1st victim in
14 this case. She came to speak with us. She seemed cooperative
15 and that she would come in. Now discussions are being had
16 that she just plain doesn't want to testify.

17 THE COURT: Okay.

18 MS. KOLLINS: So she is here this morning with our
19 investigator.

20 THE COURT: Perfect.

21 MS. KOLLINS: I --

22 THE COURT: Okay.

23 MS. KOLLINS: -- would just like the Court to have a
24 conversation with her.

1 MS. LUZAICH: Her sister is the one that's telling
2 her she doesn't have to.

3 THE COURT: Sure.

4 UNIDENTIFIED: So where are we, Your Honor? Do you
5 want her --

6 THE COURT: Ms. Tyler? Oh, Teresa, come on in.

7 MS. KOLLINS: And then if you could have her sister
8 wait outside.

9 UNIDENTIFIED: Okay.

10 MS. KOLLINS: Thank you.

11 THE COURT: Hi, Teresa. Come on up.

12 You can just stay right here on the podium. How, are
13 you, ma'am?

14 MS. TYLER: Oh, good.

15 THE COURT: Good. Thank you for coming in today.
16 So I think -- Ms. Kollins, is Ms. Tyler our first witness?

17 MS. KOLLINS: She can be.

18 THE COURT: Okay. All right. So, Ms. Tyler, it's
19 my understanding that you're not too crazy about being here;
20 is that fair?

21 MS. TYLER: This is correct.

22 THE COURT: Okay. All right. So because you're
23 technically under subpoena, you do have to testify.

24 MS. TYLER: Uh --

1 THE COURT: Yes, ma'am.

2 MS. TYLER: I was never given a subpoena.

3 THE COURT: Okay. I mean, they could serve you
4 right now if you'd like.

5 MS. TYLER: Okay.

6 MS. KOLLINS: I think the communication with our
7 investigator is a promise to appear.

8 THE COURT: Oh, okay. So, basically, subpoenas can
9 be served via hand; right? They can be left or if you give a
10 promise to appear or promise not to appear to the
11 investigator, that can be used as well.

12 And so they're going to call you first, so we can get you
13 in and out of here as soon as possible. But technically, you
14 are under subpoena to testify. And so, I don't know, this is
15 a hard position --

16 MS. TYLER: Okay.

17 THE COURT: -- for you to be in --

18 MS. TYLER: Understandable.

19 THE COURT: Okay. All right. So if you would
20 just -- wouldn't mind just stepping outside into that -- what
21 we call the "anteroom," where your sister is waiting.

22 MS. TYLER: Mm-hmm.

23 THE COURT: And then we're going to bring the jury
24 in and then we'll bring you right in and we'll get this

1 started, okay?

2 MS. TYLER: Okay.

3 THE COURT: Thank you, ma'am. I appreciate it.

4 MS. KOLLINS: Judge, may we approach just a moment?

5 THE COURT: Uh-huh. Yep.

6 And then, Mr. Porter, I did have a conversation --
7 Justin?

8 THE DEFENDANT: Yes.

9 THE COURT: I did have a conversation with the jail
10 last night. So are you sure you brought the books down from
11 the prison?

12 THE DEFENDANT: Yes, ma'am. They --

13 THE COURT: All right. Do you think they're in your
14 personal property?

15 THE DEFENDANT: Maybe in my personal property. They
16 in a tub, a bin.

17 THE COURT: A bin?

18 THE DEFENDANT: Yeah.

19 THE COURT: Tell me what it looks like.

20 THE DEFENDANT: Uh, they're in --

21 THE COURT: 'Cause I've got everybody over there
22 looking.

23 THE DEFENDANT: Yeah, they are -- they're -- there
24 is four books. It's --

1 MR. GILL: Is it like a plastic moving bin?

2 THE DEFENDANT: Yeah, it's in a bag. It's really in
3 the bag. They -- they have it a bag.

4 THE COURT: In a bag --

5 THE DEFENDANT: The name is "Porter" and my prison
6 bag number, 1042449, is written on the book.

7 THE COURT: Oh, is written on each of the books?

8 THE DEFENDANT: Each of the books.

9 THE COURT: And then what does the bag look like?

10 THE DEFENDANT: It's a clear plastic bag that they
11 handed me.

12 THE COURT: Okay. Four books. And then I did an
13 order for the hair cutting things, whatever.

14 THE DEFENDANT: Yeah.

15 THE COURT: And they -- the attorney for Metro
16 e-mailed today and said, "Listen, we don't allow sheers in the
17 jail, but if -- as long as he requests it, I can get him a
18 fresh set of clippers, a smock, and" -- I don't know what the
19 other thing was. I can look it up.

20 MR. GILL: Right. I think, Judge -- I don't mean to
21 interrupt.

22 THE COURT: Go ahead.

23 MR. GILL: He's been able to find some stuff to cut
24 his face.

1 THE DEFENDANT: They have clippers there --
2 MR. GILL: Yeah.
3 THE DEFENDANT: -- in the unit.
4 MR. GILL: Yeah. So he's been able to at least do
5 that, Your Honor.
6 THE COURT: Okay.
7 MR. GILL: I know, yesterday --
8 THE DEFENDANT: But they don't let you use 'em all
9 the time. Or when you need 'em.
10 THE COURT: Right. Yeah. And I --
11 THE DEFENDANT: They have specific --
12 THE COURT: -- explained to her that -- that you
13 need them -- what? -- like every two days, you think?
14 THE DEFENDANT: Every two days.
15 THE COURT: Every two days. Okay.
16 So they're working on the books as we speak. They just
17 don't have possession -- they don't believe they have
18 possession of them right now. But I think if I can give more
19 particulars --
20 THE DEFENDANT: They have 'em. They -- 'cause
21 they -- they explain to me books aren't authorized. They
22 still on my property. So they -- they have 'em down there,
23 it's just --
24 THE COURT: Remember when you were in -- in NSP

1 brought you --

2 THE DEFENDANT: Uh-huh.

3 THE COURT: -- and I was like "I'll remand you so
4 you can have conversations with Adam"?

5 THE DEFENDANT: Uh-huh.

6 THE COURT: Did you have your books with you that
7 day?

8 THE DEFENDANT: Yeah, the COs left them particularly
9 where they -- they keep us at. They kept -- one of the other
10 COs that work down there that watches over us while we go to
11 court and come back.

12 THE COURT: Okay.

13 THE DEFENDANT: So it was in a specific spot. And
14 it was in a bag. And they had left right there. When I came
15 back, the CO picked 'em up and took 'em with me to booking.

16 THE COURT: Okay. All right.

17 THE DEFENDANT: The CO -- his signature's on --

18 MR. GILL: Okay. And it's in a -- in a bin --

19 THE DEFENDANT: It's --

20 MR. GILL: -- within -- in a bag within a bin.

21 THE DEFENDANT: In a plastic bag in the bin.

22 THE COURT: Okay. Got it.

23 [BENCH CONFERENCE BEGIN]

24 THE COURT: All right.

1 MS. KOLLINS: Okay. So Lisa has a Spanish
2 interpreter coming for our first planned witness. We didn't
3 know if we were gonna -- Teresa. So I just -- I'm gonna go
4 spend a minute with her and kind of talk to her a little bit
5 and then let Lisa do the other witness, okay?

6 THE COURT: Yeah, whatever -- whatever works. I was
7 just trying to --

8 MS. KOLLINS: No, I --

9 THE COURT: -- get her to --

10 MS. KOLLINS: Well, and two words from you. I mean,
11 I've been on the phone for 20 times. So -- well, and then
12 she's like, "I don't have a subpoena. I'm not coming." I'm
13 like --

14 THE COURT: Yeah. (Indiscernible) okay. All right.
15 Well, we'll get the --

16 MS. KOLLINS: And Lisa's printing out her pictures
17 right now and be --

18 THE COURT: (Indiscernible)

19 MS. KOLLINS: Okay.

20 MR. GILL: Thank you.

21 THE COURT: Perfect.

22 MS. KOLLINS: Great.

23 THE COURT: Great. Awesome.

24 [BENCH CONFERENCE END]

1 THE COURT: All right. I will e-mail jail right
2 now. Let's see here.

3 MS. KOLLINS: If anyone needs me, I'll be right
4 there.

5 THE COURT: Got it.

6 [RECESS AT 9:48 A.M.; PROCEEDINGS RESUMED AT
7 9:51 A.M.]

8 [IN THE PRESENCE OF THE JURY]

9 THE COURT: All right. Good morning, everybody.
10 Welcome back. Please be seated.

11 We're on the record on State of Nevada versus
12 Justin Porter, C174954. Mr. Porter is present with Mr. Gill.

13 UNIDENTIFIED JUROR: We're six. You have that
14 reversed. You just need to hand it --

15 UNIDENTIFIED JUROR: Sorry. The notebooks are all
16 mixed-up.

17 THE COURT: Oh, that's okay.

18 [JURY DISCUSSION]

19 THE COURT: All right. We're off to a great start.

20 All right. So Mr. Porter is present with Mr. Gill.
21 Ms. Luzaich is present on behalf of State. Ms. Kollins will
22 be joining us shortly. She's just outside the doors.

23 Do the parties stipulate to the presence of the jury?

24 MS. LUZAICH: Yes, Judge.

1 MR. GILL: Yes, Your Honor.

2 THE COURT: All right. Next witness, State.

3 MS. LUZAICH: Ramona Leva.

4 THE COURT: Right up here, ma'am.

5 THE MARSHAL: If she could just raise her right hand
6 so the clerk can swear her in.

7 RAMONA LEVA,
8 [Having been called as a witness and being first duly
9 sworn testified as follows:]

10 THE WITNESS: I swear.

11 THE CLERK: Please be seated. And will you please
12 state your name and spell it for the record.

13 THE WITNESS: Ramona Leva Reyes. R-A-M-O-N-A
14 (English). Ramona's spelled R-A-M-O-N-A. L-E-V-A.

15 THE COURT: Mr. Interpreter, so the jury's gonna
16 need to see her. So if you want to stand behind her or I'm
17 happy to get you a chair.

18 THE INTERPRETER: Right here.

19 THE COURT: Would you like a chair?

20 THE INTERPRETER: Oh, well, yeah.

21 THE MARSHAL: I got it. I gotch you.

22 THE INTERPRETER: Thank you much.

23 THE MARSHAL: Sure.

24 THE COURT: And if you wouldn't mind asking Ms. Leva

1 to scoot a little bit closer towards me because it will need
2 to be your voice on the microphone.

3 Perfect. Thank you.

4 Ms. Luzaich, when you're ready.

5 MS. LUZAICH: Thank you.

6 DIRECT EXAMINATION

7 BY MS. LUZAICH:

8 Q Good morning, Ms. Leva. May I call you Ramona?

9 A Of course.

10 Q Thank you. Ramona, did there come a time when you
11 moved to Las Vegas?

12 A Yes, there was a time I lived here almost five
13 years.

14 Q Do you recall when that was?

15 A 2000.

16 Q When you lived here in 2000, who did you live with?

17 A Lowry (phonetic), my husband, Lowry Reyes.

18 Q When you and your husband lived here, did you have
19 family that was elsewhere?

20 A No, it was just he and I.

21 Q Okay. And was there a time that you were living in
22 the downtown area?

23 A Yeah. There was, for a while, when we first got
24 here, a person rented us an apartment for one month near lamb

1 'cause we got here with nothing. Our truck broke down in --
2 on the way. But then we moved to an apartment and rented an
3 apartment near Bonanza and Las Vegas Boulevard.

4 Q Okay. Could it have been an apartment at 600 East
5 Bonanza?

6 A Yes.

7 Q Number 144, does that ring a bell?

8 A Yes.

9 Q And that's here in Las Vegas, Clark County; is that
10 right?

11 A Yes.

12 Q So when you and your husband came here in around
13 2000, were you working?

14 A Yes, the same company that I worked for in
15 Albuquerque, New Mexico, gave me a transfer here to Las Vegas.

16 Q And do you recall the name of the place that you
17 worked at while you were here in Las Vegas?

18 A Flying Jay Truck Stops.

19 Q What did you do there?

20 A Cook.

21 Q Did your husband also work while you were living
22 here?

23 A Yeah, within a week of being here, he got a job with
24 Jagermay (phonetic). They supply food at the airport.

1 Q Okay. And do you recall what hours you worked?

2 A Yeah, I worked eight hours, from 7:00 a.m. to, I
3 think it was 2:00 p.m.

4 Q Okay. And what hours did your husband work?

5 A He -- he went in at 10:00 p.m. and worked until
6 7:00 a.m.

7 Q And while you were living here, were you able to buy
8 a car?

9 A Yeah, with the little that we made, that he made he
10 bought me a little car so that I didn't have to take the bus.

11 Q And so would you drive your car to work?

12 A Yeah. And sometimes I'd give a ride to him. But,
13 yeah, I used my car to get to work.

14 Q Okay. You said and sometimes you drove him to work?

15 A Yes.

16 Q When you drove him to work, how did that work out?
17 What would you do?

18 A Yes, well, we'd have to eat early. And then after
19 supper, he'd say, you know, "Dear, could you give me a ride to
20 work?"

21 And I'd say, "Well, sure. Of course."

22 And so then I'd give him a ride to work and I'd get back
23 in time to bathe and get myself ready for work in the morning.

24 Q Okay. So when you would take him to work, do you

1 know around what time you would leave?

2 A Well, maybe 8:00, maybe 9:00 o'clock. We like to go
3 slowly. He worked on -- where he worked was on Maryland. And
4 so, you know, within an hour I could go and come back.

5 Q Okay. And when you would come back, where would you
6 park your car?

7 A Right in front of the door so that I could get to
8 the car quickly when I went out at 6:00 in the morning.

9 Q Okay. And you said that when you come home from
10 taking your husband to work, you would bathe to get ready for
11 the next morning?

12 A Yeah, usually that's what I would do. Yeah.

13 Q Okay. Was --

14 A So I'd have more time, I wouldn't be late in the
15 morning.

16 Q Was there an occasion on March 25th of 2000 that you
17 took your husband to work and something happened when you got
18 home?

19 A Yes. I -- I don't recall the exact date but, yes,
20 there was a time when I came back and -- and I was getting
21 ready. And after leaving my husband and I was in the
22 bathroom, and I heard a very, very loud noise, a bang like I
23 thought somebody had -- had crashed.

24 Q Where were you when you heard that noise?

1 A In the bathroom.

2 Q What were you doing in the bathroom?

3 A I was using the toilet and then I was gonna bathe.

4 Q Were you dressed? Undressed?

5 A I -- I don't recall if I still had my clothes on or
6 if I was all ready to get in the bath. But I'm sure that I
7 was about to go to bathe.

8 Q Okay. So what happened after you heard that really
9 loud noise?

10 A I looked up -- I -- I looked up and I saw the person
11 that was in the door 'cause -- see, it was just a studio
12 apartment. So everything was right there: The bathroom, the
13 bed, the stove, kitchen. And seeing him, of course I was
14 surprised. I was scared. I was -- and he grabbed me by the
15 hair.

16 And from my own table he picked up a knife and put it to
17 my throat. And he -- he dragged me out of the bathroom and
18 into the other room, where it was -- you know, it was just
19 that one room, the bed, the kitchen, everything there. And --
20 and he started -- he dragged me out by my hair and he started
21 looking around in the closet for things.

22 Q Was he saying anything while he was doing this?

23 A He -- he was talking, but I -- I don't know what he
24 was saying. Mostly 'cause I hardly know any English. And I

1 was talking too, asking him what he was looking for, giving
2 myself to God's help. But there was a dialogue going on, but
3 we weren't really understanding each other.

4 Q What language were you speaking?

5 A Spanish.

6 Q Did it appear to you that the individual was
7 speaking English?

8 A He was speaking English.

9 Q What -- how did he appear? What did he sound like
10 while this was happening?

11 A Well, you know, I was so terrified, I didn't --
12 didn't get a good look, but I -- I could tell he was tall.
13 Course, I'm very short. He was tall, slender, but he had his
14 face covered.

15 Q What was his face covered with?

16 A Like a bandana. It covered the ears and half the
17 face.

18 Q 'Kay. And when you said that he was tall, taller
19 than you, how -- how tall are you?

20 A Five feet.

21 Q Could you tell or estimate an approximate age of the
22 individual?

23 A Well, based on his voice and his build, I would of
24 thought he was young.

1 Q Okay. Could you tell whether he was Asian?
2 Hispanic? White? African American? Or something else?

3 A I would guess Afro American 'cause I could see his
4 hair and it was like a colored man.

5 Q Okay. What -- and could you tell what his hair
6 looked like, how it was, I don't know, cut or not cut?

7 A Well, short, but nice looking.

8 Q Okay. What was his tone of voice?

9 A He sounded nervous, desperate, emotional.

10 Q Was he loud?

11 A No. No, not really shouting, more just anxious. So
12 anxious to find what he was looking for. Desperate. Doing
13 things very -- very fast, very quickly.

14 Q Do you know what he was looking for?

15 A I suppose money, but I didn't have any.

16 Q So you said that he had dragged you from the
17 bathroom by your hair and that he had a knife. Where was the
18 knife?

19 A He -- the knife was in a drawer in my kitchen. He
20 opened the drawer and looked around and found this little
21 knife that I used for cooking.

22 Q What did he do with the knife?

23 A That -- that was when he dragged me into the bedroom
24 by my hair and told me to be quiet. 'Cause I was shouting,

1 ask -- crying out for help, crying out for -- to God for help.

2 Q And did he do something with the knife?

3 A He put it at my neck.

4 Q And you said he dragged you over, did you say to the
5 bed?

6 A Yes, after looking and not finding any money or
7 anything. So he, like, threw me angrily down on the ground.
8 And he picked me up again. And he threw me on the bed and
9 started to touch my body and touch his private parts.

10 Q Where on your body did he touch?

11 A My breast and my intimate parts.

12 Q Okay. You said he touched himself as well?

13 A Yeah. He touched his private part and I could see
14 that he was excited.

15 Q Okay. Then what did he do, if anything?

16 A He threw me on the -- he -- he threw me on the bed
17 and started to lower his pants. And then I don't remember too
18 much, but in the report it says I -- I was crying out asking
19 him to use protection --

20 Q Okay.

21 A -- and --

22 Q Ramona, don't worry about what the report says. Did
23 you have the opportunity to review the statement that you gave
24 to the police?

1 A Yes. Twenty-three years ago. Yes, there are a lot
2 of details I didn't remember 'cause I've been very sick since
3 then. I've had a tumor, been operated for. But, yes, there
4 were some details.

5 Q Okay. Do you remember telling the police that he
6 put something on himself?

7 A Yes, a rubber glove that --

8 Q Okay. And then once he put the -- do you know where
9 he put the rubber glove?

10 A He -- he used it for protection, like a condom.

11 Q Okay. And then what did he do after that?

12 A Well, after he did what he did, I guess he threw it
13 out or I don't know if he threw it in the toilet or I did.

14 Q Okay. When you say "he did what he did," can you
15 tell me what he did?

16 A He raped me. He had sexual relations with me.

17 Q Okay. And I'm sorry to ask you this. When you say
18 that, do you mean he put his penis in your vagina?

19 A Yes. Yes. He put one hand on my throat like this
20 (indicating) and with the other hand he was manipulating
21 himself, and I mean having sex.

22 Q When you say he put one hand on your throat "like
23 this," you put your hand up to the front of your neck. Is
24 that correct?

1 A Yes, he put a hand on my throat and with his other
2 hand he was manipulating, I imagine to put his member in.

3 Q Okay. What happened when he was finished?

4 A He grabbed the car keys. He looked at -- I thought
5 he'd come back. He -- he was on his phone. I thought he had
6 come back to do -- do me more harm. Then he left again.

7 Q Did -- before he left, besides what you just
8 described for me, did he hurt you physically in any other way?

9 A No, he pulled up his pants, he put down the knife,
10 and -- but he was looking desperately for something on the
11 table and everywhere, but not finding anything, then he left.

12 Q Okay. Excuse me. I'm so sorry. When he left, what
13 did you do?

14 A I -- I stayed, terrified, afraid to leave. And then
15 he came back again. That's when he checked the telephone and
16 then he left again. And then he didn't -- and then, when I
17 thought -- when he was gone and I didn't hear anything for a
18 little while, then I went running out, shouting to the
19 neighbors, "Help, help."

20 Q When you say he came back and he looked at the
21 phone, what did he do to the phone, if anything?

22 A I just saw him come back, pick up the phone, put it
23 to his ear and listen for a while, and then put it back down
24 and then he left.

1 Q When he left, did you also go outside?

2 A After a few minutes. Yes. And that's when I asked
3 for help from the neighbors, but nobody helped me.

4 Q And I'm sorry. That was a bad question. How long
5 after he left did you go outside?

6 A I think it was, like, one to five -- less than five
7 minutes until I was -- didn't think anyone was around.

8 Q Did you notice anything outside when you went
9 outside?

10 A No, I -- I went out. I didn't see anyone. I ran to
11 the front -- the first door and knocked and nobody answered.
12 And then I went running down to the street, where there were
13 people.

14 Q Did you see your car when you went outside?

15 A No. No. But the car was parked right in front of
16 the door. But I heard when he started the car and left in the
17 car.

18 Q Okay. So did he take your car keys?

19 A Yes, they were beside my purse there on the table,
20 next to the television. He took 'em and left.

21 Q Okay. Were you able to contact the police?

22 A No, I was terrified. I ran to the street. In front
23 of the apartments there was a restaurant called Tacos Mexico.
24 And -- and a couple there helped me. They took me to where my

1 husband was.

2 Q And what did you do when you got with your husband?

3 A Well, when he saw me arrive crying and all, he came
4 out from the job. And he called the police.

5 Q Okay. So did you talk to the police and explain
6 what had happened?

7 A Yes, they spoke to me and I was extremely
8 frightened.

9 Q Okay. Did you try to give the best description of
10 the person that you could?

11 A Yes. Yes. And I think that's -- everything I knew
12 is what I told the police that they have there.

13 Q Did you go to the hospital and have an exam?

14 A Yes.

15 Q What kind of an exam was it?

16 A I don't know. It wasn't very pleasant. It's not
17 like the kind of exam that when you're gonna have a baby.
18 It's -- it's ugly. It's quite traumatic. Quite ugly.
19 They -- they examine you under very bright lights with, like,
20 tweezers, looking for hairs or anything.

21 Q Okay. And was that in your vaginal area?

22 A Yes.

23 Q And did they take swabs as well, as far as you know?

24 A Yes. Yeah. Yeah, they did a lot. Yeah, and they,

1 like, cleaned me with cotton swabs inside.

2 MS. LUZAICH: Your Honor, I have State's Proposed
3 Exhibits 188 through 194.

4 THE COURT: Okay.

5 MS. LUZAICH: They were shown to the Defense. I
6 would move them into evidence.

7 MR. GILL: Without objection, Your Honor.

8 THE COURT: Okay. Those will be admitted and you
9 can publish if needed.

10 [STATE'S EXHIBITS 188-194 ADMITTED.]

11 MS. LUZAICH: Thank you.

12 BY MS. LUZAICH:

13 Q Ramona, what year were you born?

14 A March 8, '54. Yeah. '54.

15 Q So in 2000, were you around 45?

16 A Yes.

17 Q Showing you State's Exhibit 188, is that a
18 photograph of you?

19 A Yes.

20 Q And is that in your home?

21 A Yes.

22 Q Does that look like a little hospital bracelet on
23 your wrist?

24 A Yes. When I came back from the hospital, the police

1 were there.

2 Q Showing you State's Exhibit 189, does that look like
3 your apartment?

4 A Yes.

5 Q Showing you State's Exhibit 190, does that look like
6 the door knob and lock?

7 A Yes.

8 Q Was it injured or damaged like that before he got
9 there?

10 A No. No, he left it like that.

11 Q State's Exhibit 191. Is that in your home as well?

12 A Yes.

13 Q What are we looking at?

14 A I see some salsa, instant coffee, a television,
15 telephone on top of the television.

16 Q Okay. Is it items sitting on a table?

17 A Yes. Yeah, it's everything I had in that apartment.

18 Q State's 192. Is that a close up of what we just
19 looked at?

20 A Yes.

21 Q And is that an other rubber glove?

22 A Yeah. Yes, the other one he used for protection.

23 Q State's Exhibit 193. Does that appear to be a
24 bruise on the side of your neck -- or sorry, a discoloration?

1 A Yes, where he scratched me with the knife that he
2 had.

3 Q And finally, State's 194. Is that your car?

4 A That was my car.

5 MS. LUZAICH: Thank you. I would pass the witness.

6 MR. GOODWIN: May I have a brief Court's indulgence?

7 THE COURT: Sure.

8 CROSS-EXAMINATION

9 BY MR. GOODWIN:

10 Q Good morning, Ms. Leva.

11 A Good morning.

12 Q I'm just gonna ask you a couple of questions, okay?

13 A Of course.

14 Q So this person kicked in your door; right?

15 A I don't know how he opened it, if -- kicking or with
16 his body, but --

17 Q Okay.

18 A -- he opened it.

19 Q But he was -- you suddenly saw him in your house;
20 right?

21 A Yes, I was in the bathroom. I was in the bathroom
22 when I heard this noise so loud that I thought it was a car
23 crash. And when I looked up, he was there in the apartment.

24 Q Perfect. And his face was covered; right?

1 A He always -- he had his face covered all the time,
2 even when we had sex.

3 Q Sure. And I'll get up to all that. But you could
4 see his eyes; right?

5 A I could see his eyes and his head.

6 Q And you saw his hair?

7 A Yes.

8 Q His hair was short?

9 A (Spanish)

10 Q And you don't --

11 A It -- it was like a clean cut.

12 Q Clean cut?

13 And you could not tell at that time if the hair was
14 curly; correct?

15 MS. LUZAICH: Was what?

16 MR. GOODWIN: Curly. The hair was curly.

17 MS. LUZAICH: Oh.

18 THE WITNESS: Yes. Yes. Because I could see.
19 There was light. I could see his hair and I could tell it was
20 like a colored person's hair.

21 BY MR. GOODWIN:

22 Q Okay. And you testified that he was taller than
23 you; right?

24 A Yeah. I could see 'cause when he had me -- holding

1 me, grabbing me, he was almost as tall as my husband. So,
2 yeah, he was tall. Six or seven.

3 Q Sure. And I'm just gonna go through this. So this
4 was scary -- right? -- the whole incident?

5 A It was terrifying.

6 Q Right. And it was traumatic; right?

7 A Horrible. Ugly.

8 Q And a lot happened in that short period of time,
9 would you agree?

10 A I think it was all very quick, yes.

11 Q Sure. And --

12 A He was doing everything very quickly. He seemed so
13 desperate.

14 Q And at the time you were just trying to comply;
15 correct?

16 A Yeah. I didn't want him to kill me.

17 Q Right. 'Cause you didn't want to get hurt; right?

18 A Yes. Yes. I didn't put up any resistance. I just
19 was crying out for God's help. But when he told me "shh," I
20 stopped shouting and I didn't -- I didn't want him to kill me.

21 Q Sure. Okay. And just really quickly on that. Is
22 it fair to say during that incident you didn't think to myself
23 [sic] "wow, he's about as tall as my husband"?

24 A I -- I say that because when my husband would

1 embrace me, I would come up to about here on him (indicating).
2 And when he grabbed me, with the knife and held me, I came up
3 to about that place on him.

4 Q Sure. I -- I understand -- I understand that part.
5 And I'm not saying -- the question I'm trying to get at is, in
6 the moment, were you thinking about his height?

7 A No, I -- no, I wasn't thinking about anything. I
8 only thought about that when they asked me how tall, how heavy
9 he was.

10 Q Sure.

11 A I -- I didn't -- it wasn't in my mind to think about
12 anything like that.

13 Q Of course. And you spoke to the police roughly four
14 hours after; correct?

15 A I -- I don't know because first they had to give me
16 a ride to where my husband was working and then we had no car
17 so we had to come back on the bus. And when we got back, the
18 police were there.

19 Q Okay. And at that time did you speak to them
20 about -- about the description of this individual?

21 A Well, first they took me to the hospital and then
22 they took me to the police station and I looked through lots
23 of books. And, you know, I gave 'em the same description I'd
24 given 'em before, but I didn't see the face.

1 Q Sure. What I'm trying to say here is, you started
2 thinking about the description of this individual after the
3 event occurred; correct?

4 A I never thought anything. I just answered when they
5 asked me questions. I didn't think if he was fat or thin. I
6 answered questions when they started asking me if he was like
7 this or like that. But, no, I wasn't thinking of anything.

8 Q Of course. So they asked you, "Is he about 5-6 or
9 5-7"; is that right?

10 A No, they just asked me how tall or how short he was.

11 Q Okay.

12 A And that's when I remembered that when my husband
13 embraced me, I would come up to about here on his chest and
14 then I remembered that when he grabbed me, that I also -- my
15 head came up to about there on his chest.

16 Q Sure. And really quickly on this one, he looked at
17 your telephone; correct?

18 A He went out and he came back and he picked up the
19 telephone. I thought maybe he was listening to see if there
20 was service. And then I thought maybe he was gonna yank it
21 out, but he didn't.

22 Q So he never cut that telephone cord?

23 A No. No. He didn't do any damage or anything. He
24 just grabbed the knife that he used to threaten me with and

1 when he had sex with me and then when he was done, he threw it
2 outside and that's where the police found it later.

3 Q Sure. Now, I'm just -- you don't have to answer a
4 whole lot when I ask these questions; right? Just a quick
5 answer for the question asked. So the only question was, did
6 he cut the cord on the telephone?

7 A No, he didn't.

8 Q And did he cut any cords in your house?

9 A No, he didn't do any like that.

10 Q And did he tie you up with anything?

11 A No.

12 Q And you had just taken your husband to work when
13 this occurred; correct?

14 A Yes.

15 Q And you had just come home.

16 A Yes.

17 Q So -- so it's about 9:30 at night; is that accurate?

18 A More or less. 'Cause he has -- he had to start work
19 at 10:00, and I had to leave him there before 10:00.

20 Q And then getting back took about 30 minutes?

21 A In an hour, I would go and come.

22 Q But we could safely say it was before midnight;
23 correct?

24 A Yes.

1 Q And this event did not occur between midnight and
2 5:00 a.m.; is that right?

3 A No, I had to get ready for work the next day.

4 Q Okay. And the glove that was used, that was you who
5 wanted that; correct? And I'm sorry. Can I rephrase --

6 THE COURT: So just --

7 THE WITNESS: Yes --

8 THE COURT: Just one second, Mr. Interpreter. He's
9 gonna rephrase the question.

10 MR. GOODWIN: Because I -- I used the word "want"
11 and I think --

12 THE COURT: Yeah.

13 MR. GOODWIN: -- that that's not --

14 THE INTERPRETER: Oh.

15 MR. GOODWIN: -- that's not what I wanted to say.

16 THE INTERPRETER: Oh, okay.

17 BY MR. GOODWIN:

18 Q What I said was you told him to use protection;
19 correct?

20 A Yes, when I saw that he was gonna rape me, yes,
21 because I didn't know what kind of -- please.

22 Q And he stopped and looked around; correct?

23 A Yes, and I showed him where the gloves were.

24 Q And so it was your idea -- it was you telling him,

1 "If you're gonna do this, use the glove"; correct?

2 A Well, that's -- that's what I don't know how -- what
3 he understood because I told him to use protection. But the
4 gloves were there, there were no condoms.

5 Q Okay. But prior to you telling him "use
6 protection," you did not believe that he was going to use
7 protection; correct?

8 MS. LUZAICH: Well, objection. Speculation.

9 MR. GOODWIN: I'm just asking about what her -- just
10 asking what her understanding is of that situation --

11 THE COURT: That's fine.

12 MR. GOODWIN: -- (indiscernible) I'm not asking
13 her --

14 THE COURT: Overruled.

15 THE INTERPRETER: Would you repeat the question,
16 please?

17 BY MR. GOODWIN:

18 Q Prior to her pointing it out, she believed that he
19 was likely not going to use protection; correct?

20 A Well, yeah. I mean, I didn't -- I suppose somebody
21 who's gonna do something like that isn't gonna be thinking
22 about protection or anything.

23 Q Okay.

24 MR. GOODWIN: No further questions, Your Honor.

1 Thank you.

2 THE COURT: Thank you. Redirect, State?

3 MS. LUZAICH: Just one.

4 REDIRECT EXAMINATION

5 BY MS. LUZAICH:

6 Q Ramona, while the individual was in your apartment,
7 did you only speak Spanish to him?

8 A Yes. Yes, just Spanish.

9 MS. LUZAICH: Thank you. Nothing further.

10 THE COURT: Ladies and gentlemen, any questions?

11 So, Chris --

12 THE MARSHAL: Uh, yeah --

13 THE COURT: Yeah, thank you.

14 THE MARSHAL: -- (indiscernible) if you could just
15 write it on the full page.

16 THE COURT: It's okay.

17 THE MARSHAL: And just make sure you sign your name
18 and your, just, seat number.

19 MR. GILL: Are we approaching, Your Honor?

20 THE COURT: Yeah. We're just -- you can. Yeah.
21 We're just gonna wait for that.

22 [BENCH CONFERENCE BEGIN]

23 MR. GILL: I'm stealing a Mento.

24 MS. KOLLINS: He's stealing.

1 THE COURT: What?

2 MS. KOLLINS: He stole a Mento.

3 MR. GILL: It's for her own good.

4 MS. KOLLINS: Hmm?

5 MR. GILL: It's for her own good, if I'm gonna be
6 standing there.

7 THE COURT: (Indiscernible)

8 MS. LUZAICH: Greater good.

9 MR. GILL: The greater good.

10 MS. LUZAICH: Just for scheduling purposes,
11 witnesses, approximately, when will you break for lunch?

12 THE COURT: Probably at 12:30.

13 MS. LUZAICH: Okay. Thanks.

14 MR. GILL: I don't mind that one.

15 MS. LUZAICH: Oh, sorry. Did you see it?

16 MR. GILL: Did you see it?

17 THE COURT: (Indiscernible)

18 MS. KOLLINS: No, it's fine.

19 THE COURT: Okay.

20 [BENCH CONFERENCE END]

21 THE COURT: Ramona, did he remove his mask at any
22 time, even when he was leaving your apartment?

23 THE WITNESS: I never saw his face.

24 THE COURT: (Indiscernible) State?

1 MS. LUZAICH: No, Judge.

2 THE COURT: Mr. Goodwin?

3 MR. GOODWIN: No, Your Honor.

4 THE COURT: Ramona, please don't share your
5 testimony with anyone else involved in the case since it's an
6 ongoing trial. Thank you for being here. You are excused.

7 THE WITNESS: Of course.

8 THE COURT: Thank you.

9 Ladies and gentlemen, we're going to take a quick
10 ten-minute break before our next witness.

11 Please remember during this break not to discuss or
12 communicate with anyone, including fellow jurors, in any way
13 regard the case or its merits either by voice, phone, e-mail,
14 text, internet, or other means of communication or social
15 media. Please do not read, watch, or listen to any news,
16 media accounts, or comments about the case; do any research,
17 such as consulting dictionaries, using the internet, or using
18 reference materials.

19 Please do not make any investigation, test a theory of
20 the case, recreate any aspect of the case, or in any other way
21 attempt to learn or investigate the case on your own. And
22 please do not form or express any opinion on this matter until
23 it's formally submitted to you.

24 If you could be back out, lined up at 11:00 o'clock,

1 please. Thank you.

2 THE MARSHAL: All rise.

3 [RECESS AT 10:52 A.M.; PROCEEDINGS RESUMED AT
4 11:10 A.M.]

5 [IN THE PRESENCE OF THE JURY]

6 THE COURT: All right. Thank you, everyone. Please
7 be seated.

8 We are on the record in State of Nevada versus
9 Justin Porter, C174954. Mr. Porter is present with counsel,
10 Mr. Gill as well as Mr. Goodwin. Both Chief Deputy District
11 Attorneys, Ms. Luzaich as well as Ms. Kollins are present on
12 behalf of the State.

13 Next witness, please -- sorry. I should first ask, do
14 the parties stipulate to the presence of the jury?

15 MS. KOLLINS: Yes, ma'am.

16 MR. GILL: Yes, Your Honor.

17 THE COURT: All right. Thank you.

18 Next witness, Ms. Kollins.

19 MS. KOLLINS: Next witness is Teresa Tyler. And I'm
20 gonna retrieve her from the hallway.

21 THE COURT: All right. Sounds great.

22 THE MARSHAL: Just step up there and remain standing
23 and raise your right hand so the clerk can swear you in.

24 THE CLERK: Right over here, ma'am.

1 THE MARSHAL: Right over there.

2 TERESA TYLER,

3 [Having been called as a witness and being first duly
4 sworn testified as follows:]

5 THE WITNESS: Yes.

6 THE CLERK: Please be seated. Will you please state
7 your name and spell it for the record.

8 THE WITNESS: Teresa Tyler, T-E-R-E-S-A, T-Y-L-E-R.

9 THE CLERK: Thank you.

10 THE COURT: And, Teresa, would you do me a favor.
11 I -- the last witness needed an interpreter. That's why your
12 chair's so close. But that microphone right there is what
13 you'll use. So, yeah, if you want to scoot more to the middle
14 for me, that would be helpful.

15 THE WITNESS: Okay.

16 THE COURT: Thank you, ma'am.

17 THE WITNESS: You're welcome.

18 DIRECT EXAMINATION

19 BY MS. KOLLINS:

20 Q Good morning, Teresa. Thank you for waiting. How
21 are you?

22 A Oh, great. And you?

23 Q I'm good. Thank you for asking.

24 Ma'am, how old are you today?

1 A Fifty.

2 Q Fifty years old. And how old were you on

3 February 1st of 2000?

4 A Believe I was 30.

5 Q Okay. Who do you live with now?

6 A My cousin.

7 Q Your cousin.

8 A Yes.

9 Q And how long have you lived with your cousin?

10 A About a month and a half now.

11 Q Okay. And where did you live before that?

12 A With my uncle.

13 Q Okay. And how long did you live with your uncle?

14 A About two and a half years.

15 Q Okay. Did you ever live by yourself?

16 A Yes.

17 Q When did you live by yourself?

18 A Believe it was when I stayed on Eastern and --

19 Eastern and Charleston, I think -- I think it was.

20 Q Eastern and Charleston?

21 A Yes.

22 Q And that's here in Las Vegas?

23 A Yes.

24 Q Okay. And was that back in 2000?

1 A Yes.

2 Q All right. And back in 2000, did you work?

3 A Yes.

4 Q Where did you work at?

5 A Albertsons.

6 Q Do you still work at Albertsons?

7 A Yes.

8 Q And what do you do at Albertsons?

9 A Work in the bakery.

10 Q At the same Albertsons now as you did back in 2000?

11 A A different location.

12 Q Okay. The place that you lived in February of 2000,

13 was that a house or an apartment or something different?

14 A Apartment.

15 Q And who -- you lived there by yourself?

16 A Yes.

17 Q No kids, nothing else?

18 A No.

19 Q All right. And what size was that apartment?

20 A It -- it was a moderate size. Not too big, not too

21 small.

22 Q Okay. How many bedrooms did it have?

23 A One.

24 Q One bedroom?

1 A Yes.

2 Q And back then, when you were working at Albertsons,
3 what time of day would you usually go to work and what time
4 would you get home?

5 A Normally, it was like about 11:00 o'clock. And at
6 that time, I mean, I had no car, relying on the bus could be
7 between 9:00, 9:30, something like that.

8 Q Okay. So our friend over here is recording
9 everything that we talk about too.

10 A Okay.

11 Q All right. So I want you to scoot in and use your
12 outside voice --

13 A Okay.

14 Q -- okay?

15 A Okay.

16 Q Just a little bit higher so everybody over here can
17 hear --

18 A Okay.

19 Q -- and so the judge can hear, okay?

20 A Okay.

21 Q So you said 11:00 --

22 A No, 9:00 -- 9:30 -- go in at 11:00 -- yeah, 11:00
23 and be home by -- no later than 9:30.

24 Q Okay. So in at 11:00 a.m., home at 9:30 p.m.?

1 A Yes.

2 Q Okay. And would you drive yourself to work or did
3 you get there another way?

4 A Bus. Another way.

5 Q Okay. And was that your routine, to take the bus
6 both ways every day you'd go to work?

7 A Yes.

8 Q Okay. You know what we're here to talk about today.

9 A Yes.

10 Q Okay. So your apartment that was on Charleston, do
11 you remember the address?

12 A Not really, no.

13 Q Does 2895 East Charleston ring a bell?

14 A The number, don't remember, but I know it was
15 East Charleston, yes.

16 Q Okay. But here in Las Vegas, Clark County.

17 A Mm-hmm.

18 Q Is that a "yes"?

19 A Yes.

20 Q Okay. So in here, just like we talked about before,
21 we say "yes" or "no" --

22 A Yes.

23 Q -- because nobody knows "mm-mmm" or "mm-hmm" later.

24 A Yes. Yes.

1 Q If I showed you a picture of your apartment door,
2 would that refresh your recollection, maybe, about your
3 apartment number?

4 A Yes.

5 Q Okay. Showing you what's been admitted as
6 State's 195, do you recognize what's in that picture?

7 A Yes.

8 Q And how is it that you recognize what's in that
9 picture?

10 A Because I had to have a picture of them -- like a
11 little note on there of words I drew.

12 Q Okay. And when you say "note on there," are you
13 talking about the front door of your apartment?

14 A Yes.

15 Q Okay. And does that help you recall the apartment
16 number you were in?

17 A 1016?

18 MS. KOLLINS: Permission to publish, Your Honor?

19 THE COURT: Yeah. Or I'm sorry. And you said those
20 are already in; right?

21 MS. KOLLINS: Yes, ma'am.

22 THE COURT: Okay.

23 MR. GILL: Yeah, just for the record, I don't know
24 if we actually put it on the record --

1 THE COURT: Oh, okay.

2 MR. GILL: -- but whatever number she's got there,
3 I've seen and have no objection to.

4 THE COURT: Thank you.

5 BY MS. KOLLINS:

6 Q So that was back in February of 2000, apartment
7 1016, there on 2895 East Charleston, that was yours?

8 A Yes.

9 Q And that's here in Las Vegas?

10 A Yes.

11 Q And, if you know, here in Clark County? It's in
12 Las Vegas, Clark County; is that right?

13 A Yes.

14 Q Okay. On February 1st, did you go to work?

15 A I do not recall.

16 Q Okay. Between 7:30 and 8:30 at night, did someone
17 come to your door on February 1st?

18 A Yes.

19 Q Okay. Did you recognize the person that came to the
20 door?

21 A No.

22 Q Did the -- can you give me just a general
23 description of what that person looked like?

24 A He's a man.

1 Q He was a man.

2 A Mm-hmm.

3 Q Is that a "yes"?

4 A Yes.

5 Q Okay. You have a very pretty tone to your voice,
6 but it also fades off. So if you could please --

7 A Okay.

8 MS. KOLLINS: Let me get some books or something --

9 THE COURT: The officer --

10 MS. KOLLINS: -- to put under that microphone. And
11 that will help us out. No one's ever accused me of not having
12 a big mouth, so I'm not a problem.

13 BY MS. KOLLINS:

14 Q Where was I? So the person that came to your door,
15 had you ever seen them before?

16 A No.

17 Q And you said they were a man.

18 A Yes.

19 Q Were they -- what race was that man?

20 A Black.

21 Q Okay. Was he tall? Short? Fat? Skinny? Can you
22 describe any of those things about, physically, how he looked?

23 A He been average like.

24 Q Average height?

1 A Yeah. Not -- not remembering how tall, short,
2 average.

3 Q Okay. How at all are you?

4 A Five-four.

5 Q Was he taller than you?

6 A No.

7 Q Okay. Did the man want something when he came to
8 your door?

9 A Water.

10 Q And what -- did he knock on the door? Was the door
11 open?

12 A Knocked.

13 Q Okay. And when he knocked, you opened the door?

14 A Yes.

15 Q Okay. And there's no screen door on that apartment;
16 right? So you opened -- is it a solid door?

17 A No.

18 Q Okay. No screen door; correct?

19 A No screen door.

20 Q Okay. So you opened the solid door?

21 A Yes.

22 Q And then he asked you for water?

23 A Yes.

24 Q And what was your response to him asking you for

1 water?

2 A I actually do not recall my response.

3 Q Did you do something based on his question? Did you
4 go get him water?

5 A I may -- I may have went to get water. May have
6 went, yes.

7 Q Did he have a conversation with you right at near
8 that time that he was there to see your sister? Do you
9 remember that?

10 A I do not recall.

11 Q Okay. So you may have got him water --

12 A Mm-hmm.

13 Q -- what happened after you may have got him water?

14 A He -- he -- he entered in.

15 Q Okay. And why did he enter in? Do you remember?

16 A I do not know why he entered in, but I do know I did
17 not want him there.

18 Q Okay. When he entered in, what part of your
19 apartment did he first end up in?

20 A The living room.

21 Q When he was in the living room, do you remember
22 talking at all?

23 A I remember trying to pull him out.

24 Q And when you say "try to pull him out," how did you

1 do that?

2 A It was a -- and a gesture, grab his -- grab him and
3 tried to pull -- pull him out (indicating).

4 Q Okay. And you said you're five four and you said
5 he was not taller than you; is that correct?

6 A Yes.

7 Q Do you recall telling -- saying before that he was
8 5-8 to 5-9?

9 A I don't -- I don't recall seeing his height.

10 Q Okay. Would it refresh your recollection to review
11 a document to see where you might have said that?

12 A Maybe or maybe not. I'm not sure if that -- that
13 seeing it would refresh my memory.

14 Q Okay. Can we try?

15 A Sure.

16 Q Okay.

17 MS. KOLLINS: Page 2, Counsel, of the voluntary.

18 BY MS. KOLLINS:

19 Q I would just ask you to read that to yourself and
20 then I'll ask you some questions about it.

21 So, Teresa, do you recall giving that statement at UMC
22 back in 2000? I know it's been a long time. It's been
23 22 years.

24 A I don't recall -- I know I went, but I don't really

1 recall speaking to anyone stating how tall he was or big he
2 was.

3 Q Okay. So that doesn't help refresh your memory,
4 then, as to how tall you thought he was at the time, 20 years
5 ago?

6 A No.

7 Q Okay. Fair enough. So he gets in your apartment
8 and you're not sure why he wanted to come in -- is that
9 fair? -- based on what you just told me?

10 A Yes.

11 Q Okay. Did you let him in?

12 A No.

13 Q Okay. And we kind of left off and you said you were
14 trying to drag him out and --

15 A I grab -- grabbed his arm to pull him out.

16 Q You grabbed his arm to pull him out.

17 A Mm-hmm.

18 Q And when you grabbed his arm to pull him out, how
19 did -- what did he do?

20 A He (indiscernible) his hand down his side, he
21 actually pulled out a knife, to what I saw.

22 Q Okay. Pulled out a knife from his --

23 A Either his jacket or pants. I'm not sure what --
24 where he pulled it from.

1 Q And when he pulled out that knife, what did he do
2 with it?

3 A He just -- he put it in my face (indicating).

4 Q And how did you feel at that point?

5 A That point I -- I was a little scared.

6 Q Okay. After he pulled the knife out of his side
7 area of his body --

8 A Mm-hmm, yes.

9 Q -- was the next thing that happened?

10 A He gets to have me follow him around my apartment --
11 my apartment.

12 Q He wanted you to follow him around your apartment?

13 A Yes.

14 Q Okay. And what was he doing, looking around your
15 apartment as you were following him?

16 A He would go into my kitchen and go into my drawers,
17 my kitchen drawers.

18 Q Okay. Did he want something or did he tell you he
19 was looking for something?

20 A No.

21 Q Okay. Did -- during this time, did he ask you for
22 money?

23 A No.

24 Q Okay. So you followed him around your apartment

1 from, I guess, you said your kitchen. Did you follow him into
2 your bathroom?

3 A No, just kitchen, bedroom, and then the living room.
4 That's the only place.

5 Q Okay. So as you -- as he had you follow him into
6 the bedroom, did anything happen in there?

7 A My clothes had been taken off.

8 Q And where -- where in the apartment did your clothes
9 get taken off? Do you remember?

10 A I don't remember exactly where, but I do know they
11 had been taken off.

12 Q Okay. And did he tell you to take those off or did
13 he take them off or do you remember?

14 A That -- that part is -- I don't know which of the --
15 which of the two.

16 Q Okay. So that's -- you don't have a specific
17 recollection of how your clothes came off?

18 A Yes.

19 Q Okay. Did he still have the knife out?

20 A Yes.

21 Q Okay. So when your clothes came off and he had you
22 follow him into the bedroom, what else happened in the
23 bedroom?

24 A He had me on my bed.

1 MR. GILL: Your Honor, I'm having trouble even
2 hearing. I apologize.

3 THE COURT: It's okay.

4 MR. GILL: Don't mean to interrupt, Ms. Kollins.

5 MS. KOLLINS: Maybe one more book.

6 MR. GILL: Sorry, Ms. Kollins.

7 THE COURT: Maybe one more book.

8 MS. KOLLINS: It's like Jenga. Okay?

9 THE WITNESS: Okay.

10 BY MS. KOLLINS:

11 Q All right. Big voice, okay. 'Cause I don't want to
12 make you have to repeat this, all right?

13 A Okay.

14 Q Okay. So you said he had you on your bed.

15 A Yes.

16 Q Were you face up? Face down? Sitting?

17 A Face down.

18 Q And what happened when you were face down?

19 A Sexual intercourse.

20 Q And by "sexual intercourse," just so we're clear,
21 you mean penis to vagina; correct?

22 A Yes.

23 Q Did you want that to happen?

24 A No.

1 Q Were you fearful -- fearful at all when that was
2 happening?

3 A Yes.

4 Q Now, was -- well, let me back up. Did he use a
5 condom?

6 A To my -- I don't recall ever seeing him put a condom
7 on, or if he had one on, I did not see.

8 Q Okay. Now this first time that there was
9 intercourse, what made that stop?

10 A There was no other time.

11 Q Okay. What made intercourse stop?

12 A He -- he stopped.

13 Q Okay. And after he stopped, was there some money in
14 your bedroom that he located?

15 A I don't recall money in -- being taken or I don't
16 recall money.

17 Q Okay. Do you recall talking about \$40 being taken
18 from your bedroom?

19 A No.

20 Q Okay. Now, did he want you to -- after there was
21 intercourse, did he want you to use your mouth somewhere on
22 his body?

23 A No.

24 Q Do you recall discussing that before?

1 A No.

2 Q Is that something that you find difficult to speak
3 about?

4 A I don't speak about it because it didn't happen.

5 Q Okay. Do you recall him obtaining a towel?

6 A I believe he -- he gotten a towel or more so a cup
7 with water in it.

8 Q Okay. And when he got the towel and the cup with
9 water in it, what did you do or what did he do?

10 A At that time I -- he had had me in the closet. And
11 had tied me.

12 Q Okay.

13 A And tried to pour the water into my vagina area, as
14 if he's trying to clean the evidence.

15 Q Okay. And I'm talking before that, before we get to
16 that point --

17 A Mm-hmm.

18 Q -- okay? Because you're about to -- do you recall
19 you're in your bedroom with him once and then you were in
20 there with him a second time? Do you recall that?

21 A I (indiscernible) second time. After -- after he
22 had -- had done what he had done, that's when he put me into
23 the closet. Was before that (indiscernible) stated, he had me
24 walking around as I followed him.

1 Q Okay. Did he take a towel and either he used it or
2 had you use it to wipe your vaginal area?

3 A More or less, he would.

4 Q Okay.

5 A 'Cause at that point I couldn't do anything. I was
6 tied.

7 Q Okay. So that -- to your memory that was in the
8 closet, though.

9 A Yes.

10 Q Okay. You said he tied you up in the closet.

11 A Yes.

12 Q What did he use to tie you up with?

13 A I don't know what cloth or what he had found. I was
14 not looking at him. If I may say, as he's doing this, within
15 me, I was praying. So I -- I'm not paying attention to what
16 he's getting to tie me up with.

17 Q Okay. Do you recall discussing that he cut an
18 electrical cord of some kind in your apartment and he tied
19 your hands with that? Do you recall that?

20 A He may have. I don't recall what, yeah.

21 Q And do you recall saying that there were scarfs that
22 were from your job at Albertsons he used to tie your feet and
23 your hands together? Do you recall that?

24 A I do not recall.

1 Q Showing you what's been admitted as --

2 A Okay.

3 Q -- State's 201. Can we just look at that picture
4 forget -- together for a second. And looking at that, does
5 that refresh your recollection about any of the items that
6 were used to tie you?

7 A I know that those are the items that was used,
8 but -- however, as I stated, prayer to where it -- a lot of
9 things has basically -- is a blur. But however, that is the
10 items that were on (indicating).

11 Q So you recognized the items in that picture --

12 A Yes.

13 Q -- State's 201, as the items that were used to tie
14 you?

15 A Yes.

16 Q And specifically, can you just articulate what those
17 items are that you see in that picture that you say were used
18 to tie you.

19 A The red, beige, blue, white, that's a tie that we
20 used on my job.

21 Q Okay.

22 A That's a white shirt. But the tan item, I don't
23 recall what that is.

24 Q Okay. What about the wire?

1 A Sure it was used, but I'm not -- I -- I -- I don't
2 recall the wire, but I'm sure it was used.

3 MS. KOLLINS: Permission to publish 201?

4 THE COURT: Yep.

5 BY MS. KOLLINS:

6 Q Okay. So, Teresa, I want to go back a little bit.
7 Fair to say it's been a long time?

8 A Yes.

9 Q Is that -- remember, everybody's got to hear ya.

10 A Oh, yes. Yes. Yes.

11 Q Okay. And after all of this happened, did you have
12 some counseling or go through any treatment because of this?

13 A No.

14 MR. GILL: Your Honor, I'll -- I'll -- I'm gonna
15 object as to the question.

16 MS. KOLLINS: Withdrawn.

17 THE COURT: Okay.

18 BY MS. KOLLINS:

19 Q You told me a few moments ago that he never had you
20 use your mouth on his body --

21 A Correct.

22 Q -- do you remember that?

23 A Yes.

24 Q Do you recall telling that to the police?

1 A I did not tell that to police.

2 Q Would it refresh your recollection to look at your
3 statement? It's very --

4 A I can -- I can look at -- no, I don't -- I did not
5 say that.

6 Q Okay. So you don't think you ever said that?

7 A I did not say that.

8 Q Did you ever say that at a previous hearing?

9 A No.

10 Q Okay. Do you recall telling the police that he had
11 you -- or that he was looking around your house and went into
12 your purse for money?

13 A No, I don't recall that.

14 Q Would it --

15 THE COURT: What was that answer? That answer, I
16 didn't hear. What was it?

17 THE WITNESS: I do not recall.

18 THE COURT: You don't recall. Okay.

19 BY MS. KOLLINS:

20 Q Would it refresh your recollection to look at the
21 statement that you gave to police at the hospital?

22 A I could try to.

23 Q And so -- I mean, there's a difference between "I
24 don't remember today as I sit here" and "it didn't happen";

1 right?

2 A Mm-hmm.

3 Q Were you able to look at the first couple lines of
4 the page --

5 A Oh --

6 Q -- sorry -- nine?

7 So does that help you remember whether you told the
8 police that he took some money out of your purse?

9 A That actually does not help me to remember if he --
10 if I told 'em that (indiscernible) purse.

11 Q Does it help you remember whether or not that
12 happened?

13 A As I said, I --

14 Q Let's not talk about whether you said it, but do you
15 have an independent memory of him going through your stuff and
16 your purse and taking your money out, as you sit there today,
17 if you remember that?

18 A (Indiscernible) and he was -- me walking around and
19 he -- him looking through everything. Other than that, I -- I
20 would pray that my life would be spared. So as I walk around
21 and everything, he's going through the drawers and everything.

22 Q Okay.

23 A Prayer was within me. And I -- and a lot of things,
24 I don't recall, would come back, bits and pieces --

1 Q Sure.

2 A -- on to what occurred on that night.

3 Q Okay. Was it your practice to keep your cash in
4 your purse back then?

5 A Yes. Cash or (indiscernible) put into my bank.
6 Either or. Whichever.

7 Q Okay. So to kind of circle back to my question, you
8 said -- and -- and, you know -- and you survived this so --

9 A Yes. Yes.

10 Q -- you know, you did survive it.

11 A Yes.

12 Q And no one faults you for being distracted.

13 A Yes.

14 Q Okay. But what I'm trying to get to is, do you have
15 a memory of the money coming out of your purse and him taking
16 it?

17 A No.

18 Q Okay. When you were tied in the closet, was this
19 person talking to you?

20 A Yes.

21 Q Do you remember what the person was saying?

22 A Saying that after he had tied me up and had placed
23 the knife near me, he asked me was I able to get to it.

24 Q Okay. So the knife he placed near you, was it the

1 same knife he had been carrying around or a different knife?

2 A Different knife.

3 Q Okay. The knife that was placed next to you, the
4 closet, was that a knife from your house?

5 A Yes.

6 Q Did you see him go get that knife from your house or
7 did you just recognize it as your knife?

8 A No, he -- he had said -- he said something to the
9 fact that, "Oh, you -- you gonna try to use this on me," like
10 going through the -- going through the kitchen drawer.

11 Q Okay.

12 A (Indiscernible) and he picked it up.

13 Q Okay.

14 A I don't recall seeing (indiscernible) look at that
15 time but when in the bedroom -- in the closet, bedroom.

16 Q Okay. So then he left you that knife to free
17 yourself?

18 A Yes.

19 Q Okay. And what else did he talk about there in the
20 closet? Do you remember?

21 A He -- he didn't say -- yeah, he -- he had left.

22 Q Did -- did he tell you it was okay to release
23 yourself after he left?

24 A I don't recall him saying that to me.

1 Q Okay. Well, did he tell you why he was leaving you
2 the knife?

3 A No, he -- he just said, "Are you able -- are you
4 able to reach the knife?"

5 Q And did you take that to mean so you could get free?

6 A Yes.

7 Q Okay. You mentioned earlier him pouring some water
8 on you in the closet, like --

9 A Yes.

10 Q -- down by your vaginal area?

11 A Yes.

12 Q You kind of motioned and pulled up -- like motioned
13 your waistband. Did you have clothes back on by then?

14 A I would gather, but I'm not -- I -- I don't recall
15 how -- when my clothes was returned back on.

16 Q Did you finally get free?

17 A Yes.

18 Q And what did you do when you got free?

19 A Well, I -- actually, I been cautious and looking and
20 I would gather, try to walk to my sister's house, but in --
21 the fear come upon me. I stopped and turned back around and
22 go head to an old place called the Showboat.

23 Q And did somebody help you there?

24 A I called -- I called my sister on the phone.

1 Q Okay. And why did you not use the phone in your
2 apartment?

3 A I do not know why I didn't use the phone in the
4 apartment.

5 Q Okay.

6 A I -- I'm gathering I would have rather not be there
7 while -- be there, get away.

8 Q Okay. So you -- you've given me some information
9 about things that you remember --

10 A Yes.

11 Q -- you know, since we've been talking. But I want
12 to show you some other things that you've previously said, if
13 that's okay.

14 A Okay.

15 Q All right?

16 Do you recall telling the police, while you're at the
17 hospital the night this happened, that the Defendant took his
18 penis out and quote "asked you to suck it again." Do you
19 remember saying that?

20 A I did not say that.

21 Q Could I show you a copy of your voluntary statement
22 and have you take a look at it?

23 A Okay.

24 MR. GILL: Your Honor, could we approach very

1 quickly?

2 THE COURT: Sure.

3 [BENCH CONFERENCE BEGIN]

4 MR. GILL: Trying to be lenient, as I said I would
5 be.

6 THE COURT: Yeah.

7 MR. GILL: But her answers are a little definitive.
8 Like, "No, I didn't say that. " So is it just impeaching at
9 this point?

10 THE COURT: (Indiscernible) at this point
11 (indiscernible)

12 MS. KOLLINS: Well, right.

13 MR. GILL: That's fine.

14 MS. KOLLINS: And I was trying to softball it --

15 THE COURT: No, I know you were trying to soften
16 it --

17 MR. GILL: No. No. No.

18 THE COURT: -- but --

19 MR. GILL: If it's -- if it's impeachment, then --

20 THE COURT: If you try multiple times and she's like
21 "I didn't say it," so I think you're just gonna have to read
22 it in.

23 MS. KOLLINS: So pursuant to Crowley, I think I'm
24 safe and I'll just read it in and --

1 THE COURT: Yeah.

2 MS. KOLLINS: -- ask her if she said it.

3 MS. LUZAICH: Do you want the picture of the phone
4 cord cut?

5 MS. KOLLINS: Sure.

6 MS. LUZAICH: Let me mark it.

7 MR. GILL: No objection.

8 MS. KOLLINS: Dumpster fire.

9 THE COURT: (Indiscernible)

10 [BENCH CONFERENCE END]

11 BY MS. KOLLINS:

12 Q The attorney objected. And we're just gonna kind of
13 do this a different way now, okay?

14 A Mm-hmm.

15 Q All right. Do you recall telling police officers,
16 and I quote, "And then he -- he told me to unbuckle his pants
17 and take it out and suck him again." Do you recall saying
18 that?

19 A No.

20 Q Does that mean you didn't say it?

21 A I didn't say it.

22 Q Okay. Did you tell them that when you were done
23 with that, the second time, that he told you to lay on his --
24 on your stomach again?

1 A Laid on my stomach one time.

2 Q Do you recall telling the police, though, "And then,
3 uh, he told me to lay on my stomach," after this second --

4 A No.

5 Q -- incident?

6 MR. GILL: And, Ms. Kollins, this page number, if
7 you don't mind.

8 MS. KOLLINS: I'm sorry. Page 11.

9 MR. GILL: Thank you.

10 BY MS. KOLLINS:

11 Q And then you told the police, "Then he had -- went
12 and started having sex with me again." Do you remember that?

13 A No.

14 Q And then you told them, "And then he placed his
15 penis in my vagina." Is this --

16 A The second time or --

17 Q Yes.

18 A No.

19 Q So you don't recall saying any of those things.

20 A No.

21 Q Okay. All right. So earlier, when I asked you, you
22 said that -- your mouth on his penis, you didn't recall
23 that -- right? -- at all?

24 A No.

1 Q Okay.

2 A No.

3 Q Do you recall actually telling the police that that
4 happened twice?

5 A No.

6 Q Do you recall telling the police, quote, on page 7,
7 "That he told me to suck his penis."

8 A No.

9 Q Kind of going through the money that was in your
10 purse, you recall praying and walking around with him; right?

11 A Yes.

12 Q Okay. Do you recall telling the police, "And he
13 started, uh, he started looking through my house. I told him
14 no. And then he, uh, went to my purse and opened my purse and
15 found my money." At page 9. Do you remember saying that?

16 A No, I don't remember saying that.

17 Q Do you remember saying, in response to, "Okay. Did
18 he take your money?" You told the police, "Yes." Do you
19 remember saying that?

20 A No.

21 Q And you told the police he was still holding the
22 knife in his hand at that time.

23 A Yes. Yes.

24 Q Okay. So you recall that portion, that you told 'em

1 he was still holding the knife?

2 A That -- yes.

3 Q Okay. So, then, do you recall him taking the money
4 now or --

5 A No.

6 Q No. Okay. Do you recall saying -- or when he was
7 cleaning you, that we talked about before -- right? -- did he
8 insert his fingers into your vagina?

9 A I don't recall -- recall that. Just the putting the
10 water (indicating) -- pouring the water.

11 Q Would it refresh your recollection to look at
12 page 10 and see if that's what -- looking at the mid section
13 of the page?

14 A I don't recall that.

15 Q I'm sorry.

16 A I -- I don't recall.

17 Q Okay. So in response to the question at page 10,
18 "So he actually inserted his fingers into your vagina with the
19 red bandana." You responded, "Mm-hmm, positive." You don't
20 recall that?

21 A No.

22 Q And I'm gonna take you way back to the beginning.
23 Do you recall expecting your mom to come over that night?

24 A Yes.

1 Q Okay. Did that have anything to do with your
2 decision in answering the door?

3 A Yes.

4 Q Did you, back then, have a vase that had change in
5 it?

6 A I do not remember. I may have.

7 Q Do you recall the person that did this using the
8 word "raped" to you?

9 A I do not recall. I really may have.

10 Q Showing you State's admitted 202, do you recognize
11 that picture?

12 A (Indiscernible) myself.

13 Q Back in February of 2000 when this happened?

14 A Mm-hmm.

15 Q Is that a "yes"?

16 A Yes.

17 MS. KOLLINS: Permission to publish 202?

18 THE COURT: Yep.

19 MS. KOLLINS: Court's indulgence. Let me show these
20 to Defense counsel. Your Honor, I've showed 205 through 212
21 to Defense counsel and there's no objection.

22 THE COURT: Okay. Being no objection, those will be
23 admitted. You can publish when needed.

24 [STATE'S EXHIBITS 205-212 ADMITTED.]

1 MS. KOLLINS: As well as 203, I think.

2 MR. GILL: Correct.

3 MS. KOLLINS: Theresa, I'll be right back with ya,
4 okay?

5 THE WITNESS: Okay.

6 BY MS. KOLLINS:

7 Q So I did ask ya a little bit, the whole time this
8 person was there, he had his knife; is that right?

9 A Yes.

10 Q Yes? Okay.

11 And you remember I asked you why you didn't call any --
12 for any help from home. Do you remember that? A few minutes
13 ago --

14 A It's the ask -- (indiscernible) me calling at the
15 Showboat.

16 Q Okay. Showing you State's admitted 203, do you
17 recognize that picture?

18 A A picture of my phone.

19 Q Okay. And the phone --

20 A And it's cut.

21 Q Okay. From 2000?

22 A Yes.

23 Q Okay. Does that refresh your recollection that your
24 phone was cut at your apartment? Does that make you remember

1 that your phone was cut so you had to go call somewhere else?
2 Well, you didn't cut it, did ya?

3 A No. No.

4 Q Okay.

5 A No.

6 Q Was it cut before the person came that you didn't
7 know with the knife?

8 A It wasn't cut before, no.

9 Q Okay. So -- but after, it was cut?

10 A Yes.

11 Q Okay.

12 MS. KOLLINS: Permission to publish 203?

13 THE COURT: Yep.

14 BY MS. KOLLINS:

15 Q You said you gave the person a drink of water. You
16 remember that?

17 A Yes.

18 Q Do you remember what you might have given that
19 person a drink of water in? Was it a glass or a paper cup or
20 something different? Do you remember?

21 A I don't recall what -- what item I used.

22 Q Okay. Showing you what's been admitted as 205, does
23 that refresh your recollection as to what you might have
24 served the person water in?

1 A It doesn't refresh the memory.

2 Q Okay.

3 A Like I said, I don't know what -- I don't recall
4 what -- giving him.

5 Q All right. And showing you State's admitted 204, is
6 that a picture of -- of your bedroom back then?

7 A Yes.

8 Q Okay. You recognize that?

9 A Yes.

10 Q Okay.

11 MS. KOLLINS: Permission to publish 204.

12 THE COURT: Yep.

13 BY MS. KOLLINS:

14 Q So, Teresa, how many sex acts do you remember
15 happening?

16 A One.

17 Q And did that happen when the person first came in
18 the apartment or later, while the person had been -- after the
19 person had been looking around?

20 A Later, after looking.

21 Q And your clothes that came off, do you remember
22 where they went?

23 A No.

24 Q Okay. Do you remember what you were wearing?

1 A No.

2 Q Okay.

3 MS. KOLLINS: Court's indulgence for just a
4 moment --

5 THE COURT: Sure.

6 MS. KOLLINS: -- please.

7 BY MS. KOLLINS:

8 Q Here I come again. Okay. Doing all right? Need
9 some water or anything?

10 A Oh, I'm good.

11 Q All right. All right. So you don't remember this
12 person asking for your sister; right? You say you don't
13 remember that?

14 A No, I thought -- thought he was looking for my
15 sister.

16 Q Okay. So you did say -- you did tell them that --

17 A Yes.

18 Q -- that -- you told the police that back in
19 February 2000 that you thought he was looking for your sister.

20 A Yes.

21 Q Okay. Do you recall him asking for a glass of water
22 and wanting to come in? Do you recall that?

23 A He wanted -- he wanted to come in. He wants the
24 water.

1 Q Do you remember --

2 MR. GILL: I didn't -- I didn't hear that,
3 Ms. Kollins. I'm sorry.

4 BY MS. KOLLINS:

5 Q Sorry. I'm gonna ask -- have to ask you to keep
6 your voice up.

7 So you do recall that. That he wanted some water and he
8 wanted to come in?

9 A Yes.

10 Q Okay. Did you want to let him in?

11 A No.

12 Q Okay. Did you think that you may have seen him
13 before with your sister?

14 A I may have -- I may have thought that, yes.

15 Q You may have thought that?

16 A Yes.

17 Q So you remember that detail right now. You remember
18 that.

19 A I may have thought that (indiscernible).

20 Q Okay. Did he tell you what his name was? Did he
21 give you a name?

22 A Think he said Chris.

23 Q And do you recall saying he was a little taller than
24 you when you spoke at that last hearing?

1 A I may have said that, yes.

2 Q Okay. All right. And you said you were 5-4; right?

3 A Yes.

4 Q Okay. So now you remember you might have said he
5 was a little taller?

6 A Yeah. I may have said that, yes.

7 Q Okay. Do you remember telling -- testifying that he
8 was between 18 and 22 years old?

9 A Yes.

10 Q Okay. And was that as accurate as you could be at
11 that time?

12 A At that time, yes.

13 Q Okay. Do you recall giving the police a -- like a
14 weight range of how much you thought this person weighed?

15 A I'm sure I have, but I -- I don't remember the --
16 the weight, but I'm sure I have.

17 Q Page 44. Showing you bottom of page 44 of this
18 transcript --

19 THE COURT: And, Ms. Kollins, I'm sorry, just for
20 the record, is this the previous court hearing transcript?

21 MS. KOLLINS: Yes, ma'am.

22 THE COURT: Okay.

23 MS. KOLLINS: Yes, ma'am.

24 THE COURT: Thank you.

1 BY MS. KOLLINS:

2 Q Does that refresh your recollection?

3 A Yes.

4 Q Okay. And what do you remember now that you told
5 the police about body size?

6 A About that (indiscernible) what more --

7 THE COURT: That what?

8 THE WITNESS: Maybe still -- it could be like an --
9 still an average at that weight.

10 BY MS. KOLLINS:

11 Q Okay. Well, everybody can't read what we're
12 reading. So --

13 A At -- at that -- at -- at -- the weight of one --
14 170 may have been like an average size still.

15 Q Okay. So 170 is what you told them before. 170 --

16 A Yes.

17 Q -- to 180; fair? Okay.

18 And you don't dispute that memory now; right?

19 A No.

20 Q Okay. Was the person that came to your house
21 wearing anything over their face?

22 A No.

23 Q Patience, please, ma'am. I'm getting there.

24 A Okay.

1 Q Sorry. This is (indiscernible).

2 To the best of your memory, telling the police that after
3 he drank the water, he wanted to put the cup away himself and
4 come in the house. Do you remember saying that, at the
5 previous hearing?

6 A I may have said it, but I do not recall.

7 Q Okay. Would it refresh your recollection to look at
8 your prior testimony?

9 A [Witness nods head.]

10 Q And I'm on page 13, lines 16 through 21. Actually,
11 that can't be 13.

12 MS. KOLLINS: Sorry, Counsel. Just one second.
13 Forty-eight.

14 BY MS. KOLLINS:

15 Q So I'm asking you to read from line 16, right there,
16 to line 24 and see if that refreshes your recollection.

17 A Yes.

18 Q Okay. And what does that help you remember?

19 A Him coming -- him coming in.

20 Q Okay.

21 A Himself.

22 Q And that he -- so my question was, he wanted to come
23 in and you didn't want him to come in; right?

24 A I didn't, no.

1 Q Okay. And he insisted on coming in?

2 A Yes.

3 Q And you remember that now.

4 A Yes.

5 Q Okay. Do you remember testifying at the previous
6 hearing that, shortly after he came inside, he told you to go
7 to your room? Page 52.

8 A No, I don't remember that.

9 Q Do you remember -- well, do you remember saying that
10 he got the knife out soon after he came inside?

11 A From his body area.

12 Q Yes.

13 A As he got -- when I was pulling him, that's when he
14 pulled it out.

15 Q Okay. So recall that. And he told you to go in
16 your room at that point; right?

17 A I do not recall hearing him say that.

18 Q Do you recall testifying -- the question was, "Okay.
19 And what did he do or say once he pulled his knife out or
20 pulled this knife out?"

21 And your answer was, "He said, 'Get up and go in the
22 room.'"

23 Do you recall that testimony?

24 A No.

1 Q Would it refresh your recollection to review it?

2 A Maybe. I'm not sure.

3 Q Okay. Let me try.

4 A Okay.

5 Q Okay. We're at page 52. Sorry. So we were talking
6 page 52 --

7 MR. GILL: And, Your Honor, while she's reading
8 that, can we approach?

9 THE COURT: Sure.

10 MS. KOLLINS: Hold on just one moment, Ms. Tyler.

11 THE WITNESS: Okay.

12 [BENCH CONFERENCE BEGIN]

13 MR. GILL: Just while she's reading. I already made
14 the objection and I -- if you want to just impeach, you can
15 just go straight to reading. I -- I don't know if that was
16 the Court's --

17 MS. KOLLINS: I don't know --

18 MR. GILL: -- ruling, but I've made the objection.
19 So I'm good.

20 MS. KOLLINS: I don't even know that she's
21 traditionally impeachable. That's the problem.

22 THE COURT: What's that?

23 MS. KOLLINS: I don't even think she's traditionally
24 impeachable. That's the problem. Like, the answers she's

1 given are just weird.

2 MR. GILL: True.

3 MS. KOLLINS: I mean, I'm happy with just marking
4 the transcript and admitting it, if she'll acknowledge it. I
5 mean, 'cause this is --

6 MS. LUZAICH: The Court can take judicial notice of
7 the prelim trials (indiscernible).

8 MS. KOLLINS: Right.

9 MR. GILL: I mean, I can't argue that it didn't
10 happen, that the prelim didn't happen --

11 THE COURT: Yeah, I mean --

12 MR. GILL: -- so --

13 THE COURT: (Indiscernible)

14 MS. KOLLINS: Well, prior to sworn testimony
15 (indiscernible).

16 MS. LUZAICH: Prior inconsistent statement.

17 THE COURT: What?

18 MS. LUZAICH: It's all prior inconsistent
19 statements.

20 MS. KOLLINS: I mean, it's all Crowley. It's either
21 consistent or inconsistent. I just -- like, trying to
22 traditionally impeach her is not working. Like, "Do you
23 recall this?"

24 "No."

1 And she reads it. And she goes on about, like, a half
2 something she remembers.

3 THE COURT: Yeah.

4 MS. KOLLINS: It's just -- I -- I don't know how to
5 (indiscernible) --

6 MR. GILL: My concern is she's remembering more the
7 longer we go. And -- and I --

8 THE COURT: In some ways.

9 MS. KOLLINS: (Indiscernible)

10 THE COURT: Right.

11 MR. GILL: But --

12 THE COURT: I'm just trying to think of -- well, so
13 are you asking me to (indiscernible) or I didn't
14 (indiscernible).

15 MS. KOLLINS: I am -- well, I mean, I wasn't going
16 to until I came up here and I might of at the end. I just --
17 I don't know how --

18 MR. GILL: And the -- sorry, Stacy. But the reason
19 I even asked to approach is I did already kind of make an
20 objection and then the State -- Ms. Kollins says it's
21 impeachable. And I thought we were just gonna kind of read
22 from it to --

23 THE COURT: Sure.

24 MR. GILL: -- speed things along.

1 THE COURT: Just to impeach her.

2 MR. GILL: -- or whatever. Yeah, just to impeach
3 her.

4 THE COURT: Yeah. I think the issue is with the
5 impeaching; right? Like, under Crowley, as long as she's
6 saying "no," or "I don't know" you can impeach them.

7 MR. GILL: And she's --

8 THE COURT: So, I mean, I --

9 MR. GILL: -- giving a weird --

10 THE COURT: -- know she's, like, you're saying she's
11 not the traditional impeachable type. And I (indiscernible)
12 circumstance (indiscernible) on the -- the fellatio thing;
13 right? I mean, it's a flat out "no." You know --

14 MS. KOLLINS: Right.

15 THE COURT: -- like, "it didn't happen." "I never
16 said that." And so you can read that in till the cows come
17 home.

18 MS. KOLLINS: Well, and I did.

19 THE COURT: Yeah.

20 MR. GILL: Mm-hmm.

21 MS. KOLLINS: All right.

22 THE COURT: The money and the purse, again, same
23 thing. So I think that you're safe under Crowley to impeach
24 her and, you know, if she says "I didn't say that" or "I don't

1 remember," well, if it's in this transcribed statement, how --

2 MS. KOLLINS: Well -- and -- I mean, it's couple
3 times she said when I was up there "I didn't give that
4 statement." I mean, so it's not --

5 THE COURT: Did she say specifically I -- like --

6 MS. KOLLINS: She -- she was given both of those to
7 read to (indiscernible).

8 THE COURT: Oh, yeah. No, I know. Yeah. I'm just
9 trying to think of the -- the prior sworn testimony when you're
10 saying the prior sworn testimony in its entirety comes in, I'm
11 just trying to remember, is that --

12 MS. KOLLINS: It's by the statute.

13 THE COURT: By statute?

14 MS. KOLLINS: Yeah. I'm gonna have to go find it.

15 THE COURT: Under hearsay?

16 MS. KOLLINS: Maybe not.

17 THE COURT: 'Cause I know deposition -- like,
18 depositions usually are in civil cases. Just don't remember
19 under --

20 MS. LUZAICH: Well, past recollection recorded
21 and --

22 MR. GILL: And --

23 MS. LUZAICH: And it's all in (indiscernible)
24 because she's saying either she doesn't remember or it didn't

1 happen.

2 MR. GILL: And just so the record's clear, I'm
3 objecting to the whole statement coming in.

4 THE COURT: Yeah.

5 MR. GILL: I'm not objecting to impeaching --

6 THE COURT: Impeaching it.

7 MR. GILL: -- her with reading from her statement.

8 MS. LUZAICH: Of course you're not.

9 THE COURT: Right. I just need to look at -- I just
10 need to look it up. Because --

11 MS. KOLLINS: Just wait.

12 THE COURT: -- even with past recollection
13 recorded --

14 MS. KOLLINS: Can we just have a moment, then,
15 maybe?

16 THE COURT: Yeah. Well, we're gonna break for lunch
17 here soon. Do you want to finish her before then? Are we
18 gonna be able to keep her coming back?

19 MS. LUZAICH: Can't -- good -- how long is your
20 cross?

21 MR. GILL: It won't be long. Ten minutes.
22 Fifteen minutes, max.

23 MS. KOLLINS: Do you want to just pass her? I don't
24 know if I'm gonna get anywhere. What do you think?

1 MS. LUZAICH: Yeah. I mean, we're not getting
2 anywhere.

3 MR. GILL: And I don't want to --

4 MS. KOLLINS: I am gonna move for the prelim
5 transcript as soon as I get the authority for that.

6 THE COURT: Just get me -- I'm gonna look. Just get
7 me some (indiscernible).

8 MS. LUZAICH: Yeah.

9 [BENCH CONFERENCE END]

10 BY MS. KOLLINS:

11 Q So, Ms. Tyler, I have good news for you for a
12 moment.

13 A Okay.

14 Q I'm not gonna ask you any more questions.

15 A Okay.

16 Q Okay? All right. Mr. Gill is gonna ask you some
17 questions and then I may be back.

18 A Okay.

19 THE COURT: Mr. Gill, sir, whenever you're ready.

20 MR. GILL: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. GILL:

23 Q And, Ms. Tyler, is it okay if I stand at the podium
24 as well?

1 A Okay.

2 Q And I'm going to ask you -- like Ms. Kollins said,
3 I'm gonna ask you some questions, but I'm not gonna try and
4 embarrass you, okay?

5 A Okay.

6 Q I just have to ask you a few follow-up questions.
7 Is that okay?

8 A Okay.

9 Q Now, I just want to talk about what you remember,
10 okay?

11 A Okay.

12 Q I'm not gonna pull you any statements or have you
13 read through anything. I just want to talk about your -- and
14 I know it's been 22 years, okay?

15 A Yes.

16 Q But I'm gonna ask you what you remember. You
17 remember one sex act; correct?

18 A Yes.

19 Q And that was penis to vaginal sex.

20 A Yes.

21 Q Okay. You remember -- well, let's back up just a
22 little bit. You remember a person coming to your door.

23 A Yes.

24 Q Without any mask or anything covering his face.

1 A Yes.

2 Q And that was at what time of day? Do you recall?

3 A Know it was night -- nighttime. Maybe between 7:00

4 or 9:00.

5 Q Between 7:00 at night --

6 A Between those -- that time. I know it was

7 nighttime.

8 Q Okay.

9 A Because it was dark outside.

10 Q Okay. I didn't mean to interrupt you. I apologize.

11 A Yes.

12 Q So between 7:00 and 9:00 p.m.?

13 A Yes.

14 Q And it was dark outside.

15 A Yes.

16 Q Now, initially you said the man was shorter than

17 5-foot-4 and -- and later you testified he was maybe a little

18 taller than that. You recall that? When Ms. Kollins was

19 questioning you?

20 A She said I -- I said he was taller than I was, yes.

21 Q Okay. So is -- and, again, I'm just asking what you

22 recall. Do you recall if he was taller or shorter than you?

23 A Maybe a little -- slightly taller, yes.

24 Q Okay. Slightly taller.

1 A Yes.

2 Q And did he ask for the water or did you offer it?

3 A He asked.

4 Q And you gave him the water; correct?

5 A Yes.

6 Q When you did that, he stayed outside of your door;
7 correct? He didn't come into the apartment to get the water.

8 A No.

9 Q So he's outside. And we saw a picture of your
10 door --

11 A Yes.

12 Q -- you recall that?

13 A Yes.

14 Q And there's no screen; correct?

15 A Correct.

16 Q And does that door just go out into kind of the
17 outside?

18 A It opens this -- it opens in (indicating).

19 Q Opens in.

20 A Yes.

21 Q And when you step through the threshold, you're
22 outside; correct?

23 A Yes.

24 Q Okay. So he was standing there while you got the

1 water?

2 A Yes.

3 Q And he -- he eventually made his way inside;
4 correct?

5 A Yes.

6 Q You didn't want him inside.

7 A Yes.

8 Q But he was inside the living room area?

9 A Yes.

10 Q And the living room area, is that the first area
11 that you would enter when you enter your apartment?

12 A Yes.

13 Q And, again, this is the apartment you lived in, in
14 2000?

15 A Yes.

16 Q Okay. Did he sit on the couch or have a seat?
17 Where did he go when he first entered?

18 A He was -- he was on the couch.

19 Q Okay. And is the couch --

20 A But I -- I didn't have any, like, light on in the
21 living room area.

22 Q Okay. My apologies. So you didn't have any lights
23 on?

24 A Uh-huh.

1 Q Is the couch close to the front door?

2 A More like -- it may have been -- I know had one, had
3 two couch -- I believe it was this one (indicating) more
4 like --

5 Q Okay.

6 A -- close, yes.

7 Q And you're positioning the -- the couch that was
8 closer to the front door?

9 A Yeah. It was more like right here. Couch and here
10 (indicating) but it was this couch (indicating).

11 Q And again, is that the couch closest to the front
12 door?

13 A Away.

14 Q Away from the front door. Okay.
15 And at some point you grabbed his arm; correct?

16 A Yes.

17 Q Trying to pull him out?

18 A Yes.

19 Q And that wasn't -- that wasn't successful; correct?

20 A Correct.

21 Q Okay. Now, you don't recall how your clothes came
22 off; is that right?

23 A Right.

24 Q And you do recall, again, having -- having sex one

1 time.

2 A Yes.

3 Q And were you on your stomach or your back?

4 A Stomach.

5 Q Okay. And then you also don't recall money being
6 taken.

7 A Correct.

8 Q And that includes cash or coin -- paper or coin;
9 correct?

10 A Correct.

11 Q You also recall being in the -- in the closet;
12 correct?

13 A Correct.

14 Q And you were given a knife. And if I can -- do you
15 guys have those photos or did they -- oh.

16 MS. KOLLINS: Right there.

17 BY MR. GILL:

18 Q I'm just gonna show you -- I'll get the number
19 here -- 201, State's 201. That's a picture of the closet;
20 correct?

21 A Correct.

22 Q Correct. And then that's the knife that -- that was
23 put near you; is that also correct?

24 A Correct.

1 Q And you can see it in the center there.

2 A Yes.

3 Q Next to the toilet paper; correct?

4 A Yes.

5 Q Did you actually use that knife to free yourself?

6 A No.

7 Q You got free in another way?

8 A I just struggled to (indicating) --

9 Q Okay.

10 A -- take the --

11 Q Just so the record's clear, she's indicating that

12 she's maneuvering her arms to free herself --

13 A [Witness nods head.]

14 THE COURT: Okay.

15 BY MR. GILL:

16 Q -- with no other object.

17 A Yes.

18 Q You didn't use the phone immediately; right? You

19 ended up at Showboat?

20 A Yes.

21 Q And then from there, you called your sister first or

22 your mother?

23 A My sister.

24 Q And just -- just going back, again, and I apologize,

1 Ms. Tyler, but when you were in the closet, you said -- you
2 described some cleaning that was -- of your vagina; correct?

3 A Pouring the water, yes.

4 Q Pouring water.

5 A Yes.

6 Q And you don't recall this person's fingers ever
7 entering your vagina?

8 A No.

9 Q Is that because you don't recall or it didn't
10 happen?

11 A I don't recall.

12 Q Don't recall. Okay.

13 Ms. Kollins asked you about this gentleman's name and --
14 and you gave the name "Chris."

15 A Yes.

16 Q Did -- did he tell you that or did you know him
17 previously by that? How did the name "Chris" come about?

18 A I'm thinking he said it.

19 Q To you.

20 A Yes.

21 MR. GILL: Court's indulgence.

22 Nothing further, Your Honor.

23 Thank you, Ms. Tyler.

24 THE COURT: Okay.

1 MS. KOLLINS: The State has no redirect, Your Honor.

2 THE COURT: Okay. Any questions?

3 All right, ma'am. Thank you so much for being here
4 today. Please don't share your testimony with anyone else
5 involved in the case as it is ongoing, an ongoing trial, okay?

6 THE WITNESS: Okay.

7 THE COURT: Thank you. You are excused.

8 All right. Lunch or --

9 MS. LUZAICH: Up to you. I have a crime scene
10 analyst if you want.

11 THE COURT: And how long would that, do you think,
12 be? The CSA?

13 MS. LUZAICH: Pretty quick.

14 MR. GILL: Yeah.

15 THE COURT: Why don't we let -- why don't we get
16 that person on so they don't have to --

17 MS. LUZAICH: I appreciate that. Thank you, Judge.

18 THE COURT: Yeah.

19 MS. LUZAICH: State calls Mike Atkin.

20 THE MARSHAL: Just remain standing there, raise your
21 right hand so the clerk can swear you in. Appreciate it.

22 MICHAEL ATKIN,
23 [Having been called as a witness and being first duly
24 sworn testified as follows:]

1 THE WITNESS: I do.

2 THE CLERK: Please be seated.

3 So you please state your name and spell it for the
4 record.

5 THE WITNESS: Michael Atkin, A-T-K-I-N.

6 THE CLERK: Thank you.

7 DIRECT EXAMINATION

8 BY MS. LUZAICH:

9 Q Good afternoon, sir. Can you tell me, how are you
10 currently employed?

11 A I'm currently employed with the Department of
12 Defense.

13 Q What do you do for the Department of Defense?

14 A I do research in the field of biochemistry.

15 Q Now, how long have you been employed with the
16 Department of Defense, about?

17 A About three years now.

18 Q And prior to that, was there a time that you were a
19 crime scene analyst with the Las Vegas Metropolitan Police
20 Department?

21 A Yes.

22 Q Can you tell me, what does a crime -- or what is a
23 crime scene analyst? What do they do?

24 A Basically a crime scene analyst is someone who goes

1 out to crime scenes and collects evidence, processes for
2 fingerprints, look for anything that might have been involved
3 in the crime, maybe that a suspect left behind. Just kind of
4 documenting the scene and making it available at a later time
5 for detectives.

6 Q For how long were you a crime scene analyst?

7 A Just under four years.

8 Q And what four years were you a crime scene analyst,
9 from when to when?

10 A '97 to '01-ish.

11 Q Can you describe for us what training and education
12 you have that qualifies you to be a crime scene analyst?

13 A Prior to that, I had -- I currently hold degrees in
14 biology and chemistry. Prior to joining the department, I was
15 working for the Environmental Protection Agency as an
16 analytical inorganic chemist where my job was to analyze soil
17 and water sample for different heavy metals and contaminants.

18 In addition to that, we attend roughly a two-and-a-half
19 month crime scene analyst course kind of introduction to
20 forensics. I also took additional courses from the Institute
21 of Applied Forensic Science Northwestern University and the
22 US Secret Service.

23 Q So as a crime scene analyst, how would it come about
24 that you would go to a scene?

1 A We were assigned calls based on requests from either
2 the Patrol Division or the detectives.

3 Q So a patrol officer or detective would be at some
4 event where a crime had occurred and they would call you and
5 say, "Hey, can you come and do stuff."

6 A That's correct, yes.

7 Q When you would arrive at a scene, who would kind of
8 direct what you do?

9 A We would just kind of get an overall briefing from
10 either the detective or the patrol officer that was on scene.
11 Just kind of a general idea of what a victim may have reported
12 to them. From there, we kind of did our own deductions on
13 what things needed to be looked at.

14 Q Okay. On February 1st of 2000, were you working as
15 a crime scene analyst with Metro?

16 A Yes.

17 Q And were you called to a scene at -- sorry --
18 2895 East Charleston Boulevard, Apartment B -- 1016. Not B.
19 Sorry.

20 A That's correct, yes.

21 Q And when you go to a crime scene, do you take
22 overall photos so that you know how the scene appeared before
23 anybody kind of touches anything?

24 A Yes, we take -- you start off with just taking

1 overall photos just showing the condition of the -- of the
2 apartment -- in this case the apartment, as it was when we
3 arrived.

4 Q Okay. So just for the record, Exhibit 195, is this
5 the apartment that you went to?

6 A Yes, that would have been the front door.

7 Q Okay. And you always take a picture of the front
8 door so that you know that --

9 A Just something with the address on it, yeah.

10 Q -- this is the (indiscernible).

11 So when you arrived at the scene, who was there, if
12 anyone?

13 A In my report I have that an Officer Kizner
14 (phonetic) in were on scene.

15 Q Could that be Detective Kizner?

16 A Yes.

17 Q And when you arrived there, did you speak with
18 Detective Kizner?

19 A Yeah. We would have spoken about it.

20 Q And would he have kind of given you the overview of
21 what previously had occurred within that apartment?

22 A Yes, he would have given me an idea of what he was
23 originally called there for. And then any conversations that
24 he may have had with anybody who had been in the apartment at

1 the time.

2 Q Okay. And would the conversations that he have
3 had -- he would have had with the person in the apartment kind
4 of direct what you were gonna do next?

5 A Yeah, that would be kind of the -- the outline of
6 where we would start.

7 Q Okay. So you said first thing you do is kind of
8 take over-alls. Showing you 196. What are we looking at here?

9 A This would be the living room, southeast living room
10 of the apartment.

11 Q Okay. And -- trying to find my order. And then as
12 you were walking around the apartment, would you have also
13 seen State's Exhibit 203?

14 A Yes, this was a -- a phone that was in the -- also
15 in the living room, I believe.

16 Q So kind of near the area that the pry -- prior photo
17 is here.

18 A Yeah, I believe it's right below where that chair is
19 in the prior photo.

20 Q And is there anything significant about this
21 telephone?

22 A I believe that the -- the -- the cord appeared to
23 have been cut.

24 Q Okay. Did you also go into the bedroom? Did you

1 also go into the bedroom?

2 A Oh, yes.

3 Q State's Exhibit 204. Was that within the bedroom?

4 A Yes.

5 Q As well as 198, in the bedroom?

6 A Yes, that's also in the bedroom.

7 Q Sorry. Had you learned that things specifically
8 occurred within the bedroom?

9 A There had been certain -- yeah, certain details of
10 the incident that the detective had relayed to me.

11 MR. GILL: And, Your Honor, I understand it's -- I
12 just want to make a record of what he might be referring to,
13 if he's looking down at notes or something.

14 THE COURT: Sure. Yeah. What do you have in front
15 of you, sir?

16 THE WITNESS: This is my report of the -- of the
17 incident from that night.

18 THE COURT: Okay. So if there's a time that you
19 need to refresh your recollection, just let me know so I can
20 make a record of it.

21 THE WITNESS: Okay.

22 THE COURT: So would looking at that now help
23 refresh your recollection --

24 THE WITNESS: Okay.

1 THE COURT: -- in regards to it?

2 THE WITNESS: Sure.

3 THE COURT: Okay. Go ahead.

4 THE WITNESS: Thank you.

5 THE COURT: Feel free to do so. Just go ahead and
6 read it to yourself and then look up when you're done --

7 THE WITNESS: Okay.

8 THE COURT: -- and Ms. Luzaich will ask a follow-up
9 question.

10 THE WITNESS: I'm sorry. What was the last
11 question? I'm sorry.

12 BY MS. LUZAICH:

13 Q Had you learned that things had occurred within the
14 bedroom?

15 A Yeah. Yeah. That would have been part of my
16 initial discussion with the detective.

17 Q Okay. Showing you State's 200. What are we looking
18 at here?

19 A This would be the closet in that bedroom.

20 Q And was there anything significant about the closet
21 that you were aware?

22 A There was --

23 THE WITNESS: Just referring to my notes again,
24 Your Honor.

1 THE COURT: Yeah. That's okay.

2 THE WITNESS: There was a knife and a piece of the
3 phone cord in the closet of that bedroom.

4 BY MS. LUZAICH:

5 Q Showing you State's 201. Would that be an up close
6 of the knife and the phone cord that you just pointed to --

7 A Yes, it would.

8 Q -- discussed in the picture?

9 As far as you talked about processing a crime scene, did
10 you process for prints?

11 A Yes, I did.

12 Q Did you have training and education that qualified
13 you to do that?

14 A Yes, the -- the education (indiscernible) previously
15 spoke about.

16 Q And specifically pertaining to fingerprints?

17 A Yes, that was part of the -- the American Institute
18 of Applied Forensic Science courses and the training I
19 received at the academy.

20 Q Okay. So when you are processing for fingerprints,
21 how do you go about doing that?

22 A Usually it's -- it's kind of based on what the
23 surface type of the object is. In general, the smoother and
24 cleaner a surface is, the better fingerprint will -- will

1 adhere to it. If an object is dusty or like something on the
2 outside of a house, where it gets a lot of environmental
3 damage, a little less better. Things inside a house, you
4 know, mirrors, glass, things like that, always -- always
5 better sources for a good fingerprints.

6 Q Okay. So if I am standing here right now and you
7 see my fingers on this podium, am I necessarily gonna leave
8 prints behind?

9 A Not necessarily. A lot of it depends on what is on
10 your hands at the time. If your hands are naturally -- you
11 have lotion or anything that makes them a little more wet, I
12 guess, those prints are a little more available when you touch
13 on object. Again, it depends on the surface. The surface
14 can't absorb all the moisture that would produce a print and
15 leave very little behind.

16 Q So when you are looking for -- or processing for
17 fingerprints at a location like a home, are there different
18 ways that you can do it?

19 A Yeah. There's several different -- there's --
20 there's different powders that you can use based on the
21 surfaces. Again, what mostly we -- we'll see -- I've used is
22 a basic kind of a black powder, which is kind of a really fine
23 graphite-type material. That will adhere most easily to
24 your -- your cleaner, smoother type surfaces and will give you

1 a very nicely defined print.

2 Q So showing you State's Exhibit 206, what are we
3 looking at here?

4 A So this was the telephone from the previous picture
5 that I processed for prints, again, using the very similar
6 black powder. This might have been a black magnetic powder,
7 which is -- what it sounds like. It's -- it's magnetized
8 powered which you use a magnetized wand to drag across an
9 object as opposed to what you may see in the movies with the
10 brush where they just kind of throw it on there. Very similar
11 powder, except for just a little bit different designation.

12 Q Okay. And as you look at this exhibit, can you
13 tell, were you able to find any prints?

14 A Yes, the places where you can see on the receiver,
15 where you see the little tab of tape, that would have been the
16 tape that I used to lift the print off of the object.

17 Q Okay. Can you -- there should be a mouse in front
18 of you.

19 A Oh, so --

20 THE COURT: So hit the --

21 THE WITNESS: Here's -- here's one tab --

22 MS. LUZAICH: Actually, as long as he just shows.

23 THE COURT: That's fine.

24 MS. LUZAICH: That's fine.

1 THE WITNESS: Yeah. And this one right here is
2 another piece of the tape.

3 BY MS. LUZAICH:

4 Q Okay. So when you say that a print -- so are you
5 actually picking up a fingerprint or are you picking up
6 something else?

7 A So what I'm actually looking at is I -- I'm looking
8 at -- or I'm picking up ridges. So if you look at your
9 fingerprint, you'll see the ridges that make the designs. I'm
10 picking up those ridges.

11 Now, what ends up happening is I'll put this on a card, a
12 little white card, and I'll take that back to an actual
13 fingerprint examiner who will, with a magnifying glass,
14 basically look for the identifiable marks inside that print.

15 At the scenes we don't make those determinations of a
16 good print versus a bad print. If there's any ridge detail
17 whatsoever, we send it to the actual experts who are more
18 better trained in the identification of -- of fingerprints
19 than we are.

20 Q Okay. So we're looking at this phone here, and you
21 pointed out that there were some pieces of tape. What do you
22 do, specifically? You put the black powder on. You put the
23 tape 'cause you saw ridges.

24 A Right.

1 Q Then what do you do?

2 A Then you just -- you lift the tape up and apply it
3 to a -- a white index card. And on that card I will make
4 certain notes on it of the object and where I took the -- the
5 print from. So in this case it would have been the receiver
6 of the telephone found in the living room.

7 Q So would it also include the card that you're
8 speaking of, other information pertaining to the event?

9 A Yeah, usually they had my name on there and the
10 incident -- what we refer to as the event number on it so that
11 that will all stay categorized.

12 Q Okay. So it will know what the event number is --

13 A Right.

14 Q -- know that you pulled this --

15 A My (indiscernible) yeah. And then usually an
16 address and things like that on there.

17 Q Okay. Showing you State's Exhibit 207. What are we
18 looking at here?

19 A This was -- I believe it was a bedroom door, if I'm
20 not mistaken. And, again, you'll see right -- again, using
21 the mouse, right here (indicating), a small tab of the tape
22 where some ridge detail was picked up.

23 Q Okay. So would you have put that piece of tape on
24 the same white card that you used for the phone?

1 A No, each -- each -- each piece of tape will go on
2 its own individual card with its own set of information of
3 where it was located.

4 Q Okay. And then showing you State's Proposed
5 Exhibit 205. What do we see here?

6 A So here we have a coffee cup and a -- a little box.
7 Again, you'll see the little tabs of tape here, here, and here
8 (indicating).

9 Q So would you have taken those pieces of tape and put
10 them on their own white index cards?

11 A Yes, those would have been three different cards.

12 Q And would all of these cards be put together and
13 sent to the lab under the same event number?

14 A Yes, they would all go into a single envelope and,
15 again, with all the same information on it: My name, event
16 number, location, addresses, the officer who was originally
17 involved in this. And that would all go to the latent print
18 examiners to -- for further examination.

19 Q Okay. Now, when you arrived at the scene, you said
20 that you see -- saw and spoke with Detective Kizner. What
21 about the individual who lived there? Was she there when you
22 got there?

23 A Not when I got there, no.

24 Q Was it your understanding that she was somewhere

1 else?

2 A Yes.

3 Q And did you then go there?

4 A I did.

5 Q Where was that?

6 A At about 2:00 in the morning, I went to UMC Fast
7 Track, where she was currently being examined.

8 Q What is UMC Fast Track?

9 A UMC Fast Track, back then, was a -- basically a
10 trailer in the back of the emergency room, separate from the
11 emergency room, where they took victims of sexual assault
12 that -- for the examinations, for the collection of the sexual
13 assault kits and then interviews with -- with police and --
14 and investigators, if needed.

15 Q So when you went to the trailer for the Fast Track,
16 did you see the individual who lived at the apartment?

17 A I did.

18 Q Was that Teresa Tyler?

19 A That's how she was identified to me, yes.

20 Q And showing you State's Exhibit 202, is that how she
21 appeared when you went to Fast Track?

22 A Yes.

23 Q Now, was it your understanding that she was
24 transported there by an entity?

1 A I don't recall if she -- how she was transported. I
2 just was told she was transported. I assumed it was through
3 an ambulance.

4 Q Okay. Did certain items of evidence go to
5 Fast Track with her?

6 A Yes.

7 Q What items of evidence went with her?

8 A Again, just referring to my report.

9 Q If it would refresh your recollection, go ahead.

10 A I got items -- items of clothing, a bandana, a
11 towel, and several pieces of a multi-colored cloth,
12 ribbon-type material.

13 Q And how did you obtain those items?

14 A Those were just -- they were given to me at
15 Fast Track.

16 MS. LUZAICH: Sorry. Can I --

17 BY MS. LUZAICH:

18 Q And what did you do when you discovered those items?

19 A Those items, I collected and took back to the crime
20 lab for further examination.

21 MS. LUZAICH: I'm sorry. I am missing photos.

22 Nope. I found 'em. Okay.

23 BY MS. LUZAICH:

24 Q Showing you -- well, can you describe the items? Do

1 you recall them?

2 A Yes. I collected one pair of black sweat pants, one
3 pair of white lady's underwear, one red bandana, one white
4 towel that had some apparent blood on it, one multi -- piece
5 of multi-colored cloth with a piece of phone cord wrapped
6 around it, and four additional pieces of that same
7 multi-colored cloth that were separate from the -- the tied
8 piece.

9 Q And for the record, are you refraction -- are you
10 referring to your report as you're --

11 A I am. I'm using my evidence report.

12 Q Okay.

13 A Impound report. Sorry.

14 Q So you mentioned items of material. Showing you
15 State's --

16 MS. LUZAICH: Oh, what's the last number that's
17 actually in evidence?

18 THE CLERK: I think it's 212.

19 MS. LUZAICH: Oh, okay.

20 BY MS. LUZAICH:

21 Q Showing you State's 212, what is this?

22 A Those are the pieces of the -- the multi-colored
23 ribbon, cloth-type material. You can see the phone cord
24 wrapped around one of them and then some separate pieces next

1 to it.

2 Q Okay. And State's Exhibit 211.

3 A So, again, you can see the cloth here.

4 Q Oops. Sorry.

5 A Piece of phone cord right there laying around it.
6 This is the red bandana, pair the sweat pants, a towel, and
7 the lady's underwear over here (indicating).

8 Q All right. So as we're looking at this exhibit
9 right now, is this all of those items laid out?

10 A Yes.

11 Q Whereas the prior exhibit, 112, is that the kind of
12 condition in which you found them?

13 A This -- yeah, this -- this is also -- I just wanted
14 to -- on this one, I was just trying to get to show the -- the
15 tied phone cord around it here.

16 Q Right.

17 A Yeah.

18 Q And then you said that there was a towel and a pair
19 of lady's underwear.

20 A That's correct.

21 Q Showing you 210, is that them up close?

22 A Yes.

23 Q And did you do anything to those items?

24 A So the items that I collected at Fast Track, I