

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAYSHAWN D. BAILEY,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Jan 17 2023 02:06 PM
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-20-347887-1
Related Case A-22-857574-W
Docket No: 85808

RECORD ON APPEAL VOLUME 6

ATTORNEY FOR APPELLANT
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PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

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

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1 **CONCLUSION**

2 Based on the foregoing, the Defense requests that this Court order the State of Nevada to
3 specifically identify and disclose any electronic content/files that it will introduce at trial.
4

5 DATED this 26th day of August, 2021.

6 DARIN F. IMLAY
7 CLARK COUNTY PUBLIC DEFENDER

8 By: /s/Kathleen M. Hamers
9 KATHLEEN M. HAMERS, #9049
10 Deputy Public Defender
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YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing MOTION on for hearing before the Court on the 9th day of September, 2021, at 10:30 a.m.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountyda.com
 MICHAEL J. SCHWARTZER, Chief Deputy District Attorney
 E-mail: michael.schwartz@clarkcountyda.com
 Attorney for Plaintiff, State of Nevada

5

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
1204 - 1223
WILL FOLLOW VIA
U.S. MAIL**

**THIS SEALED
DOCUMENT,
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DISTRICT COURT
CLARK COUNTY, NEVADA

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8/30/2021 12:51 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Jayshawn Bailey

Case No.: C-20-347887-1

Department 12

NOTICE OF HEARING

Please be advised that the Defendant's Motion in Limine to Preclude Expert Opinion Testimony that the Manner of Death in this Case is Homicide, Defendant's Motion in Limine to Preclude Admission of Irrelevant and Prejudicial Internet Search, Defendant's Motion for Supplemental Discovery Related to Expert Witness Dr. Christina Di Loreto in the above-entitled matter is set for hearing as follows:

Date: September 09, 2021

Time: 11:00 AM

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

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Imelda Murrieta
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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

By: /s/ Imelda Murrieta
Deputy Clerk of the Court

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
8/30/2021 12:59 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Jayshawn Bailey

Case No.: C-20-347887-1
Department 12

NOTICE OF HEARING

Please be advised that the Motion For Specific Disclosure and Identification of Electronic Evidence in the above-entitled matter is set for hearing as follows:

Date: September 09, 2021
Time: 11:00 AM
Location: RJC Courtroom 14D
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Ondina Amos
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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

By: /s/ Ondina Amos
Deputy Clerk of the Court



OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAYSHAWN D. BAILEY,
#5216003

CASE NO: C-20-347887-1

DEPT NO: XII

**STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR SPECIFIC
DISCLOSURE AND IDENTIFICATION OF ELECTRONIC EVIDENCE**

DATE OF HEARING: SEPTEMBER 9, 2021
TIME OF HEARING: 10:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL J. SCHWARTZER, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Specific Disclosure and Identification of Electronic Evidence.

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

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2 **POINTS AND AUTHORITIES**

3 **ARGUMENT**

4 The State must comply with the controlling opinions of the Nevada Supreme Court, the
5 Ninth Circuit Court of Appeals, and the United States Supreme Court with regard to Brady v.
6 Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 10 (1972), and their
7 progenies.

8 Pursuant to NRS 174.235(1), at the request of the defense, the prosecuting attorney will
9 permit the defense to inspect and to copy or photograph any:

- 10 • Written or recorded statements or confessions made by the defendant, or
11 any written or recorded statements made by a witness the prosecuting
12 attorney intends to call during the case in chief of the State, or copies
13 thereof, within the possession, custody or control of the State, the
14 existence of which is known, or by the exercise of due diligence may
15 become known, to the prosecuting attorney;
- 16 • Results or reports of physical or mental examinations, scientific tests or
17 scientific experiments made in connection with the particular case, or
18 copies thereof, within the possession, custody or control of the State, the
19 existence of which is known, or by the exercise of due diligence may
20 become known, to the prosecuting attorney; and
- 21 • Books, papers, documents, tangible objects, or copies thereof, which the
22 prosecuting attorney intends to introduce during the case in chief of the
23 State and which are within the possession, custody or control of the State,
24 the existence of which is known, or by the exercise of due diligence may
25 become known, to the prosecuting attorney.

26 **I. The State has Complied with All Discovery Obligations**

27 The State is already in compliance with its discovery obligations as evidenced by the
28 numerous Receipts of Copy that have been filed in the instant case. Specifically, the State

1 provided Defendant with various files including one cell phone extraction on February 25,
2 2020. The State subsequently provided Defendant with social media records for Facebook and
3 Instagram, as well as video surveillance on June 22, 2020. The State provided Defendant with
4 Snapchat information for three (3) accounts, as well as CDRs for one number on February 25,
5 2021. Therefore, the State has provided Defendant with all known electronic evidence in the
6 case, most of which was provided to Defendant more than a year ago.

7 The Defendant cites no authority outside a 2015 civil case to support his claim that the
8 State must identify specific evidence it intends to introduce at trial. In that 2015 civil case, the
9 court addressed the District Court's awarding of attorney fees and costs. The court defined
10 "trial by ambush" where a **"party withholds discoverable information and then later**
11 **presents this information at trial**, effectively ambushing the opposing party through gaining
12 an advantage by the surprise attack." Land Baron Inv. v. Bonnie Springs Fam. LP, 131 Nev.
13 686 (2015) (emphasis added). In Land Baron, they did not argue a failure to provide discovery,
14 but that Bonnie Springs briefly raised arguments and evidence that Land Baron was aware of
15 and objected to during trial. Id. The Court found that the objections were overruled or sustained
16 and that it did not rise to trial by ambush. Id.

17 Here, as conceded by the Defendant, there has been no withholding of discoverable
18 information. All electronic evidence has been disclosed. Furthermore, the Officer's Report
19 details the relevant date, time, and content of the Defendant's internet Google Searches. The
20 report also details the Defendant's relevant cell phone locations on specific dates and times.

21 Moreover, the State is under no obligation to lay out its case in chief for Defendant,
22 identifying precisely what evidence it plans on introducing at trial. Defendant has had
23 possession of said discovery for well over a year and can examine the evidence as the State
24 has. The State has provided all electronic discovery well in advance of trial preventing any
25 issues of trial by ambush.

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1 **CONCLUSION**

2 Based upon the above and foregoing Points and Authorities, Defendant's Motion for
3 Specific Disclosure and Identification of Electronic Evidence should be Denied.

4 DATED this 31st day of August, 2021.

5 Respectfully submitted,

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

9 BY /s/MICHAEL J. SCHWARTZER
10 MICHAEL J. SCHWARTZER
11 Chief Deputy District Attorney
12 Nevada Bar #010747

13 **CERTIFICATE OF ELECTRONIC TRANSMISSION**

14 I hereby certify that service of the above and foregoing was made this 31ST day of
15 August, 2021, by electronic transmission to:

16 KATHLEEN HAMERS, Deputy Public Defender
17 Email: hamerskm@clarkcountynv.gov

18 BY /s/ Deana Daniels
19 Secretary for the District Attorney's Office
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OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
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Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAYSHAWN D. BAILEY,
#5216003

CASE NO: C-20-347887-1

DEPT NO: XII

**STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE
ADMISSION OF INTERNET SEARCH**

DATE OF HEARING: SEPTEMBER 9, 2021
TIME OF HEARING: 10:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL J. SCHWARTZER, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion in Limine to Preclude Admission of Internet Search.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Seventeen-year-old Tamyah Trotter went missing on December 12, 2019. (Preliminary
4 Hearing, pages 6, 28, 32). At the time, she was living with her older sister on Fred Brown
5 Drive, just a few houses away from Defendant's residence. (PH, 28).

6 On January 19, 2020, Defendant called 911 and reported that there was body inside a
7 sewer drain right outside his house on 2120 Fred Brown Drive. (PH, 21, 28). After some
8 prompting, Defendant told the 911 dispatcher that he saw two people place something in the
9 sewer a month prior and two weeks later he opened the manhole to see what was placed in
10 there. (PH, 21). Once he removed the manhole cover, Defendant told the dispatcher that he
11 observed a deceased female. (PH, 21). He also told the dispatcher that he waited an additional
12 two weeks to call the police. (PH, 21).

13 Police officers arrived, removed the manhole cover and observed the body of a
14 deceased, decomposing African American juvenile female later identified as Tamyah Trotter.
15 (PH, 22). Next to Tamyah's body was a bag blue Puppy Chow dog food bag. (PH, 24). Police
16 officers had to use straps in order to hoist her body out of the sewer. (PH, 26).

17 Homicide detectives were called out to the scene and interviewed Defendant. (PH, 29).
18 Defendant was not arrested on that date.

19 On January 21, 2020, Defendant agreed to a polygraph examination. (PH, 29). After
20 the examination was completed, homicide detectives re-interviewed Defendant. (PH, 31)

21 Defendant told police that on December 12, 2019, he ran into Tamyah at the McDonalds
22 and that she was upset because her family kicked her out. (PH, 32-33). Defendant further told
23 police that Tamyah came over to his house later that night. (PH, 33). He also told police that
24 he was intoxicated at the time. (PH, 33). Defendant said Tamyah came over and started
25 drinking wine with him. (PH, 33-34). He said this made her aggressive toward him and that
26 she produced a taser. (PH, 34). Defendant said Tamyah got close to him with the taser, so he
27 put her in a headlock for approximately ten (10) seconds at which time Tamyah's body went
28 limp. (PH, 34).

Afterwards, Defendant told detectives he tried to help Tamyah but was unable to resuscitate her. (PH, 34-35). He hid her body in his room until late the next night. (PH, 35). He then moved Tamyah's body with the use of a trash can to the sewer drain where he dumped her body. (PH, 35).

Police executed a search warrant on Defendant's residence. (PH, 36-37). During the search, police found blood and human hair in Defendant's bedroom. (PH, 37). They also found the same type of Puppy Chow dog food bag that was found in the sewer with Tamyah's body. (PH, 37).

A search warrant was executed on the Defendant's iPhone. See "Officer's Report." The Defendant's phone revealed 4440 logged internet searches. Id. The Defendant had suspicious searches on his phone from December 16, 2019, through January 19, 2020. Id.

ARGUMENT

I. Relevance

NRS 48.015 defines “Relevant Evidence” as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence.” Although generally admissible, relevant evidence is inadmissible if its probative value is substantially outweighed by unfair prejudice, if it confuses the issues, or if it amounts to the needless presentation of cumulative evidence. NRS 48.025; NRS 48.035. District courts are vested with considerable discretion in determining the relevance and admissibility of evidence. Castillo v. State, 114 Nev. 271, 277, 956 P.2d 103, 107–08 (1998). To ascertain whether evidence is relevant or not, it is only necessary to determine whether it has a tendency to establish a legitimate case or defense relied on. State v. Rhoades, 6 Nev. 352 (1871).

Here, the Defendant conducted various searches (some of which were searched multiple times) on his computer after the victim's disappearance. The first pertinent search occurred less than four days after the victim's death. The relevant searches are as follows:

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1 12-16-2019 @ 7:56am: Choke hold death
2 12-16-19 @ 7:56am: Wake up from a choke hold
3 12-16-2019 @ 7:59am: What to do when someone is choked out
4 12-17-2019 @ 8:54am: When your unconscious do you breathe
5 12-17-2019 @ 9:10am: When your unconscious do you breath
6 12-21-2019 @ 5:10pm: How long does a decomposing bottle smell
7 12-25-2019 @ 10:31pm: How long does semen stay in the body
8 12-25-2019 @ 10:32pm: How long does semen stay in the body
9 12-25-2019 @ 10:33pm: How long does semen stay in the body
10 12-25-2019 @ 10:33pm: Body decompose
11 12-25-2019 @ 10:41pm: Body decompose
12 12-25-2019 @ 10:42pm: Body decompose
13 12-25-2019 @ 10:43pm: Body decompose
14 12-25-2019 @ 10:44pm: Body decompose
15 12-25-2019 @ 10:45pm: Body decompose
16 12-25-2019 @ 10:46pm: Body decompose
17 12-29-2019 @ 4:08pm: Can a body decompose in three weeks
18 12-31-2019 @ 12:21am: Do you forget when you wake up unconscious
19 12-31-2019 @ 12:22am: Do people remember being in a coma
20 12-31-2019 @ 12:23am: Can you unconsciously forget an experience
21 12-31-2019 @ 12:26am: I was choked out and don't remember me
22 12-31-2019 @ 12:26am: If you're being choked out by someone, couldn't you just pretend
23 to die so they stop choking you
24 12-31-2019 @ 12:28am: Is it okay to choke someone until they pass out while having sex
25 12-31-2019 @ 12:33am: How long will I wake up from a choke hold
26 1-18-2020 @ 7:33pm: Fingerprint disappearing
27 1-18-2020 @ 7:33pm: Decomposition
28 1-18-2020 @ 9:05pm: murderes
1-19-2020 @ 11:55am: Metro Police
1-19-2020 @ 11:56am: Metro Police
1-19-2020 @ 7:15pm: Metro Police

On January 19, 2020, at 12:24 pm, the Defendant called LVMPD to report he discovered a dead body in the sewer near his residence.

At trial, the State must prove beyond a reasonable doubt that the Defendant committed Murder. An element of that offense consists of malice aforethought, which is the intentional doing of a wrongful act without legal excuse or what the law considers adequate provocation. For the State to adequately prove intent, the State needs to establish the Defendant's state of mind at the time of the killing. The State does not need to present direct evidence of the

1 Defendant's state of mind, but a jury can infer the existence of a state of mind from other
2 evidence. The Defendant's subsequent search history is highly relevant to not only his state of
3 mind after the killing but his state of mind at the time of the killing.

4 The Defendant argues that the search of "how long does semen stay in the body" is not
5 relevant since there is no allegation of sexual assault or conduct. Whether or not there is an
6 allegation of sexual assault is not material to the Defendant's state of mind at the time of the
7 killing. The State needs to establish an intent to kill. It is feasible that Defendant's sexual
8 activity between him and the victim played a role in her death and his intent in causing it. This
9 is further evidenced by the Defendant's subsequent search entry, "It is okay to choke someone
10 until they pass out while having sex." The Defendant's search about semen in the body is also
11 pertinent to the Defendant's concern regarding a potential link to the victim. The Defendant's
12 search also occurs within minutes of searching "body decompose" several times.

13 Thus, the search is highly relevant as it provides insight and context to the Defendant's
14 state of mind at the time of the killing.

15 **II. Prejudice**

16 NRS 48.035 states that relevant evidence is not admissible if its probative value is
17 substantially outweighed by the danger of unfair prejudice, of confusion of the issues or of
18 misleading the jury, considerations of undue delay, waste of time or needless presentation of
19 cumulative evidence.

20 Even gruesome photographs are admissible if they aid in ascertaining the truth, and that
21 "'despite gruesomeness, photographic evidence has been held admissible when...utilized to
22 show the cause of death and when it reflects the severity of wounds and the manner of
23 infliction.'" Castillo v. State, 114 Nev. 271, 277 (1998). In Castillo, the court held that the
24 probative value of the autopsy photos outweighed the prejudicial effect since it was relevant
25 to reveal the extent and severity of the victim's injuries. Id.

26 Ordinarily, questions of the probative value of evidence are addressed to the sound
27 discretion of the trial court. We will not disturb that discretion absent a showing of abuse. *Way*
28 *v. Hayes, supra*. However, where the facts are sharply disputed and the matter is tried to the

1 jury, and there is a proper foundation shown, the court should allow the evidence. McCourt v.
2 J.C. Penney Co., 103 Nev. 101, 103, 734 P.2d 696, 698 (1987).

3 In Stringer, the court admitted evidence of the Defendant's philosophical views, including
4 possession of skinhead literature. Stringer v. State, 108 Nev. 413, 421, 836 P.2d 609, 614
5 (1992). The literature was admitted into evidence largely on the basis that a card personally
6 addressed to Faessel was found in the footlocker from which some of the literature was
7 obtained. Id. The court held that Faessel shot the victim solely because he was black and
8 concluded that the evidence at issue was germane to the jury's understanding of Faessel's
9 motivation and state of mind at the time of the crime. Id.

10 Here, the Defendant's subsequent search history, including a search regarding semen in the
11 body, is probative to the Defendant's state of mind at the time of the killing. The probative
12 value of the search is not outweighed by any unfair prejudice since the searches do not suggest
13 a sexual assault. Instead, the searches merely reveal that the Defendant may have had sexual
14 intercourse with the victim and that may have played a role in her subsequent death. Any
15 evidence which is germane to the Defendant's state of mind or intent at the time of the killing
16 is highly probative and not outweighed by any unfair prejudice.

17 CONCLUSION

18 Based upon the above and foregoing Points and Authorities, Defendant's Motion in
19 Limine to Preclude Internet Search must be denied.

20 DATED this 31st day of August, 2021.

21 Respectfully submitted,

22 STEVEN B. WOLFSON
23 Clark County District Attorney
Nevada Bar # 001565

24 BY /s/MICHAEL J. SCHWARTZER
25 MICHAEL J. SCHWARTZER
26 Chief Deputy District Attorney
27 Nevada Bar #010747
28

1 CERTIFICATE OF ELECTRONIC TRANSMISSION

2 I hereby certify that service of the above and foregoing was made this 31ST day of
3 August, 2021, by electronic transmission to:

4 KATHLEEN HAMERS, Deputy Public Defender
5 Email: hamerskm@clarkcountynv.gov
6

7 BY /s/ Deana Daniels
8 Secretary for the District Attorney's Office
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1 **OPPS**
STEVEN B. WOLFSON
2 Clark County District Attorney
Nevada Bar #001565
3 MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
4 Nevada Bar #010747
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 State of Nevada

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 JAYSHAWN D. BAILEY,
13 #5216003

CASE NO: C-20-347887-1

DEPT NO: XII

14 **STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE**
15 **EXPERT OPINION TESTIMONY THAT THE MANNER OF DEATH IS**
16 **HOMICIDE**

17 DATE OF HEARING: SEPTEMBER 9, 2021
18 TIME OF HEARING: 10:30 A.M.

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through MICHAEL J. SCHWARTZER, Chief Deputy District Attorney,
21 and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion
22 in Limine to Preclude Expert Opinion Testimony That the Manner of Death Is Homicide.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Seventeen-year-old Tamyah Trotter went missing on December 12, 2019. (Preliminary
4 Hearing, pages 6, 28, 32). At the time, she was living with her older sister on Fred Brown
5 Drive, just a few houses away from Defendant's residence. (PH, 28).

6 On January 19, 2020, Defendant called 911 and reported that there was body inside a
7 sewer drain right outside his house on 2120 Fred Brown Drive. (PH, 21, 28). After some
8 prompting, Defendant told the 911 dispatcher that he saw two people place something in the
9 sewer a month prior and two weeks later he opened the manhole to see what was placed in
10 there. (PH, 21). Once he removed the manhole cover, Defendant told the dispatcher that he
11 observed a deceased female. (PH, 21). He also told the dispatcher that he waited an additional
12 two weeks to call the police. (PH, 21).

13 Police officers arrived, removed the manhole cover and observed the body of a
14 deceased, decomposing African American juvenile female later identified as Tamyah Trotter.
15 (PH, 22). Next to Tamyah's body was a bag blue Puppy Chow dog food bag. (PH, 24). Police
16 officers had to use straps in order to hoist her body out of the sewer. (PH, 26).

17 Homicide detectives were called out to the scene and interviewed Defendant. (PH, 29).
18 Defendant was not arrested on that date.

19 On January 21, 2020, Defendant agreed to a polygraph examination. (PH, 29). After
20 the examination was completed, homicide detectives re-interviewed Defendant. (PH, 31)

21 Defendant told police that on December 12, 2019, he ran into Tamyah at the McDonalds
22 and that she was upset because her family kicked her out. (PH, 32-33). Defendant further told
23 police that Tamyah came over to his house later that night. (PH, 33). He also told police that
24 he was intoxicated at the time. (PH, 33). Defendant said Tamyah came over and started
25 drinking wine with him. (PH, 33-34). He said this made her aggressive toward him and that
26 she produced a taser. (PH, 34). Defendant said Tamyah got close to him with the taser, so he
27 put her in a headlock for approximately ten (10) seconds at which time Tamyah's body went
28 limp. (PH, 34).

1 Afterwards, Defendant told detectives he tried to help Tamyah but was unable to
2 resuscitate her. (PH, 34-35). He hid her body in his room until late the next night. (PH, 35).
3 He then moved Tamyah's body with the use of a trash can to the sewer drain where he dumped
4 her body. (PH, 35).

5 Police executed a search warrant on Defendant's residence. (PH, 36-37). During the
6 search, police found blood and human hair in Defendant's bedroom. (PH, 37). They also found
7 the same type of Puppy Chow dog food bag that was found in the sewer with Tamyah's body.
8 (PH, 37).

9 Dr. Christina DiLoreto testified at the preliminary hearing that she ruled Tamyah's
10 death as homicide by unspecified means. (PH, 15). Dr. DiLoreto went into detail about the
11 several steps she took to reach that conclusion. She explained that during her external
12 examination she observed that Tamyah's body was decomposing but there was no evidence of
13 any external injuries. (PH, 7). Dr. DiLoreto further testified that during her internal
14 examination she found some evidence of discoloration of the soft tissue in the neck area but
15 that she was unable to confirm the injury upon microscopic inspection. (PH, 10). She testified
16 that the discoloration in the neck could be the result of an injury but could also be a product of
17 decomposition. (PH 10).

18 After Dr. DiLoreto completed her external and internal examination, she took tissue
19 samples from the body for microscopic examination in order to determine if there were any
20 microscopic evidence of natural diseases or injuries that could have caused Tamyah's death.
21 (PH, 8). The microscopic examination did not reveal any such injuries or natural disease. (Ph,
22 8, 10). Dr. DiLoreto also performed a toxicology study to determine if something Tamyah's
23 consumed may have killed her. (PH, 9). The toxicology report detected ethanol in Tamyah's
24 blood which could have been present due to consumption of alcohol prior to death or due to
25 decomposition. (PH 9). However, nothing in the toxicology report hinted at a cause of death.
26 (PH, 9-10). Finally, Dr. DiLoreto also reviewed Tamyah's prior medical records but nothing
27 in those records indicate anything but Tamyah was healthy seventeen-year-old. (PH, 13).

1 Dr. DiLoreto concluded that Tamyah's death was homicide because at the examination
2 there was no fatal traumatic injury or natural disease or toxicological item present in Tamyah.
3 (PH 15). Moreover, Tamyah was found under suspicious circumstances with intent to hide
4 the body from public view. (PH 15).

5 Upon additional questioning by the State, Dr. DiLoreto testified that asphyxiation by
6 applying pressure to the carotid artery would not necessary leave any marks on the body both
7 internally and externally. (PH, 11). She went on to explain that bilateral compression to the
8 carotid artery in the neck would lead to unconsciousness in approximately ten to fifteen
9 seconds. (PH, 12). However, one would quickly regain consciousness (within seconds) after
10 the pressure is released. (PH, 12). But if the pressure on the carotid artery is sustained for a
11 "couple of minutes" it could lead to death. (PH, 12).

12 Further, while Dr. DiLoreto considered Defendant's statement for cause of death
13 (unknown means), she specifically testified that she did not consider Defendant's statements
14 for making her determination that the manner of death was homicide. (PH 15, 19).

15 ARGUMENT

16 The purpose of the coroner is to investigate deaths within Clark County that are violent,
17 suspicious, unexpected or unnatural in order to identify and report on the cause and manner of
18 death. Clark County Code ("CCC") § 2.12.060. When the Coroner's Office is notified of a
19 death, and it is determined that the circumstances of the death fall under the jurisdiction of the
20 Coroner's Office, a coroner investigator responds to the scene and conducts a medicolegal
21 investigation. Information is gathered from the scene and persons, such as witnesses, law
22 enforcement officers and family members: the decedent is identified; the next of kin is notified;
23 and property found on or about the decedent is secured. The investigation often entails
24 obtaining medical records or health information of the decedent. Most often the decedent is
25 transported to the Coroner's Office. A postmortem examination is conducted by a medical
26 examiner, which may include an autopsy. CCC §§ 2.12.060, 2.12.280.

27 In conducting the autopsy, the Medical Examiners perform an external and internal
28 exam of the body of the decedent. They review investigative findings, medical records, health

1 history prior to commencing the exam. The organs are examined, and histology samples along
2 with blood is submitted to a laboratory for analysis. It is the *responsibility* of the medical
3 examiner to determine the cause and manner of death. CCC §§ 2.12.040, 2.12.060 (emphasis
4 added). The manner of death is the method by which someone died. The five manners of death
5 are homicide, suicide, natural, accident and undetermined. The cause of death is the
6 circumstance that triggers a death such as a gunshot wound, heart attack or drug overdose. The
7 medical examiner documents findings, including the cause and manner of death in an autopsy
8 report. CCC §§ 2.12.060, 2.12.040, 2.12.250; *also see* NRS 440.430.

9 **1. Dr. DiLoreto's Expert Opinion was Not Improper**

10 Per the Nevada Supreme Court, expert testimony is admissible if it meets the following
11 three requirements, described as the “qualification,” “assistance,” and “limited scope”
12 requirements:

13 1) [the expert] must be qualified in an area of “scientific, technical or other
14 specialized knowledge” (the qualification requirement); (2) his or her
15 specialized knowledge must “assist the trier of fact to understand the evidence
16 or to determine a fact in issue” (the assistance requirement); and (3) his or her
17 testimony must be limited “to matters within the scope of [his or her
18 specialized] knowledge” (the limited scope requirement).

19 Perez v. State, 129 Nev. 850, 856, 313 P.3d 862, 866 (2013) (internal citations omitted).

20 Evidence as to manner of death is regularly admitted in murder cases. *See Blake v.*
21 State, 121 Nev. 779, 121 P.3d 567 (2005) (Dr. Telgenhoff concluded the manner of death was
22 homicide); West v. State, 119 Nev. 410, 75 P.3d 808 (2003) (doctor testified manner of death
23 was undetermined); Archanian v. State, 122 Nev. 1019, 1026, 145 P.3d 1008, 1014 (2006) (the
24 forensic pathologist concluded that Quiroga died from blunt force trauma and that the
25 manner of death was homicide).

26 In this case, Defendant claims that the use of investigative information and *possible* use
27 of Defendant's statement was improper expert opinion. However, Defendant fails to support
28 the argument with any controlling case law or statute. In fact, in each of the cases cited by

1 Defendant, the Court acknowledges that opinions and statements by lay witnesses and law
2 enforcement can be considered when determining cause of death. The cases cited by Defendant
3 address situations where the medical examiner is basing the cause of death largely on the
4 testimony of lay witnesses and not the expert's external and internal examination of the body.
5 However, where the medical examiner's testimony regarding manner of death is based
6 primarily on the examination, their opinion can assist the jury in interpreting the circumstances
7 of the victim's death.

8 Contrary to Defendant's assertion, the Nevada Supreme Court recently ruled that a
9 coroner's determination of "homicide" (as opposed to "accident") in a case, partially based on
10 his discussions with law enforcement at the scene, to be proper. *See Cooper v. State*, 454 P.3d
11 720 (2019) (unpublished) (coroner based his homicide determination on "standards made at
12 the scene...trajectory of the bullet...discussions with the detectives and other people on the
13 scene...[and] his on-scene investigation").

14 In the California case of *People v. Mercado*, the State admitted evidence from the
15 medical examiner that the manner of death was homicide where the doctor testified that the
16 information used to determine manner of death was received from a coroner investigator. The
17 California Supreme Court disagreed with Mercado's contention that the opinion that the
18 manner of death was homicide was based upon a report by the coroner's investigator who
19 interviewed witnesses at the scene, who told the investigator that the victim was run over by a
20 car, and that the information violated the Confrontation Clause. *People v. Mercado*, 216 Cal.
21 App. 4th 67, 84, 156 Cal. Rptr. 3d 804, 815 (2013). Although this decision was based on a
22 different argument (Confrontation Clause), the case supports the decision of the justice court
23 in this case. Experts are allowed to rely on other information to make a determination,
24 including information provided by investigators. In this case, as in *Mercado*, Dr. DiLoreto
25 properly relied on information received during the investigation in the case.

26 Dr. DiLoreto detailed to the court how she came to the homicide by unknown means
27 opinion. (PH, 15-16). Specifically, Dr. DiLoreto was able to rule out traumatic injury, fatal
28 natural disease and toxicological cause of death. (PH, 15). She then considered the coroner's

1 investigation, specifically that body was placed in a way that showed an intent to hide it. (PH,
2 15). After reviewing and/or conducting the external examination, internal examination, X-
3 Rays, prior medical reports, microscopic examinations and coroner's investigation, Dr.
4 DiLoreto concluded it was homicide.¹ It is not improper for Dr. DiLoreto to consider any of
5 these items while making her determination.

6 Dr. DiLoreto's opinion was clearly based on her specialized knowledge including her
7 external and internal examination. Her opinion will assist the jury in understanding whether
8 the medical and scientific evidence is consistent with a particular view of evidence.

9 Furthermore, Defendant asserted this argument in his Petition for Writ of Habeas
10 Corpus which was denied by this Court on June 11, 2020. Thus, Defendant's Motion should
11 be denied.

12 CONCLUSION

13 Based upon the above and foregoing Points and Authorities, Defendant's Motion in
14 Limine to Preclude Expert Testimony That Manner of Death is Homicide must be denied.

15 DATED this 31st day of August, 2021.

16 Respectfully submitted,

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

19 BY /s/MICHAEL J. SCHWARTZER
20 MICHAEL J. SCHWARTZER
21 Chief Deputy District Attorney
22 Nevada Bar #010747
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28 ¹ Differential diagnosis, similar to the coroner's approach in this case, is commonly used in other medical diagnosis. One of the most common is multiple sclerosis, which relies on ruling out other conditions that might produce similar signs and symptoms as multiple sclerosis. See <https://www.mayoclinic.org/diseases-conditions/multiple-sclerosis/diagnosis-treatment/drc-20350274> (last accessed on June 1, 2020).

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that service of the above and foregoing was made this 31ST day of August, 2021, by electronic transmission to:

KATHLEEN HAMERS, Deputy Public Defender
Email: hamerskm@clarkcountynv.gov

BY /s/ Deana Daniels
Secretary for the District Attorney's Office

20F01585X/SO/dd-MVU



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MICHAEL J. SCHWARTZER
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200 Lewis Avenue
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(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAYSHAWN D. BAILEY,
#5216003

Defendant.

CASE NO: C-20-347887-1

DEPT NO: XII

**STATE'S NOTICE OF MOTION AND MOTION
TO PRESENT TESTIMONY OF EXPERT WITNESS DR. CHRISTINA DILORETO
THROUGH AUDIO VISUAL TRANSMISSION AT TRIAL**

**DATE OF HEARING: SEPTEMBER 9, 2021
TIME OF HEARING: 10:30 AM**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through Michael J. Schwartz, Chief Deputy District Attorney, and files this Notice of Motion and Motion to Present Testimony of Expert Witness Dr. Christina Diloreto Through Audio Visual Transmission.

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

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1 their counsel, the court, and the jury, if any, can see the witness to
2 the same or greater extent than they would see if the witness was
3 present in the courtroom; and

4 (b) One or more cameras in the courtroom that depict
5 the parties, their counsel, the court, and the jury, if any, in real time
6 on a screen visible to the witness who is at another location.

7 2. "Court" means a proceeding before a judicial
8 officer, magistrate, judge, or master for all criminal proceedings
9 in the State of Nevada.

10 3. "Party" shall include the plaintiff, defendant,
11 petitioner, respondent, applicant, and adverse party and also apply
12 to such party's attorney of record.

13 4. "Witness" shall mean a party or other person
14 testifying in the court proceeding.

15 5. "Shall" is mandatory, and "may" is permissive.

16 Rule 2. Policy favoring simultaneous audiovisual
17 transmission equipment appearances. The intent of this rule is to
18 promote uniformity in the practices and procedures relating to
19 simultaneous audiovisual transmission appearances. To improve
20 access to the courts and reduce litigation costs, courts shall permit
21 parties, to the extent feasible, to appear by simultaneous
22 audiovisual transmission equipment at appropriate proceedings
23 pursuant to these rules.

24 Rule 3. Application. These rules apply to all criminal
25 cases except juvenile and appellate proceedings. A court may
26 follow the procedures set forth in these rules or in NRS 50.330 or
27 NRS 171.1975.

28 Rule 4. Personal appearances; appearance by
simultaneous audiovisual transmission equipment.

1 Except as set forth in Rule 3 and Rule 4(2), a party
or witness may request to appear by simultaneous audiovisual
transmission equipment in all other criminal proceedings or
hearings where personal appearance is required. Parties may
stipulate to appearance by simultaneous audiovisual transmission
equipment, but the stipulation must be approved by the court.

2 Except as provided in NRS 50.330, the personal
appearance of a party or a party's witness is required at trial unless:

(a) The parties stipulate to allow the party or the party's
witness to appear by simultaneous audiovisual transmission
equipment, the defendant expressly consents to the use of
simultaneous audiovisual transmission equipment, and the court
approves the stipulation; or

(b) The court makes an individualized determination,
based on clear and convincing evidence, that the use of
simultaneous audiovisual transmission equipment for a particular
witness is necessary and that all of the other elements of the right
of confrontation are preserved.

It is clear from the rules regarding audiovisual presentation of witness testimony that
the Supreme Court and legislature encourage the use of audiovisual technology to present

1 witnesses. In the instant case, the Defendant may agree to the audiovisual testimony of the
2 witness Dr. Chrstina DiLoreto, or should he object – the court can make an individualized
3 determination, based on clear and convincing evidence, that the use of simultaneous
4 audiovisual transmission equipment for a particular witness is necessary and that all of the
5 other elements of the right of confrontation are preserved.

6 Here, the use of simultaneous audiovisual transmission equipment for witness Dr.
7 Chrstina DiLoreto is necessary because Dr. DiLoreto no longer resides in Las Vegas. Dr.
8 DiLoreto currently resides in Boise, Idaho and works for the Ada County Coroner's Office.
9 Dr. DiLoreto is one of only two medical examiners working at the Ada County Coroner's
10 Office resulting in a great burden to that office should she be absent. Dr. DiLoreto is also
11 unavailable September 23 and 24 making her use of audiovisual testimony more suitable in
12 this case.

13 Furthermore, the questioning of Dr. DiLoreto would not be improved in any way by
14 her physical appearance, nor could it be argued that questioning of her via audiovisual means
15 would degrade the defense attorney's ability to cross examine her as a witness. The
16 Confrontation Clause rights held by the Defendant would not be abridged in any way by
17 presenting Dr. DiLoreto through audiovisual means. Lastly, the State will work with District
18 Court I.T. to present Dr. DiLoreto through Skype, Facetime, Blue Jeans or other audio video
19 casting software.

20 CONCLUSION

21 Based upon the abovementioned points and authorities, the State moves that the Court
22 ALLOW testimony via audiovisual technology for Dr. DiLoreto from out of state.

23 DATED this 31st day of August.

24 STEVEN B. WOLFSON
25 Clark County District Attorney
Nevada Bar #001565

26
27 BY /s/MICHAEL J. SCHWARTZER
MICHAEL SCHWARTZER
28 Chief Deputy District Attorney
Nevada Bar #10747

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KATHLEEN HAMERS, Deputy Public Defender
Email: hamerskm@clarkcountynv.gov

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SLOW
STEVEN B. WOLFSON
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAYSHAWN D. BAILEY,
#5216003

Defendant.

CASE NO: C-20-347887-1

DEPT NO: XII

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

TO: JAYSHAWN D. BAILEY, Defendant; and

TO: KATHLEEN HAMERS, Deputy Public Defender, Counsel of Record:

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

*ANDREWS, D. – LVMPD P#13766

*BERRY, YESENIA – LVMPD P#15975

*BODNAR, TRAVIS – LVMPD P#16628

*BORGES, ERIKA – PEARSON COMMUNITY CENTER, 1625 N. CAREY, N. LAS
VEGAS, NV

*BROWN, GABRIEL – LVMPD P#9144

*BURNS, ZACHARY – LVMPD P#7577

1 *CUMLEY, BRIAN – PEARSON COMMUNITY CENTER, 1625 N. CAREY, N. LAS
2 VEGAS, NV
3 *CUSTODIAN OF RECORDS - KERMIT BOOKER ELEMENTARY SCHOOL, 2277 N.
4 *MARTIN LUTHER KING, LAS VEGAS, NV
5 *CUSTODIAN OF RECORDS – PEARSON COMMUNITY CENTER, 1625 N. CAREY,
6 N. LAS VEGAS, NV
7 *CUSTODIAN OF RECORDS (OR DESIGNEE) - FACEBOOK
8 *CUSTODIAN OF RECORDS (OR DESIGNEE) – INSTAGRAM
9 *CUSTODIAN OF RECORDS (OR DESIGNEE) – MCDONALDS SURVEILLANCE
10 *CUSTODIAN OF RECORDS (OR DESIGNEE) - SNAPCHAT
11 *DART, LORI – KERMIT BOOKER ELEMENTARY SCHOOL, 2277 N. MARTIN
12 LUTHER KING, LAS VEGAS, NV
13 *DEPALMA, PHILLIP – LVMPD P#5297
14 *DIEHL, FRED – MCDONALDS/SURVEILLANCE
15 *ELLIS, JASMINE – THE DOCK ELLIS FOUNDATION
16 *EMBREY, BUDDY – LVMPD P#8644
17 *ERICSON, EDWARD – LVMPD P#6218
18 *GARCIA, ALEJANDRA – LVMPD P#18093
19 *GARCIA, STEVEN – LVMPD P#18021
20 *GILBERT, ANTHONY – LVMPD P#13624
21 *GILLIS, MATTHEW – LVMPD P#6432
22 *GONZALEZ, WESSLEY – LVMPD P#8886
23 *GRAMMAS, KRISTIN – LVMPD P#7808
24 *GREGORIO, RICHARD – LVMPD P#13748
25 *HANK, CARLOS – LVMPD P#6886
26 *HOWARD, DAVID – LVMPD P#6824
27 *JOHNSON, COLE – 6551 MCCARREN ST., NORTH LAS VEGAS, NV
28 *JONSSON, JUSTIN – LVMPD P#15464

1 *KAPLAN, DARRIN – LVMPD P#13421
2 *KRUEGER, MICHAEL – LVMPD P#13512
3 *MAJORS, WILLIAM – LVMPD P#7089
4 *MCKLEIN, STACIA – LVMPD P#6656
5 *MCNAIR, WEALTHY – 2120 FRED BROWN DR., LAS VEGAS, NV
6 *MERRICK, FRED – LVMPD P#7549
7 *NORSWORTHY, WEALTHY – 2120 FRED BROWN DR., LAS VEGAS, NV
8 *ORTH, ROBERT – LVMPD P#6475
9 *RAVELO, ERIC – LVMPD P#6539
10 *RIVERA, PHIL – LVMPD P#17036
11 *SCOTT, JON – LVMPD P#4532
12 *SCOTT, JON – LVMPD P#7532
13 *SELVEY, ERIC – LVMPD P#16438
14 *SOLORIO, SAMUEL – LVMPD P#5979
15 *STUART, JEFFREY – LVMPD P#6519
16 *TOMAINO, JONATHAN – LVMPD P#16214
17 *TROTTER, QUANISHA – 2508 TULIP LANE, LAS VEGAS, NV
18 *UBBENS, HEATHER – LVMPD P#14792
19 *VORCE, MATTHEW – LVMPD P#7765
20 *WAILIN, SCOTT – LVMPD P#13046
21 *WARD, KENDRA - c/o CCDA, 200 LEWIS AVE., LAS VEGAS, NV
22 *WARD, KORTNEE – c/o CCDA, 200 LEWIS AVE., LAS VEGAS, NV
23 *YAEGER, RYAN – LVMPD P#5587
24 *YATOMI, YASENIA – LVMPD P#6402
25 *YOUNG, MICHAEL – LVMPD P#8732

26 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
27 NEVADA intends to call the following expert witnesses in its case in chief:
28

1 **ANDREWS, D. – LVMPD P#13766** (or designee): Expert in the identification,
2 documentation, collection and preservation of evidence, including crime scene analysis and is
3 expected to testify as an expert to the identification, documentation, collection and
4 preservation of evidence in this case.

5 **BASILOTTA, EUGENIO – LVMPD P#8447** (or designee) – Technical and
6 Surveillance Squad. Will testify as an expert in the area of cellular phones, including but not
7 limited to, cellular system technology including cell tower generation of calls and ability to
8 determine the location where generated, collection and handling of cellular phones for
9 evidentiary purposes, and preservation and retrieval of cellular call and text records/data,
10 photos and/or video. Further, this expert will testify to the results of any and all examinations
11 performed on the cellular phones in this case.

12 **BROWNING, CLAIRE – LVMPD P#15291** (or designee): Expert in the
13 identification, documentation, collection and preservation of evidence, including crime scene
14 analysis and is expected to testify as an expert to the identification, documentation, collection
15 and preservation of evidence in this case.

16 **CHEN-HUYNH, S. – LVMPD P#16064** (or designee): Expert in the identification,
17 documentation, collection and preservation of evidence, including crime scene analysis and is
18 expected to testify as an expert to the identification, documentation, collection and
19 preservation of evidence in this case.

20 **CUSTODIAN OF RECORDS –TMOBILE** (or designee) - Expert in the area of
21 cellular phones and cellular system technology, including cell tower generation of calls and
22 ability to determine the location where generated based upon historical records of cellular
23 phones as well as the creation, functioning, data collection and information received and
24 collected by cellular provider sites, its analysis and conclusions which can be drawn therefrom
25 and is expected to testify thereto.

26 **DILORETO, DR. CHRISTINA** (or designee): is a medical doctor employed by the
27 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
28

1 and will give scientific opinions related thereto. She is expected to testify regarding the cause
2 and manner of death of TAMYAH TROTTER in this case.

3 **DOWNING, JAMES – LVMPD P#12937** (or designee) – Technical and Surveillance
4 Squad. Will testify as an expert in the area of cellular phones, including but not limited to,
5 cellular system technology including cell tower generation of calls and ability to determine the
6 location where generated, collection and handling of cellular phones for evidentiary purposes,
7 and preservation and retrieval of cellular call and text records/data, photos and/or video.
8 Further, this expert will testify to the results of any and all examinations performed on the
9 cellular phones in this case.

10 **FEGELY, MICHAEL – ZETX** (or designee), 1900 W. Chandler Blvd., Suite 15-224,
11 Chandler, AZ 85224: Will testify as an expert in the area of cellular phones, including but not
12 limited to, cellular system technology including cell tower generation of calls and ability to
13 determine the location where generated, collection and handling of cellular phones for
14 evidentiary purposes, and preservation and retrieval of cellular call and text records/data,
15 photos and/or video. Further, this expert will testify to the results of any and all examinations
16 performed on the cellular phones in this case.

17 ***FLORES, ROZ – CCME** (or designee) – Senior Coroner Investigator - Expert in
18 medicolegal death investigations and is expected to testify as an expert in the performance of
19 scene investigations to provide information for the medical examiner to determine the cause
20 and manner of death, and comparison of postmortem fingerprints to known antemortem
21 fingerprints to ensure positive identification of the decedent.

22 **GAVIN, DR. LISA** (or designee): is a medical doctor employed by the Clark County
23 Coroner Medical Examiner. She is an expert in the area of forensic pathology and will give
24 scientific opinions related thereto. She is also expected to testify regarding the mechanics and
25 effects of strangulation and other related matters and will testify regarding the cause and
26 manner of death of TAMYAH TROTTER in this case.

27 **GUZMAN, JUAN – LVMPD P#13456** (or designee) – Technical and Surveillance
28 Squad. Will testify as an expert in the area of cellular phones, including but not limited to,

cellular system technology including cell tower generation of calls and ability to determine the location where generated, collection and handling of cellular phones for evidentiary purposes, and preservation and retrieval of cellular call and text records/data, photos and/or video. Further, this expert will testify to the results of any and all examinations performed on the cellular phones in this case.

HOVANEK, M. – LVMPD P#13227 (or designee): Expert in the area of cellular phones, including but not limited to, cellular system technology including cell tower generation of calls and ability to determine the location where generated, collection and handling of cellular phones for evidentiary purposes, and the examination, preservation, retrieval and analysis of cellular call and text records/data, photos and/or video and/or any other data kept on a cellular phone. Further, this expert will testify to the results of any and all examinations performed on the cellular phones in this case.

HUSEBY, B. – LVMPD P#14783 (or designee): will testify as an expert in the science and technology underlying DNA testing, the processes and procedures performed in DNA testing, the examinations done on any and all evidence in this case, the results of such testing, and reports prepared in this regard.

***MIELE, SUZANNE – CCME/Forensic Technician** (or designee): Expert in medicolegal death investigations and is expected to testify as an expert in the performance of scene investigations to provide information for the medical examiner to determine the cause and manner of death, and comparison of postmortem fingerprints to know antemortem fingerprints to ensure positive identification of the decedent.

***POLANGCUS, JENNIFER – CCME** (or designee) – Coroner Investigator - Expert in medicolegal death investigations and is expected to testify as an expert in the performance of scene investigations to provide information for the medical examiner to determine the cause and manner of death, and comparison of postmortem fingerprints to know antemortem fingerprints to ensure positive identification of the decedent.

RAY, SY – ZETX (or designee), 1900 W. Chandler Blvd., Suite 15-224, Chandler, AZ 85224: Will testify as an expert in the area of cellular phones, including but not limited to,

cellular system technology including cell tower generation of calls and ability to determine the location where generated, collection and handling of cellular phones for evidentiary purposes, and preservation and retrieval of cellular call and text records/data, photos and/or video. Further, this expert will testify to the results of any and all examinations performed on the cellular phones in this case.

***SENGER, AMANDA – CCME/Forensic Technician** (or designee): Expert in medicolegal death investigations and is expected to testify as an expert in the performance of scene investigations to provide information for the medical examiner to determine the cause and manner of death, and comparison of postmortem fingerprints to known antemortem fingerprints to ensure positive identification of the decedent.

SHRUM, AMANDA – LVMPD P#17490 (or designee): will testify as an expert in the science and technology underlying DNA testing, the processes and procedures performed in DNA testing, the examinations done on any and all evidence in this case, the results of such testing, and reports prepared in this regard.

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

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

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

***INDICATES ADDITION OR REVISION**

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

BY /s/MICHAEL J. SCHWARTZER
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #10747

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KATHLEEN HAMERS, Deputy Public Defender
Email: hamerskm@clarkcountynv.gov

20F01585X/dd/MVU

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
8/31/2021 4:40 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Jayshawn Bailey

Case No.: C-20-347887-1

Department 12

NOTICE OF HEARING

Please be advised that the [54] State's Notice of Motion and Motion to Present Testimony of Expert Witness Dr. Christina Diloreto Through Audio Visual Transmission at Trial in the above-entitled matter is set for hearing as follows:

Date: September 14, 2021
Time: 11:00 AM
Location: RJC Courtroom 14D
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

CERTIFICATE OF SERVICE

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

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



OPP
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAYSHAWN D. BAILEY,
#5216003

CASE NO: C-20-347887-1

DEPT NO: XII

**STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR SUPPLEMENTAL
DISCOVERY RELATED TO EXPERT WITNESS DR. DILORETO**

DATE OF HEARING: SEPTEMBER 9, 2021
TIME OF HEARING: 11:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL J. SCHWARTZER, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Motion for Supplemental Discovery Related to Expert Witness Dr. DiLoreto.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Seventeen-year-old Tamyah Trotter went missing on December 12, 2019. (Preliminary
4 Hearing, pages 6, 28, 32). At the time, she was living with her older sister on Fred Brown
5 Drive, just a few houses away from Defendant's residence. (PH, 28).

6 On January 19, 2020, Defendant called 911 and reported that there was body inside a
7 sewer drain right outside his house on 2120 Fred Brown Drive. (PH, 21, 28). After some
8 prompting, Defendant told the 911 dispatcher that he saw two people place something in the
9 sewer a month prior and two weeks later he opened the manhole to see what was placed in
10 there. (PH, 21). Once he removed the manhole cover, Defendant told the dispatcher that he
11 observed a deceased female. (PH, 21). He also told the dispatcher that he waited an additional
12 two weeks to call the police. (PH, 21).

13 Police officers arrived, removed the manhole cover and observed the body of a
14 deceased, decomposing African American juvenile female later identified as Tamyah Trotter.
15 (PH, 22). Next to Tamyah's body was a bag of blue Puppy Chow dog food bag. (PH, 24).
16 Police officers had to use straps in order to hoist her body out of the sewer. (PH, 26).

17 Homicide detectives were called out to the scene and interviewed Defendant. (PH, 29).
18 Defendant was not arrested on that date.

19 On January 21, 2020, Defendant agreed to a polygraph examination. (PH, 29). After
20 the examination was completed, homicide detectives re-interviewed Defendant. (PH, 31)

21 Defendant told police that on December 12, 2019, he ran into Tamyah at the McDonalds
22 and that she was upset because her family kicked her out. (PH, 32-33). Defendant further told
23 police that Tamyah came over to his house later that night. (PH, 33). He also told police that
24 he was intoxicated at the time. (PH, 33). Defendant said Tamyah came over and started
25 drinking wine with him. (PH, 33-34). He said this made her aggressive toward him and that
26 she produced a taser. (PH, 34). Defendant said Tamyah got close to him with the taser, so he
27 put her in a headlock for approximately ten (10) seconds at which time Tamyah's body went
28 limp. (PH, 34).

Afterwards, Defendant told detectives he tried to help Tamyah but was unable to resuscitate her. (PH, 34-35). He hid her body in his room until late the next night. (PH, 35). He then moved Tamyah's body with the use of a trash can to the sewer drain where he dumped her body. (PH, 35).

Police executed a search warrant on Defendant's residence. (PH, 36-37). During the search, police found blood and human hair in Defendant's bedroom. (PH, 37). They also found the same type of Puppy Chow dog food bag that was found in the sewer with Tamyah's body. (PH, 37). A search warrant was executed on the Defendant's iPhone. See "Officer's Report." The Defendant's phone revealed 4440 logged internet searches. Id. The Defendant had suspicious searches on his phone from December 16, 2019, through January 19, 2020. Id.

ARGUMENT

The State has previously turned over all coroner reports from Dr. DiLoreto in this case. The Defendant mistakenly assumes there is an additional autopsy finding not contained in the reports based on the Officer's Report that refers to the autopsy completed on the body of "Fred Brown Doe" on January 20, 2020. See "Officers Report", p. 6. However, the autopsy performed on the body of "Fred Brown Doe" is in fact the autopsy performed on the victim, Ta'Myah Trotter.

The body of Ta' Myah Trotter was recovered from the sewer located at the intersection of Fred Brown Drive and Dwayne Stedman Avenue on January 19, 2020. At the time of recovery, the body was decomposed, and no identification was made. Unable to identify the body at that time, a "Jane Doe" name was temporarily assigned. To more precisely identify the numerous Jane (Female) / John (Male) Doe individuals, Detectives add the location where the body is discovered to the name. Hence, the name "Fred Brown Doe" was assigned to the body as reflected on the Officers Report.

The autopsy was conducted the following day under the name “Jane Fred Brown Doe.” Ta’Myah Trotter was identified on January 22, 2020, through dental records. Once the body was positively identified, the name Ta’Myah Trotter was updated to the autopsy reports.

///

1 Therefore, the Defendant's request is moot since there is no additional coroner's report
2 or documentation in existence.

3 **CONCLUSION**

4 Based upon the above and foregoing Points and Authorities, Defendant's Motion must
5 be denied.

6 DATED this 1st day of September.

7 Respectfully submitted,

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

10 BY /s/MICHAEL J. SCHWARTZER
11 MICHAEL J. SCHWARTZER
12 Chief Deputy District Attorney
13 Nevada Bar #010747
14
15


16 **CERTIFICATE OF ELECTRONIC TRANSMISSION**

17 I hereby certify that service of the above and foregoing was made this 1st day of
18 September, 2021, by electronic transmission to:

19 KATHLEEN HAMERS, Deputy Public Defender
20 Email: hamerskm@clarkcountynv.gov
21

22 BY /s/ Stephanie Johnson
23 Secretary for the District Attorney's Office
24
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28

20F01585X/SO/saj/MVU



1 **MLIM**
2 DARIN F. IMLAY, PUBLIC DEFENDER
3 NEVADA BAR NO. 5674
4 KATHLEEN M. HAMERS, DEPUTY PUBLIC DEFENDER
5 NEVADA BAR NO. 9049
6 **PUBLIC DEFENDERS OFFICE**
7 309 South Third Street, Suite 226
8 Las Vegas, Nevada 89155
9 Telephone: (702) 455-4685
10 Facsimile: (702) 455-5112
11 HamersKM@clarkcountynv.gov
12 *Attorneys for Defendant*

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

10 THE STATE OF NEVADA,)	
)	
11 Plaintiff,)	CASE NO. C-20-347887-1
)	
12 v.)	DEPT. NO. XII
)	
13 JAYSHAWN D. BAILEY,)	
)	
14 Defendant,)	DATE: September 9, 2021
)	TIME: 11:00 a.m.

15 **MOTION IN LIMINE TO PRECLUDE ADMISSION OF IRRELEVANT**
16 **AND PREJUDICIAL INTERNET SEARCH**

17 COMES NOW, the Defendant, JAYSHAWN D. BAILEY, by and through
18 KATHLEEN M. HAMERS, Deputy Public Defender, and hereby moves this Court to enter an
19 order *in limine* precluding the State of Nevada from admitting irrelevant and prejudicial
20 evidence.

21 This Motion is made and based upon all the papers and pleadings on file herein,
22 the attached Declaration of Counsel, Memorandum of Points and Authorities in support hereof,
23 and oral argument at the time set for hearing this Motion.

24 DATED this 24th day of August, 2021.

25 DARIN F. IMLAY
26 CLARK COUNTY PUBLIC DEFENDER

27 By: /s/Kathleen M. Hamers
28 KATHLEEN M. HAMERS, #9049
Deputy Public Defender

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KATHLEEN M. HAMERS makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

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

EXECUTED this 30th day of August, 2021.

/s/Kathleen M. Hamers
KATHLEEN M. HAMERS

1 **POINTS AND AUTHORITIES**

2
3 **FACTS**

4 Jayshawn Bailey is charged by way of Information with one count of murder. The charge
5 is based on a preliminary hearing that took place on April 1, 2020. Jayshawn called the police on
6 January 19, 2020, to report a body contained in the sewer drain near his home. Based on
7 Jayshawn's report, police recover the body of the victim in this case. After Jayshawn's initial
8 call to 911, he voluntarily interviewed with Detectives on more than one occasion and
9 voluntarily appeared for polygraph examination. Jayshawn ultimately told police that he placed
10 the decedent in a choke hold in self defense, not intending to kill her, and that she surprisingly
11 went limp rather suddenly. The Clark County Coroner's Office was unable to determine the
12 cause of death.

13 A search was conducted on the Defendant's phone. The police summary of evidence
14 recovered on the phone included 20 of 4440 internet searches. Exhibit A, Las Vegas
15 Metropolitan Police Department Officer's Report, at 10-11. One of those searches is listed as
16 "[h]ow long does semen stay in the body." The report references the search as taking place on
17 December 25, 2019, at 10:31pm.

18 Trial is currently set to commence on September 20, 2021. The Defense seeks to
19 preclude the State from presenting the above referenced internet search history.
20

21 **ARGUMENT**

22 **1. Relevance**

23 In order to be admissible, evidence must be relevant. Relevant evidence is that "having
24 any tendency to make the existence of any fact that is of consequence to the determination of the
25 action more or less probable than it would be without the evidence." NRS 48.015. The evidence
26 at issue here, alleged digital evidence that the Defendant searched how long semen stays in the
27 body, has no relevance to the murder being charged in the instant case. There was no semen
28

1 found in the decedent's body, there is no allegation of sexual assault or sexual conduct that the
2 State needs to prove in this case. The internet search does not make the existence of any fact of
3 consequence more or less probable than without it. The evidence should be precluded as not
4 relevant.

5 **2. Prejudice**

6 In addition to not being relevant, the internet search is prejudicial. Since there is no
7 allegation of sexual conduct, sexual assault, or sexual motivation in this case, to add in a sexual
8 element or allow the admission of evidence that Mr. Bailey conducted an internet search
9 regarding semen will prejudice the jury against Mr. Bailey. Even if the evidence was relevant, it
10 is inadmissible if its probative value is substantially outweighed by the danger of unfair
11 prejudice, of confusion of the issues or of misleading the jury. Admission of this evidence could
12 cause the jury to infer that Mr. Bailey either had non-consensual sex with the decedent or
13 consensual sex with a teenager. Neither scenarios are charged here and either would prejudice
14 the jury against Mr. Bailey.

15 Given that the evidence has no probative value, the risk of unfair prejudice renders the
16 evidence inadmissible and the evidence should be excluded.

18 **CONCLUSION**

19 For the foregoing reasons, the Defense requests that this Court enter an order *in limine*
20 precluding the State from presenting evidence of the internet search "[h]ow long does semen stay
21 in the body" referenced in the LVMPD Officer's Report.

23 DATED this 30th day of August, 2021.

24 DARIN F. IMLAY
25 CLARK COUNTY PUBLIC DEFENDER

26 By /s/Kathleen M. Hamers
27 KATHLEEN M. HAMERS, #9049
28 Deputy Public Defender

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YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION IN LIMINE will be heard on September 9, 2021, at 11:00 a.m. in District Court, Department XII.

DATED this 7th day of September, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By /s/Kathleen M. Hamers
KATHLEEN M. HAMERS, #9049
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION IN LIMINE TO PRECLUDE ADMISSION OF IRRELEVANT AND PREJUDICIAL INTERNET SEARCH was hereby served this 7TH day of September 2021 via electronic e-filing service to:

Motions@clarkcountyda.com

E-mail: michael.schwartz@clarkcountynv.gov

Attorney for Plaintiff, State of Nevada

By: /s/ Sara Ruano

Secretary for the Clark County Public Defender's Office

Exhibit A
(Filed Under Seal)



MOT

DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
KATHLEEN M. HAMERS, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 9049
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HamersKM@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

JAYSHAWN D. BAILEY,

Defendant,

CASE NO. C-20-347887-1

DEPT. NO. XII

DATE: September 9, 2021
TIME: 11:00 a.m.

**DEFENDANT'S MOTION FOR SUPPLEMENTAL DISCOVERY RELATED TO
EXPERT WITNESS DR. CHRISTINA DI LORETO**

COMES NOW, the Defendant, JAYSHAWN D. BAILEY, by and through KATHLEEN M. HAMERS, Deputy Public Defender and hereby requests that this Court order the State of Nevada to provide any and all reports and results of examinations prepared by State expert witness Dr. Christina Di Loreto.

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

DATED this 24th day of August, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Kathleen M. Hamers
KATHLEEN M. HAMERS, #9049
Deputy Public Defender

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1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Public Defender for the Clark County Public Defender's Office appointed to represent Shawn D. Bailey in the present matter;
2. I am more than 18 years of age and am competent to testify as to the matters at issue in this case. I am familiar with the procedural history of the case and the substantive law applicable to the case. I have been informed of these facts and believe them to be true.

EXECUTED this 24th day of August, 2021.

2

POINTS AND AUTHORITIES

FACTS

Jayshawn Bailey is charged with one count of murder. A preliminary hearing took place on April 1, 2020. The State presented two witnesses, Dr. Christina Di Loreto and Detective Ryan Jaeger. Jayshawn called 911 to report a dead body in the sewer near his home. On January 19, 2020, he reported that he saw two people put something in the sewer about a month ago. He said that he opened up the sewer two weeks later and saw a body inside. A couple weeks later, his conscience got to him, so he called police. Transcript of April 1, 2020, Preliminary Hearing (hereinafter "PHT") at 22-23.

At the time that police recovered the body, the decedent in this case had lived nearby and been reported missing. PHT at 28. Detectives interrogate Jayshawn Bailey on January 21, 2020, and numerous times on January 21, 2020.

An autopsy was conducted on January 20, 2020. PHT at 6. The medical examiner was unable to discover any fatal traumatic injury or toxicological cause of death. Id at 13-15. However, based on "suspicious circumstances," investigative information and the Defendant's statements she nevertheless determines the manner of death to be homicide. PHT 15.

The Las Vegas Metropolitan Police Department Officer's Report in this case references a January 20, 2020, autopsy, wherein the decedent was referred to as "Fred Brown Doe," the cause of death was undetermined, and the manner of death was undetermined. The instant motion concerns that report or finding and/or any other reports or findings by Dr. Di Loreto not previously disclosed to the Defense.

ARGUMENTS

The State of Nevada has noticed Dr. Christina DiLoreto as an expert witness in the instant case. Exhibit A, State's Notice of Witnesses and/or Expert Witnesses, filed July 14, 2020. Dr. DiLoreto also testified at the preliminary hearing in this case. Dr. DiLoreto is a forensic pathologist with the Clark County Coroner's Office. Exhibit B, Transcript of April 1,

1 2020, Preliminary Hearing, at 5. The Defense has previously served a subpoena on that office
2 and received reports pursuant to that subpoena. However, the Las Vegas Metropolitan Police
3 Department Officer's Report mentions an initially autopsy finding that is not contained in the
4 reports received from the Coroner's Office. Exhibit C, Las Vegas Metropolitan Police
5 Department Officer's Report, at 6. Specifically, the Detective references a January 20, 2020,
6 autopsy, wherein the decedent was referred to as "Fred Brown Doe," the cause of death was
7 undetermined, **and the manner of death was undetermined.** Id. Whether this information was
8 documented by the an official report of the Clark County Coroner's Office or documents
9 possessed by Dr. DiLoreto herself, the Defense is requesting disclosure.

10 Pursuant to NRS 174.234 (2)(c) the State must provide any and all reports prepared by or
11 at the direction of the expert witness. Additionally, pursuant to NRS 174.235 (1)(b), the State
12 must disclose the results or reports of any physical examinations made in the case within its
13 possession or known to the prosecuting attorney. The results of the January 20, 2020, autopsy of
14 "Fred Brown Doe" concluding that the cause and manner were undetermined in this case are
15 referenced in the LVMPD Officer's Report, known to the parties, and Dr. DiLoreto's report and
16 conclusion must be disclosed.

18 CONCLUSION

19 Based on the foregoing, the Defense requests that this Court order the State of Nevada to
20 produce the January 20, 2020, autopsy of "Fred Doe Brown" concluding that the cause and
21 manner of death in this case was undetermined, and any other not previously disclosed reports
22 and results prepared by Dr. DiLoreto.

23 DATED this 24th day of August, 2021.

24 DARIN F. IMLAY
25 CLARK COUNTY PUBLIC DEFENDER

26 By: /s/Kathleen M. Hamers
27 KATHLEEN M. HAMERS, #9049
28 Deputy Public Defender

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing MOTION on for hearing before the Court on the 9th day of September, 2021, at 11:00 a.m.

DATED this 7th day of September, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Kathleen M. Hamers
KATHLEEN M. HAMERS, #9049
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing DEFENDANT'S MOTION FOR SUPPLEMENTAL DISCOVERY RELATED TO EXPERT WITNESS DR. CHRISTINA DI LORETO was hereby served this 7TH day of September 2021 via electronic e-filing service to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountvda.com
MICHAEL J. SCHWARTZER, Chief Deputy District Attorney
E-mail: michael.schwartz@clarkcountvda.com
Attorney for Plaintiff, State of Nevada

By: /s/ Sara Ruano
Secretary for the Clark County Public Defender's Office

Exhibit A



1 **NWEW**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **MICHAEL J. SCHWARTZER**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #10747**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

CASE NO: C-20-347887-1

12 **JAYSHAWN D. BAILEY,**
13 **#5216003**

DEPT NO: XII

14 **Defendant.**

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

17 **TO: JAYSHAWN D. BAILEY, Defendant; and**

18 **TO: KATHLEEN HAMERS, Deputy Public Defender, Counsel of Record;**

19 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF**
20 **NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:**

21 **ANDREWS, D. – LVMPD P#13766 (or designee):** Expert in the identification,
22 documentation, collection and preservation of evidence, including crime scene analysis and is
23 expected to testify as an expert to the identification, documentation, collection and
24 preservation of evidence in this case.

25 **BROWNING, CLAIRE – LVMPD P#15291 (or designee):** Expert in the
26 identification, documentation, collection and preservation of evidence, including crime scene
27 analysis and is expected to testify as an expert to the identification, documentation, collection
28 and preservation of evidence in this case.

1 **CHEN-HUYNH, S. – LVMPD P#16064** (or designee): Expert in the identification,
2 documentation, collection and preservation of evidence, including crime scene analysis and is
3 expected to testify as an expert to the identification, documentation, collection and
4 preservation of evidence in this case.

5 **DILORETO, DR. CHRISTINA** (or designee): is a medical doctor employed by the
6 Clark County Coroner Medical Examiner. She is an expert in the area of forensic pathology
7 and will give scientific opinions related thereto. She is expected to testify regarding the cause
8 and manner of death of TAMYAH TROTTER in this case.

9 **GAVIN, DR. LISA** (or designee): is a medical doctor employed by the Clark County
10 Coroner Medical Examiner. She is an expert in the area of forensic pathology and will give
11 scientific opinions related thereto. She is also expected to testify regarding the mechanics and
12 effects of strangulation and other related matters and will testify regarding the cause and
13 manner of death of TAMYAH TROTTER in this case.

14 **HOVANEK, M. – LVMPD P#13227** (or designee): Expert in the area of cellular
15 phones, including but not limited to, cellular system technology including cell tower
16 generation of calls and ability to determine the location where generated, collection and
17 handling of cellular phones for evidentiary purposes, and the examination, preservation,
18 retrieval and analysis of cellular call and text records/data, photos and/or video and/or any
19 other data kept on a cellular phone. Further, this expert will testify to the results of any and
20 all examinations performed on the cellular phones in this case.

21 **HUSEBY, B. – LVMPD P#14783** (or designee): will testify as an expert in the science
22 and technology underlying DNA testing, the processes and procedures performed in DNA
23 testing, the examinations done on any and all evidence in this case, the results of such testing,
24 and reports prepared in this regard.

25 **SHUM, AMANDA – LVMPD P#17490** (or designee): will testify as an expert in
26 the science and technology underlying DNA testing, the processes and procedures performed
27 in DNA testing, the examinations done on any and all evidence in this case, the results of such
28 testing, and reports prepared in this regard.

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

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

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

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

10
11 BY /s/MICHAEL J. SCHWARTZER
12 MICHAEL J. SCHWARTZER
13 Chief Deputy District Attorney
14 Nevada Bar #10747

15 CERTIFICATE OF ELECTRONIC FILING

16 I hereby certify that service of the above and foregoing was made this 14th day of July,
17 2020, by Electronic Filing to:

18 KATHLEEN HAMERS, Deputy Public Defender
19 Email: hamersk@ccda.clarkcountynv.gov

20
21 BY: /s/Deana Daniels
22 Deana Daniels
23 Secretary for the District Attorney's Office
24
25
26
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28 20F01585X/dd/MVU

ASCLD/LAB-International

STATEMENT OF QUALIFICATIONS

Name	Debbie Andrews P# 13766	Date	08/11/2015
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Laboratory	Las Vegas Metropolitan Police Department - Crime Scene Investigations Section
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Job Title	Crime Scene Analyst I
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Indicate all disciplines in which you do casework:

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

List all category(ies) of testing in which you do casework:

Crime Scene Investigation; Body Fluid Identification
--

Breath Alcohol Calibration Categories

<input type="checkbox"/> Toxicology - Breath Alcohol Measuring Instruments (The work of the laboratory MUST include calibration certificates - do not check the box if work is limited to breath/alcohol testing)
<input type="checkbox"/> Toxicology - Breath Alcohol Calibration Reference Material

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

Institution	Dates Attended	Major	Degree Completed
College of Southern Nevada	1995-1999, 2001, 2004, 2009	Nursing	N/A
Portland Community College	2012	Criminal Justice	N/A

Other Training: List continuing education, workshops, in-service and other formal training received. Please include the course title, source and date of the training.

01/20/09 Introductory Photography for Law Enforcement Personnel (PSR Academy) LVMPD/CSI Section Las Vegas, NV. 01/19/09 Latent Fingerprint Processing (PSR Academy) LVMPD/CSI Section Las Vegas, NV. 09/30/15 Crime Scene Analyst Academy LVMPD Las Vegas, NV

Courtroom Experience: List the discipline/category(ies) of testing in which you have qualified to testify as an expert witness and indicate over what period of time and approximately how many times you have testified in each.

Testified in court from 07/06/2015 to present: Crime Scene Investigation - 1 Body Fluid Identification - 0
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Professional Affiliations: List any professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

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Employment History: List all scientific or technical positions held, particularly those related to forensic science. List current position first. Be sure to indicate employer and give a brief summary of principal duties and tenure in each position.

Job Title	Crime Scene Analyst I (In Training)	Tenure	07/06/2015 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title	Patrol Services Representative	Tenure	12/10/2008 to 07/23/2010
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Take various reports, including property, crime and non-injury traffic accident reports; assist officers in preliminary crime scene investigations, including protecting crime scenes from bystanders; interview witnesses and victims, record information, and write related reports; respond to non-hazardous calls for service and write related reports; perform traffic control and non-violent crowd control; assist the public by providing necessary information to citizens, including referring them to appropriate government offices and other community resources; transport seized, found, lost, or abandoned property or evidence, and non-injured accident victims, witnesses, victims of crimes, and police personnel, as needed; direct traffic at accident scenes; attend daily briefings; receive subpoenas and testify in court; assist with community-oriented policing programs; exemplify the Department values, both on and off duty.			
Crime Scene Duties as a Patrol Services Representative: Investigate less complex crime scenes to include photographically documenting a crime scene, powder process for latent fingerprints, collect, preserve, and safely package evidence and prepare a crime scene related report.			

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

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

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

Other Qualifications: List below any scientific publication and/or presentation you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualification as a forensic scientist.
(Use additional sheets if necessary.)

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ASCLD/LAB-*International*

STATEMENT OF QUALIFICATIONS

Name Claire Browning P# 15291 **Date** 6/26/2017

Laboratory Las Vegas Metropolitan Police Department - Crime Scene Investigations Section

Job Title Crime Scene Analyst I

Indicate all disciplines in which you do casework:

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

List all category(ies) of testing in which you do casework:

Crime Scene Investigation; Body Fluid Identification

Breath Alcohol Calibration Categories

<input type="checkbox"/>	Toxicology - Breath Alcohol Measuring Instruments (The work of the laboratory MUST include calibration certificates- do not check the box if work is limited to breath/alcohol testing)
<input type="checkbox"/>	Toxicology - Breath Alcohol Calibration Reference Material

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

Institution	Dates Attended	Major	Degree Completed
Ivy Tech Community College	2008-2010	N/A	N/A
Purdue University	2010-2013	Interdisciplinary Sciences- Forensic Sciences	BS

Other Training: List continuing education, workshops, in-service and other formal training received. Please include the course title, source and date of the training.

09-30-15 Crime Scene Analyst Academy LVMPD Las Vegas, NV
07-28-16 Basic Medicolegal Death Investigation IACME Las Vegas, NV
3-31-17 Basic Bloodstain Recognition Course-LVMPD-C. Moore-Las Vegas, NV

Courtroom Experience: List the discipline/category(ies) of testing in which you have qualified to testify as an expert witness and indicate over what period of time and approximately how many times you have testified in each.

Testified in court from 07/06/2015 to present:

Crime Scene Investigation - 3
Body Fluid Identification - 0

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

Employment History: List all scientific or technical positions held, particularly those related to forensic science. List current position first. Be sure to indicate employer and give a brief summary of principal duties and tenure in each position.

Job Title	Crime Scene Analyst I	Tenure	07/06/2015 to present
Employer	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

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

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

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

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

Other Qualifications: List below any scientific publication and/or presentation you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualification as a forensic scientist.
(Use additional sheets if necessary.)

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ASCLD/LAB-International
Application for Accreditation
Attachment 2

Statement of Qualifications

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

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

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

Crime Scene Investigation: Body Fluid Identification
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Education: List all higher academic institutions attended (list high school only if no college degree has been attained).

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

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

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

Testimony: Complete the information below for testimony provided.

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

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

Organization	Period of Membership	Offices or Positions Held/Dates

Effective: July 14, 2016

Version 4.0

Page 1 of 2

Contact us at: info@ascl.org or www.ascl.org

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

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

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

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

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

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

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

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Christina Di Loreto, M.D.
1704 Pinto Lane
Las Vegas, NV 89106
(702) 455-3210
Christina.DiLoreto@ClarkCountyNV.gov

EDUCATION

M.D. Boston University School of Medicine, Boston, MA, May 2009
Premedical Studies, Mount Holyoke College, South Hadley, MA, Sep 2002-June 2004
B.F.A. Dance/Philosophy, New York University, New York, NY, Jan 2000
Sarah Lawrence College, Bronxville, NY, Sep 1995-June 1996

POSTGRADUATE TRAINING

7/2016-7/2018 Neuropathology Fellowship, University of California, San Diego Medical Center
7/2015-7/2016 Forensic Pathology Fellowship, San Diego County Medical Examiner's Office
7/2011-7/2015 Pathology Residency-AP/CP, University of California, Davis Medical Center
7/2009-6/2011 Otolaryngology-Head and Neck Surgery Internship/Residency,
State University of New York Downstate Medical Center

LICENSURE AND BOARD CERTIFICATIONS

4/16/2018 Nevada State Board of Medical Examiners, License #17849
5/20/2011 Medical Board of California, License #A117016
9/5/2018 Diplomate, American Board of Pathology, Forensic Pathology
8/7/2017 Diplomate, American Board of Pathology, Anatomic and Clinical Pathology

HONORS AND AWARDS

7/2015 House Staff Professionalism Award
University of California, Davis
School of Medicine Alumni Association
6/2009 Diana Radkowski Award
Boston University School of Medicine
4/2007 Association of Pathology Chairs Honor Society Award
Boston University School of Medicine

PROFESSIONAL MEMBERSHIPS

2017-present American Association of Neuropathologists (AANP)

2014-present	United States and Canadian Academy of Pathology (USCAP)
2011-present	College of American Pathologists (CAP)
2011-present	American Society of Clinical Pathology (ASCP)
2009-present	Alpha Omega Alpha Honor Medical Society

EDUCATIONAL ACTIVITIES

6/2014-5/2015	Chief Resident, Department of Pathology and Laboratory Medicine University of California, Davis Medical Center
Spring 2009	Prosector, Head and Neck Gross Anatomy Boston University School of Medicine
Fall 2008	Instructor, Introduction to Clinical Medicine Boston University School of Medicine

COMMITTEE MEMBERSHIPS

7/2014-6/2015	Resident Representative Residency Advisory Committee, Department of Pathology and Laboratory Medicine University of California, Davis Medical Center
7/2014-6/2015	Resident Representative Residency Recruitment and Review Committee, Department of Pathology and Laboratory Medicine University of California, Davis Medical Center
7/2014-6/2015	Resident Representative Advisory Committee on Education, Department of Pathology and Laboratory Medicine University of California, Davis Medical Center
7/2013-6/2015	Pathology Alternate Representative Resident Medical Staff Committee University of California, Davis Medical Center
7/2013-6/2015	Resident Representative, UC Davis Medical Center American Society of Clinical Pathology

ORAL PRESENTATIONS

"Neuropathology 101: Basic Neuroanatomy and Neuropathology", UC San Diego, Shiley-Marcos Alzheimer's Disease Research Center ORE Core Lunch & Learn, June 26, 2018, San Diego, CA.

"Errors in Surgical Pathology", UC Davis Medical Center Department of Pathology and Laboratory Medicine Grand Rounds, March 11, 2015, Sacramento, CA.

"Postmortem Examination of a High Altitude Diving-Related Fatality 17 Years After the Incident", California Association of Criminalists Northern Study Group Meeting, December 10, 2014, Richmond, CA.

"Now You 'C' It, Now You Don't: Passive Acquisition of Hgb C Variant by Transfusion", California Blood Bank Society 59th Annual Meeting, Apr 30-May 1, 2014, Incline Village, NV.

"Postmortem Examination of a High Altitude Diving-Related Fatality 17 Years After the Incident", American Academy of Forensic Sciences 66th Annual Scientific Meeting, Feb 17-22, 2014, Seattle, WA.

POSTER PRESENTATIONS

Di Loreto CM, Powers MP, Hansen LA, Malicki DM. "Novel *RYR1* mutation in congenital muscular dystrophy". AANP 94th Annual Meeting, June 7-10, 2018, Louisville, KY.

Powers MP, **Di Loreto CM**, Hansen LA, Malicki DM. "Infantile high-grade glioma with novel translocation recurring as a ganglion cell tumor". AANP 94th Annual Meeting, June 7-10, 2018, Louisville, KY.

Snyder VS, **Di Loreto CM**, Chen JY, Hansen LA, Jones KA. "Non-midline H3 K27M-mutant glioma". AANP 93rd Annual Meeting, June 8-11, 2017, Garden Grove, CA.

Snyder VS, **Di Loreto CM**, Malicki DM, Hansen LA. "Rare variants of gliosarcoma: histologic and molecular findings". AANP 93rd Annual Meeting, June 8-11, 2017, Garden Grove, CA.

Di Loreto C, Zhang Y. "Follow-up study of 42 patients with benign intraductal papilloma diagnosed on core needle biopsy". USCAP 2014 Annual Meeting, Mar 1-7, 2014, San Diego, CA.

Di Loreto C, Tomic M, Huang E. "A retrospective review of "suspicious" thyroid fine-needle aspirations at a single institution". American Society of Cytopathology Annual Scientific Meeting, Nov 8-12, 2013, Orlando, FL.

Di Loreto C, Gandy L, Freeman L, Fernando L, Gresens C, Parsons J. "The passive acquisition of hemoglobin C via red blood cell exchange". 2013 AABB Annual Meeting, Oct 12-15, 2013, Denver, CO.

Di Loreto C, Bishop JW, Gambarotti, Canter R, Borys D. "Diagnostic challenges and advantages of international telepathology between two medical institutions". USCAP 2013 Annual Meeting, Mar 2-8, 2013, Baltimore, MD.

Di Loreto C, Tihan T, Jin L-W, Borys E. "Progressing calcifying pseudoneoplasm of the neuraxis". CAP 2012 The Pathologists' Meeting, Sep 9-12, 2012, San Diego, CA.

Crosby SS, Mohan S, **Di Loreto C**, Spiegel JH. "Head and neck sequelae of torture". The Triological Society Eastern Section Meeting, Jan 23-25, 2009, Boston, MA.

PUBLICATIONS

Gerscovich EO, Sekhon S, Visis T, **Di Loreto C**. "Fetal conversion of a 3-vessel to 2-vessel umbilical cord: sonographic depiction". J Ultrasound Med 2013;32:1303-1305.

Crosby SS, Mohan S, **Di Loreto C**, Spiegel JH. "Head and neck sequelae of torture". Laryngoscope 2010;120:414-419.

LISA GAVIN, M.D., M.P.H.

CURRENT POSITION	Forensic Pathologist (Medical Examiner), 2009 to present Clark County Office of the Coroner/Medical Examiner, Las Vegas, Nevada
TRAINING AND EDUCATION	Forensic Pathology Fellowship , 2008 to 2009 Office of the Chief Medical Investigator, Albuquerque, New Mexico Surgical Pathology Fellowship , 2007-2008 Hartford Hospital, Hartford, Connecticut Anatomic & Clinical Pathology Residency , 2002 – 2007 Hartford Hospital, Hartford, Connecticut Post-Sophomore Fellowship in Pathology , 2001 – 2002 University of Connecticut Health Center, Farmington, Connecticut Medical Degree , 2001 University of Connecticut School of Medicine, Farmington, Connecticut Master Degree of Public Health , 1994 Columbia University School of Public Health, New York, NY Bachelor of Arts with Honors , 1991 Mount Holyoke College, South Hadley, Massachusetts Anatomic Pathology , May 2015 Forensic Pathology , September 2015 Actively participating in Continuing Certification (Maintenance of Certification)
MEDICAL LICENSE	State of Nevada , 2009 – present (unrestricted) State of New Mexico , 2008 – 2010 (unrestricted)

WORK AND
EDUCATION
EXPERIENCE

Adjunct Professor (Clinical Precept, 2011 – present)
Touro University School of Medicine, Henderson Nevada

Acting Lead Medical Examiner, June 2017 – April 2019
Clark County Office of the Coroner/Medical Examiner, Las Vegas, Nevada

Manager/Supervisor of the Forensic Division (including the Forensic Pathologists)
during the Mass Fatality (Mass Shooting) 1 October 2017 (Route 91 Harvest Country
Music Festival) Incident

Preceptor for Medical Students, January – June 2017
Western University of Health Sciences College of Osteopathic Medicine of the Pacific

Teacher of “Correlated Medical Problem Solving” Course, 2001 – 2002
University of Connecticut School of Medicine, Farmington Connecticut

Manager of South Marshal Street Pediatric Clinic, 1995 – 1997
Salvation Army, South Marshall Street, Hartford Connecticut

**Administrative Assistant to the Director of Admissions & Career Development
and to the Director of Academic & Student Affairs**, 1992 – 1994
Columbia University School of Public Health, New York, NY

Tutor & Evaluator of Children with Learning Disabilities, 1988 – 1994 & 1996 – 1997
Milford, Connecticut & Farmington, Connecticut

Research Assistant Department of Pediatric Cardiology, Yale University School of
Medicine Summer 1992

Coordinator of Infant Registration Project, 1991 – 1992
New York City Department of Health: Office of Child Health Planning, New York, NY

Research Assistant Department of Pediatric Endocrinology, Yale University School of
Medicine Summer 1991

Intern at Lipid Clinic Department of Pediatrics, Yale University School of Medicine
Summer 1990

CONSULTATION AND
AREA OF INTEREST

- Sworn in as Expert in Strangulation in the Eighth Judicial District Court in
Clark County, Nevada
- Review cases and provide consultation for Prosecution and for Defense in Domestic
Violence Cases, particularly Strangulation

**INVITED LECTURES
AND PRESENTATIONS**

Annual presenter for the Strangulation Seminar
Las Vegas, Nevada 2016 – present

Annual presenter for Bring Your Child to Work Day at Clark County Coroner/Medical
Examiner Office 2010 – present

Presenter at the International Association of Coroners & Medical Examiners Conference,
2015, 2016, 2017, 2018, 2019

Lecturer for Introduction for Criminal Investigations Class at the University of Las Vegas
Department of Criminal Justice November 2018; September 2019

Presenter for the 2nd Annual Richard C Froede Memorial Forensic Pathology Lecture at
the 38th Annual Meeting of the Mountain, Desert, and Costal Forensic Anthropologist
Meeting, May 2018

Presenter for American Academy of Forensic Sciences at CSI Mini Camp (Community
Outreach During AAFS 2016 Annual Meeting) at Las Vegas Natural History Museum
February 2016

Lecturer in Monthly Investigator Training Sessions, Clark County Office of the
Coroner/Medical Examiner 2016

Regular Lecturer at the Veterans Tribute Career and Technical Academy 2012 – present

Lecturer for Pulmonary Laboratory Sessions at the University of New Mexico School of
Medicine April 28 – 29, 2009

Lecturer at Seminar on Death Investigations, New Mexico Office of Medical Investigator
August 2008

Presenter at Pediatric Tumor Board, Adult Tumor Board, and, Breast Tumor Board
Hartford Hospital, Hartford Connecticut 2006 – 2008

Guest speaker for Public Relations Department at Hartford Hospital for local middle-
school children

EXTRAMURAL PROFESSIONAL ACTIVITIES	Active member of Monthly Clark County Child Death Review 2017 – present
	Active participant in the Nevada Donor Network and Clark County Office of the Coroner/Medical Examiner quarterly meetings 2017 – present
	Assisted in conducting interviews for positions within the Forensics Division of the Clark County Office of the Coroner/Medical Examiner 2017
	Assisted in conducting interviews for Assistant Coroner of the Clark County Office of the Coroner/Medical Examiner 2017
	Continuing Education Chair for American Academy of Forensic Sciences 2018 – present
	Local Arrangements Chair for American Academy of Forensic Sciences 68th Annual Meeting
SERVICE WORK AND OTHER	Interviewed for (and featured in) special Crime Lab exhibit for the Mob Museum Las Vegas, Nevada
	Guidance to Medical Technician Students, College Students and High School Students interested in future careers in Medicine
	Editor of personal statements and resumes, particularly for those interested in the field of forensics and in medicine
	Guest with concentrated study at Infectious Disease Pathology Branch, Centers for Disease Control and Prevention, Atlanta, Georgia May 4 – 6, 2009
	Attended Seminar on Death Investigations and Multiple Fatalities presented by The New Mexico Office of the Medical Investigator, Albuquerque, New Mexico August 2008
	Annual Host for summer high-school student tours of Hartford Hospital Department of Pathology Hartford, Connecticut
	Education of Medical Students & Residents on rotation in Hartford Hospital Department of Pathology Hartford, Connecticut
	Resident Representative for the ACGME (Accreditation Council for Graduate Medical Education) Hartford Hospital Hartford, Connecticut
	Delegate for the Connecticut Society of Pathologists
	Lecture (Unknown Case Presentation) Focal Nodular Hyperplasia for the Connecticut Society of Pathologists
	Manager of South Marshall Street Clinic in Salvation Army's South Marshall Street Shelter in Hartford, Connecticut
	Educator for Hartford Health Education Program through the University of Connecticut School of Medicine

(continued, next page)

Served as Present of Student Government Association Columbia University School of Public Health

Served as Hall President at Mount Holyoke College

Served as Student Advisor at Mount Holyoke College

Volunteered at Operation Hope: A Shelter for the Homeless

MEMBERSHIPS

American Academy of Forensic Sciences (AAFS), 2009 – present

National Association of Medical Examiners (NAME), 2010 – present

International Association of Coroners & Medical Examiners (IAC&ME), 2010 – present

American Society for Clinical Pathology 2002 – 2008, 2010 – 2013, 2018 – present

College of American Pathologists 2002 – 2009, 2015, 2018 – present

United States and Canadian Academy of Pathology 2005 – 2007

American Association of Blood Banks 2006

AWARDS AND SCHOLARSHIPS

Donation Champion, from Nevada Donor Network, 2018

Kenneth S. Field Award of Appreciation, from AAFS Staff, 2016

Dr. Beckett Book Award, 2007

Martin Berman Immunopathology Award, 2007

Bloomberg Award for Psychiatry, 2001

UConn Women's Auxiliary Scholarship, 1995

Frank & Florence Marino Scholarship, 1995 & 1996

Student Government Service Award Columbia University, 1993

Michael F. DeVecchio, Jr. Scholarship, 1992

Juvenile Diabetes Foundation Summer Student Scholarship, 1991

Elected into Mount Holyoke College Chapter of Sigma Xi the Scientific Research Society, 1991

Margaret Altman Summer Internship Scholarship, 1990

RESEARCH
EXPERIENCE AND
PUBLICATIONS

Feder HM Jr, Solomon B, Gavin LD. "Polyoma Virus Hemorrhagic Cystitis in an Otherwise Normal Child" Pediatric Infectious Disease Journal, 2008 Oct; 27(10):948-9.

Metastatic Testicular Choriocarcinoma in a Young Male with Abdominal Pain, 2007Hartford Hospital Department of Pathology & University of Connecticut Department of Internal Medicine

Inter-observer Variability in Diagnosing Colon Biopsies as Indefinite for Dysplasia, 2006 Hartford Hospital Department of Pathology

Susceptibility of Streptococcus Pneumoniae to Moxifloxacin and Other Antimicrobial Agents, 2004 Hartford Hospital Department of Pathology & Laboratory Medicine

Active researcher and editor on publication (with acknowledgement) ~ Whittemore R, Wells JA, Castellsague X. "A second-generation study on 427 probands with congenital heart defects and their 837 children" Journal of American College of Cardiology, 1994 May; 23(6):1459-67.

RESIDENT AND
FELLOW TOPICS

Two Unusual Neuropathology Cases, January 2008

Testicular Germ Cell Tumors, October 2007

Waldenstroms Macroglobulinemia, October 2005

Minimal Change Disease & Focal Segmental Glomerular Sclerosis, October 2004

Crescentic Glomerulonephritis or Rapidly Progressive Glomerulonephritis, January 2004

Mitral Valve Prolapse and Sudden Death, July 2003

COURT TESTIMONY

See separate attachment.



DETECTIVE MATTHEW HOVANEK P#13227

Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106
Office (702) 828-1388
Email M13227H@LVMPD.com

CURRICULUM VITAE

CURRENT EMPLOYMENT

- Detective and Computer Forensic Examiner, Las Vegas Metropolitan Police Department, September 2017 to present.
- Employed with LVMPD since 2008.
- Acquired over 2600 hours of police specific training, of which, more than 600 hours are in areas relevant to conducting examinations on electronic storage devices and associated techniques.

BACKGROUND AND EDUCATION CURRICULUM

- Bachelor of Science (Business Management)
 - University Nevada Las Vegas, 2005
- Nevada POST Certification Category I
 - Las Vegas Metropolitan Police Department, 2008

CERTIFICATIONS

- Cellebrite- Cellebrite Certified Logical Operator October 2016
 - Recertified November 2018
- Cellebrite- Cellebrite Certified Physical Analyst October 2016
 - Recertified November 2018
- Magnet MFCE Certified on April 3, 2018
- Certified Cellular Master Technician on April 13, 2018
- Certified IACIS BCCE Forensics on May 4, 2018
- Certified Best Practices in MAC Forensics on May 18, 2018
- Certified DVR examiner on May 31, 2018

- IACIS Certified Forensic Computer Examiner on June 27, 2018
- Cellebrite – Cellebrite Certified Drone Data Analyst on January 30, 2019
- Berla - iVe Examiner on May 24, 2019
- IACIS Certified Mobile Device Examiner on August 21, 2019

FORENSIC TRAINING

- Magnet Internet Evidence Finder
 - By Magnet Forensics, September 2016, 24 Hours
- Access Data Mac Forensics
 - By Access Data, October 2017, 24 Hours
- Access Data FTK Bootcamp
 - By Access Data, November 2017, 24 Hours
- Access Data Applied Decryption
 - By Access Data, December 2017, 24 Hours
- Access Data Advanced FTK
 - By Access Data, January 2018, 24 Hours
- Axion Intermediate
 - By Magnet Forensics, January 2018, 32 Hours
- Access Data FTK Forensic Fundamentals
 - By Access Data, February 2018, 24 Hours
- Access Data FTK Windows 10 Forensics
 - By Access Data, March 2018, 24 Hours
- Basic Computer Forensic Examiner
 - By IACIS, April 2018, 76 Hours
- Best Practices in MAC Forensics
 - By Sumuri, May 2018, 40 hours
- Access Data Android Forensic Analysis
 - By Access Data, August 2018, 24 Hours
- Cellebrite Drone Investigation Training
 - By Cellebrite, January 2019 , 24 Hours
- NCFI Advanced Mobile Device Examiner
 - By United States Secret Service, October 2019, 32 hours

CLASSES ATTENDED

- Cellebrite Mobile Forensics
 - By Cellebrite, Oct 2016, 35hrs
- Cellular Master Technician level 3
 - By Wild PCS Cellular Training, April 2018, 40 hours
- DVR Examiner
 - By DME Forensics, May 2018, 24 hours
- Basic Computer Forensic Examiner
 - By IACIS, May 2018, 76 hours
- Law Enforcement & Emergency Services Video Association Inc. Level 1
 - By LEVA, February 2019, 40 hours
- Mobile Device Forensic Examiner
 - By IACIS, May 2019, 36 hours
- BERLA iVe Examiner
 - By BERLA, May 2019, 40 hours

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

Date: 01/22/14

Name: Brianne Huseby

P# 14783

Classification: Forensic Scientist II

Current Discipline of Assignment: Bio/DNA Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support / DNA	
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of Washington	1997-2001	Zoology, minor in Chemistry	BS
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
DNA FAM/ArmedXpert Training	WSP- Seattle Crime Lab	06/25-26/13	
NIST Mixture Interpretation Webinar	WSP- Seattle Crime Lab	06/13/13	
FBI NDIS Annual Review	WSP- Seattle Crime Lab	05/31/13	
Applied Biosystems HID Univ-Future Trends	WSP- Seattle Crime Lab	09/13/12	
CODIS 7.0 Training – FBI	WSP- Seattle Crime Lab	09/11/12	
Plexor HY Demonstration/Training – Promega	WSP- Seattle Crime Lab	08/01/12	

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
CODIS 7.0 Training – FBI	WSP- Seattle Crime Lab	03/23/12
NDIS Annual Eligibility Training – FBI	WSP- Seattle Crime Lab	01/31/12
Criminalistics Workshop – Schneck	WSP- Seattle Crime Lab	12/07-08/11
NWAFS- HID Future Trends in DNA	Tacoma, WA	09/26/11
NDIS Annual Eligibility Training – FBI	WSP- Seattle Crime Lab	01/14/11
Hair Evaluation for DNA Analysis – Schneck	WSP- Seattle Crime Lab	06/01-02/10
FBI NDIS Annual Review	WSP- Seattle Crime Lab	03/31/10
AAFS General Meeting	Seattle, WA	02/26/10
Advances in Forensic DNA Analysis – AAFS	Seattle, WA	02/22/10
DNA Population Statistics – Carmody	WSP- Seattle Crime Lab	07/31/09
DNA Mixture Training – Shutler, Hodge	WSP- Seattle Crime Lab	01/06/09
Future Trends in DNA Technology –ABI	WSP- Seattle Crime Lab	08/12/08
Qiagen EZ1 Biorobot Demo and Training	WSP- Seattle Crime Lab	11/29/07
Case Approach Tools – PCFSI	WSP- Seattle Crime Lab	09/22/07
Future Trends in DNA Technology –ABI	WSP- Seattle Crime Lab	06/06/06
AAFS General Meeting	Seattle, WA	02/22-24/06
FBI Audit Training Course	Seattle, WA	02/21-22/06
ABI 7000/Quantifiler Training	WSP- Seattle Crime Lab	02/07/06
NWAFS General Meeting	Tacoma, WA	11/15/05
CODIS Eligibility Guidelines	WSP- Seattle Crime Lab	07/26/05
Clothing Examination – PCFSI	WSP- Seattle Crime Lab	06/24/05
Population Genetics and Statistics – NFSTC	Seattle, WA	05/19/05
Comparison Fluorescence STR Data – Myriad	Seattle, WA	02/16/05
Future Trends in DNA Technology –ABI	Seattle, WA	09/21/04
ABI 7000 Quantifiler Kit – ABI	Seattle, WA	04/14-15-04
Bloodstain Pattern Analysis – Tom Bevel	Seattle, WA	02/23-27/04
DNA Population Statistics – Carmody	WSP- Seattle Crime Lab	11/19/03

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Presentation Skills – WSP	Olympia, WA	09/09-11/03
Trends in Forensic DNA Technology –ABI	WSP- Seattle Crime Lab	09/03/03
Basic Microscopy – Schneck	WSP- Seattle Crime Lab	05/14-16/03
STR DNA Analysis and Typing – CCI	Sacramento, CA	01/28-31/03
Courtroom Testimony – Ron Smith	Criminal Justice TC – Burien	01/06-07/03
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Superior Court (WA state, King, Kitsap, Clallam Counties)	Biology/DNA	32
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Dept.	Forensic Scientist 2	2013-present
Washington State Patrol	Forensic Scientist 3	2005-2013
Washington State Patrol	Forensic Scientist 2	2003-2005
Washington State Patrol	Forensic Scientist 1	2002-2003
University of Washington	Laboratory Technologist	1998-2002
PROFESSIONAL AFFILIATIONS		
<i>Organization</i>	<i>Date(s)</i>	
American Academy of Forensic Sciences, Northwest Association of Forensic Scientists	2002-present	
PUBLICATIONS / PRESENTATIONS:		
N/A		

CURRICULUM VITAE -Name

OTHER QUALIFICATIONS:
N/A

Las Vegas Metropolitan Police Department
Forensic Laboratory

CURRICULUM VITAE

Date: 01/07/2020

Name: Amanda Shum P#: 17490 Classification: Forensic Lab Technologist

Current Discipline of Assignment: Forensic Lab - DNA

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	x	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support / DNA	x
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of California, Santa Cruz	08/12 - 12/15	Molecular, Cellular, and Developmental Biology	BS
California State University, Los Angeles	08/16 - 05/18	Criminalistics	MS
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
Emergency Management Institute – An Introduction to the National Incident Management System	Online – FEMA (Federal Emergency Management Agency)	12/17/19	
Emergency Management Institute – Introduction to Incident Command System	Online – FEMA (Federal Emergency Management Agency)	12/16/19	

Las Vegas Metropolitan Police Department
Forensic Laboratory

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Las Vegas Metropolitan Police Department
Forensic Laboratory

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Clark County Grand Jury	DNA/Biology	1

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metro Police Department	Forensic Lab Technologist	7/2/18 - present
California State University of Los Angeles	Police Orientation & Preparation Program Mentor	7/2017 - 8/2017

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
California Association of Criminalists Affiliate Member	09/16 - present

Las Vegas Metropolitan Police Department
Forensic Laboratory

PUBLICATIONS / PRESENTATIONS:
UV-VIS and ATR-FTIR Spectroscopic Investigations of Postmortem Interval Based on Porcine Vitreous Humor
California Association of Criminalists Spring Seminar 2018 Thesis Poster Presentation
OTHER QUALIFICATIONS:

Exhibit B



CASE NO. C347887

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

THE STATE OF NEVADA,)
Plaintiff,)
vs.) CASE NO. 20FC1585X
JAYSHAWN BAILEY,)
Defendant.)
_____)

REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING

BEFORE THE HONORABLE HARMONY LETIZIA
JUSTICE OF THE PEACE

WEDNESDAY, APRIL 1, 2020
9:30 A.M.

APPEARANCES:

For the State:

M. SCHWARTZER, ESQ.
S. OVERLY, ESQ.
DEPUTY DISTRICT ATTORNEYS

For the Defendant:

K. HAMMERS, ESQ.
A. CLARK, ESQ.
DEPUTY PUBLIC DEFENDERS4

Reported by: CHRISTA BROKA, CCR. No. 574

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WITNESS

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RYAN JAEGER

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EXHIBITS

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1 LAS VEGAS, CLARK COUNTY, NEVADA,

2 APRIL 1, 2020 AT 9:30 A.M.

3 P R O C E E D I N G S

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THE COURT: Jayshawn Bailey, 202001585X. This is the time and date scheduled for the preliminary hearing. We are going to have Mr. Bailey remain in the box. Before we get the first witness ready to go are there any preliminary matters we need to address?

MR. SCHWARTZER: No, Your Honor. I anticipate based on the testimony of the coroner I am going to amend the criminal complaint on line 13 where it says by strangling and/or asphyxiation and/or unknown means. That's something I intend to do after the coroner if the coroner's testimony is different than what I expect it to be.

THE COURT: We have the coroner testifying and who is the other witness?

MR. SCHWARTZER: Ryan Jaeger.

THE COURT: There is nobody in the courtroom right but if there were any witnesses we would order them out and not to discuss their testimony.

MR. SCHWARTZER: Right. We had the victim of the sister here. My understanding is we are not opening to the public based on COVID 19.

1 THE COURT: Right. Thank you so much. Good
2 morning. We can see and hear you. Can you see us and hear us?

3 THE WITNESS: Yes.

4 THE COURT: We are here on Jayshawn Bailey,
5 20F01585X. State can call their first witness.

6 MR. SCHWARTZER: Dr. Christina Di Loreto.

7 THE COURT: Ma'am, can you stand up and raise your
8 hand to swear you in?

9 THE CLERK: Please raise your right hand. Do you
10 solemnly swear the testimony you are about to give be the
11 truth, the whole truth, and nothing but the truth so help you
12 God?

13 THE WITNESS: I do.

14 THE CLERK: Can you please state and spell your
15 first and last name for the record.

16 THE WITNESS: My name is Christa Di Loreto.
17 C-H-R-I-S-T-I-N-A. Last name D-I, space, L-O-R-E-T-O.

18 THE COURT: Thank you, ma'am. Mr. Schwartzer?

19 MR. SCHWARTZER: Thank you, Your Honor.

20

21 DIRECT EXAMINATION

22 BY MR. SCHWARTZER:

23 Q. Doctor, I see some documents in front of you right now
24 is that your report for this case?

25 A. It is and my subpoena.

1 Q. If you need to refer to your report can you let us know
2 that you need to refer to your report and then you will be able
3 to do so. Okay?

4 A. Okay.

5 Q. Doctor, could you tell us what you do for a living?

6 A. I am a forensic pathologist with the Clark County
7 Coroner's Office.

8 Q. How long have you been doing that?

9 A. I've have been with the office since July of 2018.

10 Q. And in order to be a doctor at the coroner's office I
11 assume you have to have a medical degree; is that correct?

12 A. Yes, correct.

13 Q. You went through some post graduate as well to be
14 pathologist; is that correct?

15 A. Correct.

16 Q. You've testified before in your role as a coroner in
17 the Clark County judicial system?

18 A. Yes.

19 Q. About how many times?

20 A. Approximately ten.

21 Q. That includes jury trials, grand jury, and preliminary
22 hearings?

23 A. Correct. This is the first preliminary hearing, yes.

24 Q. Grand juries and jury trials?

25 A. Yes.

1 Q. Doctor, as a coroner I imagine you do autopsies?

2 A. Yes.

3 Q. How many autopsies, and I know you may not have an
4 exact number, but how many autopsies do you believe you have
5 conducted over the last few years?

6 A. I have performed over 500 post mortem examinations that
7 includes autopsies, external examinations, and head
8 examinations.

9 Q. Now I want to direct your attention to an autopsy you
10 did on January 20th, 2020 specifically autopsy case number
11 20-00363. Are you familiar with that autopsy?

12 A. Yes.

13 Q. Did you personally conduct that examination?

14 A. I did.

15 Q. Was the individual you performed the autopsy
16 identified?

17 A. Yes.

18 Q. What was her name?

19 A. Tamyah Trotter.

20 Q. And how old was Miss Trotter?

21 A. Seventeen-years old.

22 Q. When you conducted your examination what's the first
23 thing you do?

24 A. The first thing I do is an external examination of the
25 body so that includes noting any identifying marks, such as

1 scars and tattoos and hair color and documenting injury.

2 Q. Did you do that in this case?

3 A. Yes.

4 Q. Did you find anything of note in the external
5 examination of Miss Trotter?

6 A. Her body was decomposing.

7 Q. Were you able you tell -- are you able to tell how long
8 the body was decomposing with any certainty?

9 A. No.

10 Q. Are you able to ballpark at all or is that impossible
11 as well?

12 A. It is. Based on the circumstances I could estimate but
13 not based on the examination of the body, no.

14 Q. Based on circumstances and by circumstances what do you
15 mean?

16 A. That she has been reported missing in December.

17 Q. You're talking about the timeline that was provided to
18 you by your investigator?

19 A. Correct.

20 Q. Besides the fact Miss Trotter's body was decomposing
21 did you find anything else of note in your external
22 examination?

23 A. No.

24 Q. After you did the external examination what would be
25 the next thing you would do?

1 A. Then we move on to the internal examination which that
2 includes opening the body cavity and examining the organs in
3 the body cavity and then removing the organs to examine them
4 individually.

5 Q. When you were doing that did you find had any injuries
6 of note?

7 A. No.

8 Q. Did you find anything else of note like natural disease
9 or anything outside of a traumatic injury?

10 A. I did not.

11 Q. After you do that what was your next step in your
12 examination?

13 A. In this particular case I also submitted tissue to look
14 at under the microscope to see if there was microscopic natural
15 disease that could be identified and also to find any evidence
16 of injury microscopically. I also performed a toxicology
17 study.

18 Q. Are you familiar with the toxicology findings?

19 A. Yes.

20 Q. Was there anything of note within the toxicology
21 findings?

22 A. The toxicology testing detected ethanol in the blood.

23 THE COURT: Ethanol in the what?

24 THE WITNESS: In the blood.

25 / / /

1 BY MR. SCHWARTZER:

2 Q. What does that indicate to you as a medical examiner?

3 A. In this case it could either be that alcohol was
4 consumed and/or it's present as a decomposition product.

5 Q. Now either/or, could obviously if it was part of the
6 decomposing product it wouldn't be recent for a death but let's
7 say it was alcohol consumed is there an indication that would
8 have been a cause of death?

9 A. No, not at this level.

10 Q. We can be clear when you took the toxicology report you
11 mentioned when you talk about toxicology you mentioned that the
12 body was decomposing were you still able to get blood from the
13 Miss Trotter's body?

14 A. Yes.

15 Q. You were able to -- that was the thing that was
16 submitted for the toxicology?

17 A. Yes, that is what the testing was conducted on.

18 Q. So despite the fact that there has been some
19 decomposing you were still able to acquire that blood?

20 A. Correct.

21 Q. Now you also mentioned you got microscopic slides as
22 well; is that correct?

23 A. Correct.

24 Q. Did you review those microscopic slides as well?

25 A. I did.

1 Q. Did you find anything of note during microscopic
2 slides?

3 A. I did not. There were decomposition changes.

4 Q. Now in your -- we mentioned that you wrote an autopsy
5 report, Doctor?

6 A. Correct.

7 Q. During your report you did mention there was a possible
8 soft issue -- issues with soft tissue and intermuscular
9 hemorrhage, is that correct, in the neck and left lower
10 extremity?

11 A. Yes. In the neck and in the left lower extremity but
12 microscopically I was not able to confirm hemorrhage or injury.

13 Q. So the marks -- what are these marks? How would you
14 view them? Are they dark? Are they light? What would they be
15 like?

16 A. In the neck there was one of the muscles of the neck
17 had some darker discoloration relative to the surrounding
18 tissue.

19 Q. Sure. So could that be an indication of an injury?

20 A. It's possible but I was not able to confirm that.

21 Q. Like you said you did microscopic exams and there
22 wasn't any further evidence of that hemorrhaging; right?

23 A. Correct.

24 Q. And there was nothing -- there was no acute skeletal
25 injury as well?

1 A. Correct.

2 Q. So it fair to say that could have been an injury or a
3 product of decomposing?

4 A. Correct.

5 Q. So you mentioned that you didn't find any natural
6 diseases as well so there was nothing to indicate she died of
7 something natural; is that correct?

8 A. There was not.

9 Q. Now, while talking about asphyxiation and/or choking
10 would that always leave hemorrhaging markings in someone's
11 neck?

12 A. Not necessarily, no.

13 Q. When would it not leave a mark on someone's neck?

14 A. When compression -- when the asphyxia is due to
15 compression of internal structures of the neck depending on how
16 that pressure is applied it may not leave external or internal
17 evidence of injury.

18 Q. So for example if you applied pressure to the carotid
19 artery would that necessarily leave a mark?

20 A. No.

21 Q. And if you applied pressure to the carotid artery for a
22 significant period of time could that cause death?

23 A. Yes.

24 Q. Let's define what a significant portion is. If someone
25 applies pressure to a carotid artery in your opinion as a

1 medical examiner how long would it take for someone to go
2 unconscious?

3 A. So if you had bilateral compression of the carotid
4 artery consciousness can be lost in approximately ten to
5 fifteen seconds.

6 Q. How long do you have to apply that pressure for it to
7 continue to -- let me stop there. Sorry. Bad question.

8 So you can lose consciousness within ten to fifteen
9 seconds from pressure applied to your carotid artery, would you
10 regain consciousness at some point?

11 A. If pressure is released one could regain consciousness
12 within ten to twenty seconds.

13 Q. So pretty quickly?

14 A. Yes.

15 Q. Kind of like holds that we see in UFC and wrestling? I
16 guess if you're familiar with that.

17 A. I am not familiar with that.

18 Q. That's fair. So you would regain consciousness if it
19 was applied for that period of time. How about applying
20 pressure to a carotid artery that would lead to death how long,
21 in your opinion, does that have to be applied for?

22 A. With sustained pressure a couple of minutes.

23 Q. By a couple just to be specific you're talking about
24 one to two minutes, two to three minutes or just a wide range?

25 A. More of a range. It depends upon the sustained

1 pressure as well as the individual factors such as their
2 overall health, things like that.

3 Q. Okay. Now, with Miss Trotter did you see anything else
4 regarding her health? Was she a fairly healthy seventeen-year
5 old? Was she a sick seventeen-year old? Can you tell us
6 anything about her physical condition?

7 A. Yes, I find no anatomic natural disease. I attempted
8 an all area medical record search and only found one medical
9 record.

10 Q. What was that for?

11 A. I believe she had gastroenteritis.

12 Q. Okay. Sorry, go ahead.

13 A. Just a diarrheal illness that appeared to be resolved.

14 Q. I guess a stomach bug or something?

15 A. Yes.

16 Q. Would that have affected her overall health if that
17 stomach had passed?

18 A. No.

19 Q. So outside of this medical record for having a stomach
20 issue at some point she appeared to be a healthy seventeen-year
21 old?

22 A. Correct.

23 Q. Doctor, were you able to come up with a cause and
24 manner of death?

25 A. Yes.

1 MS. HAMMERS: I'm going to object to her testimony
2 as to manner. I think she is qualified to talk about cause of
3 death. The manner of death I don't think her qualifications
4 would go to.

5 THE COURT: Mr. Schwartzner?

6 MR. SCHWARTZER: I think by statute she's as a
7 medical examiner for the coroner's office by statute is able to
8 -- she is supposed to give an opinion regarding cause and
9 manner. If you want me to establish more in her expertise in
10 determining death, I can do so.

11 THE COURT: Ms. Hammer?

12 MS. HAMMERS: I think in this case what she is
13 relying on according to her report and based on what she says
14 she comes up with a manner of death based on circumstances,
15 suspicious circumstances, investigative information, and not
16 anything that has to do with the examination of the body.

17 MR. SCHWARTZER: That's still what someone
18 considers for cause and manner of death.

19 THE COURT: All right.

20 MR. SCHWARTZER: Circumstances are absolutely
21 something that can factor into that.

22 THE COURT: The objection is overruled. You can
23 answer the question. Do you need him to repeat it?

24 THE WITNESS: Yes, please.

25 / / /

1 BY MR. SCHWARTZER:

2 Q. Sure. Doctor, after your examination were you able to
3 determine a cause and manner of death in Miss Trotter's case?

4 A. Yes.

5 Q. Can you tell us what the cause would be?

6 A. The cause of death was homicide by unspecified means.

7 Q. And what does that mean unspecified means?

8 A. It's where no fatal traumatic injury was identified.
9 No fatal natural disease was identified. No toxicological
10 cause of death was identified. There are suspicious
11 circumstances such as an intent to hide the body from view.

12 Q. The suspicious circumstances how would you determine
13 those? How did you find out those suspicious circumstances?

14 A. We have our own investigators in our office that attend
15 the scenes and initiated a death investigation from our office.

16 Q. Did you consider -- are you familiar that Mr. Bailey
17 gave a statement in this case?

18 A. Yes.

19 Q. Did you consider his statement while considering your
20 cause of death?

21 A. I did.

22 Q. Then what would be your determination of manner of
23 death?

24 A. Homicide.

25 MR. SCHWARTZER: I have no further questions.

1 I'll pass the witness.

2 THE COURT: Cross-examination.

3 MS. HAMMERS: Thank you.

4

5 CROSS-EXAMINATION

6 BY MS. HAMMERS:

7 Q. Doctor, can you hear me?

8 A. Yes.

9 Q. When someone has died by strangulation what types of
10 things would you expect to see?

11 A. Well you can see petechial hemorrhages in the eyes
12 around the face. You may see external injury to the neck as
13 well as internal injuries such as hemorrhages in the skeletal
14 muscle and other soft tissues. You could also see fracture of
15 the laryngeal structures into the hyoid bone or the thyroid
16 cartilage.

17 Q. And you didn't see any of those things in this case?

18 A. I did not.

19 Q. And as far as asphyxiation again if we were talking
20 about a non-decomposed body, what types of things would you
21 expect to see?

22 A. Well asphyxia is a very broad term under which
23 strangulation falls. In asphyxia in general you may not have
24 see any findings or the findings maybe nonspecific. You may
25 see --

1 Q. Go ahead. You may see what?

2 A. You may see petechial hemorrhages, maybe congestion of
3 the tissues what we call fluidity of the blood it doesn't clot
4 up. There's nonspecific findings and you can also find no
5 negative findings or no findings.

6 Q. The things you just listed you could see, you didn't
7 see any of them in this case?

8 A. Correct.

9 Q. And when you have a body that has begun decomposing or
10 is decomposed is there a way you classify that as far as a
11 little decomposed, a lot decomposed, further along in
12 decomposition?

13 A. I kind of do a generalization. I try in my report to
14 be more descriptive to just describe the decomposition changes.

15 Q. Okay. I want to use your words they are better than
16 mine, was this body very decomposed?

17 A. No.

18 Q. And decomposition takes some period of time; right?

19 A. Correct.

20 Q. And is there a way we can at least say this is a death
21 that could not have occurred that day or the day before? Is
22 there a timeframe that you would be comfortable with? What I
23 mean by that is: This body must have been decomposing for at a
24 least certain period of time?

25 A. I could say with confidence that the death did not

1 occur on the day that the body was found. A decomposition
2 there are generalizations you can make but it also varies
3 depending on the external environment and the internal
4 environment how fast or slow changes occur. I can't be more
5 specific?

6 Q. Nothing beyond that day. From what you are looking at
7 it is entirely possible it happened the day before?

8 A. It could have been -- I can't say.

9 Q. I wanted to go back to what you were testifying to on
10 direct examination as far as examining both the body and
11 medical records to determine health. Do you understand what I
12 mean?

13 A. No.

14 Q. For your determination that you had no signs that was
15 anything other than a healthy seventeen-year old?

16 A. Correct.

17 Q. Did find evidence of gallstones?

18 A. I did.

19 Q. Okay. That something that was not based on medical
20 records but something that you saw in your own examination?

21 A. Correct.

22 Q. How are you able to see that?

23 A. When I examined the liver the gallbladder is attached
24 to the liver. I opened the gallbladder visualized gallstones.

25 Q. When you make a determination as far as manner of death

1 and you make a determination that's a homicide in this case;
2 that's right?

3 A. Yes.

4 Q. You said that was based on information you received
5 from the coroner's investigator?

6 A. And photographs showing where the decedent was found.

7 Q. Is part of what you considered statements that were
8 made by the defendant in this case?

9 A. No.

10 MS. HAMMERS: I don't have any other questions.
11 Thank you.

12 THE COURT: Any redirect?

13 MR. SCHWARTZER: Just one thing.

14

15 REDIRECT EXAMINATION

16 BY MR. SCHWARTZER:

17 Q. Doctor?

18 A. Yes.

19 Q. The gallstones mentioned by defense counsel did that
20 factor into Miss Trotter's death at all based on your
21 examination?

22 A. No. That was incidental findings. People often have
23 gallstones.

24 MR. SCHWARTZER: Nothing further, Your Honor.

25 THE COURT: Anything based on that?

1 MS. HAMMERS: Nothing.

2 THE COURT: Thank you very much, ma'am, for
3 testimony. You are free to log off. Please don't discuss your
4 testimony with anyone. Thank you, ma'am.

5 THE WITNESS: Thank you.

6 THE COURT: That's it for our witnesses by Blue
7 Jean.

8 State, who is your next witness?

9 MR. SCHWARTZER: State calls Detective Ryan
10 Jaeger.

11 THE CLERK: Please raise your right hand. Do you
12 solemnly swear the testimony you are about to give be the
13 truth, the whole truth, and nothing but the truth so help you
14 God.

15 THE WITNESS: I do.

16 THE CLERK: Please be seated. State and spell
17 your name for the record.

18 THE WITNESS: My name is Ryan Jaeger, R-Y-A-N,
19 J-A-E-G-E-R.

20 THE COURT: Thank you. Mr. Schwartzer?

21

22 DIRECT EXAMINATION

23 BY MR. SCHWARTZER:

24 Q. Sir, how are you employed?

25 A. Currently I am employed as a detective with the Las

1 Vegas Metropolitan Police Department assigned to the homicide
2 section.

3 Q. How long have you been a detective?

4 A. I've been a detective fifteen years.

5 Q. How long have been in homicide?

6 A. Just over three.

7 Q. I want to direct your attention to January 19th of
8 2020. Were you working as a homicide detective at that time?

9 A. I was.

10 Q. Were you called out to a scene out here in Clark
11 County, Nevada?

12 A. I was.

13 Q. Where was the scene on January 19th, 2020?

14 A. The scene was at the intersection of Fred Brown and
15 Dwayne Stedman.

16 Q. And that's here in Clark County?

17 A. That's correct. It's near Lake Mead and Martin Luther
18 King that part of town.

19 Q. By the time -- let me ask you this: What was the
20 nature of the call that you were responding to?

21 A. The police department had received a 911 call and the
22 caller stated that about a month prior he noticed two people
23 putting something in the sewer right up the street from his
24 house. He waited approximately two weeks, went down to the
25 sewer, and saw a body. He waited another couple of weeks and

1 his conscience got to him so he called the police to report a
2 body down in the sewer.

3 Q. Before you would have arrived uniformed patrol officers
4 responded?

5 A. That's correct.

6 Q. Would the uniform patrol officers vetted to see if
7 there was actually somebody in the sewer?

8 A. That's correct. The first arriving uniformed patrolmen
9 actually removed the sewer cover and could look from the street
10 level down in the sanitary sewer and see the body.

11 Q. Once they see what they determined to be a body or
12 deceased person in the sewer that's when homicide would be
13 called out?

14 A. That's correct.

15 Q. When you get called out do you get called out by
16 yourself or do you get called out by team? How do you guys get
17 called out?

18 A. We are called out as a squad. There's six detectives
19 and one sergeant gets called out.

20 Q. Do you work with a partner as well?

21 A. We do. Within each case you're assigned a case agent
22 and the case agent always work in pairs. My partner in this
23 case was Detective Buddy Embrey.

24 Q. Did you and Detective Embrey arrive around the same
25 time?

1 A. Close proximity, yes.

2 Q. Was it determined that this was going to be -- that
3 someone was going to take the lead in this case?

4 A. We work on a rotation. Based on the rotation I lead on
5 the case.

6 Q. You are what we call the case agent?

7 A. That's correct.

8 Q. As a case agent is part of your responsibility
9 delegating what people do?

10 A. That's correct.

11 Q. In this case what were -- what did you do at the scene
12 initially and what did you have the other detectives do?

13 A. So my role was dedicated to the scene. The body and
14 crime scene. I delegated Detective Embrey to do the interview
15 with Jayshawn Bailey who was the PR on the call.

16 Q. So Jayshawn Bailey was determined to be the person who
17 did the 911 call?

18 A. That's correct.

19 Q. Was he there on the scene as well?

20 A. He was.

21 Q. Do you see him in the courtroom today?

22 A. Yes, I do.

23 Q. Can you point to him and identify a piece of clothing?

24 A. He's in the blue shirt and the gold glasses.

25 MR. SCHWARTZER: Let the record reflect the

1 Detective identified Mr. Bailey?

2 THE COURT: The record will so reflect.

3 BY MR. SCHWARTZER:

4 Q. Could you tell this Court about that scene, how would
5 you describe the scene?

6 A. The scene was actually the sanitary sewer so when you
7 flush your toilet everything from the toilet goes down to these
8 pipes. It's a manhole that sits level with the street. When
9 the manhole is removed about five feet below street level is a
10 two feet round it's a pipe that runs into the ground with the
11 sewage running through it. Inside the pipe was the body. Next
12 to the body was a blue Puppy Chow dog food bag, a black plastic
13 bowl and like a fake flower petal.

14 Q. Were photographs taken of the scene?

15 A. They were.

16 Q. Now, you're not the person who had specifically taken
17 the photographs?

18 A. I was not.

19 Q. That would be someone else, right, a crime scene
20 analyst?

21 A. A crime scene analyst. I believe Heather Owens took
22 the photographs.

23 Q. You're familiar with the photographs from that day?

24 A. That's correct.

25 Q. In fact as the case agent you reviewed those yourself?

**PLEADING
CONTINUES
IN NEXT
VOLUME**