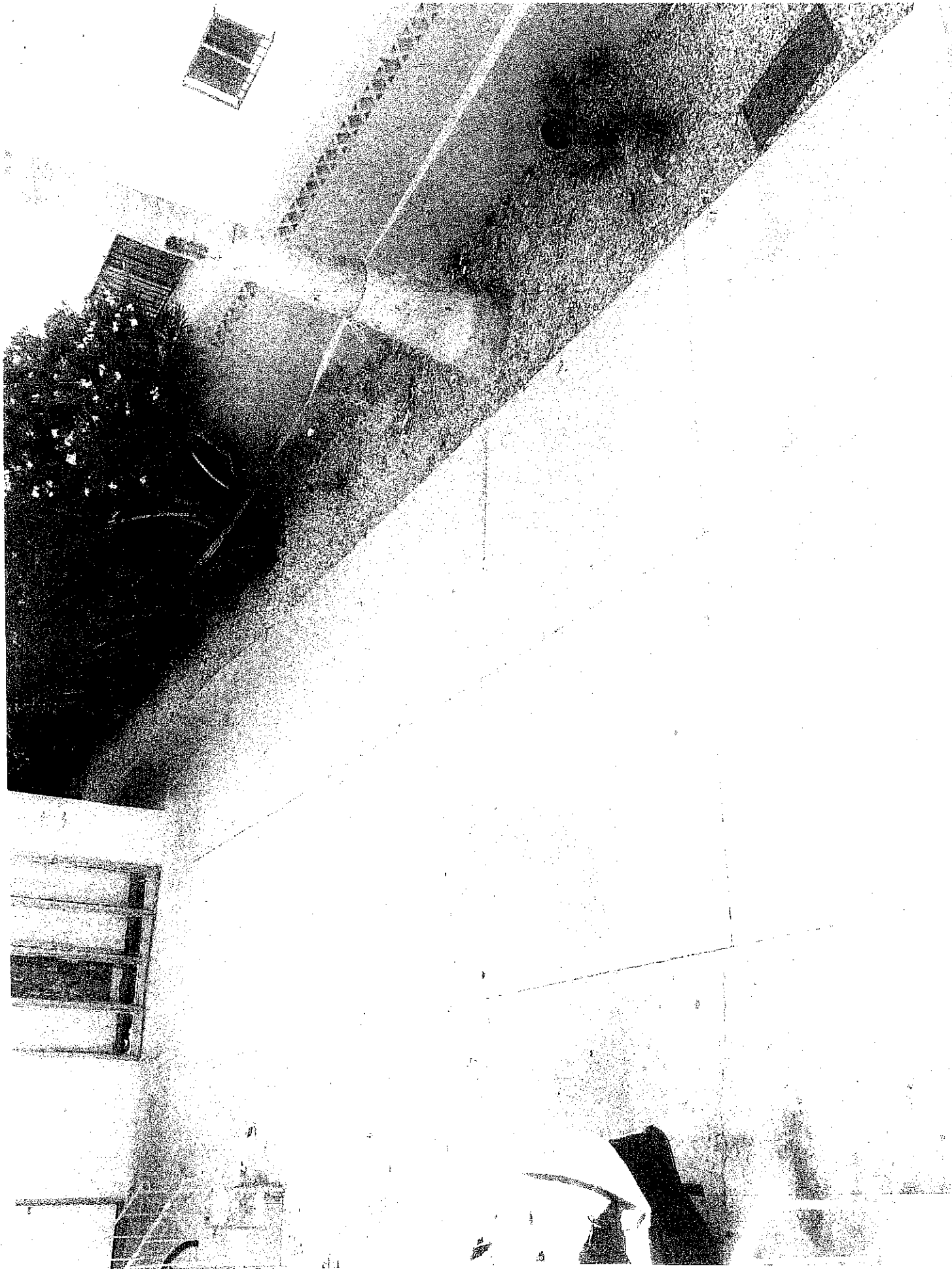
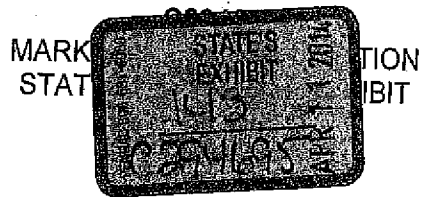
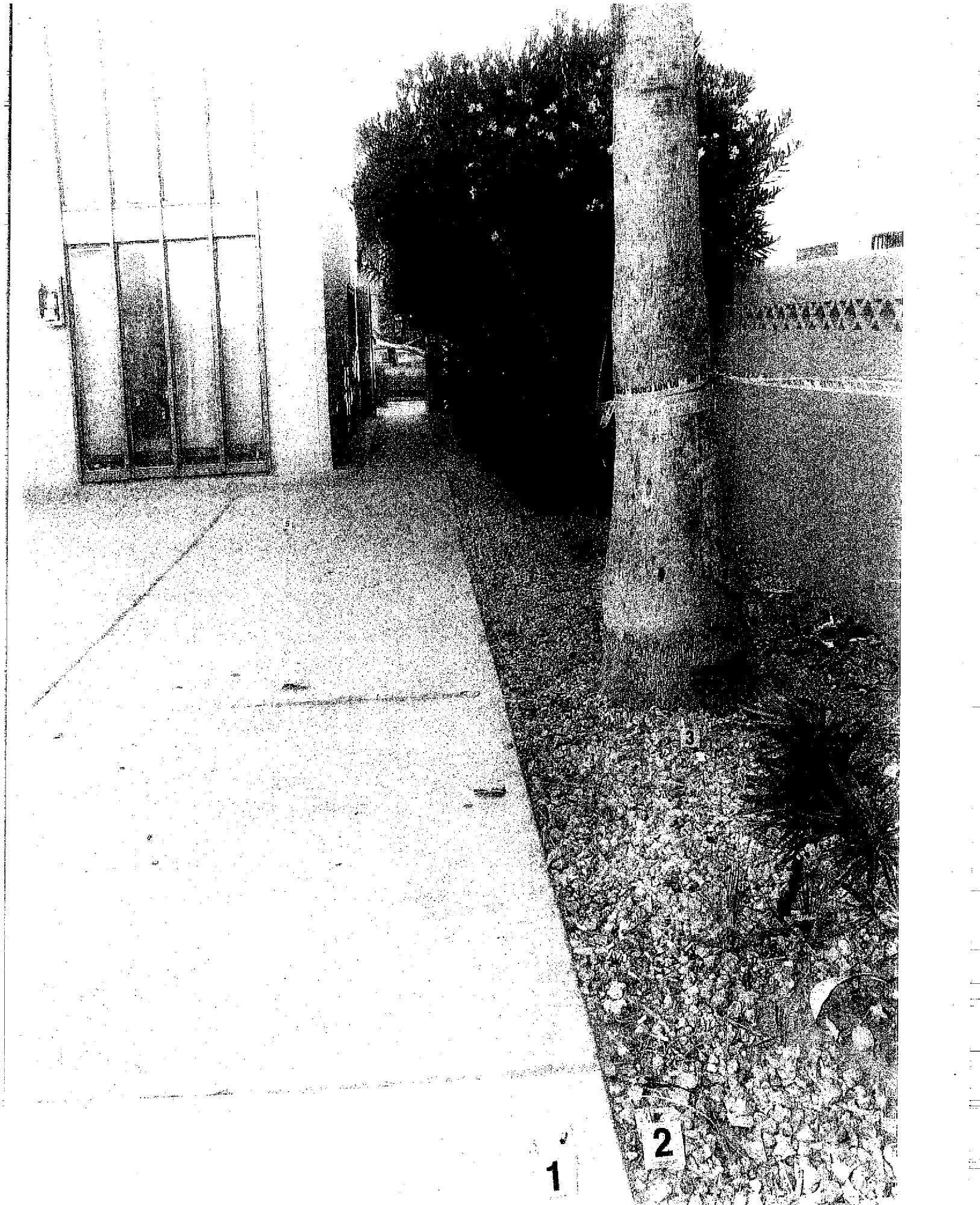
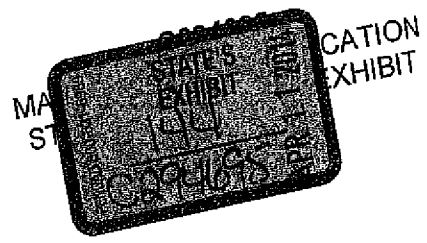




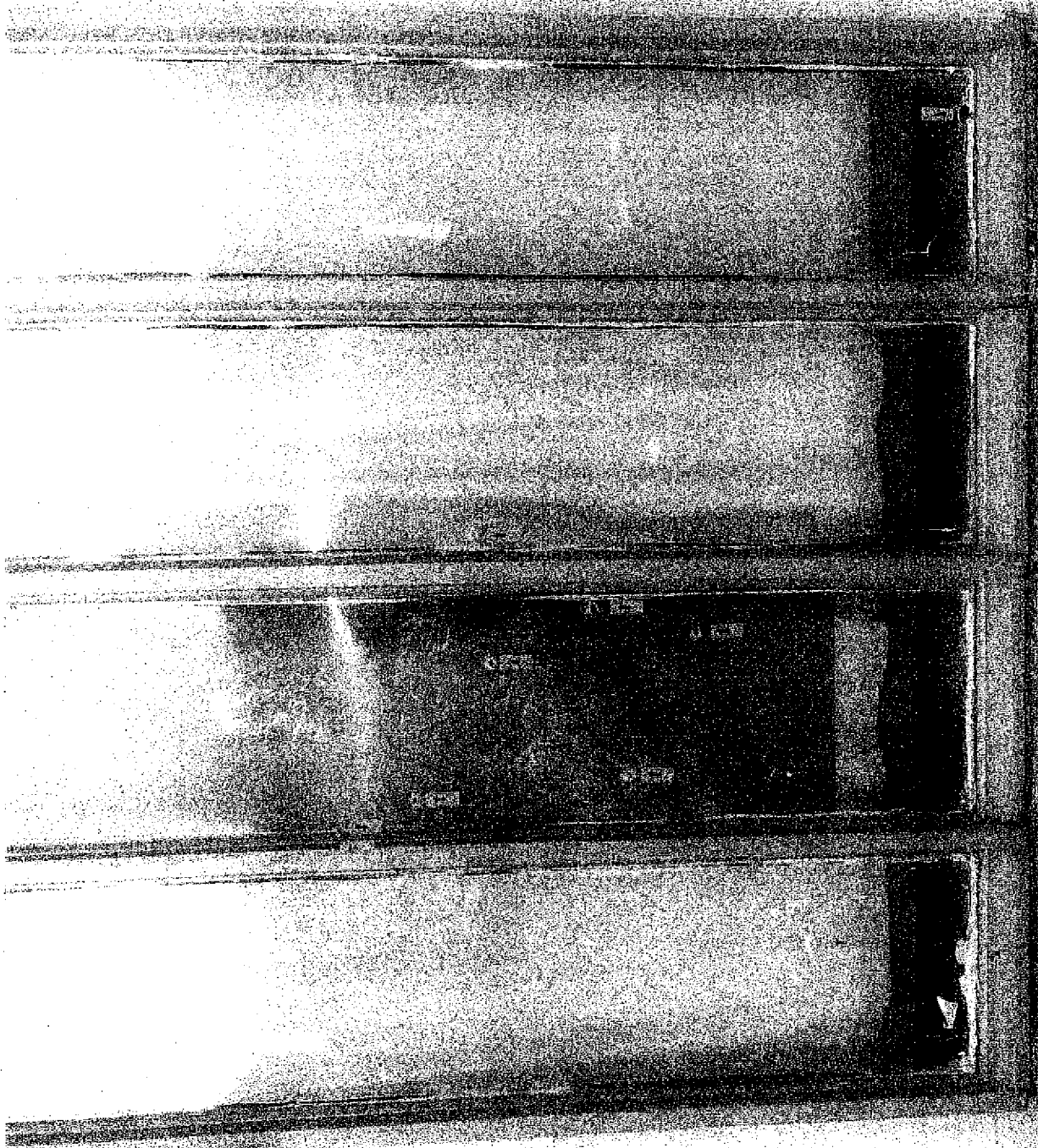


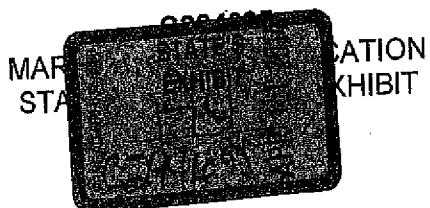


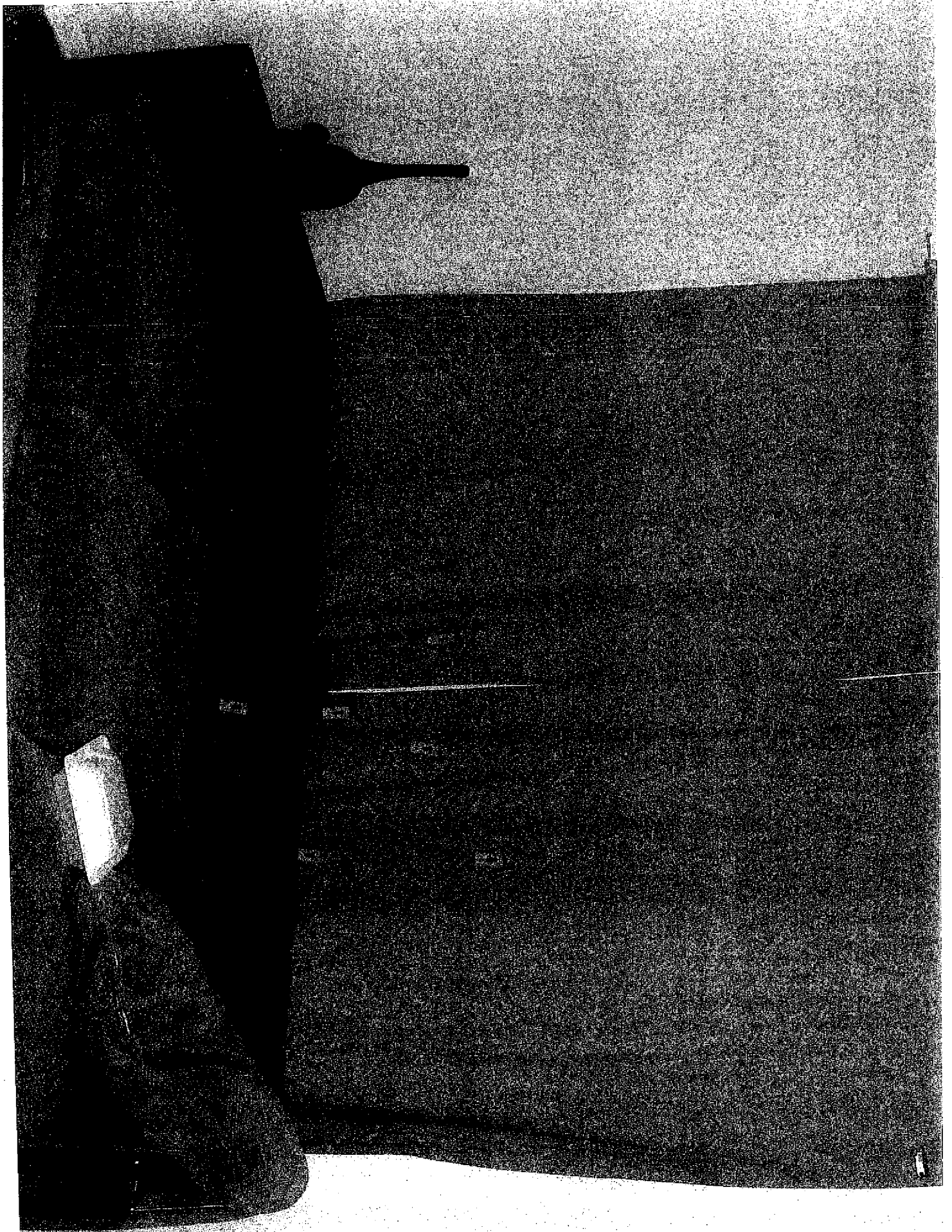




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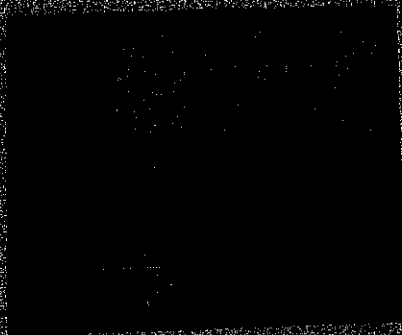


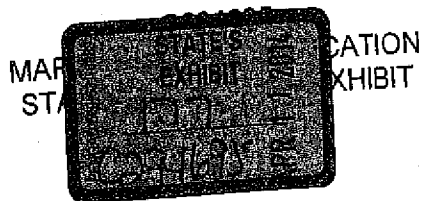


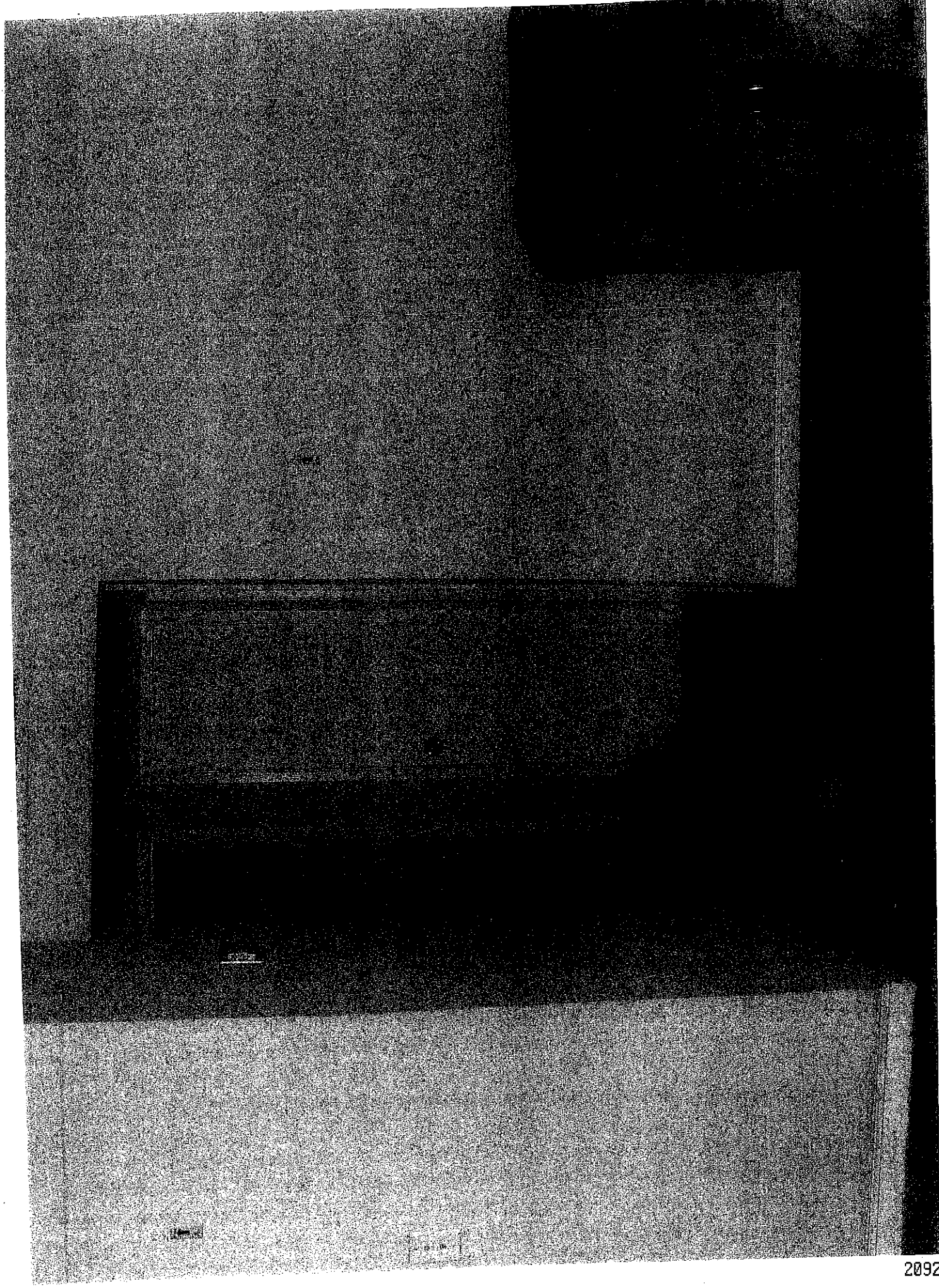
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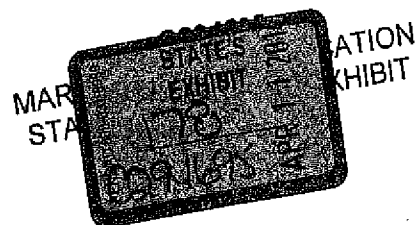


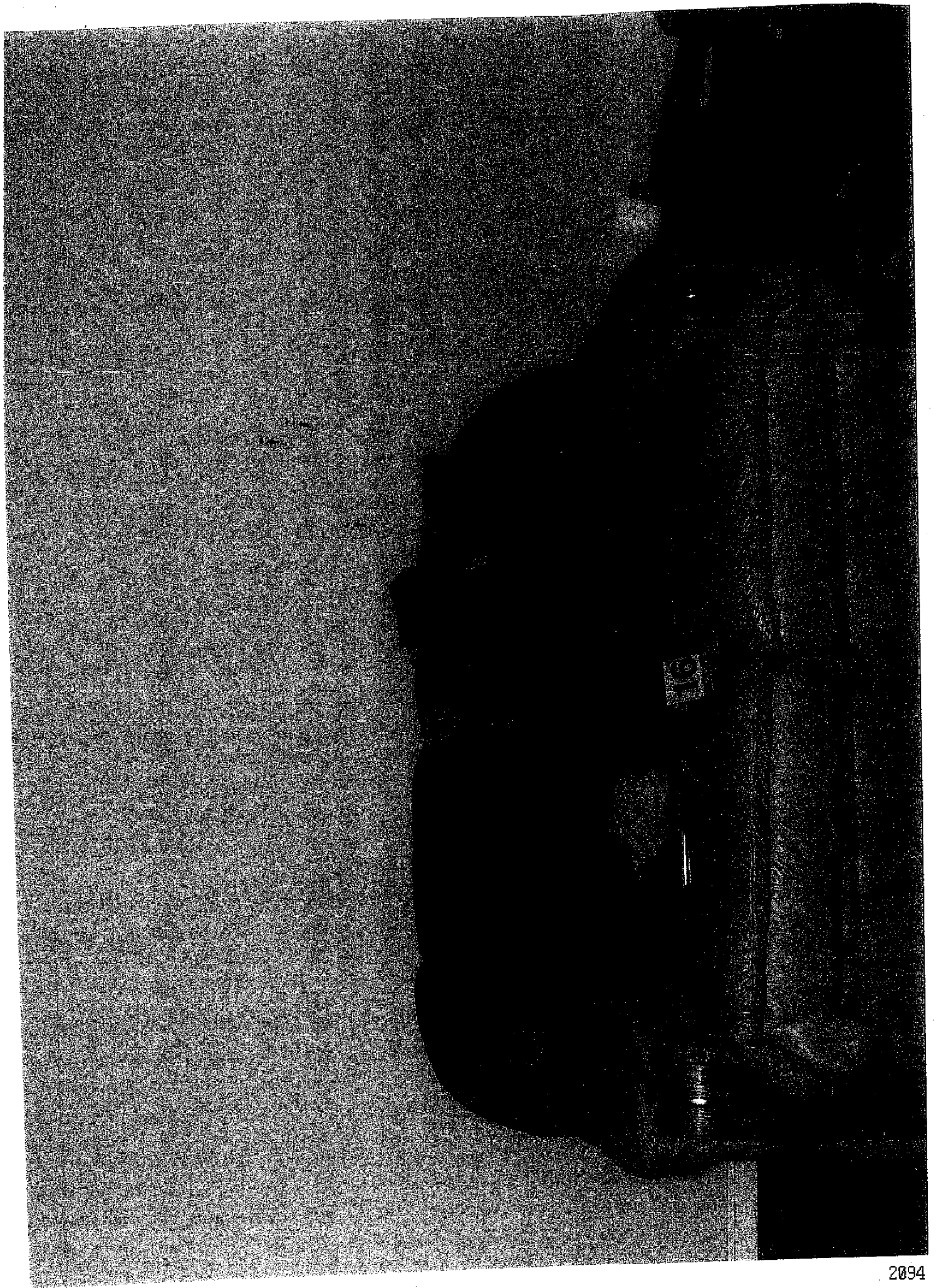
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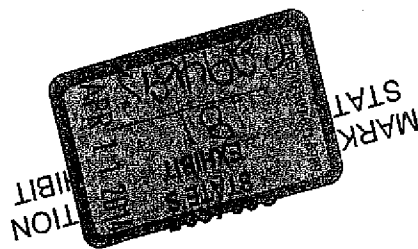


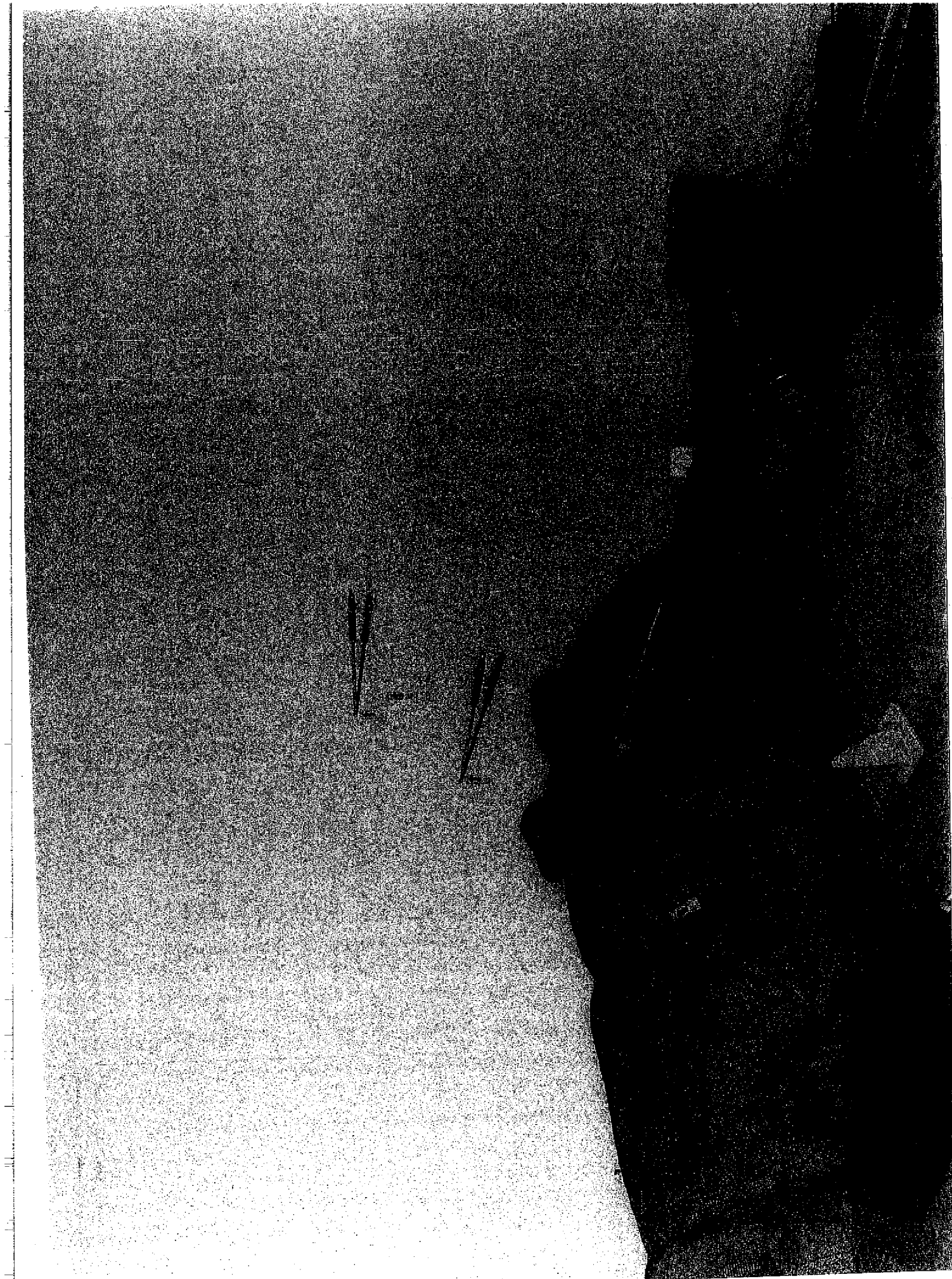


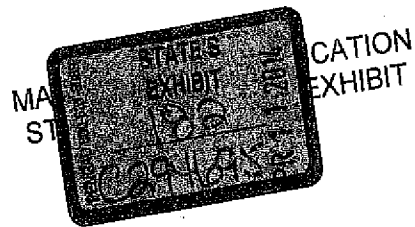


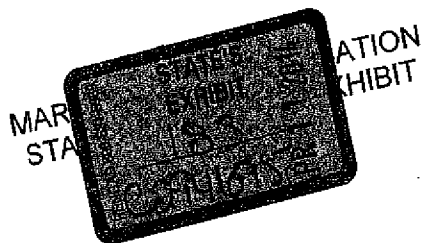


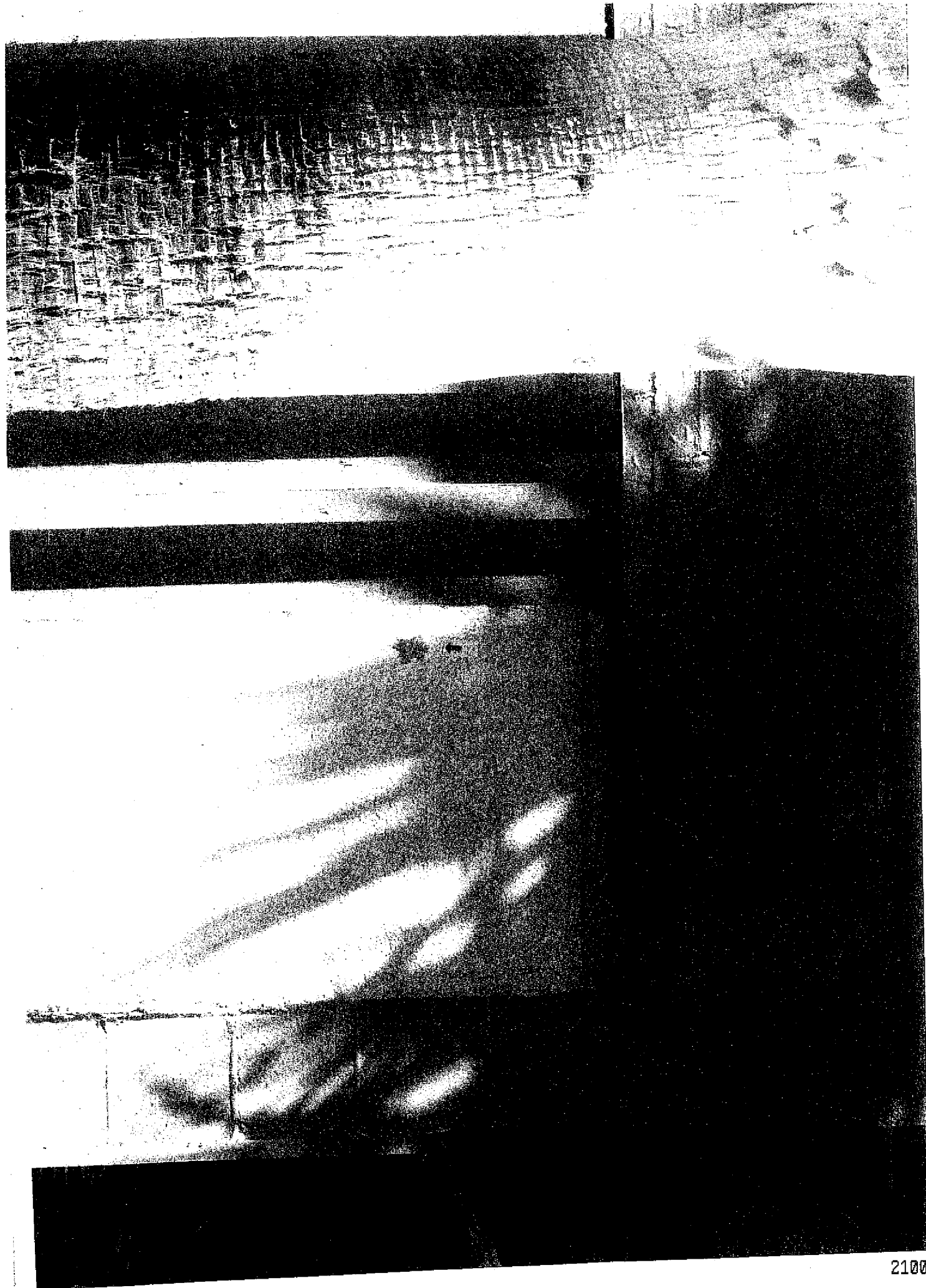








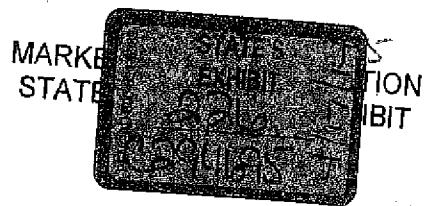




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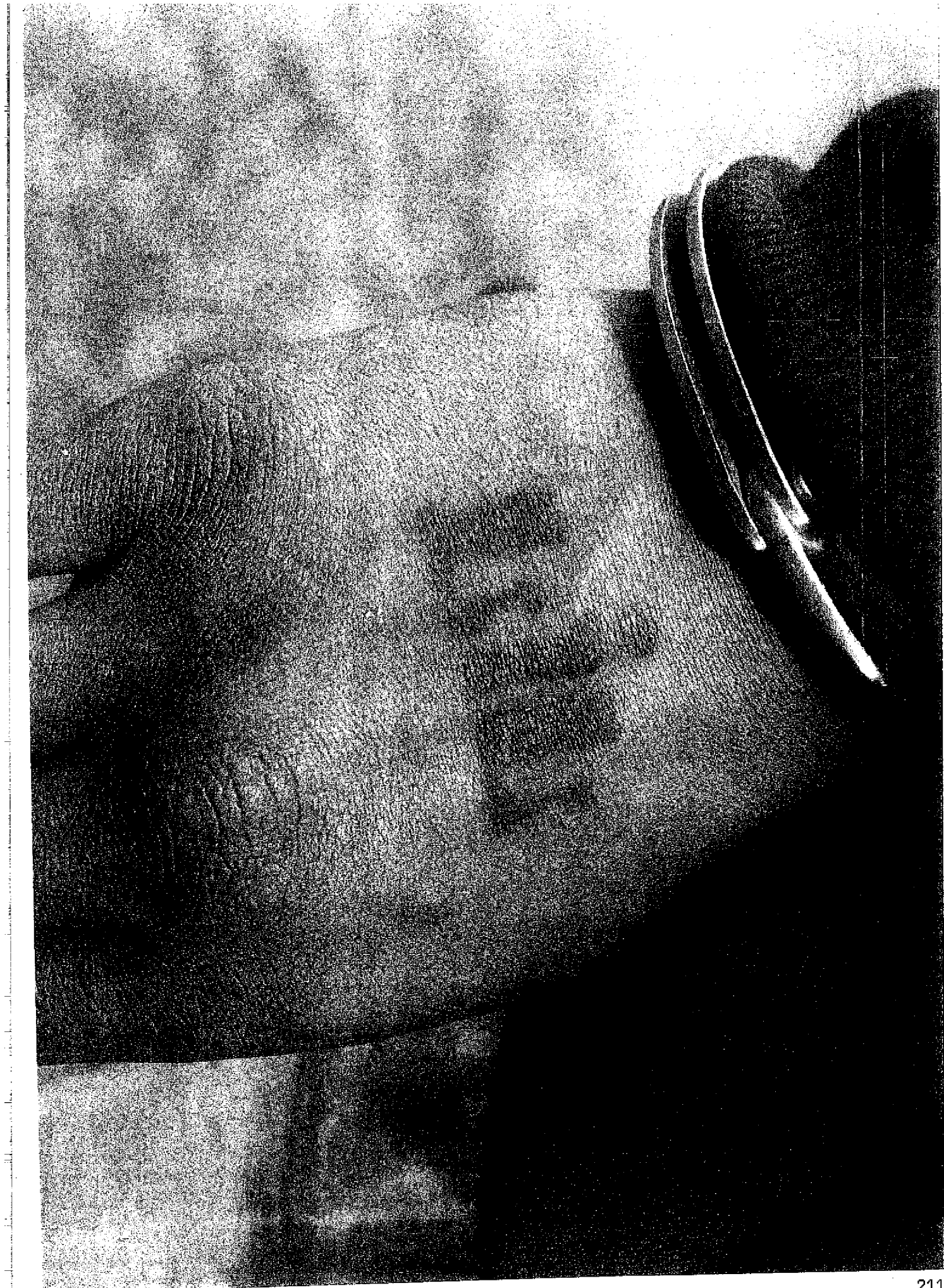


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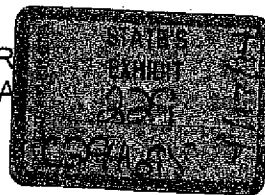
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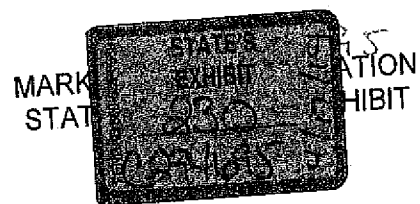


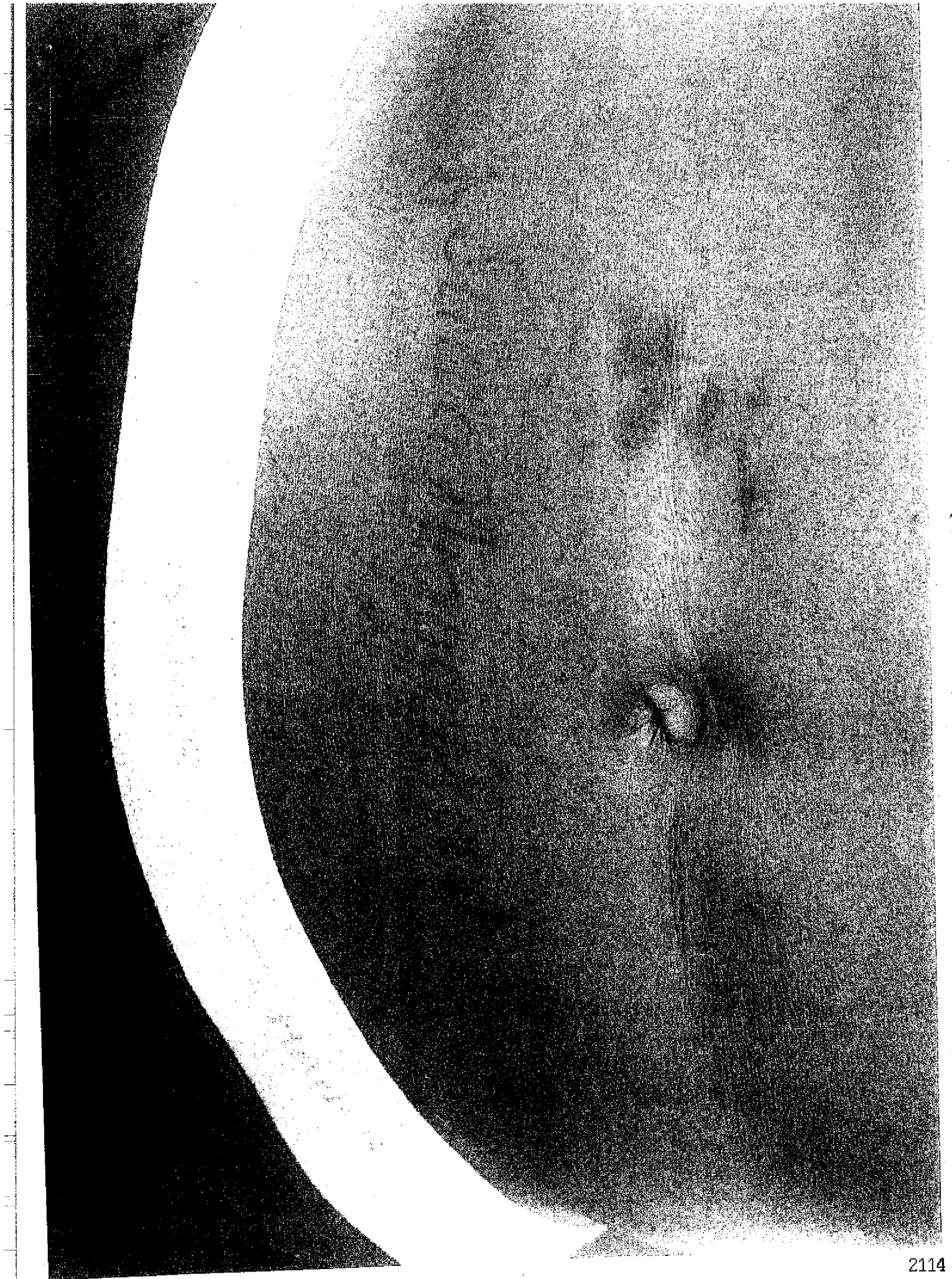
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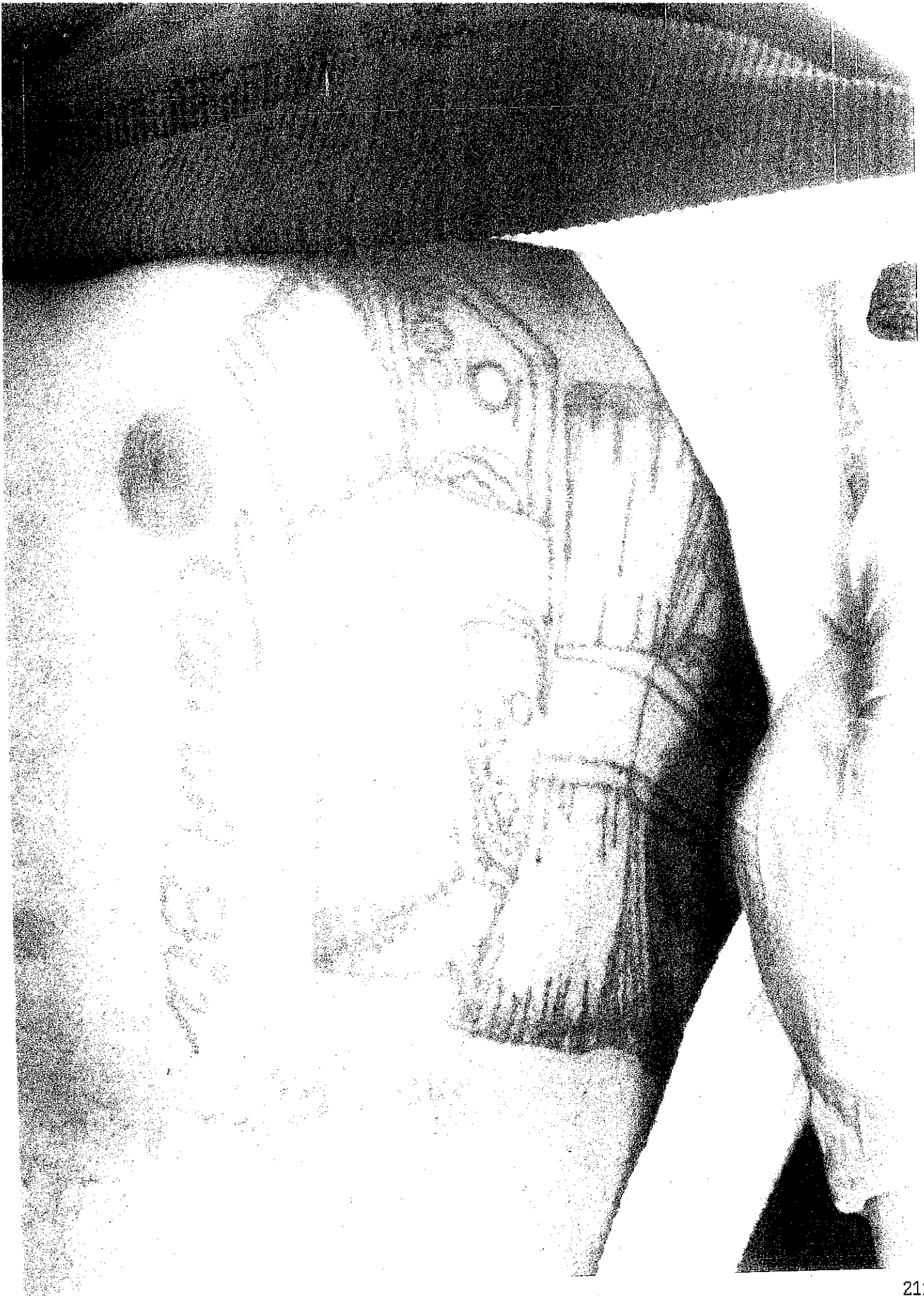
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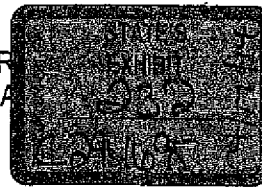




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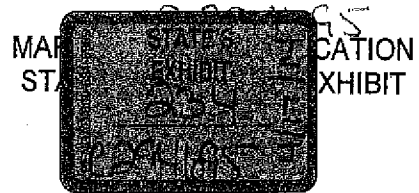
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MATTHEW WASHINGTON,
Appellant,
vi.
THE STATE OF NEVADA,
Respondent.

No. 65998

APPELLANT'S APPENDIX VOLUME X PAGES 1952-2122

1 Ladies and gentlemen of the jury, are these your
2 verdicts as read?

3 THE JURY: Yes.

4 THE COURT: All right, thank you. Before the
5 verdict is recorded, does either side wish the jury to be
6 polled?

7 MS. PIEPER: Not by the State, Your Honor.

8 MR. OTTO: No, Your Honor.

9 THE COURT: All right, thank you.

10 Ladies and gentlemen, it now comes the time for me
11 to discharge you as -- as a jury. You have performed your
12 service admirably. We want to thank you one more time on
13 behalf of the Court, the attorneys, and the parties to the
14 lawsuit. We want to thank you for the time that you have come
15 and spent.

16 You'll recall that at the beginning of the trial, I
17 said something to the effect that how precious the right to a
18 trial by a jury of our peers is in this country. We recognize
19 that it is a -- in a way, a cumbersome system, because it
20 would be lots easier to just pay one guy to come in and wear a
21 robe and make all the decisions. We do not ascribe to that in
22 this country. We believe we have a constitutional right to a
23 trial by a jury of our peers.

24 As valuable a right as that is to every person in
25 this country, it is a right which requires that we have jury

1 members, people in the community who are willing to set aside
2 their busy affairs, set aside family affairs, set aside
3 sometimes health concerns and come down here and sit and
4 serve.

5 Now, during the process of selection of a jury in
6 this case, as in many cases, at times we saw perhaps some
7 signs of a few members of our community who were not so
8 willing to set aside their busy affairs and serve on a jury.

9 To the group as a whole when they were here, I made
10 a promise, I think, I did, I always do and I hope I did, so
11 then maybe I'll find out in a minute whether it's a -- whether
12 my informal poll continues to be the same, and it is that I
13 promised that any jury member that would stay and sit through
14 the process and listen to the instructions, listen to the
15 attorneys, listen to the evidence and do their best to render
16 justice, that they would come out of this process with a
17 broader and a deeper appreciation for these rights that we
18 have in this country. I hope that your experience has done
19 that for you. It is a tremendous opportunity to see justice
20 in the making.

21 We appreciate your service. I want to discharge you
22 now with this admonition. The admonition is that there is no
23 admonition. You're being discharged. You may speak to anyone
24 and everyone. Anyone that you wish to speak to, you may speak
25 to about anything that's involved in your jury service.

1 That is an individual thing for each of you.
2 Sometimes people don't particularly care to share, and each of
3 you individually can determine who or whether at all you wish
4 to share any of your thoughts or anything about the process
5 which you've been involved in here. That is your individual
6 decision.

7 For our part, we wish to simply thank you. If you
8 will go with the Bailiff, I'll be there shortly with your
9 letters for your employers and we'll then send you on your
10 way. Thank you once again.

11 (Jury is dismissed at 2:06 p.m.)

12 THE COURT: I repeat, counsel, what a pleasure it
13 was to -- to do this trial with such professional attorneys.
14 Thank you once again.

15 MR. OTTO: And the same to you and your staff, Your
16 Honor, it was --

17 MS. SCHIFALACQUA: Thank you, Your Honor.

18 THE COURT: Court is adjourned.

19 MS. PIEPER: And, Judge, I hope you saw that we were
20 -- when I said I would be quick --

21 MS. SCHIFALACQUA: We were quick.

22 MS. PIEPER: -- I was quick.

23 THE COURT: Well, you know, I was keeping track
24 until I saw I wasn't going to have anything to gloat over.
25 Then I quit keeping track. Thank you.

1 MS. SCHIFALACQUA: Thank you, Your Honor.

2 THE COURT: Thank you all.

3 (Court recessed at 2:07 p.m.)

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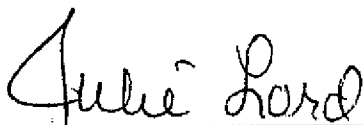
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

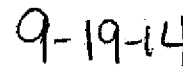
AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

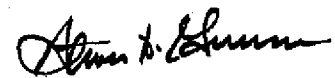
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DATE


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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 MATTHEW WASHINGTON,

12 Defendant.

CASE NO. C-13-294695-1

DEPT. I

13
14 **BEFORE THE HONORABLE KEN CORY, DISTRICT COURT JUDGE**

15 **WEDNESDAY, JUNE 18, 2014**
16 **RECORDER'S TRANSCRIPT RE:**
17 **SENTENCING**

18 **APPEARANCES:**

19 For the State:

DANIELLE PIEPER, ESQ.
BARBARA SCHIFALACQUA, ESQ.
BERNARD ZADROWSKI, ESQ.
Deputy District Attorneys

20 For the Defendant:

DAVID J. OTTO, ESQ.
ZOHRA BAKHTARY, ESQ.
Deputy Public Defender

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25
RECORDED BY: BEVERLY SIGURNIK, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, June 18, 2014 at 9:15 a.m.

2
3 THE CLERK: State of Nevada v. Matthew Washington. Case number
4 C294695-1. The Defendant is present in custody.

5 MR. OTTO: Good morning, Your Honor, David Otto on behalf of Mr.
6 Washington and Mr. Washington is here in custody. I have spoken to Danielle
7 Pieper and we are awaiting Barbara Schifalacqua and Ms. Pieper to do the
8 sentencing.

9 THE COURT: All right. Very good. Let me ask you a question. I saw also
10 that there was filed a – this was in May this was filed. Memorandum of – it says
11 memorandum of ineffective counsel, notice of a complete breakdown, etcetera,
12 etcetera. Do we have a – have already dealt –

13 MR. OTTO: I wasn't aware of that.

14 THE COURT: You haven't seen it? Let me show that to you.

15 MR. OTTO: If I may approach?

16 THE COURT: Yeah. It's apparently.

17 MR. ZADOWSKI: Your Honor, Ms. Pieper – as Your Honor just pointed out,
18 Ms. Luzaich indicated that she will be here shortly.

19 THE COURT: All right. Well, I'll just give you that. You take that and read it
20 and we'll see whether we have to deal with it when we recall the case.

21 MR. OTTO: Well Your Honor, for the Court's information, the Public Defender
22 is aware. The Public Defender is here today to confirm for any appeal.

23 MS. BAKHTARY: Yes Judge, I've spoken to our appellate team and we will
24 be confirming as the appellate lawyer.

25 THE COURT: Okay.

1 MS. BAKHTARY: We have been handed the CD's and flash drive.

2 THE COURT: Well let's wait 'til they get here, and we'll make a complete
3 record. I just wanted to be sure you're all on the same page.

4 MR. OTTO: And I have supplied the PD with complete digital record as
5 requested in this memo from Mr. Washington.

6 As the Court knows, I took this case on a pro bono basis, and I have
7 told Mr. Washington that if he wants to come up with enough money to pay for the
8 copying of paper files and delivery to him in the jail or prison, he can do that, but the
9 Public Defender now has it.

10 THE COURT: Okay. All right. Well, we'll wait 'til the other side gets here
11 and we'll recall it.

12 MR. OTTO: All right. Thank you.

13 [Case trailed at 9:18 a.m.]

14 [Case recalled at 9:30 a.m.]

15 MR. OTTO: Good morning again, Your Honor. David Otto on behalf of Mr.
16 Washington. This is the time set for sentencing.

17 MS. SCHIFALACQUA: Morning, Your Honor, Barbara Schifalacqua and
18 Danielle Pieper for the State of Nevada, how are you?

19 THE COURT: Good morning. The record reflect --

20 MS. PIEPER: Morning, Your Honor.

21 THE COURT: Good morning.

22 MR. OTTO: I did want to make a note regarding the -- the memo in the file
23 that we looked at a few minutes ago. Mr. Washington hasn't been adjudicated yet --

24 THE COURT: Okay.

25 MR. OTTO: -- and I think that's important to -- for him to know and for the

1 Court. So I mean -- he wants papers that he can get now from the Public Defender.

2 THE COURT: All right. I guess my only question is I have a copy of a
3 memorandum that apparently he filed pro se on May 19th, which is called a
4 memorandum of ineffective counsel and notice of a complete breakdown in
5 communication between attorney and client.

6 Now, it doesn't detail anything in there that I see except that -- in not
7 having seen papers in the file, and I gather that's what's been resolved because
8 you're turned the file over to the Public Defender?

9 MR. OTTO: Yes, I have turned a digital copy of the file over.

10 THE COURT: Is it your intention to withdraw after sentencing?

11 MR. OTTO: Yes sir.

12 THE COURT: Okay. I see no impediment to going forward with sentencing
13 then.

14 MR. OTTO: Is the Public Defender here to -- I'm just making sure they're here
15 to confirm, Your Honor, after sentencing.

16 THE COURT: All right. Are there any Stockmeier type objections to the
17 accuracy of the pre-sentence investigation report?

18 MS. SCHIFALACQUA: Judge, the only thing that the State would note that,
19 which I get this all the time by Parole and Probation is that if you look at the
20 recommendations for all of the attempt murder with use of a deadly weapon counts
21 that -- for the record is Count 3, as well as Count 5, and as well as Count 6, they
22 actually indicate that they're mandatory prison. They're actually not mandatory
23 prison. They're technically probationable. It makes no difference obviously for Mr.
24 Washington because he was convicted of first-degree murder with use of a deadly
25 weapon; however, by interlineation -- and the Nevada Supreme Court has made it

1 clear that by interlineation now we can address small issues like this, so we would
2 just ask that it be struck, that it's not mandatory prison, that in fact it is technically
3 probationable.

4 MR. OTTO: And I concur with that, Your Honor.

5 THE COURT: All right. Are there any other Stockmeier type objections to the
6 accuracy of the report?

7 MR. OTTO: No, Your Honor.

8 THE COURT: All right. Mr. Washington, by virtue of the verdict of a jury, you
9 are adjudicated to be guilty of the following: Conspiracy to commit murder. Murder
10 with the use of a deadly weapon. Three counts of attempt murder with use of a
11 deadly weapon. Two counts of battery with use of a deadly weapon. I don't know
12 how many there are here, but its counts 8 through 17 –

13 MS. SCHIFALACQUA: There are 10 counts Judge.

14 THE COURT: -- all right 10 counts of discharging a firearm at or into a
15 structured vehicle, aircraft, or watercraft. And in count 18, a possession of a firearm
16 by an ex-felon, all of which are felony offenses. Does the State have argument?

17 MS. SCHIFALACQUA: Yes, Your Honor. Judge, obviously you heard the
18 trial and you heard the penalty phase in this case. This is a Defendant that stands
19 before you that brutally murdered Nathan Rawls and attempted to murder three
20 other citizens of this community.

21 He did so, on cover of night and without them doing anything to him and
22 obviously the Co-Conspirator in this case to warrant such violence against them
23 while they were – doing only but sleeping, as every person has a right to do.

24 You also heard that obviously he's a documented gang member and
25 that his criminal history in this valley is having been given times at probation and

1 otherwise getting back out and committing further offenses, but also that the
2 offenses that he has committed have escalated in time.

3 The State is obviously going to ask you to follow at a minimum the
4 recommendation by Parole and Probation. And what that does Judge is run
5 basically the attempt murder with use of a deadly weapons for each of the human
6 beings that this man unsuccessfully tried to kill, consecutively to the count for
7 Nathan Rawls, where he was successful in murdering him. We think that's
8 appropriate. We're not asking for consecutive time on any of the other counts,
9 although he obviously is a felon, you know, possessed a firearm, shot up into a
10 house, into a neighborhood, as I said while people are just sleeping.

11 So we're going to ask that you follow the recommendation of Parole
12 and Probation, and I thought about, you know, obviously that not only that you've
13 heard this trial, but that you've seen a lot of different types of cases before Your
14 Honor, and undoubtedly Mr. Otto is going to talk about the youth of the Defendant in
15 this case; but he was not only reckless, violent, but really changed the lives of the
16 persons in, obviously, 2655 Sherwood, Apartment 18, back in November.

17 And to ask, which I undoubtedly believe Mr. Otto will on his behalf, for
18 concurrent time for those other attempt murders, to the State seems absurd; and
19 here's why Judge. Ashley Scott, Laroy Thomas, Marque Hill, as well as Nathan
20 Rawls each had a right to be in that apartment. Each had a right to be asleep; had
21 not one issue with obviously Mr. Washington, and one was brutally murdered, the
22 other two were shot, and the third as he described, had bullets flying over his head,
23 and when he walked out to see his friend lying there dead.

24 And so we are asking that you follow the recommendation and run
25 those counts consecutive because otherwise what it does is say; well, because the

1 jurors gave you life with the possibility of parole at 20 years for murdering Nathan
2 Rawls, the other people's counts for being shot and/or attempted to be killed stand
3 for nothing, and they get nothing for it. And he's accountable for every attempt
4 murder that was committed, and for changing the lives of those people.

5 Now, I also stand before you with – in this courtroom with clearly, you
6 know, no media right; 2655 Sherwood doesn't quite get the attention that maybe
7 other areas of our town do, but Ashley Scott, Laroy Thomas, Marque Hill, even
8 though some of them have criminal records Judge, even though they're not the
9 perfect persons that stood before the jurors and were necessary eloquent, they had
10 every right to live, to sleep, and so did Nathan Rawls.

11 And we also note that obviously they're not here today to speak on their
12 behalf. Why? Because most of them had relocated out of town and obviously
13 Nathan Rawls' mother that spoke at our penalty phase, as well as his family
14 members are not even from here, you know.

15 And so it really is the State's position that this is the only time for
16 persons of this community to be heard, you know, the people that live at 2655
17 Sherwood, when they did absolutely zero. They have families. Nathan Rawls, as
18 you are well aware, had children that literally will not have any contact with him
19 whatsoever, and some of that is wrapped in the 20 to life that the jurors saw fit to
20 give Mr. Washington.

21 But, you were also well aware of, you know, the victims that still had
22 scarring, medical issues, etc., that were shot by obviously the Defendant and his
23 Co-Conspirator, but that we are asking that there is some punishment for, you know,
24 taking not only the life of Nathan Rawls but attempting to take the lives of three other
25 victims.

1 We're not asking for consecutive counts, you know, on everything but
2 on the human beings that this man tried to kill, we ask that those counts be run
3 consecutively, and we ask that you follow Parole and Probation's recommendations,
4 which are for the conspiracy to commit murder, they're recommending 4 to 10 years
5 Judge. For the murder with use of a deadly weapon, obviously, the jury convicted
6 him of life with the possibility of parole after 20 years. But for the enhancement, for
7 using that weapon that he knew he had no right to even have and for frankly
8 emptying that clip unto that house with unsuspecting victims there, they're
9 recommending 5 to 20 years as consecutive to the 20 to life Judge, and we'd concur
10 with that. They're not asking for the maximum, and we aren't either.

11 For the attempt murder with use of a deadly weapon with regard to
12 count 3, they are recommending 8 to 20 years and a consecutive 5 to 20 years for
13 the deadly weapon enhancement, and we concur with that, but that to run
14 consecutive to the murder that he committed.

15 The battery with use of a deadly weapon, Parole and Probation is
16 recommending 4 to 10 years, and we ask that you impose that, and that would run
17 concurrent to all the other counts.

18 However, the next attempt murder with use of a deadly weapon, they
19 are recommending the same as the others, which is 8 to 20 years, and a
20 consecutive 5 to 20 years. We agree with that, but that would run consecutively to
21 the previous counts.

22 The next attempt murder with use of a deadly weapon be given the
23 same, the 8 to 20 years, and the 5 to 20 years running consecutively for the deadly
24 weapons enhancement, but that would run consecutive to obviously the other
25 counts.

1 The battery with use of a deadly weapon, they are recommending 4 to
2 10 years, and we concur with that, but that would run concurrently with the other
3 counts.

4 All of the ten counts of discharging a firearm matter into a structure
5 when they absolutely riddled this apartment with gunfire, Parole and Probation is
6 recommending 28 to 72 months for each one of those, and we'd ask that you
7 impose that, but to run concurrently with the other counts.

8 And that finally, the possession of firearm by an ex-felon for Matthew
9 Washington, obviously being a felon multiple times over, they are recommending 28
10 to 72 months to run concurrently, and we agree with that.

11 We also ask that you impose the restitution of \$12,015.71 joint and
12 severally. This not only – this includes the money that was paid out from Victims of
13 Crime for the multiple surgeries and/or other medical necessities that were done
14 with the named victims in this case, as well as the funeral cost for the deceased,
15 Nathan Rawls.

16 It is the last time, Judge, that you'll hear on behalf of the victims of this
17 brutal crime today, and I know Mr. Otto will do a good job in asking you to run these
18 things concurrent, but the State stands before you, really requesting that you punish
19 the Defendant for his crimes and that the import of people lives, multiple people's
20 lives are in your hands and that you take it seriously, as I know you do Judge, and
21 impose that consecutive for each human being this man tried to murder. Thank you.

22 THE COURT: All right. Mr. Washington, you've heard what the State says.
23 Is there anything you want to tell the Court before sentence is imposed?

24 THE DEFENDANT: No sir.

25 THE COURT: Do you have – I recall you had members of your family who

1 were present during the trial. Are they present today?

2 THE DEFENDANT: Yes sir.

3 THE COURT: Okay. Mr. Otto.

4 MR. OTTO: Your Honor, one cannot minimize the importance of the severity
5 of the crimes which Mr. Washington has been convicted of.

6 The jury and the Court heard the entire case and the jury convicted Mr.
7 Washington of murder in the first degree, which carries a potential penalty of life
8 without the possibility of parole. They had that choice. That is not the choice the
9 jury took knowing all the charges in the case, as just explained to you by the State
10 and as laid out in the pre-sentence investigation report.

11 The jury instead spoke and sentenced Mr. Washington on that one
12 count of murder in the first degree to life with the possibility of parole after 20 years.
13 Now, this crime Mr. Washington is convicted of was done with a firearm, a handgun,
14 and that requires an enhancement of up to 20 years, but I would ask the Court to
15 sentence Mr. Washington to one additional year on that, which would mean he
16 would not be able to see the parole board for 21 years, if the Court runs all these
17 other charges concurrent to the murder in the first-degree, which is what I would ask
18 the Court to do.

19 The Division of Parole and Probation seems to be asking for 64 years
20 to life on Mr. Washington. That would mean Mr. Washington at 23 years old today
21 plus 64 years would be 87 years old, making the recommendation by Parole and
22 Probation the equivalent, I submit to life without the possibility of parole; thereby,
23 altering the jury sentencing on the underlying charge.

24 Now, I do not dispute that this court has the right and the power and the
25 authority to sentence Mr. Washington to consecutive time on every single count.

1 Parole and Probation didn't quite do that, but they almost did that. I would ask,
2 based on the fact that the jury found that Mr. Washington should get parole or the
3 opportunity for parole if his prison experience is such that he would be released after
4 20 years. I would ask the Court to sentence him to 21 years, with the enhancement
5 to life, and everything else be run concurrent.

6 THE COURT: In this case, I did have the benefit of conducting the trial so this
7 – I have a much clearer view of what the appropriate sentence would be than if this
8 were a guilty plea agreement, and I had to guess at the facts based simply on
9 what's included in the pre-sentence report.

10 Having sat through the trial, I was impressed by the devotion and the
11 loyalty of Mr. Washington's family and their candor and their testimony before the
12 Court.

13 Anytime a member of a family is accused it makes a difference that his
14 family seems to find something of value in him and is willing to support the family
15 member at the trial and again at the sentencing.

16 I was also impressed by the family of the deceased and by the depth of
17 the grief that they felt, not only that their – their brother, their son was dead, but that
18 his life had been so randomly and, one cannot say carelessly, but intentionally taken.

19 Having sat through the trial, I can tell you Mr. Washington that when I
20 came in here, the question in my mind was whether Parole and Probation had
21 adequately addressed the sentence that should be imposed or whether the Court
22 should treat it as a – what would in effect be a prison sentence for each bullet fired.

23 I am satisfied that the approach to this which the State has argued is
24 the appropriate approach for this Court to take; that is, that it's the human beings
25 whose lives were impacted or snuffed by your actions that should dictate the

1 sentence that is imposed.

2 Taking all these things into consideration and sparing you of the
3 sermon I could give you, I will simply impose the sentence, which counsel I intend to
4 be exactly as Parole and Probation has recommended and the State as well, so if I
5 don't state it in those terms, please correct me.

6 As to Count 1, Conspiracy to Commit Murder, the sentence is 48 to 120
7 months.

8 As to Count 2, Murder with the use of a Deadly Weapon, the sentence
9 is life in prison with the possibility of parole after 240 months, with a separate term
10 or consecutive term of 60 to 240 months in the Nevada Department of Corrections
11 for the deadly weapon enhancement, and that's to run concurrent with Count 1.

12 As to Count 3, Attempt Murder with use of a Deadly Weapon, 96 to 240
13 months to run consecutive to Count 2 with a separate consecutive 60 to 240 months
14 for the deadly weapon enhancement.

15 As to Count 4, Battery with use of a Deadly Weapon -- I will tell you, Mr.
16 Washington, that as I sentence you on these, what I'm remembering is the pictures
17 of the bullet holes in the wall behind the two victims who actually lived and how
18 close they came to having their lives so cavalierly snuffed. Battery with use of a
19 deadly weapon, 48 to 120 months, to run concurrent with Count 3.

20 MR. OTTO: Would that be to all counts or just three, Your Honor, concurrent?

21 THE COURT: Well, by virtue of running concurrent to Count 3, it runs all
22 counts. Do I need to state that it's concurrent to all counts? I think --

23 MS. SCHIFALACQUA: No Judge, because you start with Count 1 and then
24 the second is concurrent to Count 1, the third would be consecutive to Count 2;
25 however, the --

1 THE COURT: The effect of it is to run concurrent with the rest of the counts.

2 Count 5, Attempt Murder with the use of a Deadly Weapon. And I'm
3 seeing the same bullet holes in the wall where one of the victims sat; 96 to 240
4 months in the Nevada Department of Corrections to run consecutive to Count 4, with
5 a separate enhancement penalty of 60 to 240 months that runs consecutive to that
6 count. That's for the deadly weapons enhancement.

7 As to Count 6, Attempt Murder with the use of a Deadly Weapon, 96 to
8 240 months, to run consecutive to Count 5, with a separate sentence of 60 to 240
9 months for the deadly weapon enhancement.

10 Count 7, Battery with the use of a Deadly Weapon, 48 to 120 months to
11 run concurrent with Count 6.

12 Counts 8 through 17 are the identical sentence of 28 to 72 months,
13 each to run concurrent with the preceding count, so you don't get punished for each
14 bullet, you get punished for human beings, whose lives were interrupted or snuffed.

15 Count 18, Possession of a Firearm by an Ex-Felon, 28 to 72 months to
16 run concurrent with Count 17.

17 I almost feel I have to apologize to your family Mr. Washington. They
18 would have to sit and see their loved one receive such a sentence. I cannot do
19 justice in this matter without imposing that kind of a sentence.

20 There is additionally a \$25 administrative assessment fee that must be
21 paid, and a separate \$3 administrative assessment fee that must be paid. The DNA
22 was already taken in 2010 and is waived. Credit for time served --

23 MR. OTTO: Its 225 days, Your Honor.

24 THE COURT: -- is 225 days.

25 MS. SCHIFALACQUA: And Judge, I would ask the restitution be ordered

1 jointly and severally.

2 THE COURT: Oh. Thank you. Yes. As a part of Count 2, the murder with
3 use of a deadly weapon, there's restitution in the amount of \$5,000 jointly and
4 severally with the Co-Defendant imposed.

5 As to Count 3, there is restitution in the amount of \$7,015.71 jointly and
6 severally with the Co-Defendant. Anything else?

7 MS. SCHIFALACQUA: And Judge, just so the record is clear because the
8 Supreme Court always asks us the consecutive time you impose for the deadly
9 weapon enhancement –

10 THE COURT: Yes.

11 MS. SCHIFALACQUA: -- as you have articulated is because of his criminal
12 history, the amount of shots used, and the nature of the use of the firearm?

13 THE COURT: Yes, taking all of those into account, this is an individual who
14 by virtue of his prior experience in the world and with the criminal justice system,
15 really cannot claim any sort of ignorance or didn't know what he was doing or
16 anything, the circumstances involved with this shooting indicate a very deliberate
17 and pre-planning that was effectuated including a shooting that takes place at an
18 hour when you would presumably know or think at least that everybody inside was
19 asleep. The fact that they were able to zone in on one Defendant, Mr. Rawlins?

20 MS. SCHIFALACQUA: Rawls, the victim, yes Judge.

21 THE COURT: Rawls, and as I recall, was it not the testimony of the expert
22 that he traced the bullet that killed Mr. Rawls –

23 MS. SCHIFALACQUA: Was from – it was from the firearm that we believed at
24 least was positioned in the vehicle next to this Defendant, correct.

25 THE COURT: -- next to this Defendant. Based on that, I have no – I don't

1 feel that – that I can do anything less based on the considerations of justice.

2 MS. SCHIFALACQUA: Thank you, Your Honor.

3 THE COURT: Anything else?

4 MR. OTTO: Your Honor, just to confirm the Public Defender as appellate
5 counsel.

6 THE COURT: Okay.

7 MS. BAKHTARY: Yes Judge, and we have received copies of CD's and flash
8 drives.

9 THE COURT: All right. You have the – you've given your entire file to her?

10 MR. OTTO: I have given what I believe as my entire file copied onto discs
11 and a thumb drive to the Public Defender, and if there's something else they want, I
12 can see.

13 MS. BAKHTARY: And Judge – court's indulgence – just that we will be filing
14 a notice of appeal, as soon as we get the file back.

15 THE COURT: I would expect nothing less.

16 MS. SCHIFALACQUA: Thank you, Your Honor.

17 MR. OTTO: Thank you, Your Honor.

18 THE COURT: Thank you.

19 MS. BAKHTARY: Thank you, Your Honor.

20 [Proceedings concluded at 9:57 a.m.]

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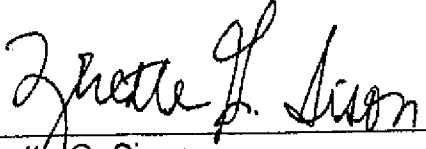
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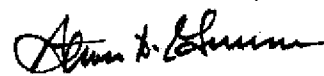
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Yvette G. Sison
Court Recorder/Transcriber

JOC



CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C294695-1

MATTHEW WASHINGTON
#2685499

DEPT. NO. I

Defendant.

AMENDED JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of
COUNT 1 – CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of
NRS 199.480, 200.010, 200.030, COUNT 2 – MURDER WITH THE USE OF A
DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.330,
COUNTS 3, 5, 6 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
(Category B Felony) in violation of NRS 193.330, 200.010, 200.030, COUNTS 4, 7 –
BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of
NRS 200.481, COUNT 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 – DISCHARGING FIREARM
AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT (Category B
Felony) in violation of NRS 202.285, and COUNT 18 – POSSESSION OF FIREARM
BY EX-FELON (Category B Felony) in violation of NRS 202.360; and the matter

☐ More Prosequi (before trial)	Bench (Non-Jury) Trial	Jury Trial
☐ Dismissed (after diversion)	☐ Dismissed (during trial)	☐ Dismissed (during trial)
☐ Dismissed (before trial)	☐ Acquittal	☐ Acquittal
☒ Guilty Plea with Sent. (before trial)	☐ Guilty Plea with Sent. (during trial)	☐ Guilty Plea with Sent.
☐ Transferred (before/during trial)	☐ Conviction	☐ Conviction
☐ Other Manner of Disposition		

1 having been tried before a jury and the Defendant having been found guilty of the
2 crimes of COUNT 1 – CONSPIRACY TO COMMIT MURDER (Category B Felony) in
3 violation of NRS 199.480, 200.010, 200.030, COUNT 2 – MURDER WITH THE USE OF
4 A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.330,
5 COUNTS 3, 5, 6 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
6 (Category B Felony) in violation of NRS 193.330, 200.010, 200.030, COUNTS 4, 7 –
7 BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of
8 NRS 200.481, COUNT 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 – DISCHARGING FIREARM
9 AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT (Category B
10 Felony) in violation of NRS 202.285, and ADDITIONAL CHARGE (COUNT 18) –
11 POSSESSION OF FIREARM BY EX-FELON (Category B Felony) in violation of NRS
12 202.360; thereafter, on the 18th day of June, 2014, the Defendant was present in court
13 for sentencing with his counsel DAVID J. OTTO, ESQ., and good cause appearing,
14

15
16 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
17 addition to the \$25.00 Administrative Assessment Fee, \$12,015.71 Restitution to be
18 paid jointly and severally with Co-Defendant plus \$3.00 DNA Collection Fee, the
19 Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows: as
20 to COUNT 1 – to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a
21 MINIMUM parole eligibility of FORTY (48) MONTHS; as to COUNT 2 – LIFE with a
22 MINIMUM parole eligibility of TWO HUNDRED FORTY (240) MONTHS plus a
23 CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM
24 parole eligibility of SIXTY (60) MONTHS for the Use of a Deadly Weapon,
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28 //

1 CONCURRENT with COUNT 1; as to COUNT 3 – to a MAXIMUM of TWO HUNDRED
2 FORTY (240) MONTHS with a MINIMUM parole eligibility of NINETY-SIX (96)
3 MONTHS plus a CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS
4 with a MINIMUM parole eligibility of SIXTY (60) MONTHS for the Use of a Deadly
5 Weapon, CONSECUTIVE with COUNT 2; as to COUNT 4 - to a MAXIMUM of ONE
6 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY (48)
7 MONTHS, CONCURRENT with COUNT 3; as to COUNT 5 – to a MAXIMUM of TWO
8 HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of NINETY-SIX
9 (96) MONTHS plus a CONSECUTIVE term of TWO HUNDRED FORTY (240)
10 MONTHS with a MINIMUM parole eligibility of SIXTY (60) MONTHS for the Use of a
11 Deadly Weapon, CONSECUTIVE with COUNT 4; as to COUNT 6 - to a MAXIMUM of
12 TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of NINETY-
13 SIX (96) MONTHS plus a CONSECUTIVE term of TWO HUNDRED FORTY (240)
14 MONTHS with a MINIMUM parole eligibility of SIXTY (60) MONTHS for the Use of a
15 Deadly Weapon, CONSECUTIVE with COUNT 5; as to COUNT 7 – to a MAXIMUM of
16 ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of
17 FORTY-EIGHT (48) MONTHS, CONCURRENT with COUNT 6; as to COUNT 8 – to a
18 MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
19 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 7; as to COUNT 9 – to a
20 MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
21 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 8; as to COUNT 10 – to
22 a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
23 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 9; as to COUNT 11 – to

1 a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
2 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 10; as to COUNT 12 –
3 to a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
4 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 11; as to COUNT 13 –
5 to a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
6 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 12; as to COUNT 14 –
7 to a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
8 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 13; as to COUNT 15 –
9 to a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
10 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 14; as to COUNT 16 –
11 to a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
12 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 15; as to COUNT 17 –
13 to a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of
14 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 16; and as to
15 ADDITIONAL CHARGE (COUNT 18) – to a MAXIMUM of SEVENTY-TWO (72)
16 MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS,
17 CONCURRENT with COUNT 17; with TWO HUNDRED TWENTY-FIVE (225) DAYS
18 credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have
19 been previously imposed, the Fee and Testing in the current case are WAIVED.
20
21
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24 THEREAFTER, on the 30th day of April, 2015, pursuant to a request from the
25 Nevada Department of Corrections to clarify charges, the amended judgment of
26 conviction shall reflect the following: The charge referred to in the original judgment of
27

28 //

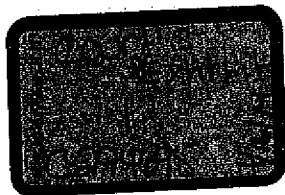
1 conviction as **ADDITIONAL CHARGE** of POSSESSION OF FIREARM BY EX-FELON
2 (Category B Felony) in violation of NRS 202.360; is **COUNT 18**.
3

4 DATED this 1 day of May 2015.
5
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8 
9 KENNETH CORY
10 DISTRICT COURT JUDGE
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All of the charges mention an unnamed 3rd person. Does this mean that we should infer that the state is saying there were 3 persons involved when we consider the evidence. Or would that be an assumption that should not be considered.

R. Ak
Brian Roark 4/16/14



Jury Question #1

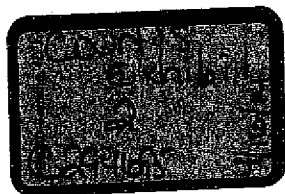
All of the charges mention an unnamed 3rd person. Does this mean that we should infer that the State is saying there were 3 persons involved when we consider the evidence? Or would that be an assumption that should not be considered.

Please refer to the Jury Instructions.

Are there results for Evidence #82-DNA
Swabs of inside of the car?

Brian Roark

B Rh 4/16/14



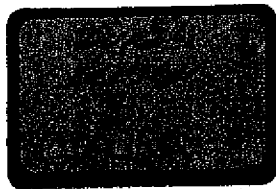
Jury Question #2

Are there results for evidence #82 – DNA swabs of inside of car?

Please refer to Jury Instruction 43 specifically and all other Jury Instructions generally.

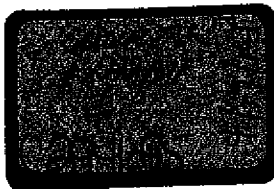
May we take a break
from within room now that
we have determined a verdict?

Brian Roark / B. Mc

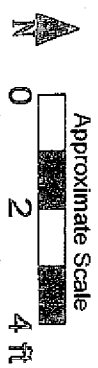


Would the sentencing will ~~be case~~ be
consecutive or congruent?

Brian Bark
Bark 4/17/14

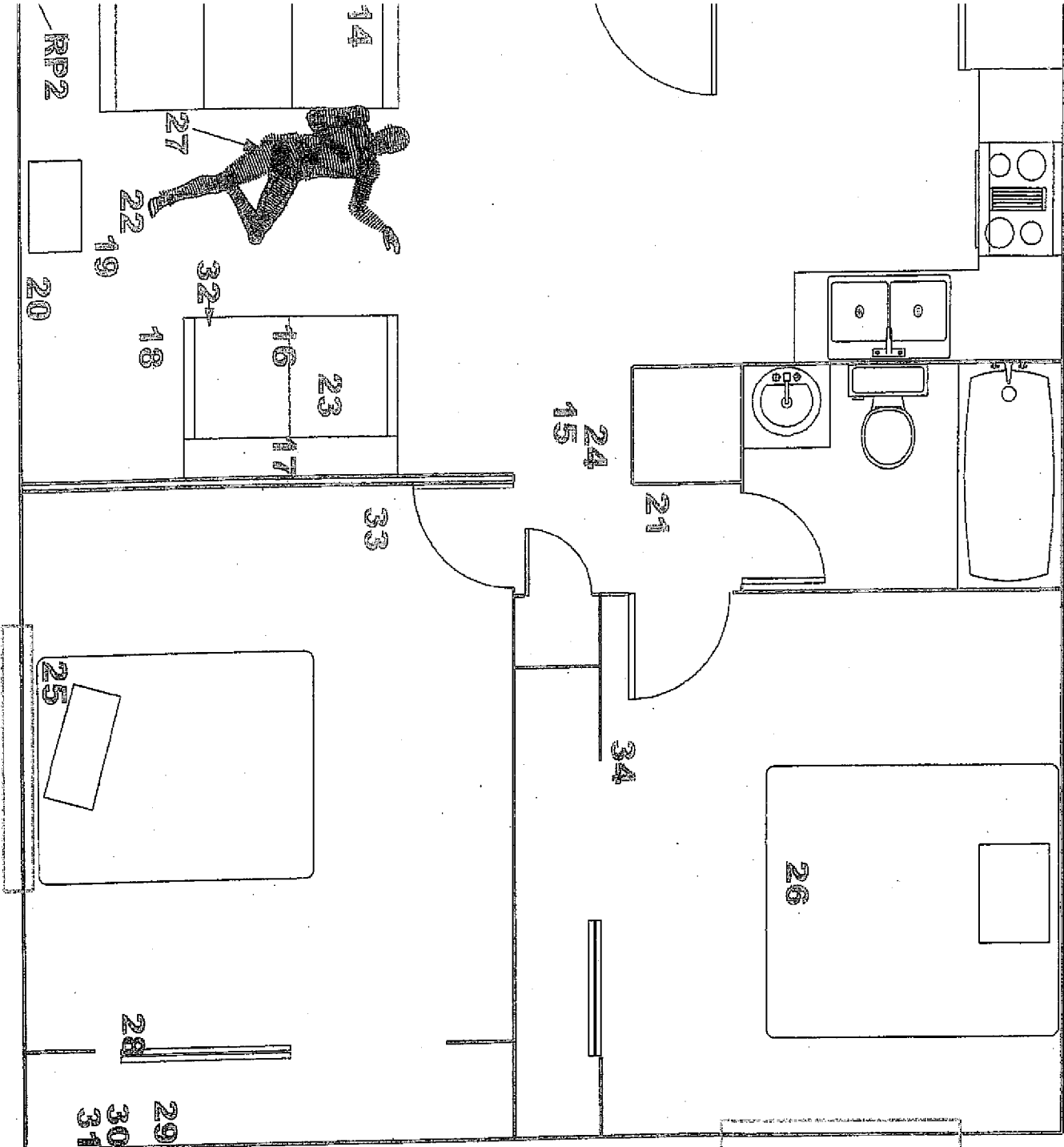


HOMICIDE
 131105-0479
 2655 Sherwood St. #18
 Victim: Nathan Rawls, DOB 08/24/82
 11/05/13
 E5158M
 2/15/15
 DIAGRAM 3 OF 3

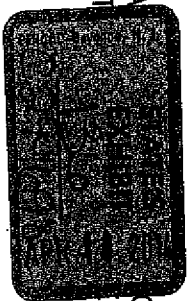


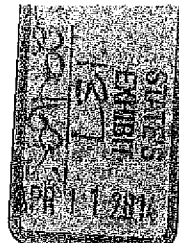
LEGEND

14	Copper jacket bullet fragment
15	Copper jacket bullet fragment
16	Bullet
17	Lead bullet fragment
18	Lead bullet fragment
19	Copper jacket bullet fragment
20	Copper jacket bullet fragment
21	Bullet
22	Cell phone
23	Tablet with apparent blood
24	Cell phone
25	Cell phone
26	Cell phone
27	Bullet
28	Bullet
29	Bullet
30	Bullet
31	Bullet
32	Cell phone
33	Apparent blood
34	Apparent blood

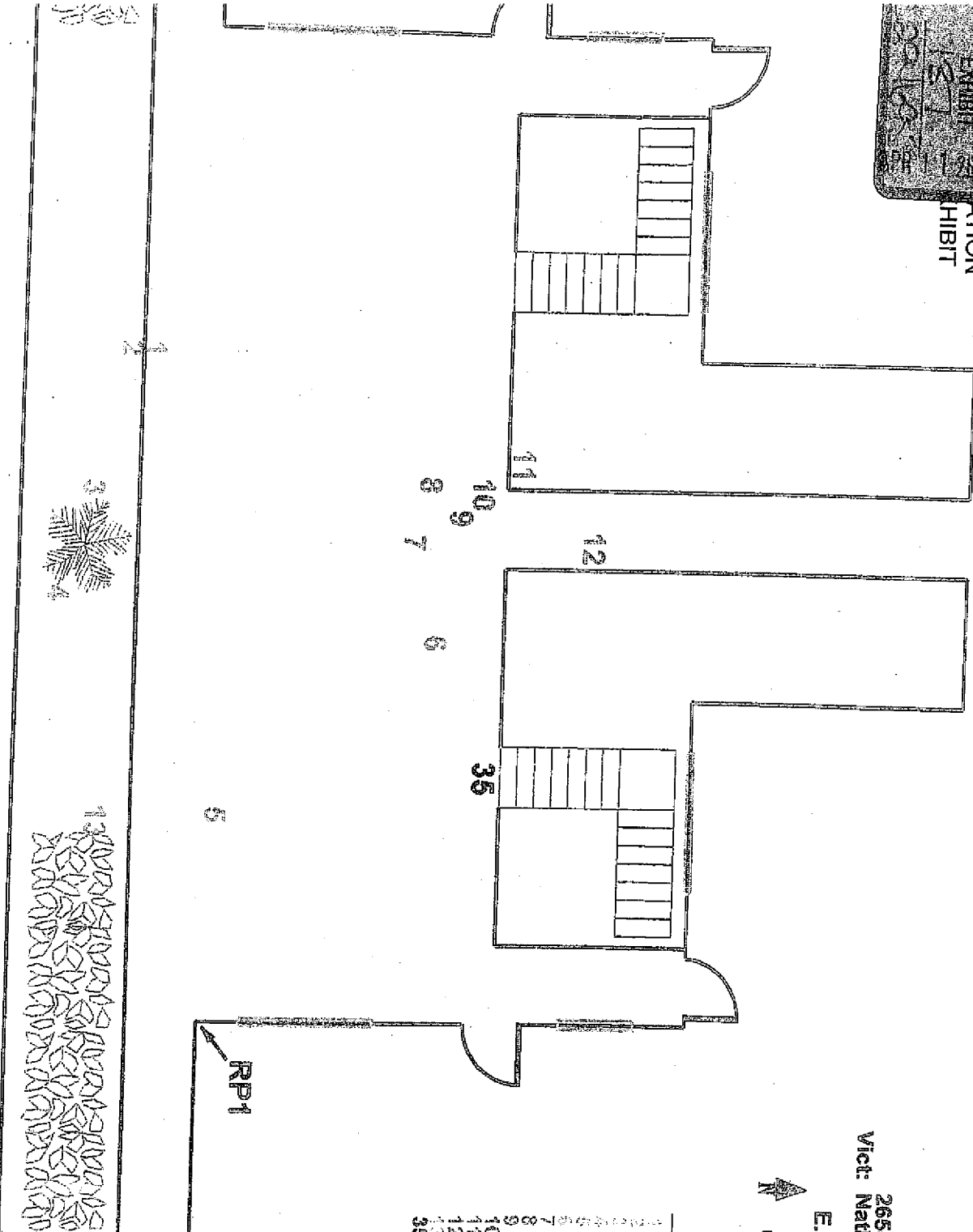


MAINTENANCE
 STATION
 EXHIBIT





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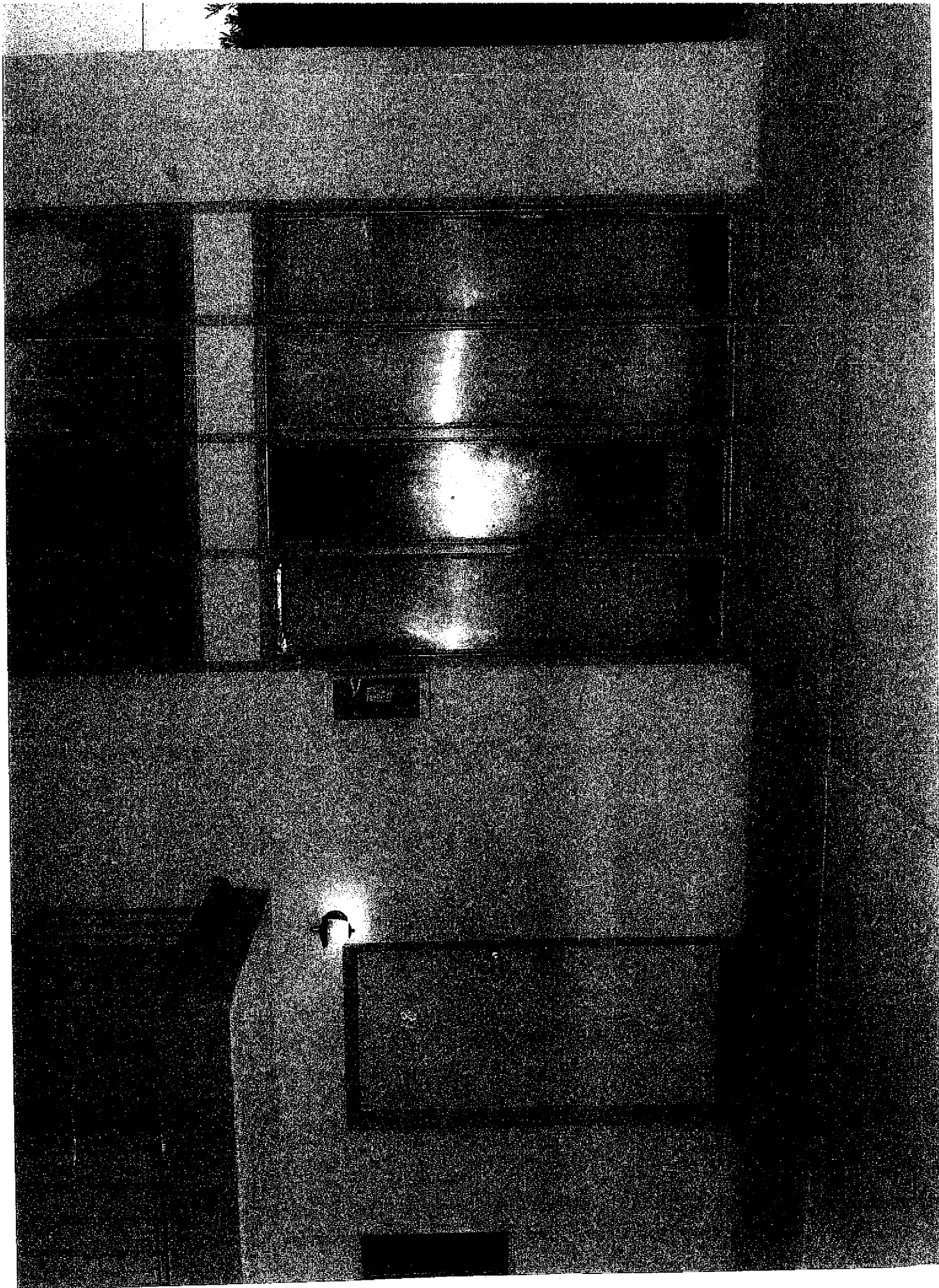
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131105-0479
2655 Sherwood St. #18
Vict: Nathan Rawls, DOB 08/24/82
11/05/13
E. McGhee, P#5158



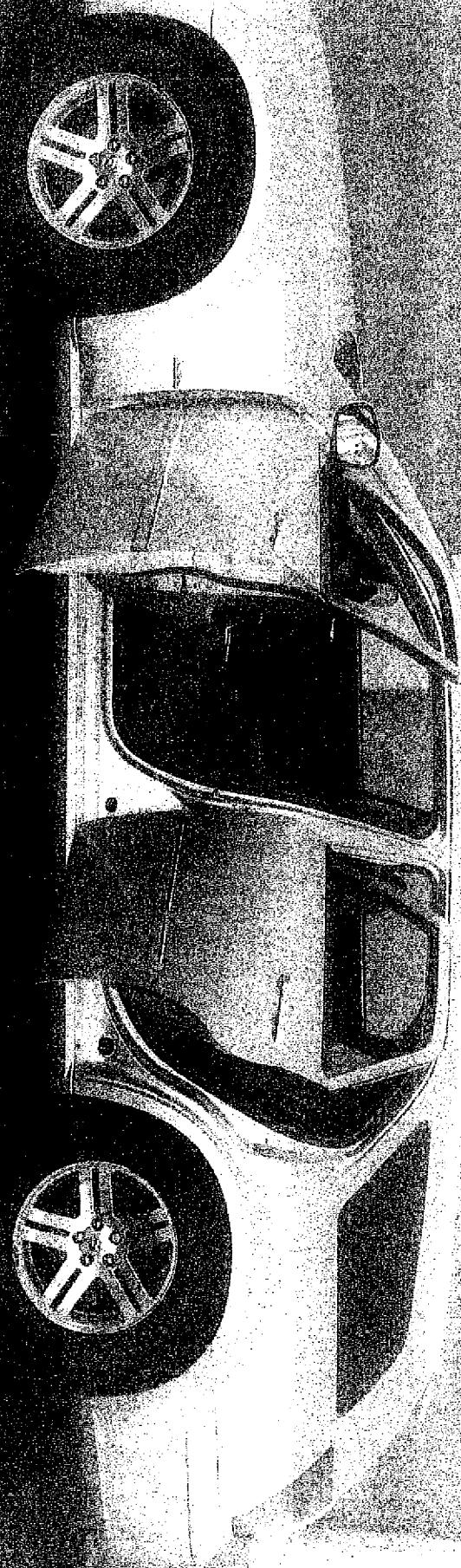
DIAGRAM 2 of 3

LEGEND	
1	.40 cartridge case
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9	9mm cartridge case
10	9mm cartridge case
11	9mm cartridge case
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13	.40 cartridge case
35	Socks

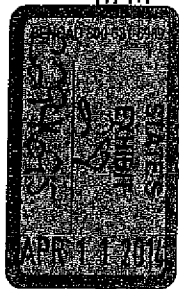
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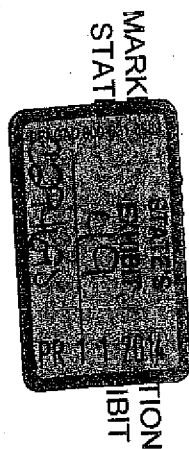


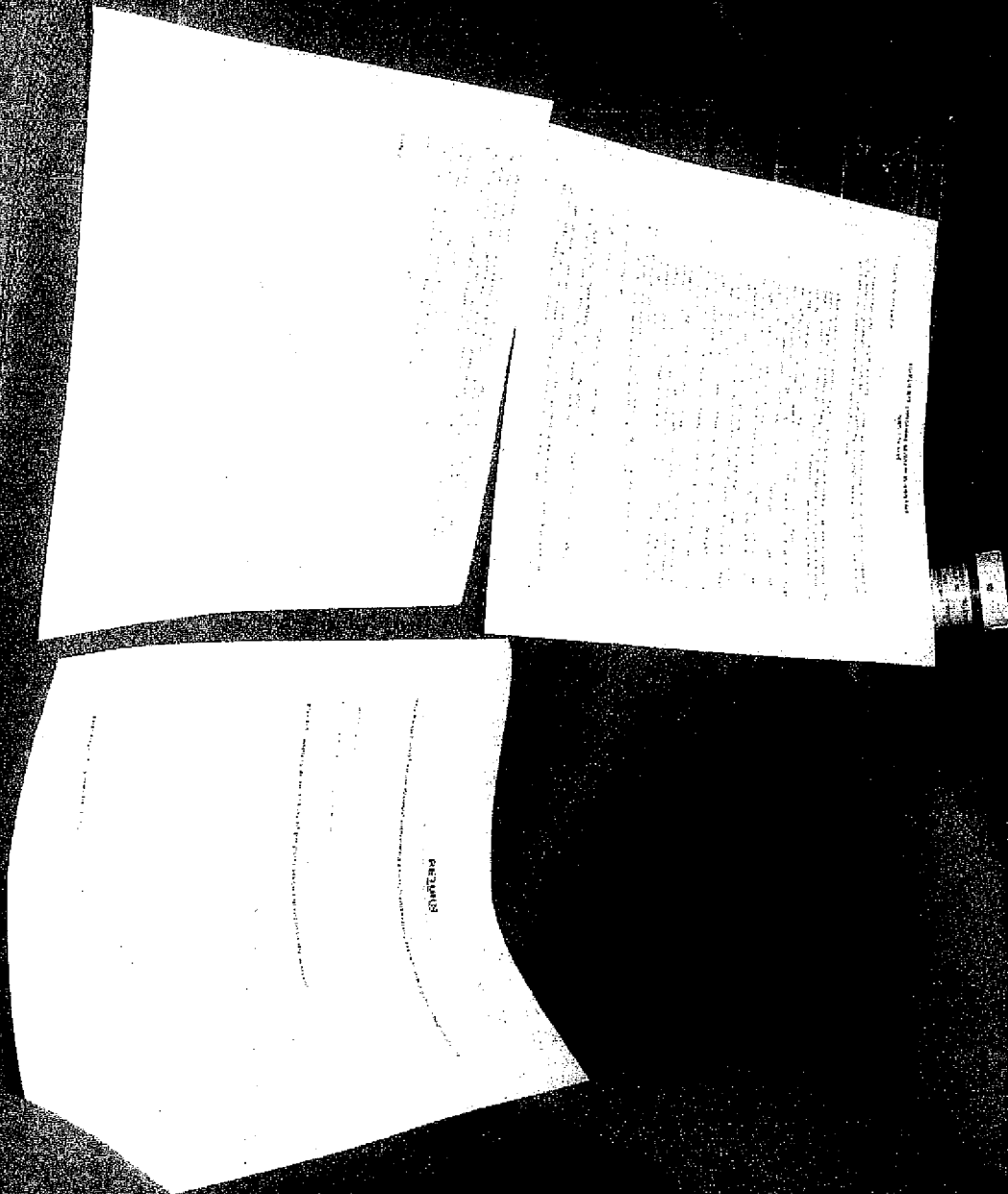
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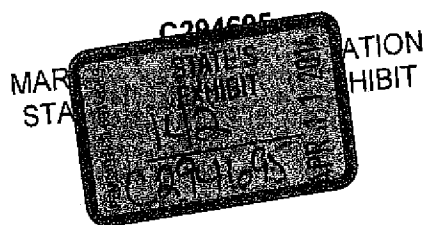












1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 MATTHEW WASHINGTON,

4 Appellant,

5 v.

6 THE STATE OF NEVADA,

7 Respondent.

No. 65998

Electronically Filed
Jun 02 2015 08:27 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

8
9 **APPELLANT'S APPENDIX VOLUME X PAGES 1952-2122**

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Counsel for Respondent

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Case No. 65998

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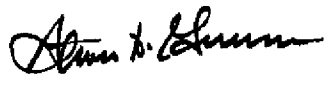
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-294695-1
	.	
Plaintiff,	.	DEPT. NO. I
vs.	.	
	.	
MATTHEW WASHINGTON,	.	TRANSCRIPT OF
	.	PROCEEDINGS
Defendant.	.	
.....	.	

BEFORE THE HONORABLE KENNETH CORY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 9
PENALTY PHASE

THURSDAY, APRIL 17, 2014

APPEARANCES:

FOR THE STATE:	DANIELLE K. PIEPER, ESQ. BARBARA F. SCHIFALACQUA Chief Deputy District Attorneys
FOR THE DEFENDANT:	DAVID J. OTTO, ESQ. ROBERTA OHLINGER-JOHNSON, ESQ.

COURT RECORDER:

BEVERLY SIGURNIK
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

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<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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Elizabeth Shell	10
Erica Taylor	21
Detective Matt Gillis	30

DEFENDANT'S WITNESSES:

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* * * * *

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1 LAS VEGAS, NEVADA, THURSDAY, APRIL 17, 2014, 9:34 A.M.

2 (Outside the presence of the jury)

3 THE COURT: Please be seated.

4 THE MARSHAL: (Inaudible), Judge. Sorry about that,
5 Your Honor.

6 THE COURT: All right.

7 We need to make a record about a couple of things.
8 Are we on the record?

9 THE COURT RECORDER: Yes, we are, Your Honor.

10 THE COURT: All right. First of all, I was given a
11 note yesterday by the Bailiff. Mr.-- Mr. Marshal, what --
12 remind us at what point this came?

13 THE MARSHAL: Your Honor, that came in at the end of
14 the first deliberation for the verdict.

15 THE COURT: Okay. And I think we should make it a
16 part of the record. I don't think it's anything of any great
17 consequence. It says, "May we take a break from within the
18 room now that we have determined a verdict," and it's signed
19 by the foreman. We will make it part of the record.

20 Now, we have other matters of record?

21 MS. PIEPER: Judge, in regard to the penalty phase,
22 we had asked Mr. Otto several times if he had filed a Notice
23 of Witness in regard to the guilt as well as the penalty
24 phase. At that time, he informed us that he had not filed a
25 witness notice.

1 Due to the fact that the defendant was convicted of
2 first degree murder, yesterday, we said to him that we're sure
3 that there are probably some family members that would like to
4 speak. And so we are -- we allowed him to file a Notice of
5 Witnesses. He's going to be calling two of those witnesses.
6 The State is not going to have any objection to him calling
7 those two witnesses.

8 THE COURT: Very good.

9 MS. PIEPER: And he also agreed to have Erica Taylor
10 also testify on the victim's behalf.

11 MR. OTTO: And Erica Taylor was late-noticed as well
12 and I have no objection to that.

13 THE COURT: All right. And that being the case,
14 then, how many witnesses does the State expect to call?

15 MS. PIEPER: Three.

16 THE COURT: And the defense?

17 MR. OTTO: Two.

18 THE COURT: All right. Any other record that we
19 need to make?

20 MS. PIEPER: Not by the State, Your Honor.

21 THE COURT: Is the exclusionary rule invoked during
22 this proceeding?

23 MS. PIEPER: No.

24 MS. SCHIFALACQUA: It doesn't really apply here.

25 MR. OTTO: No, Your Honor.

1 THE COURT: Very good. Are we ready then to bring
2 our jury?

3 MS. PIEPER: We are.

4 MS. SCHIFALACQUA: Yes.

5 THE COURT: All right, bring our jury.

6 (Pause in the proceedings)

7 THE COURT: Counsel, any reason we'd need lunch
8 before noon today? We have to order it now, so.

9 MS. PIEPER: We might. I mean, I think we're only
10 going to be like maybe an hour, an hour and a half.

11 MR. OTTO: And I will be no more than an hour.

12 THE COURT: Let's see, with attorneys, the rule of
13 thumb is, I double it. So I think noon will be about right.

14 MS. PIEPER: But I've been quick, Judge, every time
15 I've told --

16 (Jury reconvenes at 9:37 a.m.)

17 THE COURT: Does counsel stipulate to the presence
18 of the jury?

19 MS. PIEPER: Yes.

20 MR. OTTO: We do stip.

21 MS. PIEPER: Yes, Your Honor.

22 THE COURT: Please be seated. Good morning, ladies
23 and gentlemen, thank you for returning. Has anyone had any
24 problem with anyone prying into your official duties?

25 UNKNOWN JURORS: No.

1 THE COURT: Ladies and gentlemen, when we began this
2 trial, you'll recall that at one point you were advised that
3 in the case of a conviction, that is, a verdict of guilty for
4 the crime of first degree murder, that the jury affixes the
5 penalty. We've arrived now at that stage of the proceeding.

6 This part of the proceeding will proceed much like
7 the previous parts of the proceeding. It will be almost as if
8 it were a trial within a trial, that is, that the State will
9 first make an opening statement, after which the defense may
10 make an opening statement, followed by evidence put forward by
11 the State, followed by evidence put forward by the defense,
12 and then the closing arguments of the attorneys.

13 All of the instructions which I have given you to
14 this point remain in effect. For example, you'll recall that
15 I have said several times that whatever the attorneys say, it
16 is not evidence and may not be considered by you as evidence.
17 The attorneys make their opening statements as a sort of a
18 roadmap to present to you and give you an idea of what the
19 evidence is which they intend to put before you. And in their
20 closing arguments, the attorneys use their arguments to try to
21 show you how to apply the law to the facts as you find them
22 from the case. That will be the proceeding which takes place
23 today.

24 Counsel, anything before we begin with opening
25 statements?

1 MS. PIEPER: Not by the State, Your Honor.

2 THE COURT: By the defense? Anything before we
3 begin with opening statements?

4 MR. OTTO: No, Your Honor.

5 THE COURT: All right. We'll first hear the opening
6 statement on behalf of the State, Ms. Pieper.

7 MS. PIEPER: Thank you.

8 STATE'S OPENING STATEMENT

9 MS. PIEPER: In the beginning of this trial, the
10 defendant was wrapped in the presumption of innocence. That
11 is essentially how our criminal justice system works.
12 Yesterday, you convicted the defendant of first degree murder.
13 Then you convicted him of ex-felony possession of a firearm.
14 We have now moved on to the last part of this trial which
15 deals with penalty.

16 What you will hear in this case is you will hear
17 some information from our victim's family, how this crime has
18 affected their lives. You will also hear more about the
19 defendant. You will hear about the fact that he is a member
20 of a criminal gang. You're going to hear the fact that he --
21 you had heard already about his prior felony convictions, but
22 you're going to hear more information in regard to the
23 underlying facts (inaudible). You're also going to learn the
24 defendant did some time in prison and how he behaved while he
25 was in the prison system.

1 You have one of three choices in this case in regard
2 to punishment. It's 20 to 50 years in prison for the first
3 degree murder. It's 20 to life, so he serves life, but he
4 gets parole -- he comes up for parole at 20 years; or life
5 without the possibility of parole. And at the conclusion of
6 this, the State's going to ask you to sentence him to one of
7 those counts (sic) -- or one of those three sentences. Thank
8 you.

9 THE COURT: All right, thank you. Opening statement
10 by the defense?

11 MR. OTTO: Yes, Your Honor, very brief.

12 DEFENDANT'S OPENING STATEMENT

13 MR. OTTO: Ladies and gentlemen, thank you, again.
14 There's no minimizing the tragedy in this case. A life was
15 lost, families have been shattered. It's a terrible thing.
16 There are many theories of criminal justice and
17 rehabilitation. I ask you, we ask you, to do justice in this
18 case. Thank you.

19 THE COURT: All right, thank you. Now, we'll -- the
20 State may call your first witness.

21 MS. PIEPER: The State calls Elizabeth Shell.

22 Judge, I'm just going to ask --

23 THE COURT: We do have a hand-held mike if that --

24 MS. PIEPER: I was just going to bring her sort of
25 right here and have her kind of face --

1 THE COURT: All right. Ms. Recorder, if you can't
2 hear it through that mike, let us know. We have a hand-held
3 mike we could also use.

4 Will you please raise your hand and be sworn as a
5 witness, ma'am.

6 ELIZABETH SHELL, STATE'S WITNESS, SWORN

7 THE CLERK: State your name and spell it for the
8 record.

9 MS. PIEPER: Can you hear her? We need you to state
10 your name and spell it for the record.

11 THE WITNESS: Elizabeth Shell, E-l-i-z-a-b-e-t-h,
12 S-h-e-l-l.

13 THE COURT: You may proceed.

14 MS. PIEPER: Thank you, Your Honor.

15 (Pause in the proceedings)

16 THE COURT: Additionally, Ms. Pieper, we do have an
17 old style podium, a portable -- more portable one over there
18 if that would be --

19 MS. PIEPER: I think we can't move the dot cam
20 because the cord is only so long.

21 THE COURT: No, I mean, you can pull that over here
22 in place of this podium if you wanted.

23 MS. PIEPER: Okay.

24 THE COURT: It's up to you.

25 THE MARSHAL: You want to stand right here?

1 MS. PIEPER: I think it doesn't matter in a sense.

2 MR. OTTO: We'll be all right.

3 THE COURT: All right. If at any point you can't
4 see, Mr. Otto, you're free to get up and move around so that
5 you can.

6 MR. OTTO: All right, thank you.

7 THE COURT: You may proceed.

8 DIRECT EXAMINATION

9 BY MS. PIEPER:

10 Q Good morning, Ms. Shell.

11 A Good morning.

12 Q I'm going to ask you to keep your voice up a little
13 bit so the members of the jury can hear you as well as the
14 recording can pick you up.

15 A Okay.

16 MS. PIEPER: And if at anytime we need to use the
17 hand-held mike, just let us know.

18 BY MS. PIEPER:

19 Q How many children do you have?

20 A I've got seven altogether.

21 Q Okay. And do you here -- live here in Las Vegas?

22 A No, I don't.

23 Q Okay. Where are you from?

24 A I'm from Memphis, Tennessee.

25 Q And were all your children born in Memphis,

1 Tennessee?

2 A Not all of them.

3 Q Okay. Where else were they born?

4 A I got three that was born in Oklahoma and four that
5 was born in Memphis.

6 Q And what are the name of -- names of your children?

7 A I've got Dion, I've got Travis, Misty, April, Zanny
8 (phonetic), BJ and Nathan.

9 Q Okay. And how old are your children?

10 A Uh --

11 Q Sorry.

12 A I have to think for a minute. Nathan was 31, Zanny
13 is 29, April is 27, BJ is 26, Dion is 36, Travis is 33, and
14 Misty is 34.

15 Q And you said one of your children's names was Nathan
16 Rawls; is that correct?

17 A Yes.

18 Q And Nathan was 31 years old?

19 A Yes.

20 Q And where did Nathan grow up?

21 A In Memphis, Tennessee.

22 Q Okay. And did he grow up in Tennessee his entire
23 life?

24 A Yes.

25 Q Okay. And he came out to Las Vegas at some point;

1 is that correct?

2 A Yes.

3 Q Do you remember when he came out to Las Vegas?

4 A I know he hadn't been here a month. He come up here
5 with one of his female friends to visit.

6 Q Okay. And while he was in Las Vegas, did you talk
7 to him?

8 A Yes, I did.

9 Q And how did he enjoy Las Vegas?

10 A He rather enjoyed it. He said it was a lot
11 different than Memphis.

12 Q Now, the town that you grew up in Memphis, is it a
13 large town or is it a small town?

14 A It's way smaller than this. To me it would be
15 small, this would be large.

16 Q Okay. And can you tell us something -- or a couple
17 things about Nathan growing up? What was he like?

18 A He just very -- he was a very happy little boy, you
19 know. Just typical, go-lucky jokester, enjoyed family.

20 Q Did he play sports?

21 A Did he what?

22 Q Play sports?

23 A No. He didn't like sports too much. Maybe
24 basketball now and then, but he was more a talkative,
25 conversation person.

1 Q When's the last time you spoke to him?

2 A The last time I spoke with him was the day before
3 his death.

4 Q So on November 4th, 2013?

5 A Yes, I talked to him on the phone. He told me he
6 was okay, he was doing fine and for me not to worry about him,
7 not knowing those would be the last words I would ever hear
8 him say. He called me every day, if not every other day, to
9 let me know how much he loved me and missed me, that he would
10 be home soon, not knowing this would be the way I'd have to
11 bring him home. It hurts. It's a constant reminder that goes
12 through my mind every day, every day.

13 Q What would you like the jury to know about Nathan?

14 A Well, just how full of life he was. He enjoyed his
15 family --

16 Q Did he have children?

17 A -- he was a best friend to his son. Now, his son
18 won't never get to see him again.

19 Q So he had --

20 A No, he's not coming home.

21 Q He had one son?

22 A He had two sons.

23 Q He had two sons.

24 A But one's at the age where he really don't know
25 what's going on right now.

1 Q And how old is that son?

2 A He's four.

3 Q And how old is his older son?

4 A He's 10.

5 Q And the 10-year-old, what's his name?

6 A Nathan, Jr..

7 Q Okay. And the four-year-old, what's his name?

8 A Huh?

9 Q And the four-year-old?

10 A Jonathan.

11 Q Okay. What would you -- or tell this jury how this
12 crime has impacted you and your family.

13 A It's an everyday struggle to get through the day,
14 every day.

15 THE COURT: I hate to interrupt, but I need to see
16 counsel for a minute, please, at sidebar.

17 (Off-record bench conference)

18 THE COURT: All right, thank you. You may proceed.

19 UNKNOWN FEMALE SPEAKER: I apologize.

20 THE WITNESS: Thank you.

21 BY MS. PIEPER:

22 Q So how has this crime impacted your family?

23 A Terribly, terribly.

24 Q What do mean by that?

25 A It's hard to describe in words, it really is.

1 Q Did you write a letter?

2 A Yes, I did.

3 Q Do you want to read the letter?

4 A All right. "Since November the 5th, 2013, every day
5 has been a struggle to make it through the day. Nights of
6 pain get so unbearable at times. Nathan was such a people
7 person, a jokester, so enjoyed life, and just to have it taken
8 away from (sic) people he did not even know or did not even
9 know him.

10 "To know I would never get to spend a holiday, a
11 birthday or just a day with him ever again is so
12 heartbreaking. To have to watch my grandson hurt so bad
13 because his father, who was his best friend, would never be
14 coming home.

15 "I have to look at my other children, Nathan's
16 brothers and sisters, and see the pain in their eyes and feel
17 the pain in their hearts, because they will never be able to
18 talk and joke around or even hugs to each other as they often
19 did. My life will never be the same ever again.

20 "Nathan called me the day before his death. He
21 said, 'Hi, I love you, lady. I'm okay, don't worry about me.
22 I'm going to make it. I just want to let you know I love you
23 and see you soon,' not knowing that these would be the last
24 words I would hear my son say.

25 "For Nathan, who was so full of life, who took a

1 trip away from home, then to have to return home in a coffin
2 was the tragic to our family. Burying my son was the hardest
3 thing I ever had to do in my life. So therefore, I hope they
4 never give Nathan's killers the privilege to ever walk the
5 streets, or any streets ever again, so they can have the
6 privilege and the chance to do this to another's family like
7 they have mine."

8 MS. PIEPER: Your Honor, may I approach the witness?

9 THE COURT: You may.

10 BY MS. PIEPER:

11 Q Showing you what's been marked as State's Proposed
12 Exhibits No. 205 through 216, these were pictures that you
13 provided to me; is that correct?

14 A Yes.

15 Q And you were the one that sent them to me and today
16 we sort of looked over them; is that correct?

17 A Yes.

18 MS. PIEPER: Your Honor, State moves for the
19 admission of 205 to 216.

20 THE COURT: 205 through 216?

21 MS. PIEPER: Correct.

22 MR. OTTO: No objection.

23 THE COURT: 205 through 216 will be admitted.

24 (State's Exhibits 205 through 216 are admitted)

25 BY MS. PIEPER:

1 Q Showing you what's been admitted as State's 205, can
2 you see it? Who is that a picture of?

3 A This is my son, Nathan, when he was the same age as
4 his son Nathan.

5 Q So this is him at 10 years old?

6 A Yes.

7 Q Was he a good student or a bad student?

8 A He was good. I wouldn't say the perfect, but he was
9 good.

10 Q Did he get into any trouble at all?

11 A Not then he didn't.

12 Q Showing you what's been admitted as State's 206,
13 what's that? Who's that a picture of?

14 A That's Nathan. That's my son.

15 Q Is that at your home?

16 A No, that's at a friend's home.

17 Q Is that in Las Vegas or in Tennessee?

18 A In Tennessee.

19 Q Showing you what's been admitted as State's 207,
20 who's that a picture of?

21 A That's me and his son, Nathan, on Grandparent's Day.

22 Q On Grandparent's Day?

23 A Yes.

24 Q And is that --

25 A At school.

1 Q Is that --

2 A In Memphis.

3 Q Okay. We both can't talk at the same time. She's
4 going to start yelling at me.

5 Showing you State's 208, what's that a photograph
6 of?

7 A That was a year ago on the same day that he passed.
8 November 5th, 2012, we took this picture.

9 Q And where --

10 A This was at his aunt's house, my sister's house,
11 which we always gathered at her house often because she was my
12 oldest sister, and we spent a lot of time together and he
13 spent a lot of time with her, too. And we just was outside
14 fooling around and took a picture.

15 Q And was there some type of family gathering? Or did
16 you just --

17 A We had a lot of family gatherings, just mainly on
18 Sundays. We all had dinner, Sunday dinners, and we just -- we
19 just a close -- we're just a close-knit family.

20 Q In regard to yourself and your children, was your
21 husband also around at the same time?

22 A No, he passed.

23 Q Okay. And when did your husband pass?

24 A He passed in 2010.

25 Q Showing you what's been admitted as State's 213, who

1 is that a photograph of? Or who is in this photograph?

2 A It's Nathan with his children, Nathan, Jr., and
3 Jonathan. And he had raised a daughter name Talia (phonetic),
4 he raised her from the age of one.

5 Q And is Talia also in this picture?

6 A Yes. She's the one with the hat on.

7 Q Okay.

8 A She's a part of our family. He raised her as a part
9 of our family, which he's not her biological father, but to us
10 he is.

11 Q Okay.

12 A That's what -- he accepted her as that.

13 Q Okay. When you said he raised her since she was one
14 years old, can you explain to us how that sort of happened or
15 came about?

16 A Well, he met her mother, and her father wasn't
17 around. So when her mother and him got together, he just
18 raised her on up to where she is now.

19 Q And how old is she now?

20 A She's 17 now.

21 Q And from 1 to 17, did he stay with her mother that
22 entire time?

23 A No, he didn't, but they stayed in close contact with
24 each other.

25 Q Okay. So even though he no longer had a

1 relationship with her mother --

2 A He still took care of her like it was his -- his
3 own.

4 Q And does she come over to your house?

5 A She lives in Atlanta, Georgia, now and she's been
6 there for maybe five years. And they talked every day, he
7 sent her money just like a typical daddy would taking care of
8 a daughter. And it was -- it's -- it's -- it was a good
9 thing.

10 Q Is there anything that you would like to let the
11 members of this jury know about Nathan and about his life?

12 A I think I pretty much said everything. It's just
13 that he's truly going to be missed. He was truly a person
14 that -- he was a people person that if anybody -- I didn't
15 never hear anybody say really a bad thing about him. Nothing.
16 And for somebody to take his life like they did, it hurts so
17 bad, it hurts.

18 MS. PIEPER: No further questions by the State, Your
19 Honor.

20 THE COURT: Thank you. Cross-examination?

21 MR. OTTO: No questions, Your Honor.

22 THE COURT: Thank you. The witness may step down
23 and may this witness be excused?

24 MS. PIEPER: Yes, Your Honor.

25 THE COURT: And by the defense as well? The witness

1 may be excused?

2 MR. OTTO: Yes, Your Honor.

3 THE COURT: Thank you, ma'am, you're excused.

4 THE WITNESS: Yeah, thank you.

5 THE COURT: State may call your next witness.

6 MS. PIEPER: State calls Erica Taylor.

7 THE COURT: Would you just step right up to the
8 witness stand, please. If you'll just step right on up and
9 then raise your right hand, we'll swear you as a witness.

10 ERICA TAYLOR, STATE'S WITNESS, SWORN

11 THE CLERK: Please be seated.

12 THE COURT: You need to speak up in all your answers
13 because our Court Recorder will be taking down everything that
14 you say.

15 THE WITNESS: Yes, sir.

16 THE COURT: Thank you.

17 THE CLERK: Please state your name and spell it for
18 the record.

19 THE WITNESS: Erica Taylor, E-r-i-c-a, T-a-y-l-o-r.

20 THE COURT: You may proceed.

21 MS. PIEPER: Thank you.

22 DIRECT EXAMINATION

23 BY MS. PIEPER:

24 Q Are you from Las Vegas, Nevada?

1 A No.

2 Q Where are you from?

3 A Memphis, Tennessee.

4 Q And you know Nathan Rawls; is that correct?

5 A Yes.

6 Q And how do you know Nathan?

7 A He was my son's father.

8 Q Here's what I'm going to ask you to do. I can sort
9 of barely hear you, and I'm sure the members of the jury can
10 barely hear you, if I can barely hear you. So I'm going to
11 ask you to speak up a little bit.

12 A Okay. Can you hear me now?

13 THE COURT: You can also pull that microphone closer
14 to you if you want, ma'am.

15 THE WITNESS: Is that better?

16 BY MS. PIEPER:

17 Q Yes.

18 A Okay.

19 Q How do you know Nathan Rawls.

20 A He's my son's father.

21 Q And when did you meet him?

22 A I met him in June of 2003.

23 Q How old were you and how old was Nathan? Let me
24 back up and say that, how old was Nathan?

25 A Nathan was --

1 Q (Inaudible) you don't have to give your age.

2 A He was about 19, don't (inaudible).

3 Q And how did you guys meet?

4 A Actually, he was younger than me, of course, but we
5 grew up in the same neighborhood. So I knew him anyway, but
6 yeah, that's it. We were from the same neighborhood.

7 Q Okay. We heard that Nathan has two children. Well,
8 actually, three children. Are you the mother of Nathan, Jr.?

9 A Yes.

10 Q And how was Nathan as a father?

11 A He was a great father.

12 Q Can you tell us about that?

13 A I could -- I had kids before I met Nathan, so he --
14 when I met him, he was a good step-father, and then I got
15 pregnant and he was a great father. I could call him for
16 anything, whatever, he was always there for me.

17 I mean, he did -- that's my only son, so he did
18 everything for little Nathan. And I had to buy stuff for the
19 funeral and I -- it was hard for me to do that because I had
20 never -- I got girls. I had never actually did much for my
21 son, because he was always there. So, he was a great father.

22 Q Tell us about Nathan, Jr.

23 A Well, he was a pretty good kid until this happened.
24 He likes to play video games. He's not -- he used to play
25 football, but he's not really into sports either. They both

1 liked playing the games together. He had never messed up in
2 school until now. He's in the fourth grade. He hadn't did
3 anything --

4 Q Let me back up and ask you this.

5 A Okay.

6 Q Prior to the events of November 5th, 2013, what was
7 Nathan, Jr. like?

8 A Okay. Oh, he was my only son, so he's very spoiled
9 and he's just -- he's not a mama's boy, he was a daddy's boy.
10 He just liked to play video games and he's just -- he's a
11 sweetheart, he's my sweetheart.

12 Q And how was he in school?

13 A Good. Never had any problems out of him in school.
14 Now --

15 Q After November 5th, 2013?

16 A Constantly.

17 Q Constantly, what?

18 A Yes. I just cleared a suspension last week. He
19 hadn't did anything at all in school. The principal
20 recommended counseling, and they are just praying that the
21 school year is over so -- because he don't do anything. She
22 actually gave him -- she bought him a journal and gave it to
23 him and told him when he feels sad, to write in the journal
24 instead of directing his anger towards everybody else, because
25 he's 10 and he's angry, at me, mostly and I didn't have any

1 control over what happened. I never even been here before.

2 So, that's him.

3 Q Did it come to your attention that Nathan, Jr. had
4 put together a video?

5 A Yeah.

6 Q But we weren't able to get the video to Las Vegas;
7 is that correct?

8 A Right.

9 Q Do you know what was in the video? Can you tell us
10 what was in the video?

11 A Well, I explained to him what happened yesterday.
12 He didn't understand. He said, "What does that mean?" So I
13 told him that today I would get an opportunity to speak, and
14 he felt like since he wasn't here, he wanted to get an
15 opportunity to speak, too, because he said, "It was my daddy."
16 And I can't imagine what was in the video. I asked my
17 daughter not to send it to me, because he's angry because
18 somebody took his daddy away from him. So, I don't know.

19 Q What would you like this jury to know about how this
20 crime has impacted you and Nathan, Jr.?

21 A Oh, I could not even explain how -- I honestly don't
22 have the words to let you know how it's affected me and my
23 family. We don't have Nathan anymore. My kids don't have a
24 daddy, for no reason at all, for no reason. I don't even
25 understand why. It hurts. I had -- I'd never felt pain like

1 this before. And now, I -- I lost my friend, my everything,
2 somebody who was always there for me.

3 Q Did you write a letter? Do you want to read the
4 letter.

5 A I can. Okay. It says, Since I received the phone
6 call at 7:36 on 11/5/13, my life has not been the same. Since
7 the day I met him, he was my support, he was my friend, my
8 children's father, my backbone, he was my everything. I could
9 always call on Nathan for anything and he would do his best to
10 be there for me.

11 The hardest part was having to tell my children that
12 he was gone. I couldn't tell little Nathan, I let his
13 grandmother tell him because I couldn't tell him. He -- he
14 was always there. He's big on holidays. He's a family
15 person, I'm not. And Easter is coming up. He always initiate
16 a Easter egg hunt, and he always put together the Easter
17 baskets for the kids and made sure they had clothes to wear to
18 church and everything, and I'm not. That was his job and now
19 he's not here to do it this year and all the years to come.
20 And I just -- I miss those times and the kids miss the times
21 with him.

22 He would always send me a text telling me that he
23 loved me and that I'm a great mother. And he called me, baby
24 mama. And he would always say, "I love you, baby mama," and
25 he said that he was proud to have me as his son's mother. He

1 made me feel loved and special. And now I travel as much as I
2 can because I don't like being at home. I don't -- I can't
3 face the reality that he gone. And since it happened, I've
4 honestly been traveling constantly because I just can't stand
5 being at home and having to face my son.

6 And I wrote that he had never, ever gotten in
7 trouble before this happened, and now he's going to be in the
8 fourth grade again next year and gets in trouble every day.
9 The principal and the teachers, everybody call me every ay.
10 And most importantly, he takes it out on me and I don't
11 understand why. And he asks me questions that I can't answer
12 like, why did it happen? And I don't know what to say.

13 Personally, I try to imagine that Nathan's just not
14 there, and that's what I tell Nathan to do. It might not be
15 right, but that's the only way that I could deal with it.
16 Just -- that's all I wrote. I guess I didn't know what to
17 say.

18 MS. PIEPER: Your Honor, may I approach the witness?

19 THE COURT: You may.

20 BY MS. PIEPER:

21 Q Showing you what's been marked as State's Proposed
22 Exhibits Number 217 through 224. These were some pictures
23 that you sent to me; is that correct?

24 A Yes, ma'am.

25 Q And we kind of looked over them a little bit this

1 morning; is that correct?

2 A Yes.

3 Q I need you to answer out loud?

4 A Yes, ma'am.

5 MS. PIEPER: Your Honor, State moves for the
6 admission of 217 through 224.

7 MR. OTTO: No objection.

8 THE COURT: 217 through 224 will be admitted.

9 (State's Exhibits 217 through 224 are admitted)

10 MS. PIEPER: Permission to publish?

11 THE COURT: You may.

12 BY MS. PIEPER:

13 Q What is this a photograph of or who is that a
14 photograph of?

15 THE COURT: And, counsel, what number is this?

16 MS. PIEPER: Sorry, 217.

17 THE COURT: Thank you.

18 THE WITNESS: Nathan and Baby Nathan. We call him
19 Baby Nathan.

20 BY MS. PIEPER:

21 Q And the -- there's two pictures depicted in this; is
22 that correct:

23 A Yeah. The one on the -- the where Nathan has on his
24 shirt that says Memphis, that was last year on Nathan's
25 birthday.

1 Q Okay. And when's his birthday?

2 A February the 6th.

3 Q And the picture on the right?

4 A That's when he was born. He was so happy.

5 Q Showing you what's been admitted as State's 218,
6 what's that a picture of?

7 A Nathan and Little Nathan.

8 Q Showing you what's been admitted as State's 219,
9 who's that?

10 A Little Nathan.

11 Q Showing you State's 220, who is that?

12 A That's me and Nathan in New York.

13 Q And when did you guys go to New York?

14 A I wasn't expecting that question, I don't know. I
15 don't remember exactly what day it was.

16 Q Is there anything else that you would like know this
17 jury -- you'd like to tell this jury about the impact that
18 this crime has had on you and your family?

19 A I just miss him so much. It was unexpected. I
20 don't -- I don't even know what to say.

21 MS. PIEPER: No further questions by the State, Your
22 Honor.

23 THE COURT: Cross-examination?

24 MR. OTTO: No, Your Honor.

25 THE COURT: Thank you, ma'am, you may step down.

1 May this witness be excused?

2 MS. PIEPER: She may.

3 MR. OTTO: Yes, Your Honor.

4 THE COURT: Thank you, ma'am, you're excused.

5 State may call your next witness.

6 MS. PIEPER: State calls Detective Matt Gillis.

7 THE MARSHAL: Sir, take the stand straight ahead,
8 watch your step as you get up, please remain standing and face
9 the Clerk.

10 DETECTIVE MATTHEW GILLIS, PLAINTIFF'S WITNESS, SWORN

11 THE CLERK: Please be seated. Please state your
12 name and spell it for the record.

13 THE WITNESS: Matthew Gillis, M-a-t-t-h-e-w,
14 G-i-l-l-i-s.

15 THE COURT: You may proceed.

16 DIRECT EXAMINATION

17 BY MS. PIEPER:

18 Q How are you employed?

19 A As a detective with the Las Vegas Metropolitan
20 Police Department.

21 Q And how long have you worked with Metro?

22 A For the past 14 years.

23 Q And on November 5th, 2013, what was your assignment?

24 A I was assigned as a homicide detective to a
25 incident.

1 Q And is it the incident that happened at 2655
2 Sherwood?

3 A Yes, it is.

4 Q And you did some --

5 MS. PIEPER: Court's indulgence.

6 (Pause in the proceedings)

7 BY MS. PIEPER:

8 Q Did you do some investigation into this case?

9 A Yes, I did.

10 Q And how long have you been in homicide?

11 A For the past two years.

12 Q And currently are you in -- are you in homicide?

13 A I'm assigned to homicide, but my direct
14 investigation is to investigate officers' use of deadly force.

15 Q In working with the Las Vegas Metropolitan Police
16 Department, do you know what a field interview card is?

17 A Yes, I do.

18 Q And what is a field interview card?

19 A A field interview card is utilized when a officer
20 makes contact with an individual in a person stop, a vehicle
21 stop, or when they are assigned to a call, if they want to
22 document the contact and information that they receive from an
23 individual.

24 Q And typically these are called FI cards; is that
25 correct?

1 A Correct, field interview.

2 Q And FI cards are used for what type of people;
3 anyone, or are they usually documented -- document certain
4 types of people?

5 A They can be used for anyone if you want to have it
6 documented. What we are asked to do at anytime that we are
7 documenting a gang member, or a person that's affiliated with
8 a gang, we're asked to document those people on the field
9 interview card so that information gets passed up to the gang
10 detail so they can track and gather information on gang
11 members.

12 MS. PIEPER: Your Honor, may I approach the witness?

13 THE COURT: You may.

14 BY MS. PIEPER:

15 Q Showing you what's been marked as State's Proposed
16 Exhibits Number 225 and 234, can you look at those and tell me
17 if you recognize those?

18 A Yes. Those --

19 Q Look at the whole -- can you look at the whole
20 thing? And last night you met with me at my office; is that
21 correct?

22 A That is correct.

23 Q And we went over sort of what we would be talking
24 about today; is that correct?

25 A That's correct.

1 Q And some of these pictures document the incidents
2 and things that we were going to be talking about today; is
3 that correct?

4 A That is correct.

5 MS. PIEPER: Your Honor, State moves for the
6 admission of 225 to 234.

7 MR. OTTO: No objection.

8 THE COURT: 225 to 234 will be admitted.

9 (State's Exhibits 225 through 234 are admitted)

10 BY MS. PIEPER:

11 Q And in regard to field interview cards, I'm sorry,
12 you were talking about when they document -- when police or
13 law enforcement comes into contact with a gang member, there's
14 additional information that they may take down; is that
15 correct?

16 A That is correct.

17 Q And what is that additional information?

18 A The additional information, if they can get to the
19 person, any information about what gang they are associated
20 with or a gang member with, who they are affiliated with in
21 that gang, who may have sponsored them into that gang, and how
22 they were induced into that gang. All that information is
23 included in the field -- in the investigation card.

24 Q And field interview cards are done -- are they done
25 only by Metro or are they done by other jurisdictions?

1 A Other jurisdictions utilize the -- the same cards.

2 Q I want to draw your attention to some field
3 interview cards that we looked at in regard to Matthew
4 Washington. Do you have a field interview card for July 13th,
5 2010?

6 A Yes.

7 Q And what agency did the field interview card?

8 A The field interview card was documented by North Las
9 Vegas Police Department?

10 Q Okay. And do you know the location at which the
11 field interview card was done?

12 A The location of the interview was 20 West Webb.

13 Q Okay. And that jurisdiction is in Clark County, but
14 it's in North Las Vegas; is that correct?

15 A That's correct.

16 Q And do you know why their contact was made with the
17 defendant, Matthew Washington, in this case?

18 A They documented that the defendant was contacted for
19 loitering.

20 Q Okay. And when they made contact with the
21 defendant, did he -- did they ask him about any affiliation or
22 membership that he had in a gang?

23 A Yes, they did.

24 Q And what did the defendant tell them?

25 A They documented that the defendant admitted that he

1 was a member of the Rolling 60s Crip gang and that he was
2 jumped in, in 2005.

3 Q In October 29th of 2013, was there another contact
4 that the police had with the defendant, Matthew Washington?

5 A Yes.

6 Q And what agency was that done by?

7 A It was also documented by North Las Vegas Police
8 Department.

9 Q And what location was that?

10 A The interview was located at Lake Mead and Walnut -
11 - Walnut.

12 Q Okay. And do you know why there was contact made
13 with the defendant in that case?

14 A The person was contacted in reference to a traffic
15 stop infraction.

16 Q Okay. Was the defendant driving the vehicle or was
17 he a passenger in the vehicle, or does it say?

18 A He was the driver of the vehicle.

19 Q Okay. And can you tell us, on October 29th, 2013,
20 what vehicle he was driving?

21 A He was driving a 2005 Dodge Magnum.

22 Q Okay. And the license plate -- the license plate --

23 A They documented the plate as being Nevada 142,
24 Lincoln-Frank-Paul.

25 Q Okay. And in regard to this situation, was -- after

1 the traffic infraction, was the defendant released?

2 A Yes, he was.

3 Q Okay. In regard to an incident or a contact that
4 was made by police and the defendant on September -- or on
5 April 27th, 2009, was there contact made between the defendant
6 and law enforcement?

7 A Yes, there was. And also on that previous one, the
8 defendant had stated that, after Miranda, that was his -- his
9 girlfriend's vehicle also.

10 Q In regard to the April 27th, 2009 incident, was that
11 Metro or was that North Las Vegas?

12 A What was the date on that one, the 29th?

13 Q Twenty-seventh, I'm sorry.

14 A North Las Vegas Police Department.

15 Q The -- I'm sorry, the event number should be 090427-
16 2510.

17 A Can you give me that event number again?

18 Q Sure, 090427-2510.

19 A One moment, please. 090427-2510?

20 Q Yes.

21 A Okay.

22 Q Now we've learned a little bit during this trial
23 about event numbers in regard to this -- to this case, in
24 particular. In regard to this event number, it's 09, so that
25 would be the year; is that correct?

1 A Yes.

2 Q And then 0427 would be what?

3 A The 09 is the year, the 04 would be the month, the
4 27 would be the day.

5 Q And the 2510 is what?

6 A 2510 is the calls for service for that day. So that
7 was the 2,510th call that the dispatcher center had received
8 and generated a call for service for that day.

9 Q In regard to this stop, or contact that law
10 enforcement had with the defendant, was it in Metro's
11 jurisdiction or another jurisdiction?

12 A This one is documented under Las Vegas Metropolitan
13 Police Department.

14 Q And where's the location?

15 A The location is going to be 4080 East Lake Meade.

16 Q And did the defendant make any admissions?

17 A Yes. Washington admitted to Officer Hudson to being
18 a Rolling 60s Crip, since the age of 12, but he refused to
19 identify if he was jumped in or familiated in.

20 Q In regard to event number 091115-3204, is that
21 another field interview card?

22 A Yes, it is.

23 Q Is that another contact the defendant had with law
24 enforcement?

25 A Yes, it is.

1 Q And where's this location?

2 A The location is 2200 West Bonanza.

3 Q Okay. And was this is Metro's jurisdiction?

4 A Yes, it is.

5 Q And did they make contact with the defendant?

6 A Yes, they did.

7 Q And when they made contact with the defendant, did
8 he make any admissions?

9 A He admitted to affiliation with the Rolling 60s.

10 Q Okay. Now, in regard to these field interview
11 cards, besides their -- the cards, are their times when law
12 enforcement and take pictures and document what a person looks
13 like?

14 A Yes.

15 Q And I showed you some exhibits; is that correct?

16 A That's correct.

17 MS. PIEPER: Your Honor, permission to publish an
18 exhibit that's been admitted?

19 THE COURT: You may.

20 BY MS. PIEPER:

21 Q In regard to State's admitted 225, is that the field
22 -- is that the picture that was taken at the time of the
23 defendant in regard to this incident?

24 A Yes, it is.

25 Q Okay. And do you know what time the stop was done

1 at?

2 A The time and date of interview was 2300 hours.

3 Q In regard to event number 100115-0306, is that
4 another contact that law enforcement had with the defendant?

5 A Yes, it is.

6 Q And this is Metro's jurisdiction; is that correct?

7 A That's correct.

8 Q And what does the field interview card indicate in
9 regard to this stop?

10 A The officer indicated that the -- Matthew Washington
11 was caught running out of an elevator after a shooting in the
12 Four Queens Casino.

13 Q Okay. And in regard to when you and I met yesterday
14 at my office, you also know that the defendant has prior
15 felony convictions, correct?

16 A That's correct.

17 Q And one of those prior felony convictions, the case
18 number is C-269722; is that correct?

19 A That's correct.

20 Q And in regard to that conviction, that had to do
21 with the shooting at the Four Queens; is that correct?

22 A That's correct.

23 Q And so this field interview card was done at the
24 time that the shooting was also done; is that correct?

25 A That's correct.

1 Q Okay. In regard to event number 100219-2716, was
2 there a contact between law enforcement and the defendant,
3 Matthew Washington?

4 A Yes, there was.

5 Q And where was that at?

6 A At Stocker and Owens.

7 Q Okay. And at what time was that done?

8 A They noted down the time as 1900 hours.

9 Q And did the defendant at that time admit anything to
10 the officer?

11 A He admitted that he mostly hangs out with the
12 Rolling 60s, said he was never jumped in, but he was wearing
13 baby blue, and Washington stated he was at the Four Queens
14 shooting, and that the defendant was one of the people that
15 discarded a pistol in the trash at the location of the
16 shooting.

17 Q Earlier we -- I showed you a picture that was
18 attached to the FI card. Showing you what's been admitted as
19 State's 226, is that the photograph that is associated with
20 that field interview card?

21 A Yes, it is.

22 Q In regard to event number 100317-0578, is that
23 another contact that the defendant had with law enforcement?

24 A Yes, it is.

25 Q And where was that at?

- 1 A At 3400 Cabana.
- 2 Q And at what time was that at?
- 3 A They noted down the time as 0600 hours.
- 4 Q Okay. And is that 6:00 o'clock in the morning?
- 5 A Yes.
- 6 Q Did the defendant make any admissions at that point?
- 7 A He admitted to being a Rolling 60s gang member.
- 8 Q In regard to event number 100625-0524, was that
- 9 another field interview card that was conducted between the
- 10 defendant and law enforcement?
- 11 A Yes, it was.
- 12 Q And where was that located at?
- 13 A At Owens and B Street.
- 14 Q And in regard to that stop, did the defendant make
- 15 any admissions?
- 16 A He has down as noted possibly involved in a robbery
- 17 to citizen, that they cleared P-Paul, which is the victim
- 18 refused to sign a complaint. He admitted to being a 60s --
- 19 admitted to being a 60s member.
- 20 Q In regard to event number 101023-4615, was that
- 21 another field interview card that was done in regard to the
- 22 defendant?
- 23 A Can you give me the last four numbers again?
- 24 Q Sure 4615.
- 25 A Okay.

1 Q Was that another field interview card that was done?

2 A Yes.

3 Q And where was that location?

4 A The location of Lake Mead and Pink Rose.

5 Q Okay. And in regard to that stop, what information
6 was gleaned off of that field interview card?

7 A That the defendant was a passenger in the vehicle,
8 that he had a warrant. A firearm was located in the vehicle,
9 and that his probation had been violated.

10 Q You and I also spoke about cases that the defendant
11 had in the criminal justice system; is that correct?

12 A That's correct.

13 Q In regard to case number 09-F-03315-B, can you tell
14 me what the defendant was arrested for in regard to this case?

15 A The defendant was arrested for burglary, conspiracy
16 to commit burglary, grand larceny.

17 Q And where was this -- where did the crime take
18 place?

19 A At the Kohl's located at 4250 Blue Diamond Road.

20 Q And what's the date of the offense?

21 A The date of the incident in this document is
22 2/15/09.

23 Q And can you tell the members of the jury a little
24 bit about what happened in regard to this case or the facts of
25 this case?

1 A That the defendant, along with other males, started
2 grabbing jeans, then left all points of payment, got into a
3 vehicle, into the vehicle was a black female that was in the
4 driver's seat, five black male adults and one black female
5 adult. The defendant admitted his purpose was to go into the
6 Kohl's and steal jeans. He went into a dressing room, tried
7 on the jeans, they didn't fit, so he didn't steal them, but
8 the other people did steal the jeans and other items and that
9 the evidence from the Kohl's was \$260 in jeans were found in
10 the trunk of the car that was stopped.

11 Q Okay. In regard to this case, it was filed -- the
12 Las Vegas Metropolitan Police Department essentially arrests
13 somebody and then gives the case to the District Attorney's
14 Office, is that correct?

15 A That's correct.

16 Q In regard to this case, do you know what the
17 District Attorney's Office did? Did they give the defendant a
18 misdemeanor petty larceny?

19 A He was convicted of conspiracy grand larceny and
20 larceny.

21 Q In regards --

22 A I'm sorry, not during that one, I'm sorry. No, I
23 don't.

24 MS. PIEPER: May I approach the witness, Your Honor?

25 THE COURT: You may.

1 THE WITNESS: Okay.

2 BY MS. PIEPER:

3 Q Do you know what the District Attorney's Office did
4 in regard to this case?

5 A Yes. On 7/16/09, he pled guilty to petty larceny.

6 Q Okay. In regard to case number C-263408, can you
7 tell us whether the defendant was convicted of a crime in
8 regard to this case?

9 A He was convicted of conspiracy larceny, and larceny.

10 Q Okay. Can you tell us a little bit about the facts
11 in regard to this case?

12 A On August 26th, 2010, the defendant was sentenced --
13 do you want to know the facts of the case?

14 Q The facts of the case?

15 A Okay. One moment, please.

16 MS. PIEPER: Your Honor, may I approach the witness
17 briefly?

18 THE COURT: You may.

19 THE WITNESS: On March 17th, 2010 at 0434 hours,
20 officers were called to 3400 Cabana about two black males
21 breaking into a Scion. That both suspects pulled up in a grey
22 Chevy Malibu. Officer Jones arrived first and saw that the
23 grey Malibu was leaving the complex. The Officer stopped the
24 vehicle and there were three black male adults in the vehicle.
25 Officers spoke to Washington and he admitted to them that he

1 felt peer pressure to help break into the vehicles. His
2 co-defendant, Jackson, said when he arrived on the scene,
3 Washington already had the stereo in his hands, that witnesses
4 on scene identified Washington and the co-conspirator.

5 BY MS. PIEPER:

6 Q In regard to this case, the defendant was arrested;
7 is that correct?

8 A That's correct.

9 Q And do you know when he was sentenced and what he
10 was sentenced to?

11 A On August 26th, 2010, the defendant was sentenced to
12 12 months for conspiracy larceny; 24 to 60 months for larceny,
13 both counts run consecutive each other, and the defendant was
14 given probation.

15 Q Okay. And did something happen on November 16,
16 2010?

17 A That's correct.

18 Q What was that?

19 A On November 16, 2010, the defendant was -- had
20 violated the terms of his probation. The State agreed to
21 modify the sentence in court to count two larceny, from 19 to
22 48 months from 24 to 60 months.

23 Q Let me back up and ask you this. In regard to count
24 two, originally the defendant was sentenced to 24 to 60
25 months; is that correct?

1 A That's correct.

2 Q And then the State agreed to modify the sentence to
3 19 to 48 months; is that correct?

4 A That's correct.

5 Q And then the defendant was sent to prison; is that
6 correct?

7 A That's correct.

8 Q In regard to the second felony conviction that the
9 defendant has, that's case number C-269722; is that correct?

10 A That's correct.

11 Q Okay. What was the defendant convicted of in regard
12 to this case?

13 A He was convicted of attempt to carry concealed
14 weapon, firearm, or other deadly weapon on January 12th, 2011.

15 Q Okay. And do you know what he was sentenced to in
16 regard to this case?

17 A He was sentenced to 14 to 48 months in prison.

18 Q And can you tell the members -- and was that
19 concurrent to case number C-263408?

20 A Yes, it was.

21 Q And that's the case we just spoke about; is that
22 correct?

23 A That's correct.

24 Q And can you tell the members of the jury some of the
25 facts in regard to this case?

1 A Officers responded to Four Queens Casino for a shots
2 fired call. The victim was Markel (phonetic) Scott. He was
3 shot two times in the leg. Gang detectives arrived and
4 recovered two firearms. First was a 9 millimeter, which was
5 recovered on the first floor outside the elevators in the
6 trash can. The second firearm, a .357 revolver, which was the
7 defendant's gun, was also located in a trash can at the casino
8 level. After Miranda, the defendant admitted to being present
9 during the shooting and also admitted to placing the firearm,
10 the .357 revolver, which was concealed in his waistband, in a
11 trash can when police arrived.

12 Q And there's also a third case, correct? That the
13 defendant was convicted of, C-274118?

14 A That's correct.

15 Q And what is -- what was his conviction in regard to
16 that?

17 A The defendant was convicted of burglary on
18 7/19/2011.

19 Q And on -- and was his sentence in regard to this
20 case?

21 A He was sentenced to 18 to 48 months in prison,
22 concurrent with the -- do you want me to read the case
23 numbers?

24 Q Sure.

25 A C-263408 and C-269722.

1 Q Now, in regard to cases running consecutive and
2 concurrent, do you know what that means?

3 A No, I don't.

4 Q Have you ever heard that concurrent is all the cases
5 running at the same time and consecutive means one case runs,
6 and then when that case stops, the second case starts?

7 A Yes.

8 Q Okay. And essentially in this case, all of the
9 cases run concurrent; is that correct?

10 A That's correct.

11 Q Can you tell the members of the jury what the facts
12 were in regard to this case?

13 A On 3/1/2010, the victim went to his car at 6500 Las
14 Vegas Boulevard in an apartment complex. The driver's window
15 had been smashed in and two TV monitors in the headrests of
16 the car had been taken, and a Pioneer stereo was also taken.
17 There was blood recovered from the front seat and the front
18 door near the point of entry, which was tested and came back
19 to the defendant. The victim did not know the defendant, and
20 never consented to the defendant taking his TV monitors and
21 Pioneer stereo.

22 Q When we met last night, we also looked over the
23 defendant's prison record; is that correct?

24 A That's correct.

25 Q Okay. And you were given some information into a

1 security threat group at High Desert Prison; is that correct?

2 A That's correct.

3 Q And a security threat group is what?

4 A A security threat group is essentially when a person
5 is brought into intake services in the jail, they interview
6 the inmate to determine any affiliation that they may have
7 with a gang so they don't house a person from rival gangs
8 together.

9 Q Do they also document tattoos?

10 A Yes, they do.

11 Q And in this case, did they document several tattoos
12 that --

13 A Yes, they did.

14 Q -- the defendant had on his body?

15 A He has -- on his right hand, he has Lil, L-i-l. On
16 his left hand he has the words Matt, M-a-t-t. And on his left
17 wrist he has documented 90s Baby.

18 Q Showing you what's been admitted as State's 228,
19 what is that a photograph of?

20 A Of his right hand.

21 Q Showing you State's 229, what's that a photograph
22 of?

23 A Of his left hand.

24 Q And in regard to State's 233, what is that a
25 photograph of?

1 A That is going to be the left wrist with, 90s Baby.

2 Q And those are the tattoos associated with the
3 defendant; is that correct?

4 A That's correct.

5 Q Okay. In looking over these records, on January
6 13th, 2012, was there an incident in regard to the defendant?

7 A The -- he was removed from pre-release due to a
8 continued failure to follow unit program and institutional
9 rules.

10 Q Okay. And in regard to an incident on April 10th,
11 2012, was there an incident with the defendant in the prison
12 system?

13 A They have documented defendant had completed New
14 Beginning and Unbearable Stress programs, but again failed to
15 follow the rules and was removed from the program.

16 Q In regard to -- and let me go back really quick, the
17 incidents that happened on November 5th, 2013, there were
18 photographs taken in regard to the defendant's tattoos,
19 correct?

20 A That's correct.

21 Q Showing you what's been admitted as State's 231, is
22 that one of his tattoos?

23 A Yes, it is.

24 Q In regard to State's 230, is that one of the
25 defendant's tattoos?

1 A Yes, it is.

2 Q And can you tell us what it says in that picture?

3 A It says, "sucka," the N word, "dick" or something
4 and has an arrow actually pointing down.

5 Q In regard to State's 234, what is that a photograph
6 of?

7 A It's going to be his right lower arm, it says -- has
8 the "RR" for Rich Rolling.

9 Q Between the dates of April 23rd, 2012 and June 4th,
10 2012, in regard to the defendant's prison records, is there
11 anything in there that it says about him, discipline-wise?

12 A Yes. They documented in those dates is -- between
13 those dates that the defendant had gotten into several fights.

14 Q And due to that, he was disciplined by the prison;
15 is that correct?

16 A That's correct.

17 Q And does it show the discharge date from the prison
18 in regard to this defendant, Matthew Washington?

19 A Yes, it does.

20 Q When was defendant Matthew Washington, discharged
21 from the prison?

22 A He was discharged on 4/29 of '13.

23 Q 2013?

24 A That's correct.

25 MS. PIEPER: Thank you, no further questions.

1 THE COURT: Cross-examination?

2 MR. OTTO: None, Your Honor.

3 THE COURT: Thank you, you may step down. May this
4 witness be excused?

5 MS. PIEPER: He may, Your Honor.

6 MR. OTTO: Yes, Your Honor.

7 THE COURT: You are excused, thank you.

8 State may call your next witness.

9 MS. PIEPER: Not -- not anything by this witness.

10 And, Your Honor, at this point, the State rests.

11 THE COURT: State rests, thank you.

12 The defense may call your first witness.

13 MR. OTTO: Your Honor, if I could -- could we
14 approach for a moment?

15 THE COURT: Yes.

16 (Off-record bench conference)

17 THE COURT: All right. Ladies and gentlemen, at
18 this time we will take a 15-minute recess. That's the longest
19 one that you have had yet. And so let me highlight it. It's
20 not the usual 10 minutes, it's a 15-minute recess.

21 While you are on this recess, please recall the
22 Court's constant admonitions that you are not to talk or
23 converse among yourselves or with anyone else on any subject
24 or person connected with this trial. Do not read, watch or
25 listen to any report of or commentary on the trial or on

1 anyone connected with the trial by any medium of information
2 whatsoever. Do not form or express any opinion on any subject
3 connected with this phase of the trial until the case is
4 finally submitted to you. We'll take a 15-minute recess.

5 Counsel, we want the jury to -- hang on one second,
6 folks, I'm sorry. Maybe we better have the -- take the jury
7 towards the back to the jury room, yeah. Fifteen minute
8 recess.

9 (Jury recessed at 10:42 a.m.)

10 MS. SCHIFALACQUA: Can you just make sure the door's

11 THE MARSHAL: I will.

12 MS. SCHIFALACQUA: Thank you.

13 (Court recessed at 10:42 a.m. until 11:12 a.m.)

14 (Outside the presence of the jury)

15 THE COURT: While you're doing that, are we ready to
16 go back on the record?

17 MS. SCHIFALACQUA: Yes, Your Honor.

18 MR. OTTO: I believe so.

19 THE COURT: All right.

20 MS. SCHIFALACQUA: Court's indulgence.

21 THE COURT: Okay.

22 (Pause in the proceedings)

23 MS. SCHIFALACQUA: Judge, we can go ahead. She'll
24 be right with us.

25 THE COURT: All right. May we -- may I proceed to

1 give the defendant his rights regarding this without her here?

2 MS. SCHIFALACQUA: Yes.

3 THE COURT: Is that a necessary thing?

4 MS. SCHIFALACQUA: I'm quite competent of going
5 forward. Thanks, Judge.

6 THE COURT: We'll go on the record then.

7 THE COURT RECORDER: We're on the record, Your
8 Honor.

9 THE COURT: All right. Mr. Washington, during this
10 phase of the trial, you will have an opportunity to make a
11 sworn or unsworn statement. A sworn statement is one made
12 after you've taken an oath to tell the truth. Should you
13 decide to make a sworn statement --

14 THE DEFENDANT: Unsworn?

15 THE COURT: Should you decide to make a sworn
16 statement, you may address any issue that is relevant to this
17 trial. However, the prosecutor will be allowed to cross-
18 examine you.

19 Instead, you may make an unsworn statement to the
20 jury. In your statement, you must limit your comments to
21 expressions of remorse, pleas for leniency, and plans and
22 hopes for the future. You may not testify concerning the
23 facts or circumstances relating to your guilt or innocence, if
24 you choose to do the unsworn statement.

25 If you say anything beside your expressions of

1 remorse, pleas for leniency and plans and hopes for the
2 future, as I've told you, you will be subject to corrective
3 actions by me. These actions may include, but are not limited
4 to, my comment on your testimony, the State's comment upon
5 your statement, or the State's cross-examination of you
6 concerning your statement. Do you understand your rights
7 regarding these two methods of expressing yourself to this
8 jury?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. And I gather you've had a
11 conversation about this, Mr. Otto? You explained it.

12 MR. OTTO: I have spoken to my client about it. We
13 have spoken about his right to testify or not. We have now
14 gone into this allocution question. He has decided to take
15 advantage of his right to allocute and will do so in an
16 unsworn statement.

17 THE COURT: In an unsworn statement, all right.

18 Then obviously, Mr. Washington, then we don't swear
19 you as a witness. When the jury comes in, we will explain
20 what's happening, and you'll be allowed to make an unsworn
21 statement about the topics that I just described. And once
22 again, they are expressions of remorse, pleas for leniency and
23 plans and hopes for the future. Any questions about this?

24 THE DEFENDANT: No, sir.

25 THE COURT: All right. Counsel, anything else

1 before we bring our jury?

2 MS. PIEPER: No, Your Honor.

3 MS. SCHIFALACQUA: No, Your Honor.

4 THE COURT: Anything from the defense?

5 MR. OTTO: Only if the Court -- if it please the
6 Court, Mr. Washington -- would you prefer to sit or stand?

7 THE DEFENDANT: Sit.

8 MR. OTTO: He would prefer to sit while allocuting.

9 THE COURT: That is perfectly fine. We'll just make
10 sure the microphone is close to him, please. All right.

11 I will -- Mr. Otto, I will simply indicate in front
12 of the jury that the defense may call any witness it wishes
13 and you will then -- and we will have Mr. Washington as the
14 first witness, if you will, for his allocution. And then I
15 have two other witnesses.

16 THE COURT: All right. All right. Let's call in
17 our jury.

18 (Jury reconvened at 11:18 a.m.)

19 THE COURT: Do counsel stipulate to the presence of
20 the jury?

21 MS. PIEPER: Yes, Your Honor.

22 MR. OTTO: Yes, Your Honor.

23 THE COURT: All right. Thank you, ladies and
24 gentlemen, please be seated.

25 All right. Ladies and gentlemen, the State has

1 completed its evidence in this phase of the trial. The
2 defense may call your first witness.

3 MR. OTTO: Thank you, Your Honor. First we would
4 ask that the Court allow Matthew Washington to allocute to the
5 jury.

6 THE COURT: In an unsworn statement?

7 MR. OTTO: In an unsworn statement.

8 THE COURT: You may do so. Mr. Washington, you may.

9 THE DEFENDANT: I'm very sorry. I'm very sorry for
10 anything -- any of this occurred. I feel bad about it. I'm
11 only 23 years old. I believe I will make a straight life if
12 I'm -- if I'm paroled. I want to do -- do the right thing
13 from here on out.

14 THE COURT: All right. Does that complete the
15 statement?

16 MR. OTTO: That completes the statement, Your Honor.

17 THE COURT: All right, thank you.

18 You may call your next witness.

19 MR. OTTO: This -- the defense calls Yolanda
20 Washington -- I mean, Hines.

21 THE COURT: If you would, please raise your right
22 hand and be sworn as a witness.

23 YOLANDA HINES, DEFENDANT'S WITNESS, SWORN

24 THE CLERK: Please be seated. Please state your
25 name and spell it for the record.

1 THE WITNESS: Yolanda Hines.

2 THE CLERK: Please do spell it for the record.

3 THE WITNESS: Yes. Y-o-l-a-n-d-a, H-i-n-e-s.

4 DIRECT EXAMINATION

5 BY MR. OTTO:

6 Q Ms. Hines, do you know Matthew Washington?

7 A Yes, I do.

8 Q And how do you know him?

9 A He's my son.

10 Q Is he your natural child or are you his stepmother?

11 A I'm his stepmother.

12 Q And how long have you been in Matthew's life?

13 A Since he was like three weeks old.

14 Q And how is it you came to meet Matthew when he was
15 three weeks old?

16 A I had been dating his father since November of 1989.

17 Q And you didn't have custody of Matthew during the --
18 when he was a very small child; is that correct?

19 A No. My mother-in-law and my father-in-law did until
20 my father-in-law passed away.

21 Q And when did your father-in-law pass away?

22 A 1996.

23 Q You're married to the -- to Matthew Washington, Sr.,
24 is that correct?

25 A That's correct.

1 Q And tell us about Matt growing up.

2 A Initially, growing up, Little Matt lived in the
3 house with my mother-in-law, Bertha Washington. And at about
4 13 or 14, he came and he started to live with us at like 13
5 and 14, because my mother-in-law, Bertha Washington, is
6 disabled and she couldn't take care of him. The courts on
7 Bonanza gave me and my husband custody of him, because he was
8 the natural father and we were about to get married by the
9 next year in that May. And so, then he become -- he came to
10 live with us at about 14.

11 Q So he's lived with you for several years now, about
12 how many?

13 A Well, really since he was like seven. We just -- he
14 just would go between the two homes, because my mother-in-law
15 -- my mother-in-law and I are very close.

16 Q Tell us about him. Is he pleasant to be around? Is
17 he --

18 A Yeah, he's my baby.

19 Q Does the -- can you continue? Do -- do the family
20 members enjoy each other?

21 A Yeah. He's very goofy. He's really helpful. I can
22 remember a time he's always been skinny like that. And after
23 I had his last sister, I gained a lot of weight. And I
24 remember after I had a surgery in 2009, and it's always -- I
25 tell a lot of people this story. I started having some

1 complications after my surgery, and I was bleeding. And I
2 don't know -- I think my husband had went to work because he
3 was working overnight. And we stayed in the house that had
4 the upstairs and the downstairs. And he carried me downstairs
5 because I was bleeding really bad and I couldn't walk. And I
6 must have passed out, because I remember waking up in North
7 Vista Hospital. But I remember him carrying me downstairs and
8 I remember my children dressing me and he was like, you're
9 going to be okay, momma, you're going to be okay.

10 Q Any sense -- any -- has he ever been mean?

11 A He's spoiled, he's a momma's boy.

12 Q And --

13 A He's not mean. He's spoiled, he likes to have his
14 way.

15 Q Uh-huh. Is -- are you surprised by the nature of
16 this case against him?

17 A I'm shocked, because that night, he was at home when
18 I went to sleep at 9:00 o'clock sitting next to me, because I
19 wasn't feeling well. And then I went to school the next day
20 and Quamay [phonetic] ended up calling me and saying this
21 stuff that happened.

22 Q Is there anything you'd like to tell this jury?

23 A I just want to say, please have some type of
24 leniency on my child. He has children, and I just want to see
25 him come home. I want to send my condolences to the family.

1 I'm so sorry about your loss. Please, he does have children,
2 too, and he is my baby. I don't want to die and never see him
3 again.

4 MR. OTTO: I -- that's -- I have no more questions.

5 THE COURT: All right.

6 MS. PIEPER: No questions by the State, Your Honor.

7 THE COURT: Thank you. You may step down. May this
8 witness be excused?

9 MR. OTTO: Yes, Your Honor.

10 MS. PIEPER: Yes.

11 THE COURT: Thank you, ma'am, you're excused.
12 Defense may call your next witness.

13 MR. OTTO: The defense calls Matia Hines.

14 THE MARSHAL: Just watch your step up there, ma'am.
15 Please remain standing and face the Clerk.

16 MATIA HINES, DEFENDANT'S WITNESS, SWORN

17 THE CLERK: Please be seated. Please state your
18 name and spell it for the record.

19 THE WITNESS: My name is Matia Hines, M-a-t-i-a,
20 H-i-n-e-s.

21 DIRECT EXAMINATION

22 BY MR. OTTO:

23 Q Ms. Hines, do you know Matthew Washington?

24 A Yes, I do.

25 Q And how do you know him?

1 A He's my big brother.

2 Q And do you live in the same house together?

3 A Yes.

4 Q And how long have you lived together to the extent
5 you can remember?

6 A For the past 10 years.

7 Q Ten years?

8 A Yeah.

9 Q And do you spend a good deal of time with Matthew?

10 A Yes.

11 Q And what -- what would you -- tell us about him at
12 home. What's he like?

13 A We play around a lot. And, I don't know, he's --

14 Q Is he mean?

15 A No. Well, as siblings. I don't know, we always
16 have been a little playful with each other, but nothing too
17 hurtful.

18 Q But not violent or anything?

19 A No.

20 Q Show -- I'm going to show you some photographs that
21 have been marked as Defense Exhibits A through G, and I'm
22 going to just show them to you one at a time and ask you if
23 you recognize them.

24 A Um-hum.

25 Q That's Defense Exhibit A, do you recognize that?

- 1 A Yes.
- 2 Q And what is it?
- 3 A A photo of me and my brother and sister.
- 4 Q And then Defense Exhibit B, what is that?
- 5 A My niece and nephew.
- 6 Q And who are they?
- 7 A Miracle and Matthew, Jr.
- 8 Q They are -- they --
- 9 A Well, the Third.
- 10 Q They're Matthew's?
- 11 A Yes. Those are his children.
- 12 Q I see. And Defense Exhibit C, what is that?
- 13 A Another photo of me and my brother and sister.
- 14 Q And when was that taken, if you know?
- 15 A It was one of my birthday parties, I think I had
- 16 turned seven.
- 17 Q And how old are you today?
- 18 A Nineteen years old.
- 19 Q And Defense Exhibit D, what is that?
- 20 A A photo of my brother and his oldest child Miracle.
- 21 Q And who?
- 22 A His oldest child, Miracle.
- 23 Q And Defense Exhibit E?
- 24 A A photo of my brother and our mom.
- 25 Q And Defense Exhibit F?

1 A A horrible photo of me and my brother.
2 Q And how long ago was that taken?
3 A Like, 2008.
4 Q And Defense Exhibit G?
5 A A photo of -- a collage of me and my brother.
6 MR. OTTO: May I -- may these be admitted?
7 MS. PIEPER: No objection by the State, Your Honor.
8 THE COURT: A through G will be admitted.
9 (Defense Exhibits A through G are admitted)
10 BY MR. OTTO:
11 Q And that is Defendant's A, I'm showing you on the
12 screen and you can see my pen if you look at the screen. And
13 who is that?
14 A That's my brother, Matthew Washington.
15 Q Matthew Washington. And who's that?
16 A My youngest sister Myia (phonetic).
17 Q And that's?
18 A Me.
19 Q And Defense Exhibit B, who do we see here?
20 A My brother's children, Miracle and Matthew.
21 Q And they're Matthew's children?
22 A Yes.
23 Q And Defense Exhibit C, what are we seeing here?
24 A Another photo of me and my siblings, Matthew and
25 Myia.

- 1 Q That was taken some years ago?
- 2 A Yes.
- 3 Q Any idea how old you were in that picture?
- 4 A About seven.
- 5 Q About seven, so more than ten years ago?
- 6 A Yeah.
- 7 Q And Defense Exhibit D?
- 8 A It's a photo of my brother and his child Miracle.
- 9 Q And that seems more recent. Any idea when that was
10 taken?
- 11 A That was about June or July 2013.
- 12 Q And Defense Exhibit E?
- 13 A That's our mother and my brother.
- 14 Q And Defense Exhibit F?
- 15 A That's me and my brother.
- 16 Q And that was some time ago and that's Matt there on
17 the left?
- 18 A Yes.
- 19 Q I'm sorry, that's the left. He's got a phone to his
20 ear?
- 21 A Yeah. We were on the computer playing video games
22 and he was talking on the phone.
- 23 Q How -- how long ago was that?
- 24 A 2008.
- 25 Q 2008. And then the final one, Defense Exhibit G?

1 A That's like the most recent, from 2013.

2 Q And that's Matt in the middle?

3 A Um-hum.

4 Q And you and Matt on each side, correct?

5 A Yes.

6 Q Is there anything you'd like to tell this jury about
7 Matt?

8 A Well, as you see in the photos, my brother has a
9 very beautiful smile to me, and he's not really a mean person
10 at all. And when we were at home, I don't know, I can't
11 picture him being anything but nice. But, I don't know, I
12 really wish and hope that I could see him home again soon, so.

13 MR. OTTO: I have no further questions for this
14 witness.

15 THE COURT: Cross-examination.

16 MS. PIEPER: Court's indulgence.

17 (Pause in the proceedings)

18 MS. PIEPER: Judge, can we approach?

19 THE COURT: You may.

20 (Off-record bench conference)

21 MS. SCHIFALACQUA: Nothing further from the State,
22 Judge, for this witness.

23 THE COURT: No cross-examination?

24 MS. SCHIFALACQUA: No, Your Honor.

25 THE COURT: Very good. You may step down. May this

1 witness be excused?

2 MS. PIEPER: Yes.

3 MR. OTTO: Yes, Your Honor.

4 THE COURT: Thank you, you're excused.

5 The State may -- defense may call your next witness.

6 MR. OTTO: The defense rests, Your Honor.

7 THE COURT: All right, the defense rests.

8 Ladies and gentlemen, you have heard the evidence in
9 this phase of the trial. It remains for me to instruct you on
10 the laws that pertains to this phase of the trial and then to
11 hear the closing arguments of counsel.

12 Counsel, any reason to -- not to proceed with
13 instructions at this point?

14 MS. PIEPER: Not by the State, Your Honor.

15 MR. OTTO: No, Your Honor.

16 THE COURT: All right. I will instruct you now,
17 ladies and gentlemen. The instructions are not terribly long,
18 and we will then take a noon recess for you to have lunch and
19 when you come back, you will hear the arguments of counsel.

20 Once again, as I've indicated before, if any of
21 these instructions don't seem particularly clear to you as I
22 read them to you, please bear in mind that you will be able to
23 take these carefully prepared, written instructions into the
24 jury room with you.

25 It is my duty as Judge to instruct you in the law

1 that applies to this penalty hearing. It is your duty as
2 jurors to follow these instructions and to apply the rules of
3 law to the facts, as you find them, from the evidence.

4 You must not be concerned with the wisdom of any
5 rule of law stated in these instructions. Again, regardless
6 of any opinion you may have as to what the law ought to be, it
7 would be a violation of your oath to base a verdict upon any
8 other view of the law than that given in the instructions of
9 the Court.

10 If, in these instructions, any rule, direction or
11 idea is repeated or stated in different ways, no emphasis
12 thereon is intended by me, and none should be inferred by you.
13 For that reason, you're not to single out any certain sentence
14 or any individual point, or instruction, and ignore the
15 others, but you are to consider all the instructions as a
16 whole and regard each in the light of all the others.

17 The trial jury shall fix the punishment for every
18 person convicted of murder of the first degree. The jury
19 shall fix the punishment at (1) life imprisonment, without the
20 possibility of parole, which means exactly what it says, that
21 the defendant shall not be eligible for parole; (2) life
22 imprisonment with the possibility of parole, with eligibility
23 for parole beginning when a minimum of 20 years has been
24 served; or (3) a definite term of 50 years, with eligibility
25 for parole beginning when a minimum of 20 years has been

1 served.

2 A prison term of 50 years with eligibility for
3 parole beginning when a minimum of 20 years has been served,
4 does not mean that the defendant would be paroled after 20
5 years, but only that he would be eligible for parole after
6 that period of time.

7 Life imprisonment with the possibility of parole is
8 a sentence to life imprisonment, which provides that the
9 defendant would be eligible for parole after a period of 20
10 years. This does not mean that he would be paroled after 20
11 years, but only that he would be eligible for parole after
12 that period of time.

13 Life imprisonment without the possibility of parole
14 means exactly what it says, that the defendant shall not be
15 eligible for parole.

16 In the penalty hearing, evidence may be presented
17 concerning aggravating and mitigating circumstances relative
18 to the offense and any other evidence that bears on the
19 defendant's character. Hearsay is admissible in a penalty
20 hearing.

21 A reasonable doubt is one based on reason. It is
22 not mere possible doubt, but is such a doubt as would govern
23 or control a person in the more weighty affairs of life. If
24 the minds of the jurors, after the entire comparison and
25 consideration of all of the evidence are in such a condition

1 that they can say they feel an abiding conviction of the truth
2 of the charge, there is not a reasonable doubt. Doubt, to be
3 reasonable, must be actual, not mere possibility or
4 speculation.

5 The jury is instructed that in determining the
6 appropriate penalty to be imposed in this case, that it may
7 consider all evidence introduced and instructions given at
8 both the penalty hearing phase of these proceedings, and at
9 the trial of this matter.

10 In your deliberation, you may not discuss or
11 consider the subject of guilt or innocence of a defendant, as
12 that issue has already been decided. Your duty is confined to
13 a determination of the punishment to be imposed.

14 The credibility or believability of a witness should
15 be determined by his manner upon the stand, his relationship
16 to the parties, his fears, motives, interests or feelings, his
17 opportunity to have observed the matter to which he testified,
18 the reasonableness of his statements, and the strength or
19 weakness of his recollections. If you believe that a witness
20 has lied about any material fact in the case, you may
21 disregard the entire testimony of that witness, or any portion
22 of his testimony which is not proved by other evidence.

23 Although you are to consider only the evidence in
24 the case in reaching a verdict, you must bring to the
25 consideration of the evidence your everyday common sense and

1 judgment as reasonable men and women. Thus, you are not
2 limited solely to what you see and hear as the witnesses
3 testify. You may draw reasonable inferences from the evidence
4 which you feel are justified in the light of common
5 experience, keeping in mind that such inferences should not be
6 based on speculation or guess.

7 A verdict may never be influenced by sympathy,
8 prejudice or public opinion. Your decision should be the
9 product of sincere judgment and sound discretion in accordance
10 with these rules of law.

11 During your deliberation you will have all of the
12 exhibits which were admitted into evidence, these written
13 instructions, and forms of verdict which have been prepared
14 for your convenience. Your verdict must be unanimous. When
15 you have agreed upon your verdict, they should be signed and
16 dated by your foreman.

17 Now, after we have some lunch, you will listen to
18 the arguments of counsel, who will endeavor to aide you to
19 reach a proper verdict by refreshing in your minds the
20 evidence and by showing the application thereof to the law.

21 But whatever counsel may say, you will bear in mind
22 that it is your duty to be governed in your deliberation by
23 the evidence as you understand it and remember it to be, and
24 by the law as given to you in these instructions with the
25 sole, fixed and steadfast purpose of doing equal and exact

1 justice between the defendant and the State of Nevada.

2 We will take a lunch recess. Now, it's a few
3 minutes until lunch will arrive, ladies and gentlemen.
4 Counsel, I don't think we're going to get lunch here probably
5 till noon, so I'm thinking at 1:00 p.m.? Do you want to --
6 are counsel prepared to go forward with argument at this
7 point?

8 MS. PIEPER: The State is.

9 MS. SCHIFALACQUA: Yes, Your Honor.

10 MR. OTTO: I am, Your Honor, yes.

11 THE COURT: Well, as much as I am loathed to accept
12 the representations of attorneys that they will be brief, as
13 that has proven to be not the case in my entire lifetime, I
14 want to know if all of you believe that you will be able to
15 begin and end the argument phase in the next 22 minutes?

16 MS. SCHIFALACQUA: Yes.

17 MR. OTTO: Certainly mine, Your Honor.

18 THE COURT: Well, how long would you anticipate your
19 opening to be?

20 MS. PIEPER: Judge, can we just approach, just
21 briefly?

22 THE COURT: Yes.

23 (Off-record bench conference)

24 THE COURT: All right, ladies and gentlemen, after
25 conferring with counsel, I am assured that they will be brief,

1 but you may be the judges of that.

2 We will proceed, therefore, with the arguments so
3 that when you eat your lunch, you will already be deliberating
4 upon the verdict. So we'll now be pleased to hear the opening
5 argument on behalf of the State. Ms. Schifalacqua?

6 MS. SCHIFALACQUA: Thank you, Your Honor.

7 STATE'S CLOSING ARGUMENT

8 MS. SCHIFALACQUA: Ladies and gentlemen, we stand
9 before you today to decide what is just for when one person
10 takes another person's life. But it's not a philosophical
11 discussion about it, generally, it's what is the just
12 punishment for Matthew Washington, who murdered Nathan Rawls,
13 in the way that he murdered him.

14 Now, there are three -- and as you heard about from
15 when we picked the jury on to what the Judge told you -- three
16 different options with regard to the punishment for the
17 defendant in this case. And I want to talk to you really
18 about what is not appropriate.

19 And what's not appropriate is the 20 to 50 years,
20 for a number of reasons. And the first thing that you look
21 at, and you sat through the trial, is the nature of the
22 defendant murdering Nathan Rawls and the way that it was done.

23 Twenty to fifty years is appropriate when the
24 circumstances aren't where, as were here, the defendant
25 endangered community. This wasn't a fight. It wasn't

1 personal, one-on-one. It was, and the defendant displayed, a
2 total disregard for a human life. And the nature of Nathan's
3 life being taken absolutely deserves more than 20, 50 -- to 50
4 years of punishment.

5 But the other thing that's very, very important with
6 regard to this particular defendant, and not just only the
7 nature, the disregard for human life in that community, that
8 2655 Sherwood, is his multiple contacts with law enforcement
9 and this criminal justice system.

10 Now, you heard that ex-felon in possession portion
11 of the trial, but what you heard today was that the defendant
12 is a Rolling 60s Crip gang member. That he has been given
13 opportunities in this criminal justice system, and he's taken
14 none of those opportunities. Because what has he done? He's
15 been given a misdemeanor, he's been given probation, and what
16 you learned was he never followed the terms and conditions of
17 any of that, but went out and committed further crime.

18 And when he violated those terms and conditions of
19 probation, some of the offenses were property crimes, Kohl's.
20 Then they got more serious, right? Personal property of
21 someone's own vehicle. And then it got to firearms, locations
22 of shootings. And what you learned from Detective Gillis
23 today was after having his probation revoked, he went to
24 prison, and again, identified himself as a Rolling 60s Crip
25 gang member, and had multiple fights and did not follow the

1 rules in prison.

2 And he was released in April of 2013. It wasn't
3 seven months, not seven months, before he murdered Nathan
4 Rawls. He's shown his character to you. And the question
5 becomes, the risk; 20 to 50 years is wholly inappropriate
6 given the killing, the way that it occurred, and given that
7 defendant's choices and his criminal record.

8 Now, you heard from family members. And Mr. Otto,
9 in many ways, this morning when he talked about it being a
10 tragedy. The -- the situation itself, absolutely, is a
11 tragedy, but it's by the choice of the man sitting over there.

12 And mothers are mothers. And when his mother got up
13 and said, I want to be able to see him again, well, she can.
14 But there's a mother that can't. And that's of Nathan Rawls'
15 family. And he made a choice to go to sleep that night, but
16 he made a choice to murder. And now you make a choice.

17 And that's where we ask you, you'll have this
18 verdict form in the back, that that choice is not -- it
19 doesn't fit the crime by itself, but it surely doesn't fit the
20 crime committed by Matthew Washington and his criminal past.
21 I would submit to you that life imprisonment is absolutely
22 appropriate, and you will make the choice of whether he should
23 be eligible for parole or not. Thank you.

24 THE COURT: All right, thank you.

25 We wish to hear the closing argument on behalf of

1 the defense, Mr. Otto.

2 MR. OTTO: Yes, Your Honor.

3 DEFENDANT'S CLOSING ARGUMENT

4 MR. OTTO: Members of the jury, as you know, it is
5 now up to you to decide the punishment for Matthew Washington.
6 There are three choices, and you'll have them with you on the
7 verdict form -- which is no longer up there -- in the jury
8 room.

9 A definite term, I submit to you, of 50 years is
10 appropriate. Fifty years is a long time. A parole at 20
11 years gives Matthew Washington an opportunity to show that he
12 can live in society. He -- it is simply an opportunity. As
13 the Court has read the instructions, that doesn't mean he'll
14 be paroled, it means he has the opportunity to be paroled.

15 If he were to serve a full 50 years, he'd be
16 approximately 73 years old when he left the prison. He has
17 expressed to you his remorse that this happened, his desire to
18 live a life on the straight and narrow. And I submit to you
19 that it would do justice to give him an opportunity for parole
20 after 20 years, fully served, in prison. Obviously, Mr.
21 Washington will be going to prison for a certain time, and the
22 question is, will he ever have a chance to be out again.

23 As I stated, this is a tragedy. It's a terrible
24 crime. You were instructed during the guilt phase of this
25 trial that any combination of theories could be considered,

1 and still arrive at your verdict. I submit to you that Mr.
2 Washington was merely an accomplice to this act, and his
3 participation in this crime was relatively minor.

4 He's been convicted now of 18 felony charges, each
5 of them carrying a lengthy prison sentence. At a later
6 hearing, when you are not on the jury, the Court will
7 determine the appropriate sentence for the other 17 charges in
8 this case.

9 I submit to you that based on the facts, based on
10 Matthew Washington's youth, 23 years old, that the appropriate
11 sentence in this case is 20 -- is 50 years in prison, with the
12 possibility of parole after 20 years.

13 I thank you very much for your service, for
14 listening and being patient with us during this trial. It's
15 important what you've done, it's important what you're about
16 to do. Thank you.

17 THE COURT: All right, thank you. And final
18 argument on behalf of the State, Ms. Pieper.

19 STATE'S REBUTTAL CLOSING ARGUMENT

20 MS. PIEPER: Mercy cannot rob justice. You can have
21 mercy for this defendant. You can show mercy, but do not let
22 it rob justice. This was an emotional day. We heard two
23 families grieving; Matthew Washington's family grieving for
24 the fact that they know he is (inaudible) a certain amount of
25 time in prison, that he has children, that they want the

1 children to be able to see him.

2 But we started off today with Nathan Rawls' family,
3 because they deserve justice. Nathan Rawls' children will
4 never be able to see him at Easter, on their birthdays,
5 Thanksgiving, Christmas. And so it is a tragedy that you saw
6 play out in this courtroom. You can have mercy for Matthew
7 Washington, but do not let it rob justice.

8 Ms. Schifalacqua talked to you about the 20 to 50
9 years. Twenty to fifty years is a long time, and we recognize
10 that. But the facts in this case don't show that 20 to 50
11 years is appropriate.

12 These defendants, and this defendant in particular,
13 was not an accomplice to this crime. You found that when you
14 convicted him of first degree murder. Whether you convicted
15 him under the directly committing, the aiding and abetting, or
16 the conspiracy theory, you found that he participated in this
17 crime, he was not an accomplice.

18 He was not a minor player. He actively engaged in
19 what happened on November 5th, 2013. They shot into the house
20 13 times, and when given an opportunity, he tried to blame the
21 co-defendant at some point by saying there was something
22 illegal in the car.

23 Today, you saw a bigger picture of Matthew
24 Washington. You heard from his family. But you also heard
25 about the contacts that he's had with law enforcement, the

1 opportunities that he's been given. And you heard about what
2 happened when he was in prison and the things that happened
3 there.

4 Twenty years to life means you give the parole board
5 an opportunity, that at 20 years, they look at Matthew
6 Washington and they say, are you ready to be out into society?
7 If the parole board deems it appropriate, they will let him
8 out. But the one thing that you give this family, the one
9 justice you give them, is that for the rest of his life,
10 Matthew Washington will be watched by the parole board, that
11 if he messes up, he will go back to prison. That gives him an
12 opportunity, too.

13 And obviously, life without the possibility of
14 parole is a very harsh sentence in this case, and we
15 understand that. We understand that it is a difficult
16 decision. But the State of Nevada is asking you not to give
17 him the 20 to 50. We are asking you to give him a life
18 sentence, because in regard to the facts of this case, and
19 regard to what he has done in his criminal resume, he deserves
20 that. And with that, we will submit to you on your decision.
21 Thank you.

22 THE COURT: All right, thank you.

23 Ladies and gentlemen, you have now heard all of the
24 evidence in the case, all of the instructions, and all of the
25 argument of the attorneys. It remains now for you to confer

1 upon your verdict regarding the penalty to be administered on
2 the first degree murder conviction.

3 We will excuse the jury to retire to the jury room
4 to deliberate and the Court will remain in session.

5 (Jury retires to deliberate at 11:58 a.m.)

6 THE COURT: Ah, thank you. The record will reflect
7 the absence of the jury. We will -- again, we have your phone
8 numbers. We'll remain in contact.

9 This is probably an appropriate point for me to
10 comment to you that, as I sometimes do at the conclusion of a
11 -- of a trial. These are obviously extremely serious charges
12 and an extremely serious matter to so many people, to every
13 person in this courtroom.

14 I would like to express on behalf of the Court my
15 appreciation to the attorneys for the highly professional
16 manner in which they have conducted themselves in this trial.
17 Sometimes emotional cases, particularly, can break down into
18 something that makes it very difficult to administer justice
19 and to do what society and the law requires us to do to. And
20 it is all the more difficult when we have attorneys who
21 sometimes are not particularly professional to each other.

22 In this case, you have -- all of the observers have
23 seen attorneys who were of the utmost professional caliber in
24 the way that they have treated themselves, their opponents,
25 and the Court and the witnesses, and I would like to express

1 my appreciation to the attorneys for that.

2 We'll be in recess pending the verdict.

3 MS. PIEPER: Thank you, Your Honor.

4 MS. SCHIFALACQUA: Thank you, Your Honor.

5 MR. OTTO: Thank you, Your Honor.

6 (Court recessed at 12:00 p.m. until 1:58 p.m.)

7 (Outside the presence of the jury)

8 THE COURT: -- family member, I believe?

9 MR. OTTO: Yes, sir.

10 MS. SCHIFALACQUA: And, Judge, we can, I think, put
11 on record the question however.

12 THE COURT: Yeah. We -- we'll put on the record
13 that we did receive a question from the jury, which we'll have
14 marked and made a part of the record. However, as we were
15 discussing it amongst counsel and the Court, we were advised
16 that the jury has a verdict, so no answer was given to the
17 jury.

18 The question reads as follows, "Would the sentencing
19 will be consecutive or congruent?" And before we reached any
20 answer to that, the verdict came in, and this will simply be
21 made a part of the record.

22 Anything else for our record before we -- while
23 we're waiting for the family member to arrive?

24 MS. SCHIFALACQUA: Not by the State, Judge.

25 MR. OTTO: No, Your Honor.

1 THE COURT: Do we have any idea how far out the
2 family member is, or?

3 MR. OTTO: The last time they arrived pretty
4 quickly. I think they're probably close.

5 THE COURT: All right. If you'll just let us know,
6 please when they're here.

7 MR. OTTO: I can give another call.

8 MS. PIEPER: Judge, I assume that after this verdict
9 is read, then we'll get a sentencing date within 60 to 90?

10 THE COURT: That's correct, yeah. We can probably
11 do that now, if you want. I don't see any reason to wait, do
12 you? Let's go ahead and fix a sentencing date.

13 THE CLERK: June 18th at 9:00 a.m.

14 MS. PIEPER: And, Judge, for the record, we'd ask
15 that the defendant be remanded without bail. I believe he
16 still had some bail at the beginning of this case, but we're
17 going to ask that he be remanded without bail on all charges
18 since now the jury has convicted him of the crimes.

19 THE COURT: All right. That will be the order.

20 MS. SCHIFALACQUA: Thank you, Your Honor.

21 MR. OTTO: June 18th at 9:00 a.m.?

22 THE COURT: 9:00 a.m., yeah. Anything else to put
23 on the record?

24 MS. PIEPER: No, not by the State.

25 MR. OTTO: No, Your Honor.

1 THE COURT: We'll be in recess till we get our
2 family members here, then we'll start.

3 (Court recessed at 2:00 p.m. until 2:02 p.m.)

4 (In the presence of the jury)

5 THE COURT: Thank you, please be seated. The record
6 will reflect the presence of the jury, the defendant, and
7 counsel and the prosecution from the District Attorney's
8 Office.

9 Mr. Roark, has the jury arrived at a verdict?

10 JUROR NO. 8: Yes, we have, Your Honor.

11 THE COURT: Would you hand it to the Bailiff,
12 please?

13 (Pause in the proceedings)

14 THE COURT: All right. The Clerk will read the
15 verdict and inquire of the jury.

16 THE CLERK: District Court, Clark County, Nevada,
17 the State of Nevada, plaintiff, v. Matthew Washington,
18 defendant, Case Number C-13-294695-1, Department I.

19 Verdict. We, the jury, in the above-entitled case,
20 having found the defendant, Matthew Washington, guilty of
21 Count 2, Murder of the First Degree, and impose a sentence of
22 life in the Nevada Department of Corrections, with eligibility
23 for parole beginning when a minimum of 20 years has served.

24 Dated this 17th day of April 2014, signed by
25 Foreperson, Brian Roark.