

IN THE SUPREME COURT OF THE STATE OF NEVADA

AARON WILLARD FRYE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK; AND THE
HONORABLE JERRY A. WIESE,
DISTRICT JUDGE,
Respondents,

And
THE STATE OF NEVADA;
Real Party in Interest.

Electronically Filed
Oct 24 2018 08:42 a.m.
Elizabeth A. Brown
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CASE NO: 76845

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INDEX

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Page No.

Reporter's Transcripts of 05/10/18 (Grand Jury Proceedings), filed 05/22/18 1-55

CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on October 23, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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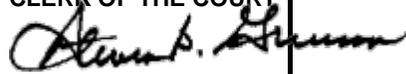
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I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

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BY /s/ J. Garcia
Employee, District Attorney's Office

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EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID
DISTRICT COURT

THE STATE OF NEVADA,)
)
 Plaintiff,)
)
 vs.)
)
 AARON FRYE, aka Aaron Willard)
 Frye,)
)
)
 Defendant.)
)

GJ Case No. 17CGJ052X
DC Case No. C331986

Taken at Las Vegas, Nevada
Thursday, May 10, 2018
10:31 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Donna J. McCord, C.C.R. No. 337

1 GRAND JURORS PRESENT ON MAY 10, 2018:

2

3 PATTI HAYDEN, Foreperson

4 KEITH NELSON, Deputy Foreperson

5 JODI SHERROD, Secretary

6 GAIL ALCALAY, Assistant Secretary

7 MYRL-LEE BOYDEN

8 TAMA CLARK

9 ARTHUR ELLIOTT

10 CARLTON FOGG

11 TIM GRISWOLD

12 VERNA HALL

13 MARCUS KNICKERBOCKER

14 MARCIA LUKES

15 OLGA LYLES

16 SHELLEY MYSZ

17 SCOTT SEXTON

18 SHIRLEY RITZ

19

20

21

22 Also present at the request of the Grand Jury:

23 Elizabeth Mercer,
24 Chief Deputy District Attorney

25 Nima Afshar
Deputy District Attorney

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INDEX OF WITNESSES

EXAMINED

ROLAND MIGUEL	7
MARYANN VALDEZ	21
THEODORE WEIRAUCH	26
TULLIO PANDULLO	37

INDEX OF EXHIBITS

<u>GRAND JURY EXHIBITS</u>	<u>IDENTIFIED</u>
EXHIBIT 1 - PROPOSED INDICTMENT	5
EXHIBIT 2 - INSTRUCTIONS	5
EXHIBIT 3 - PHOTOGRAPH	31
EXHIBIT 4 - RECORDS	39
EXHIBIT 5 - PHOTO LINE-UP	14
EXHIBIT 6 - PHOTOGRAPH	16
EXHIBIT 7 - PHOTOGRAPH	16
EXHIBIT 8 - PHOTOGRAPH	16
EXHIBIT 9 - PHOTOGRAPH	28
EXHIBIT 10 - PHOTOGRAPH	28
EXHIBIT 11 - PHOTOGRAPH	28
EXHIBIT 12 - PHOTOGRAPH	28
EXHIBIT 13 - PHOTOGRAPH	28
EXHIBIT 14 - JOC	34
EXHIBIT 15 - JOC	34
EXHIBIT 16 - JOC	35

1 LAS VEGAS, NEVADA, MAY 10, 2018

2 * * * * *

3
4 DONNA J. McCORD,

5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.
8

9 MS. MERCER: Good morning, ladies and
10 gentlemen. My name is Chief Deputy District Attorney
11 Elizabeth Mercer. I'm here with Deputy District
12 Attorney Nima Afshar. We are presenting State of Nevada
13 versus Aaron Frye which is Grand Jury case number
14 17CGJ052X. The record should reflect that a copy of the
15 proposed Indictment has been marked as Grand Jury
16 Exhibit Number 1. And additionally I have marked the
17 instructions pertaining to the offenses charged in that
18 Indictment as Grand Jury Exhibit Number 2. I would just
19 ask that you all review those instructions before you
20 deliberate and let myself or Miss Afshar know if you
21 have any questions. We do have several witnesses today
22 but most of them will be pretty short. The first
23 witness is going to be Roland Miguel.

24 You're just going to stand in front of the
25 table and they're going to swear you in.

1 THE FOREPERSON: Please raise your right
2 hand.

3 You do solemnly swear that the testimony
4 that you're about to give upon the investigation now
5 pending before this Grand Jury shall be the truth, the
6 whole truth, and nothing but the truth, so help you God?

7 THE WITNESS: Yes.

8 THE FOREPERSON: Please be seated.

9 You're advised that you're here today to
10 give testimony in the investigation pertaining to the
11 offenses of burglary while in possession of a firearm,
12 robbery with use of a deadly weapon, carrying concealed
13 firearm or other deadly weapon, ownership or possession
14 of firearm by prohibited person involving Aaron Frye.

15 Do you understand this advisement?

16 THE WITNESS: Yes.

17 THE FOREPERSON: Please state your first
18 and last name and spell both slowly for the record.

19 THE WITNESS: Yes. Roland Miguel,
20 R-O-L-A-N-D, Miguel, M-I-G-U-E-L.

21

22 **ROLAND MIGUEL,**

23 having been first duly sworn by the Foreperson of the
24 Grand Jury to testify to the truth, the whole truth
25 and nothing but the truth, testified as follows:

EXAMINATION

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BY MS. MERCER:

Q Good morning, sir. I want to direct your attention to April 11th of 2018. On that date where were you employed?

A Clark County Credit Union.

Q In what capacity? What were your job duties?

A Oh, it's considered an MSR which is a member service rep, but basically I was on the teller line doing teller duties.

Q Okay. So if somebody went into the bank to cash a check they would see you, correct?

A Correct.

Q And which location were you working at?

A Sunset branch, 9311 West Sunset Road.

Q Is that here in Las Vegas, Clark County, Nevada?

A Correct.

Q How late is your branch typically open?

A 5:00 o'clock.

Q Just prior to 5:00 p.m. on April 11th of 2018, did something happen at your business that caused you to come into contact with the police?

A Yes, a gentleman came in and basically came

1 to the window and demanded money.

2 Q He came to your window?

3 A I was the first contact, yes, correct.

4 Q And which window were you working that
5 evening?

6 A I was, if you are walking into the branch,
7 second from the right.

8 Q Was anyone at the first window at the time?

9 A At that moment, no.

10 Q Do you have a co-worker named Maryann?

11 A I have a co-worker named Maryann, yes.

12 Q Was she working that window that day?

13 A She was working that window that day but at
14 that time she was in the vault closing it up since we
15 were closing in like a minute or two.

16 Q And is Maryann's last name Valdez?

17 A Yes.

18 Q You said that she was at the vault at the
19 time?

20 A Yeah, in the vault area.

21 Q When he approached you or when you first
22 saw him walk in did you see any weapons in his hands?

23 A No, no. I called him over as if I was
24 assisting a regular member. I was just honestly trying
25 to get the transaction done so I can go home and watch

1 the playoffs.

2 Q You said he demanded money?

3 A Yes, he said give me all your hundreds and
4 fifties. Initially I was shocked because I'm pretty
5 laid back as is so when he said that I was, it's kind of
6 slang, but I was like, oh, for real, like things like
7 that, and then that's when he pulled up his shirt and
8 actually pulled out the gun. And then he said, yeah,
9 I'm serious type of thing.

10 Q What did the gun look like?

11 A It's more like a police officer's gun, not
12 with the little revolver type but like a --

13 Q So it was an semiautomatic firearm?

14 A Yes.

15 Q What color was it?

16 A It was darker. I want to say maybe black.
17 It's a dark gun, dark-colored gun.

18 Q Once he pulled the firearm out and
19 confirmed that he was serious, what happened at that
20 point?

21 A At that point I was telling him that I have
22 nothing for him, I have nothing -- because we use little
23 automated machines where it dispenses out the cash but
24 we're so late into the day that I've dispensed all my
25 cash or I already put all my cash into that machine to

1 where all I had left was the bait money and I wasn't
2 going to give that out unless I was instructed to.

3 Q What is bait money?

4 A Bait money is just anytime when we have a
5 situation like this and they do end up taking that
6 money, there's various types of bait money but in ours
7 for Clark County Credit Union we have it, with the
8 serial numbers we already have it premade on a piece of
9 paper or on a document showing what bills are the bait
10 money.

11 Q So you record the serial numbers on those
12 bills?

13 A Correct.

14 Q So they can be traced later?

15 A Yes, if a situation like this were to
16 happen.

17 Q So you explained to him you don't have any
18 cash?

19 A Yes.

20 Q That you've already put it into your
21 automated machine?

22 A Correct.

23 Q And then at that point what did he do?

24 A At that point he grew a little more
25 aggravated so he moved onto windows three and four to

1 see what they had.

2 Q Who was working those windows?

3 A Window three you had Mandy-Lynn and then
4 window four you had Rochelle.

5 Q And is Mandy-Lynn's last name Suyat?

6 A Yes.

7 Q S-U-Y-A-T?

8 A Uh-huh. Correct.

9 Q And Rochelle's last name is D-U-M-L-A-O?

10 A Yes.

11 Q Okay. Was he able to get any money from
12 them at that point?

13 A At that point, no. Honestly those two took
14 a step back. You can see they were a little shook as
15 well, also pleading that there's no money. And then at
16 that point that's where Maryann came out from the vault
17 area and was trying to explain to the gentleman same
18 thing, like we don't have any money, we don't have any
19 cash, we have these machines. Things are posted
20 everywhere saying that it's all in the machine so we
21 have nothing to just give out, yet he still grew more
22 aggravated because they were just going back and forth
23 to the point where Maryann basically just wanted him to
24 get out and said, hey, just give out the money, which
25 all we had left was the bait.

1 Q And so did you provide him with your bait
2 money?

3 A Yeah.

4 Q Did you put it on the counter and he picked
5 it up, how did that work?

6 A At that point I was a little ticked off too
7 because he's actually getting away with some money, so I
8 threw it on the counter and then he eventually swiped it
9 up.

10 Q And did he also get money from windows
11 three and four?

12 A Yes, so he got windows -- he got all our
13 windows.

14 Q All of the bait money?

15 A Yeah.

16 Q Did each station have a certain amount of
17 bait money?

18 A So each station has \$200, all twenties.

19 Q And did he also get money from Maryann's
20 station?

21 A Maryann, yes. It was in a bag. I don't
22 know if the money was in the bag or if it was separate
23 from the actual bag that she gave him.

24 Q But you saw her hand over a bag?

25 A Yes, uh-huh. Correct.

1 Q Okay. Once he had all the money what did
2 he do?

3 A Once he had all the money he stormed off.
4 That's when he basically pushed the door pretty loud.
5 That's when the assistant manager finally was like, oh,
6 what happened, and that's when we said, hey, we got
7 robbed, call the police, call who we need to call.

8 Q Call the police and call who?

9 A Who we need to call like our superiors, our
10 branch manager, our VP, HR to let them know what
11 happened?

12 Q Okay. And did the police respond while you
13 were still on the scene?

14 A Yes.

15 Q Did you speak to a detective at some point?

16 A Yes, Parra.

17 Q Detective Joe Parra?

18 A Parra, yeah.

19 Q Was that interviewed recorded?

20 A Yes.

21 Q During that interview did you provide a
22 description of the suspect to him?

23 A Correct, yes.

24 Q What description did you provide him?

25 A He was shorter, I want to say five-four to

1 five-six, may be skewed because I'm a little taller so
2 everyone's a little shorter to me but that's what I was
3 looking at. He was a little stocky so I'm looking at
4 150 to 160. I distinctly remember him wearing that
5 Arizona Cardinal's black hat with a red bill, still had
6 tags on it. He had that white short-sleeve button-down
7 shirt as well as black pants and black shoes.

8 Q Okay. And then a few days later were you
9 contacted by another detective, I guess it was the
10 following day, a detective by the name of Detective
11 Pandullo?

12 A Correct, yes. He contacted me. He met me
13 at my house.

14 Q And was the purpose of that contact what's
15 referred to as a photo line-up with you?

16 A Correct.

17 Q I'm showing you Grand Jury Exhibit
18 Number 5. Do you recognize this?

19 A Yes.

20 Q Is this the photo line-up?

21 A Yes.

22 Q And it's two pages?

23 A Correct.

24 Q Before he showed you the photos on the
25 second page, did he review these instructions with you

1 at the top of the photo line-up witness instructions?

2 A Yes.

3 Q And did you sign acknowledging that you
4 received those instructions and understood them?

5 A Yes.

6 Q And then you viewed the photos, correct?

7 A Correct.

8 Q Did you circle a photo?

9 A Yes.

10 Q Which photo?

11 A Number two.

12 Q And is that your signature on the line?

13 A Correct?

14 Q Number two?

15 A Yes.

16 Q After viewing the photos did you then
17 complete the statement on the first page?

18 A Yes.

19 Q What does the statement say?

20 A I chose number two because after seeing the
21 rest of the line-up he stood out. His facial features
22 and his skin tone resemble a hundred percent to the
23 suspect yesterday. In yesterday's robbery he wasn't
24 wearing glasses but it was easy still to identify him
25 with glasses.

1 Q Okay. And so in the photo line-up that you
2 were shown he was wearing glasses?

3 A Yes.

4 Q Showing you page 2. And you picked the
5 person in the number two position, correct?

6 A Correct.

7 Q And then after you completed that statement
8 that you wrote on the first page down here at the bottom
9 you also signed underneath there, correct?

10 A Yes.

11 Q Is your branch equipped with surveillance?

12 A Yes.

13 Q I'm going to ask you to look at Grand Jury
14 Exhibits 6 through 8 for me. Do you recognize what's
15 depicted in those exhibits?

16 A Yes.

17 Q Are these still photographs taken from the
18 surveillance video of this incident?

19 A Yes.

20 Q I'm going to publish them on the overhead
21 so that the Grand Jurors can see what we're talking
22 about. Grand Jury Exhibit Number 6 is him as he's
23 entering your business, correct?

24 A Correct.

25 Q And Grand Jury Exhibit Number 7 is him at

1 one of the teller stations?

2 A Yes. Looks like Rochelle's station.

3 Q And you can see a firearm in his right
4 hand?

5 A Correct.

6 Q And it appears black in color or dark gray?

7 A Yes.

8 Q And then showing you Grand Jury Exhibit
9 Number 8, is this a photo of him as he's leaving the
10 business?

11 A Yes.

12 Q And he's wearing an Arizona Cardinal's hat
13 with the Cardinal's symbol on the front and a red bill?

14 A Yes.

15 Q Is this the sticker that you were referring
16 to as having —

17 A Yes.

18 Q — the tag being on it?

19 A Yes.

20 Q Okay. And he's also wearing the clothing
21 that you previously described, correct?

22 A Uh-huh.

23 Q The white button-up shirt and black jeans?

24 A Yes.

25 Q When he exited were you able to see which

1 direction he went?

2 A He went on foot, I guess exiting the branch
3 it would be to the left, but not much after that. It
4 was just kind of a, like a frantic type of thing.

5 Q Just to be clear, he departed the property
6 with everybody's bait money and the bag that Maryann
7 provided him? In other words, he didn't hand it back?

8 A Oh, yeah, no, he definitely did not hand it
9 back.

10 Q Okay.

11 Do any of the Grand Jurors have any
12 questions for this witness?

13 BY A JUROR:

14 Q In the picture where he's exiting you said
15 money was in a bag. He didn't have a bag in his hand.
16 Did he shove it in his pockets?

17 A He was walking away already so I wouldn't
18 know.

19 Q And also doesn't your bank have a silent
20 alarm? While you were distracted why couldn't you have
21 hit the silent alarm?

22 A Honestly we have ones that are portable so
23 I was looking for it, I just couldn't find it. The next
24 day I was looking for it and it was behind the tape
25 dispenser. So, yeah, I was pretty mad that night trying

1 to look for it.

2 THE FOREPERSON: By law these proceedings
3 are secret and you are prohibited from disclosing to
4 anyone anything that transpired before us including any
5 evidence presented to the Grand Jury, any event
6 occurring or a statement made in the presence of the
7 Grand Jury or any information obtained by the Grand
8 Jury.

9 Failure to comply with this admonition is a
10 gross misdemeanor punishable up to 364 days in the Clark
11 County Detention Center and a \$2,000 fine. In addition
12 you may be held in contempt of court punishable by an
13 additional \$500 fine and 25 days in the Clark County
14 Detention Center.

15 Do you understand this admonition?

16 THE WITNESS: Yes.

17 THE FOREPERSON: Thank you. You're
18 excused.

19 THE WITNESS: Thank you.

20 MS. MERCER: Thank you, sir.

21 THE WITNESS: Thank you.

22 MS. MERCER: State's next witness is going
23 to be Maryann Valdez.

24 Just stand in front of this table while
25 they swear you in.

1 THE FOREPERSON: Please raise your right
2 hand.

3 You do solemnly swear that the testimony
4 that you're about to give upon the investigation now
5 pending before this Grand Jury shall be the truth, the
6 whole truth, and nothing but the truth, so help you God?

7 THE WITNESS: Yes.

8 THE FOREPERSON: Please be seated.

9 You're advised that you're here today to
10 give testimony in the investigation pertaining to the
11 offenses of burglary while in possession of a firearm,
12 robbery with use of a deadly weapon, carrying concealed
13 firearm or other deadly weapon, ownership or possession
14 of firearm by prohibited person involving Aaron Frye.

15 Do you understand this advisement?

16 THE WITNESS: Yes.

17 THE FOREPERSON: Please state your first
18 and last name and spell both slowly for the record.

19 THE WITNESS: Maryann Valdez,
20 M-A-R-Y-A-N-N, last name Valdez, V-A-L-D-E-Z.

21

22 **MARYANN VALDEZ,**

23 having been first duly sworn by the Foreperson of the
24 Grand Jury to testify to the truth, the whole truth
25 and nothing but the truth, testified as follows:

EXAMINATION

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BY MS. MERCER:

Q Ma'am, I want to direct your attention to April 11th of 2018. On that date were you working at the Clark County Credit Union?

A Yes.

Q As a teller?

A Yes.

Q And was that the location at 9311 West Sunset Road?

A Yes.

Q Were you working the first window?

A Yes.

Q And just prior to 5:00 p.m. you were in the vault, correct?

A Correct.

Q What were you doing back there?

A Getting ready to close so I was finishing balancing and --

Q I'm sorry, you were finishing balancing and what?

A And putting our sensitive information away.

Q Okay. And when you came out from the vault area back to where the windows would be what did you observe happening?

1 A I saw the gentleman pointing the gun at our
2 other teller.

3 Q Which teller?

4 A Her name was Rochelle.

5 Q Okay. What was Rochelle doing?

6 A Rochelle was just standing there staring at
7 him.

8 Q What did you do at that point?

9 A I came up behind her and I told him that we
10 don't keep hundreds in our drawer, we don't have any
11 money for him, and he just kept pointing it and
12 demanding money. So I just told her to give him
13 whatever she had because I knew that she had bait in her
14 drawer so I said just give him whatever you have and
15 then she proceeded to give him her bait.

16 Q And how much money did she have in her bait
17 money?

18 A Two hundred dollars in twenties.

19 Q Was everybody's bait money in \$20
20 denominations?

21 A Yes.

22 Q And did each teller have \$200 in bait
23 money?

24 A Yes.

25 Q When you told Rochelle to give him the bait

1 money, did he then move on to other employees and get
2 their bait money as well?

3 A Yeah. Then he proceeded to point the gun
4 at each of us and told us to give him everything that we
5 had.

6 Q And then when he got to you and asked for
7 your bait money what happened?

8 A My bait money was in my bank bag in the
9 drawer since I was getting ready to close so I went to
10 open up my bank bag to give him the bait money and he
11 said just give me that bag so I gave him what I had in
12 the bag.

13 Q What else was in the bag?

14 A I had some two dollar bills, some unfit and
15 coin.

16 Q You said unfit --

17 A Unfit or mutilated bills.

18 Q Okay. Meaning what?

19 A Money that we don't give back to members.
20 It's been written on or ripped.

21 Q You also said that you gave him coin?

22 A Uh-huh.

23 Q What kind of coins?

24 A Dollar coins.

25 Q How many were in the bag, do you recall?

1 A There were ten.

2 Q Okay. Did he ever ask you about the
3 contents of the vault?

4 A No.

5 Q Once he had everyone's bait money what
6 happened?

7 A Then he left.

8 Q Did you see which direction he headed?

9 A No, I just — the way the branch is set up
10 I didn't see him go out the door.

11 Q Okay.

12 I don't believe I have any additional
13 questions for this witness. Do any of the Grand Jurors
14 have any questions for her?

15 THE FOREPERSON: By law these proceedings
16 are secret and you are prohibited from disclosing to
17 anyone anything that transpired before us including any
18 evidence presented to the Grand Jury, any event
19 occurring or a statement made in the presence of the
20 Grand Jury or any information obtained by the Grand
21 Jury.

22 Failure to comply with this admonition is a
23 gross misdemeanor punishable up to 364 days in the Clark
24 County Detention Center and a \$2,000 fine. In addition
25 you may be held in contempt of court punishable by an

1 additional \$500 fine and 25 days in the Clark County
2 Detention Center.

3 Do you understand this admonition?

4 THE WITNESS: Yes.

5 THE FOREPERSON: Thank you. You're
6 excused.

7 MS. MERCER: And the State's next witness
8 is Detective Ted Weirauch.

9 THE FOREPERSON: Please raise your right
10 hand.

11 You do solemnly swear that the testimony
12 that you're about to give upon the investigation now
13 pending before this Grand Jury shall be the truth, the
14 whole truth, and nothing but the truth, so help you God?

15 THE WITNESS: Yes, I do.

16 THE FOREPERSON: Please be seated.

17 You're advised that you're here today to
18 give testimony in the investigation pertaining to the
19 offenses of burglary while in possession of a firearm,
20 robbery with use of a deadly weapon, carrying concealed
21 firearm or other deadly weapon, ownership or possession
22 of firearm by prohibited person involving Aaron Frye.

23 Do you understand this advisement?

24 THE WITNESS: Yes, I do.

25 THE FOREPERSON: Please state your first

1 and last name and spell both slowly for the record.

2 THE WITNESS: My name is Theodore,

3 T-H-E-O-D-O-R-E, my last name is Weirauch,

4 W-E-I-R-A-U-C-H.

5

6 **THEODORE WEIRAUCH,**

7 having been first duly sworn by the Foreperson of the

8 Grand Jury to testify to the truth, the whole truth

9 and nothing but the truth, testified as follows:

10

11 EXAMINATION

12 BY MS. MERCER:

13 Q Sir, where are you currently employed?

14 A With the Las Vegas Metropolitan Police
15 Department as a robbery detective.

16 Q How long have you been assigned to the
17 robbery unit?

18 A Almost ten years.

19 Q And prior to being assigned to the robbery
20 unit where else did you work within Metro?

21 A I worked in patrol in southeast area
22 command.

23 Q For how many years?

24 A Six years.

25 Q So in total you've been with Metro for

1 approximately 17 years?

2 A That's true.

3 Q Okay. I want to direct your attention to
4 April 11th of 2018. On that date were you requested to
5 respond to a robbery that occurred at the Clark County
6 Credit Union on West Sunset Road?

7 A Yes, I was.

8 Q Did other detectives from your unit respond
9 with you?

10 A Yes, they did.

11 Q Which detectives?

12 A Detective Joe Parra.

13 Q And you actually entered the establishment,
14 correct?

15 A Yes.

16 Q When you were inside did you learn that the
17 business had surveillance?

18 A Yes, I did.

19 Q Surveillance equipment. And did you
20 request that surveillance equipment or the surveillance
21 video?

22 A Yes, I did.

23 Q I'm showing you Grand Jury Exhibits 6
24 through 8. Do you recognize those as stills from the
25 robbery?

1 A Yes, they are.

2 Q While you were at the business did you
3 notice that there were other businesses in the area that
4 could potentially have surveillance?

5 A Yes.

6 Q And did you request another detective in
7 your unit, Detective Hubbard, to obtain that
8 surveillance video?

9 A Yes, I did.

10 Q Where was the video obtained from?

11 A There was an office complex just west of
12 the bank and it had cameras mounted on top.

13 Q When you obtained that video did you watch
14 the video from the nearby businesses?

15 A I got still photos from Detective Hubbard.

16 Q Okay. And I'm showing you Grand Jury
17 Exhibits 9, 10, 11, 12 and 13.

18 A Yes.

19 Q With regards to Grand Jury Exhibit
20 Number 13, is this a still photo from that surveillance
21 video that Detective Hubbard provided to you?

22 A Yes, it is.

23 Q And he provided it to you why?

24 A In an attempt to see if the suspect fled in
25 a vehicle or to trace the suspect's direction of travel

1 after he left the bank.

2 Q In the video did the suspect arrive and
3 depart in this vehicle?

4 A Yes, he did.

5 Q And were you all able to get a license
6 plate number off of that?

7 A Yes.

8 Q When you're watching the actual video it's
9 clearer than this still photograph that is a little bit
10 pixelated, correct?

11 A That is correct.

12 Q And then you indicated that it was from the
13 business to the west of the bank?

14 A Yes.

15 Q Showing you what's been marked as Grand
16 Jury Exhibit Number 9, where is this located?

17 A So a camera sits on top of the building and
18 the building is to the west of the bank and it's
19 pointing into a parking lot that is west of that
20 building next to a Maverick gas station. There's an
21 alleyway that runs behind the Maverick gas station.

22 Q And does this appear to be the suspect
23 after he just parked the car?

24 A Yes.

25 Q Showing you Grand Jury Exhibit 10, where is

1 this?

2 A So when the suspect leaves the car he walks
3 northbound through that alleyway, gets onto the street
4 and now he's walking eastbound towards the bank through
5 the parking lot. He's up there by the big silver
6 RV-looking van.

7 Q Right here?

8 A Yeah.

9 Q And then that's as he's walking to the
10 bank?

11 A That's correct.

12 Q Showing you Grand Jury Exhibit 11, does
13 this appear to be a still image of him running away from
14 the bank after the robbery?

15 A Yes.

16 Q And then showing you Grand Jury Exhibit 12,
17 is this a still image with timestamp 1644:10 where he is
18 running back to that yellow sports car?

19 A Yes.

20 Q Was Detective Pandullo working with you on
21 this case as well?

22 A The next day he was working and did some
23 follow-up investigation on it.

24 Q And that follow-up investigation was with
25 regards to that vehicle, correct?

1 A That's correct.

2 Q Did he give you a potential suspect's name
3 of Aaron Frye?

4 A Yes, he did.

5 Q And when you obtained that name from him,
6 what did you do to try to confirm whether or not that
7 suspect matched the description of the suspect in your
8 robbery?

9 A I did some research on Aaron Frye, found a
10 photograph of him and compared his height and weight to
11 that of the suspect's.

12 Q Showing you Grand Jury Exhibit Number 3,
13 who is that?

14 A That's Aaron Frye.

15 Q When you pulled up that photograph and
16 looked at his physical descriptors and compared it to
17 the suspect's descriptors in your case did they appear
18 to match?

19 A Yes.

20 Q And the physical descriptors that you got
21 with regards to your robbery, where did those come from?

22 A I spoke with some of the victims the day of
23 the robbery.

24 Q And did Detective Parra also speak with
25 some of them?

1 A Yes, he did.

2 Q And did you review the video as well?

3 A Yes.

4 Q And Aaron Frye is approximately five feet
5 seven inches?

6 A Yes.

7 Q With a weight of 135 pounds, correct?

8 A I would say slightly heavier than 135 but
9 yeah.

10 Q Okay. At some point did you have occasion
11 to interview the defendant in this case after he was
12 arrested?

13 A Yes, I did.

14 Q And do you recall what date he was arrested
15 on?

16 A It was the following --

17 Q The following day?

18 A Yeah.

19 Q So April 12th?

20 A I believe so, yes.

21 Q When you interviewed him did you Mirandize
22 him prior to asking him any questions about the robbery?

23 A Yes, I did.

24 Q Was that from memory or from a card?

25 A From a card.

1 Q And when you finished reading those rights
2 to him did he indicate that he understood those rights?

3 A Yes, he did.

4 Q Did you question him about the robbery?

5 A Yes, I did.

6 Q What did he tell you about the robbery at
7 the bank on April 11th of 2018?

8 A I asked him specific questions about where
9 the firearm that he had would be located, where I would
10 find the clothing that he wore and he said he disposed
11 of both of those.

12 Q Did he indicate to you he did in fact
13 commit the robbery at the Clark County Credit Union on
14 April 11th of 2018?

15 A Yes, he did.

16 Q Did he tell you why he committed it?

17 A He said at one time or another he had a
18 settlement and he's gambled all that money away and also
19 lost his identification card so he couldn't get a job so
20 he felt that he was in a position where robbing a bank
21 was the best way for him to get money to get out of the
22 hole.

23 Q Did he tell you that he felt like the walls
24 were closing in on him?

25 A Yes.

1 Q Okay. And then just one last set of
2 questions for you. During the course of your
3 investigation you learned that the defendant was
4 prohibited from possessing a firearm, correct?

5 A Correct.

6 Q Did he admit to you that it was a real
7 firearm?

8 A He said it was real firearm, yes.

9 Q I'm showing you what's been marked as Grand
10 Jury Exhibit Number 14. Do you recognize this as a
11 Judgment of Conviction for case number YA085649-02 out
12 of the Superior Court of California, Los Angeles County?

13 A Yes.

14 Q And it shows a conviction for unlawful
15 driving or taking of a vehicle?

16 A Yes.

17 Q Actually two different convictions for the
18 same offense?

19 A Correct.

20 Q And it's dated May 17th, 2013?

21 A Correct.

22 Q Showing you another document which is Grand
23 Jury Exhibit Number 15, is this a Judgment of Conviction
24 for case number FVI1500741 out of the Superior Court of
25 California, San Bernardino County?

1 A Yes, it is.

2 Q And does it show another conviction for
3 taking a vehicle without owner's consent?

4 A Yes.

5 Q And it's dated June 11th of 2015?

6 A Yes.

7 Q And then showing you one last one, it's a
8 Judgment of Conviction in case number SA066075-01,
9 correct?

10 A Correct.

11 Q Also out of the Los Angeles Superior Court?

12 A Yes.

13 Q In Los Angeles County?

14 A Yes.

15 Q And it shows a conviction for second degree
16 commercial burglary?

17 A Yes.

18 Q And it's dated March 26th of 2018, correct?

19 A Yes.

20 MS. MERCER: And for the record those are
21 all certified Judgments of Conviction.

22 I don't believe I have any additional
23 questions for this witness. Do any of the Grand Jurors
24 have any questions for him?

25 THE FOREPERSON: By law these proceedings

1 are secret and you are prohibited from disclosing to
2 anyone anything that transpired before us including any
3 evidence presented to the Grand Jury, any event
4 occurring or a statement made in the presence of the
5 Grand Jury or any information obtained by the Grand
6 Jury.

7 Failure to comply with this admonition is a
8 gross misdemeanor punishable up to 364 days in the Clark
9 County Detention Center and a \$2,000 fine. In addition
10 you may be held in contempt of court punishable by an
11 additional \$500 fine and 25 days in the Clark County
12 Detention Center.

13 Do you understand this admonition?

14 THE WITNESS: Yes, I do.

15 THE FOREPERSON: Thank you. You're
16 excused.

17 THE WITNESS: Thanks.

18 MS. MERCER: The last witness is Detective
19 Pandullo.

20 THE FOREPERSON: Please raise your right
21 hand.

22 You do solemnly swear that the testimony
23 that you're about to give upon the investigation now
24 pending before this Grand Jury shall be the truth, the
25 whole truth, and nothing but the truth, so help you God?

1 THE WITNESS: Yes, ma'am.

2 THE FOREPERSON: Please be seated.

3 You're advised that you're here today to
4 give testimony in the investigation pertaining to the
5 offenses of burglary while in possession of a firearm,
6 robbery with use of a deadly weapon, carrying concealed
7 firearm or other deadly weapon and ownership or
8 possession of firearm by prohibited person involving
9 Aaron Frye.

10 Do you understand this advisement?

11 THE WITNESS: Yes, ma'am.

12 THE FOREPERSON: Please state your first
13 and last name and spell both slowly for the record.

14 THE WITNESS: First name is Tullio,
15 T-U-L-L-I-O, last name Pandullo, P-A-N-D, as in David,
16 U-L-L-O.

17

18 **TULLIO PANDULLO,**

19 having been first duly sworn by the Foreperson of the
20 Grand Jury to testify to the truth, the whole truth
21 and nothing but the truth, testified as follows:

22

23 **EXAMINATION**

24 BY MS. AFSHAR:

25 Q Detective, where do you work?

1 A Las Vegas Metropolitan Police Department.

2 Q And what do you do there?

3 A I'm a detective in the robbery, commercial
4 robbery section.

5 Q Were you working as a detective on May 12th
6 of 2018?

7 A Yes, ma'am.

8 Q And on that day did you undertake an
9 investigation in relation to event number 180411-3369?

10 A Yes.

11 Q As part of that investigation did you
12 receive a report or did you receive information about a
13 bank robbery at 9311 West Sunset?

14 A Yes.

15 Q Did you research a vehicle?

16 A Yes.

17 Q Or, I'm sorry, did you receive information
18 about a vehicle?

19 A Yes.

20 Q And did you research that vehicle?

21 A I did.

22 Q Was that an Enterprise rental vehicle?

23 A It was.

24 Q Did you contact Enterprise?

25 A I did.

1 Q Did you obtain any records related to the
2 vehicle from Enterprise?

3 A Yes.

4 Q I'm showing you what's been marked as Grand
5 Jury Exhibit Number 4. Do you recognize this?

6 A I do.

7 Q How do you recognize it?

8 A It's the email I got from Enterprise on the
9 leaser of the car.

10 Q Okay. And are these the records that
11 Enterprise sent you?

12 A Yes.

13 Q Do these records contain a name?

14 A Yes.

15 Q What is that name?

16 A Aaron Frye.

17 Q Based on getting these records what did you
18 do next?

19 A Shared the information with the lead
20 detective on the case and then used our system to try to
21 track down the vehicle.

22 Q On April 12th did you conduct a
23 photographic line-up in this case?

24 A I did.

25 Q And was that conducted with Roland Miguel?

1 A Yes, ma'am.

2 Q Were you the one who put together the
3 line-up?

4 A I was.

5 Q And how was the line-up conducted?

6 A In person.

7 Q I'm showing you Grand Jury Exhibit 5.

8 A Yes, ma'am.

9 Q Do you recognize this?

10 A I do.

11 Q What is it?

12 A Photo line-up witness instructions which
13 were read to Roland and the back page is the photo
14 line-up which I created.

15 Q Did you select these pictures yourself?

16 A I did.

17 Q Okay. And did you display the photographs
18 all at once?

19 A I did.

20 Q Did Roland Miguel pick a person from the
21 line-up?

22 A He did.

23 Q Who did he pick?

24 A Number two in this photo line-up.

25 Q And who was in position number two?

1 A That is Aaron Frye.

2 Q Thank you. When you showed Roland Miguel
3 the line-up, did you go through the instructions on the
4 first page with him?

5 A I did.

6 Q Did he acknowledge that he understood them?

7 A He did.

8 Q And then did he select someone from the six
9 photographs?

10 A Yes.

11 Q And then did he complete the statement on
12 the first page after that?

13 A Yes.

14 Q Now, at some point in this investigation
15 did you stop Aaron Frye?

16 A I conducted a vehicle stop where Aaron Frye
17 was a passenger in the vehicle, yes.

18 BY MS. MERCER:

19 Q How did you know he was a passenger in the
20 vehicle?

21 A One of my partners who was sitting
22 surveillance observed him get into the vehicle.

23 Q Is that Detective Jaffe?

24 A Yes, ma'am.

25 Q Jared Jaffe?

1 A Yes, ma'am.

2 BY MS. AFSHAR:

3 Q Were there \$20 bills that were found in
4 Aaron Frye's wallet as a result of that stop?

5 A Yes.

6 BY MS. MERCER:

7 Q And those were discovered search incident
8 to arrest, correct?

9 A Correct.

10 BY MS. AFSHAR:

11 Q Were you the one who impounded those \$20
12 bills?

13 A I was.

14 Q Were there 25 of them?

15 A I believe so, yes.

16 Q Did you compare the serial numbers on those
17 bills to the serial numbers of bills that were taken
18 from the bank in this case?

19 A Yes.

20 Q And all 25 of those serial numbers for the
21 bills that were found in Mr. Frye's wallet were on the
22 list of missing bills; is that correct?

23 A Correct.

24 BY MS. MERCER:

25 Q Did you photograph those bills and then

1 impound them as evidence in this case?

2 A Yes.

3 Q The vehicle that you researched and
4 discovered that it was a rental car belonging to
5 Enterprise, what made you -- why were you researching
6 that specific vehicle?

7 A Because I have an auto theft background and
8 I realized that researching the vehicle will oftentimes
9 lead you to who either owns or rents the vehicle, and
10 having dealt with Enterprise before I was aware I could
11 probably get the information of the renter.

12 Q Okay. And --

13 A And there was a picture of that plate from
14 surveillance at the bank.

15 Q Thank you. That's what I was getting at.
16 Showing you Grand Jury Exhibit Number 13, is this that
17 vehicle?

18 A Yes, ma'am.

19 Q And on the video you were actually able to
20 make out that plate number, correct?

21 A Correct.

22 Q And then when you researched that plate
23 number you learned it was an Enterprise rental vehicle?

24 A Yes.

25 Q And the records indicate that that vehicle

1 was in Aaron Frye's possession on the day of the
2 robbery, correct?

3 A Yes.

4 MS. MERCER: Do any of the Grand Jurors
5 have any questions for this witness?

6 THE FOREPERSON: By law these proceedings
7 are secret and you are prohibited from disclosing to
8 anyone anything that transpired before us including any
9 evidence presented to the Grand Jury, any event
10 occurring or a statement made in the presence of the
11 Grand Jury or any information obtained by the Grand
12 Jury.

13 Failure to comply with this admonition is a
14 gross misdemeanor punishable up to 364 days in the Clark
15 County Detention Center and a \$2,000 fine. In addition
16 you may be held in contempt of court punishable by an
17 additional \$500 fine and 25 days in the Clark County
18 Detention Center.

19 Do you understand this admonition?

20 THE WITNESS: Yes, ma'am.

21 THE FOREPERSON: Thank you. You're
22 excused.

23 BY MS. MERCER:

24 Q Actually, Detective, before I let you go I
25 do have one follow-up question. You're still under

1 oath. The basis for the vehicle stop was probable cause
2 to arrest him for the bank robbery, correct?

3 A Correct.

4 Q Okay.

5 Any other questions from the Grand Jurors?

6 THE FOREPERSON: Thank you. You're
7 excused.

8 THE WITNESS: Thank you.

9 MS. MERCER: Thank you, Detective.

10 THE WITNESS: Thank you.

11 MS. MERCER: Ladies and gentlemen, we went
12 through that case faster than I anticipated. Before I
13 leave you to deliberate though there are a couple of
14 corrections that need to be made, two spellings of the
15 victims' names on the Indictment.

16 With regards to Count 2 at line 6 it should
17 say Roland instead of Ronald. Same thing at line 7.
18 And then at line 21 it should be Maryann Valdez, not
19 Vasquez. And same thing at line 22.

20 And then we're going to leave you to
21 deliberate. If you have any questions about the
22 instructions just come grab us.

23 (At this time, all persons, except the
24 members of the Grand Jury, exited the room at 11:10 and
25 returned at 11:15.)

1 THE FOREPERSON: Madam District Attorney,
2 by a vote of 12 or more Grand Jurors a true bill has
3 been returned against Defendant Aaron Frye charging the
4 crimes of burglary while in possession of a firearm,
5 robbery with use of a deadly weapon, carrying concealed
6 firearm or other deadly weapon and ownership or
7 possession of firearm by prohibited person in Grand Jury
8 case number 17CGJ052X.

9 We instruct you to prepare an Indictment in
10 conformance with the proposed Indictment previously
11 submitted to us.

12 MS. MERCER: Thank you.

13 (Proceedings concluded.)

14 --oo0oo--

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REPORTER'S CERTIFICATE

STATE OF NEVADA)
 : SS
COUNTY OF CLARK)

I, Donna J. McCord, C.C.R. 337, do hereby
certify that I took down in Shorthand (Stenotype) all of
the proceedings had in the before-entitled matter at the
time and place indicated and thereafter said shorthand
notes were transcribed at and under my direction and
supervision and that the foregoing transcript
constitutes a full, true, and accurate record of the
proceedings had.

Dated at Las Vegas, Nevada,
May 22, 2018.

/S/DONNA J.MCCORD
Donna J. McCord, CCR 337

1 AFFIRMATION

2 Pursuant to NRS 239B.030

3
4 The undersigned does hereby affirm that the preceding
5 TRANSCRIPT filed in GRAND JURY CASE NUMBER 17CGJ052X:6
7
8 X Does not contain the social security number of any
9 person,

10 -OR-

11 ___ Contains the social security number of a person as
12 required by:13 A. A specific state or federal law, to-wit:
14 NRS 656.250.

-OR-

15 B. For the administration of a public program
16 or for an application for a federal or
17 state grant.18 /S/DONNA J. MCCORD
19 SignatureMAY 22, 2018
Date20 Donna J. McCord
21 Print Name22 Official Court Reporter
23 Title
24
25

BY A JUROR: [1] 18/12
BY MS. AFSHAR: [3] 37/23 42/1 42/9
BY MS. MERCER: [7] 7/1 21/1 26/11 41/17 42/5 42/23 44/22
MS. MERCER: [10] 5/7 19/19 19/21 25/6 35/19 36/17 44/3 45/8 45/10 46/11
THE FOREPERSON: [22] 5/25 6/7 6/16 19/1 19/16 19/25 20/7 20/16 24/14 25/4 25/8 25/15 25/24 35/24 36/14 36/19 37/1 37/11 44/5 44/20 45/5 45/25
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180411-3369 [1] 38/9

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balancing [2] 21/19 21/20
balancing and [1] 21/19
bank [17] 7/12 18/19 23/8 23/10 28/12 29/1 29/13 29/18 30/4 30/10 30/14 33/7 33/20 38/13 42/18 43/14 45/2
Based [1] 39/17
basically [4] 7/10 7/25 11/23 13/4
basis [1] 45/1
be [25] 5/22 5/23 6/5 6/8 10/14 14/1 18/3 18/5 19/12 19/23 20/5 20/8 21/24 24/25 25/13 25/16 29/22 30/13 33/9 36/10 36/24 37/2 44/16 45/14 45/18
because [8] 9/4 9/22 11/22 12/7 14/1 15/20 22/13 43/7
been [13] 5/5 5/15 6/23 20/23 23/20 26/7 26/16 26/25 29/15 34/9 37/19 39/4 46/3
before [15] 1/4 5/19 6/5 14/24 19/4 20/5 24/17 25/13 36/2 36/24 43/10 44/8 44/24 45/12 47/8
before-entitled [1] 47/8
behind [3] 18/24 22/9 29/21
being [2] 17/18 26/19
believe [4] 24/12 32/20 35/22 42/15
belonging [1] 43/4
Bernardino [1] 34/25
best [2] 5/7 33/21
big [1] 30/5
bill [3] 14/5 17/13 46/2
bills [11] 10/9 10/12 23/14 23/17 42/3 42/12 42/17 42/17 42/21 42/22 42/25
bit [1] 29/9
black [6] 9/16 14/5 14/7 14/7 17/6 17/23
both [5] 6/18 20/18 26/1 33/11 37/13
bottom [1] 16/8
BOYDEN [1] 2/7
branch [7] 7/16 7/20 8/6 13/10 16/11 18/2 24/9
building [3] 29/17 29/18 29/20
burglary [6] 6/11 20/11 25/19 35/16 37/5 46/4
business [6] 7/23 16/23 17/10 27/17 28/2 29/13

B
businesses [2] 28/3 28/14
but like [1] 9/12
button [2] 14/6 17/23
button-down [1] 14/6
button-up [1] 17/23

C
C.C.R [2] 1/25 47/6
C331986 [1] 1/9
California [2] 34/12 34/25
call [6] 13/7 13/7 13/7 13/8 13/8 13/9
called [1] 8/23
came [6] 7/25 7/25 8/2 11/16 21/23 22/9
camera [1] 29/17
cameras [1] 28/12
can [5] 8/25 10/14 11/14 16/21 17/3
capacity [1] 7/7
car [5] 29/23 30/2 30/18 39/9 43/4
card [3] 32/24 32/25 33/19
Cardinal's [3] 14/5 17/12 17/13
CARLTON [1] 2/10
carrying [5] 6/12 20/12 25/20 37/6 46/5
case [16] 1/9 1/9 5/13 30/21 31/17 32/11 34/11 34/24 35/8 39/20 39/23 42/18 43/1 45/12 46/8 48/5
cash [6] 7/13 9/23 9/25 9/25 10/18 11/19
cause [1] 45/1
caused [1] 7/23
CCR [1] 47/18
Center [8] 19/11 19/14 24/24 25/2 36/9 36/12 44/15 44/18
certain [1] 12/16
CERTIFICATE [1] 47/1
certified [1] 35/21
certify [1] 47/7
charged [1] 5/17
charging [1] 46/3
check [1] 7/13
Chief [2] 2/23 5/10
chose [1] 15/20
circle [1] 15/8
CLARK [17] 1/2 2/8 7/6 7/17 10/7 19/10 19/13 21/5 24/23 25/1 27/5 33/13 36/8 36/11 44/14 44/17 47/4
clear [1] 18/5
clearer [1] 29/9
close [2] 21/18 23/9
closing [3] 8/14 8/15 33/24
clothing [2] 17/20 33/10
co [2] 8/10 8/11

co-worker [2] 8/10 8/11
coin [2] 23/15 23/21
coins [2] 23/23 23/24
color [2] 9/15 17/6
colored [1] 9/17
come [3] 7/24 31/21 45/22
command [1] 26/22
commercial [2] 35/16 38/3
commit [1] 33/13
committed [1] 33/16
compare [1] 42/16
compared [2] 31/10 31/16
complete [2] 15/17 41/11
completed [1] 16/7
complex [1] 28/11
comply [4] 19/9 24/22 36/7 44/13
concealed [5] 6/12 20/12 25/20 37/6 46/5
concluded [1] 46/13
conduct [1] 39/22
conducted [3] 39/25 40/5 41/16
confirm [1] 31/6
confirmed [1] 9/19
conformance [1] 46/10
consent [1] 35/3
considered [1] 7/9
constitutes [1] 47/12
contact [4] 7/24 8/3 14/14 38/24
contacted [2] 14/9 14/12
contain [2] 39/13 48/8
Contains [1] 48/11
contempt [4] 19/12 24/25 36/10 44/16
contents [1] 24/3
conviction [7] 34/11 34/14 34/23 35/2 35/8 35/15 35/21
convictions [1] 34/17
copy [1] 5/14
correct [47] 7/13 7/14 7/19 8/3 10/13 10/22 11/8 12/25 13/23 14/12 14/16 14/23 15/6 15/7 15/13 16/5 16/6 16/9 16/23 16/24 17/5 17/21 21/15 21/16 27/14 29/10 29/11 30/11 30/25 31/1 32/7 34/4 34/5 34/19 34/21 35/9 35/10 35/18 42/8 42/9 42/22 42/23 43/20 43/21 44/2 45/2 45/3
corrections [1] 45/14
could [2] 28/4 43/10
couldn't [3] 18/20 18/23 33/19
Count [1] 45/16
Count 2 [1] 45/16
counter [2] 12/4 12/8

COUNTY [19] 1/2 7/6 7/17 10/7 19/11 19/13 21/5 24/24 25/1 27/5 33/13 34/12 34/25 35/13 36/9 36/11 44/15 44/17 47/4
couple [1] 45/13
course [1] 34/2
court [10] 1/1 1/5 19/12 24/25 34/12 34/24 35/11 36/10 44/16 48/22
created [1] 40/14
Credit [5] 7/6 10/7 21/5 27/6 33/13
crimes [1] 46/4
currently [1] 26/13

D
D-U-M-L-A-O [1] 11/9
dark [3] 9/17 9/17 17/6
dark-colored [1] 9/17
darker [1] 9/16
date [5] 7/4 21/4 27/4 32/14 48/18
dated [4] 34/20 35/5 35/18 47/14
David [1] 37/15
day [10] 8/12 8/13 9/24 14/10 18/24 30/22 31/22 32/17 38/8 44/1
days [9] 14/8 19/10 19/13 24/23 25/1 36/8 36/11 44/14 44/17
DC [1] 1/9
deadly [10] 6/12 6/13 20/12 20/13 25/20 25/21 37/6 37/7 46/5 46/6
dealt [1] 43/10
defendant [4] 1/12 32/11 34/3 46/3
definitely [1] 18/8
degree [1] 35/15
deliberate [3] 5/20 45/13 45/21
demanded [2] 8/1 9/2
demanding [1] 22/12
denominations [1] 22/20
depart [1] 29/3
departed [1] 18/5
Department [2] 26/15 38/1
deputed [1] 16/15
Deputy [5] 2/4 2/23 2/24 5/10 5/11
described [1] 17/21
description [3] 13/22 13/24 31/7
descriptors [3] 31/16 31/17 31/20
detective [22] 13/15 13/17 14/9 14/10 14/10 25/8 26/15 27/12 28/6 28/7 28/15 28/21 30/20 31/24 36/18 37/25 38/3 38/5 39/20 41/23 44/24

45/9
detectives [2] 27/8 27/11
Detention [8] 19/11 19/14 24/24 25/2 36/9 36/12 44/15 44/18
did [96]
didn't [3] 18/7 18/15 24/10
different [1] 34/17
direct [3] 7/3 21/3 27/3
direction [4] 18/1 24/8 28/25 47/10
disclosing [4] 19/3 24/16 36/1 44/7
discovered [2] 42/7 43/4
dispensed [1] 9/24
dispenser [1] 18/25
dispenses [1] 9/23
display [1] 40/17
disposed [1] 33/10
distinctly [1] 14/4
distracted [1] 18/20
DISTRICT [7] 1/1 1/5 2/23 2/24 5/10 5/11 46/1
do [44] 5/21 6/3 6/15 8/10 10/5 10/23 13/2 14/18 16/14 18/11 19/15 20/3 20/15 22/8 23/25 24/13 25/3 25/11 25/15 25/23 25/24 27/24 31/6 32/14 34/10 35/23 36/13 36/14 36/22 37/10 37/25 38/2 38/2 39/5 39/6 39/7 39/13 39/18 40/9 40/10 44/4 44/19 44/25 47/6
document [2] 10/9 34/22
does [6] 15/19 29/22 30/12 35/2 48/4 48/8
doesn't [1] 18/19
doing [3] 7/11 21/17 22/5
dollar [2] 23/14 23/24
dollars [1] 22/18
don't [9] 10/17 11/18 11/18 12/21 22/10 22/10 23/19 24/12 35/22
done [1] 8/25
Donna [7] 1/25 5/4 47/6 47/17 47/18 48/18 48/20
door [2] 13/4 24/10
down [4] 14/6 16/8 39/21 47/7
drawer [3] 22/10 22/14 23/9
driving [1] 34/15
duly [5] 5/5 6/23 20/23 26/7 37/19
During [2] 13/21 34/2
duties [2] 7/8 7/11

E
each [4] 12/16 12/18 22/22 23/4
eastbound [1] 30/4
easy [1] 15/24
EIGHTH [1] 1/1
either [1] 43/9
Elizabeth [2] 2/22 5/11
ELLIOTT [1] 2/9
else [2] 23/13 26/20
email [1] 39/8
employed [2] 7/5 26/13
employees [1] 23/1
end [1] 10/5
entered [1] 27/13
entering [1] 16/23
Enterprise [8] 38/22 38/24 39/2 39/8 39/11 43/5 43/10 43/23
entitled [1] 47/8
equipment [2] 27/19 27/20
equipped [1] 16/11
establishment [1] 27/13
evening [1] 8/5
event [5] 19/5 24/18 36/3 38/9 44/9
eventually [1] 12/8
ever [1] 24/2
everybody's [2] 18/6 22/19
everyone's [2] 14/2 24/5
everything [1] 23/4
everywhere [1] 11/20
evidence [5] 19/5 24/18 36/3 43/1 44/9
EXAMINATION [4] 7/1 21/1 26/11 37/23
EXAMINED [1] 3/2
except [1] 45/23
excused [5] 19/18 25/6 36/16 44/22 45/7
EXHIBIT [33] 4/4 4/5 4/6 4/7 4/8 4/9 4/10 4/11 4/12 4/13 4/14 4/15 4/16 4/17 4/18 4/19 5/16 5/18 14/17 16/22 16/25 17/8 28/19 29/16 29/25 30/12 30/16 31/12 34/10 34/23 39/5 40/7 43/16
Exhibit 12 [1] 30/16
Exhibit 5 [1] 40/7
exhibits [6] 4/1 4/3 16/14 16/15 27/23 28/17
Exhibits 6 [1] 16/14
exited [2] 17/25 45/24
exiting [2] 18/2 18/14
explain [1] 11/17
explained [1] 10/17

F
facial [1] 15/21
fact [1] 33/12
Failure [4] 19/9 24/22

<p>F</p> <p>Failure... [2] 36/7 44/13</p> <p>faithfully [1] 5/5</p> <p>faster [1] 45/12</p> <p>features [1] 15/21</p> <p>federal [2] 48/13 48/15</p> <p>feet [1] 32/4</p> <p>felt [2] 33/20 33/23</p> <p>few [1] 14/8</p> <p>fifties [1] 9/4</p> <p>filed [1] 48/5</p> <p>finally [1] 13/5</p> <p>find [2] 18/23 33/10</p> <p>fine [8] 19/11 19/13 24/24 25/1 36/9 36/11 44/15 44/17</p> <p>finished [1] 33/1</p> <p>finishing [2] 21/18 21/20</p> <p>firearm [22] 6/11 6/13 6/14 9/13 9/18 17/3 20/11 20/13 20/14 25/19 25/21 25/22 33/9 34/4 34/7 34/8 37/5 37/7 37/8 46/4 46/6 46/7</p> <p>first [19] 5/5 5/22 6/17 6/23 8/3 8/8 8/21 15/17 16/8 20/17 20/23 21/12 25/25 26/7 37/12 37/14 37/19 41/4 41/12</p> <p>five [3] 13/25 14/1 32/4</p> <p>five feet [1] 32/4</p> <p>five-four [1] 13/25</p> <p>five-six [1] 14/1</p> <p>filed [1] 28/24</p> <p>FOGG [1] 2/10</p> <p>follow [3] 30/23 30/24 44/25</p> <p>follow-up [3] 30/23 30/24 44/25</p> <p>following [4] 5/6 14/10 32/16 32/17</p> <p>follows [4] 6/25 20/25 26/9 37/21</p> <p>foot [1] 18/2</p> <p>foregoing [1] 47/11</p> <p>Foreperson [6] 2/3 2/4 6/23 20/23 26/7 37/19</p> <p>forth [1] 11/22</p> <p>found [3] 31/9 42/3 42/21</p> <p>four [4] 10/25 11/4 12/11 13/25</p> <p>frantic [1] 18/4</p> <p>front [3] 5/24 17/13 19/24</p> <p>FRYE [16] 1/10 1/10 5/13 6/14 20/14 25/22 31/3 31/9 31/14 32/4 37/9 39/16 41/1 41/15 41/16 46/3</p> <p>Frye's [3] 42/4 42/21 44/1</p> <p>full [1] 47/12</p> <p>FVI1500741 [1] 34/24</p>	<p>G</p> <p>GAIL [1] 2/6</p> <p>gambled [1] 33/18</p> <p>gas [2] 29/20 29/21</p> <p>gave [3] 12/23 23/11 23/21</p> <p>gentleman [3] 7/25 11/17 22/1</p> <p>gentlemen [2] 5/10 45/11</p> <p>get [12] 8/25 11/11 11/24 12/10 12/19 23/1 29/5 33/19 33/21 33/21 41/22 43/11</p> <p>gets [1] 30/3</p> <p>getting [5] 12/7 21/18 23/9 39/17 43/15</p> <p>give [21] 6/4 6/10 9/3 10/2 11/21 11/24 20/4 20/10 22/12 22/14 22/15 22/25 23/4 23/10 23/11 23/19 25/12 25/18 31/2 36/23 37/4</p> <p>GJ [1] 1/9</p> <p>glasses [3] 15/24 15/25 16/2</p> <p>go [4] 8/25 24/10 41/3 44/24</p> <p>God [4] 6/6 20/6 25/14 36/25</p> <p>going [9] 5/23 5/24 5/25 10/2 11/22 16/13 16/20 19/22 45/20</p> <p>Good [2] 5/9 7/3</p> <p>got [7] 12/12 12/12 13/6 23/6 28/15 31/20 39/8</p> <p>grab [1] 45/22</p> <p>GRAND [55]</p> <p>grant [1] 48/16</p> <p>gray [1] 17/6</p> <p>grew [2] 10/24 11/21</p> <p>GRISWOLD [1] 2/11</p> <p>gross [4] 19/10 24/23 36/8 44/14</p> <p>guess [2] 14/9 18/2</p> <p>gun [7] 9/8 9/10 9/11 9/17 9/17 22/1 23/3</p> <p>H</p> <p>had [21] 10/1 11/1 11/3 11/4 11/25 13/1 13/3 14/5 14/6 22/13 22/13 23/5 23/11 23/14 24/5 27/17 28/12 33/9 33/17 47/8 47/13</p> <p>HALL [1] 2/12</p> <p>hand [9] 6/2 12/24 17/4 18/7 18/8 18/15 20/2 25/10 36/21</p> <p>hands [1] 8/22</p> <p>happen [2] 7/23 10/16</p> <p>happened [5] 9/19 13/6 13/11 23/7 24/6</p> <p>happening [1] 21/25</p> <p>has [3] 5/15 12/18 46/2</p> <p>hat [2] 14/5 17/12</p> <p>have [36] 5/16 5/21</p>	<p>5/21 8/10 8/11 9/21 9/22 10/4 10/7 10/8 10/17 11/18 11/18 11/19 11/21 12/16 18/11 18/15 18/19 18/20 18/22 22/10 22/14 22/16 22/22 24/12 24/14 26/16 28/4 32/10 35/22 35/24 43/7 44/5 44/25 45/21</p> <p>having [7] 5/5 6/23 17/16 20/23 26/7 37/19 43/10</p> <p>HAYDEN [1] 2/3</p> <p>he [95]</p> <p>he's [10] 12/7 16/22 17/9 17/12 17/20 18/14 30/4 30/5 30/9 33/18</p> <p>headed [1] 24/8</p> <p>heavier [1] 32/8</p> <p>height [1] 31/10</p> <p>held [4] 19/12 24/25 36/10 44/16</p> <p>help [4] 6/6 20/6 25/14 36/25</p> <p>her [9] 5/7 12/24 22/4 22/9 22/12 22/13 22/15 22/16 24/14</p> <p>here [8] 5/11 6/9 7/17 16/8 20/9 25/17 30/7 37/3</p> <p>hereby [2] 47/6 48/4</p> <p>hey [2] 11/24 13/6</p> <p>him [43] 8/22 8/23 9/21 9/22 10/17 11/23 12/1 12/23 13/22 13/24 14/4 15/24 16/22 16/25 17/9 18/7 22/7 22/9 22/11 22/12 22/14 22/15 22/25 23/4 23/10 23/11 23/21 24/10 30/13 31/5 31/10 32/21 32/22 32/22 33/2 33/4 33/8 33/21 33/24 35/24 41/4 41/22 45/2</p> <p>his [10] 8/22 9/7 15/21 15/22 17/3 18/15 18/16 31/10 31/16 33/19</p> <p>hit [1] 18/21</p> <p>hole [1] 33/22</p> <p>home [1] 8/25</p> <p>honestly [3] 8/24 11/13 18/22</p> <p>house [1] 14/13</p> <p>how [9] 7/20 12/5 22/16 23/25 26/16 26/23 39/7 40/5 41/19</p> <p>HR [1] 13/10</p> <p>Hubbard [3] 28/7 28/15 28/21</p> <p>huh [4] 11/8 12/25 17/22 23/22</p> <p>hundred [2] 15/22 22/18</p> <p>hundreds [2] 9/3 22/10</p> <p>I</p> <p>I'm [16] 5/11 9/4 9/9</p>	<p>14/1 14/3 14/17 16/13 16/20 21/20 27/23 28/16 34/9 38/3 38/17 39/4 40/7</p> <p>I've [1] 9/24</p> <p>identification [1] 33/19</p> <p>IDENTIFIED [1] 4/3</p> <p>identify [1] 15/24</p> <p>image [2] 30/13 30/17</p> <p>IMPANELED [1] 1/4</p> <p>impounded [1] 43/1</p> <p>impounded [1] 42/11</p> <p>inches [1] 32/5</p> <p>incident [2] 16/18 42/7</p> <p>including [4] 19/4 24/17 36/2 44/8</p> <p>INDEX [2] 3/1 4/1</p> <p>indicate [3] 33/2 33/12 43/25</p> <p>indicated [2] 29/12 47/9</p> <p>INDICTMENT [6] 4/4 5/15 5/18 45/15 46/9 46/10</p> <p>information [9] 19/7 21/22 24/20 36/5 38/12 38/17 39/19 43/11 44/11</p> <p>Initially [1] 9/4</p> <p>inside [1] 27/16</p> <p>instead [1] 45/17</p> <p>instruct [1] 46/9</p> <p>instructed [1] 10/2</p> <p>instructions [9] 4/5 5/17 5/19 14/25 15/1 15/4 40/12 41/3 45/22</p> <p>interview [2] 13/21 32/11</p> <p>interviewed [2] 13/19 32/21</p> <p>investigation [14] 6/4 6/10 20/4 20/10 25/12 25/18 30/23 30/24 34/3 36/23 37/4 38/9 38/11 41/14</p> <p>involving [4] 6/14 20/14 25/22 37/8</p> <p>is [52]</p> <p>it [51]</p> <p>it's [14] 7/9 9/5 9/11 9/17 11/20 14/22 23/20 29/8 29/18 34/20 35/5 35/7 35/18 39/8</p> <p>J</p> <p>J.MCCORD [1] 47/17</p> <p>Jaffe [2] 41/23 41/25</p> <p>Jared [1] 41/25</p> <p>jeans [1] 17/23</p> <p>job [2] 7/7 33/19</p> <p>JOC [3] 4/17 4/18 4/19</p> <p>JODI [1] 2/5</p> <p>Joe [2] 13/17 27/12</p> <p>Judgment [3] 34/11 34/23 35/8</p> <p>Judgments [1] 35/21</p> <p>JUDICIAL [1] 1/1</p> <p>June [1] 35/5</p>	<p>June 11th [1] 35/5</p> <p>JURORS [8] 2/1 16/21 18/11 24/13 35/23 44/4 45/5 46/2</p> <p>JURY [47] 1/4 2/22 4/3 5/13 5/15 5/18 6/5 6/24 14/17 16/13 16/22 16/25 17/8 19/5 19/7 19/8 20/5 20/24 24/18 24/20 24/21 25/13 26/8 27/23 28/16 28/19 29/16 29/25 30/12 30/16 31/12 34/10 34/23 36/3 36/5 36/6 36/24 37/20 39/5 40/7 43/16 44/9 44/11 44/12 45/24 46/7 48/5</p> <p>just [24] 5/18 5/24 7/22 8/24 10/4 11/21 11/22 11/23 11/24 18/4 18/5 18/23 19/24 21/14 22/6 22/11 22/12 22/14 23/11 24/9 28/11 29/23 34/1 45/22</p> <p>K</p> <p>keep [1] 22/10</p> <p>KEITH [1] 2/4</p> <p>kept [1] 22/11</p> <p>kind [3] 9/5 18/4 23/23</p> <p>knew [1] 22/13</p> <p>KNICKERBOCKER [1] 2/13</p> <p>know [5] 5/20 12/22 13/10 18/18 41/19</p> <p>L</p> <p>ladies [2] 5/9 45/11</p> <p>laid [1] 9/5</p> <p>Las [6] 1/14 5/1 7/17 26/14 38/1 47/14</p> <p>last [13] 6/18 8/16 11/5 11/9 20/18 20/20 26/1 26/3 34/1 35/7 36/18 37/13 37/15</p> <p>late [2] 7/20 9/24</p> <p>later [2] 10/14 14/8</p> <p>law [5] 19/2 24/15 35/25 44/6 48/13</p> <p>lead [2] 39/19 43/9</p> <p>learn [1] 27/16</p> <p>learned [2] 34/3 43/23</p> <p>leaser [1] 39/9</p> <p>leave [2] 45/13 45/20</p> <p>leaves [1] 30/2</p> <p>leaving [1] 17/9</p> <p>LEE [1] 2/7</p> <p>left [5] 10/1 11/25 18/3 24/7 29/1</p> <p>let [3] 5/20 13/10 44/24</p> <p>license [1] 29/5</p> <p>like [15] 8/15 9/6 9/6 9/6 9/10 9/11 9/12 10/5 10/15 11/18 13/5 13/9 17/2 18/4 33/23</p> <p>line [20] 4/8 7/11 14/15 14/20 15/1 15/12 15/21 16/1 39/23 40/3 40/5</p>
--	---	--	---	---

L
line... [9] 40/12 40/14 40/21 40/24 41/3 45/16 45/17 45/18 45/19
line-up [14] 4/8 14/15 14/20 15/1 15/21 16/1 39/23 40/3 40/5 40/12 40/14 40/21 40/24 41/3
list [1] 42/22
little [9] 9/12 9/22 10/24 11/14 12/6 14/1 14/2 14/3 29/9
located [2] 29/16 33/9
location [2] 7/15 21/9
long [1] 26/16
look [3] 9/10 16/13 19/1
looked [1] 31/16
looking [5] 14/3 14/3 18/23 18/24 30/6
Looks [1] 17/2
Los [3] 34/12 35/11 35/13
lost [1] 33/19
lot [2] 29/19 30/5
loud [1] 13/4
LUKES [1] 2/14
LYLES [1] 2/15
Lynn [1] 11/3
Lynn's [1] 11/5

M
M-A-R-Y-A-N-N [1] 20/20
M-I-G-U-E-L [1] 6/20
ma'am [10] 21/3 37/1 37/11 38/7 40/1 40/8 41/24 42/1 43/18 44/20
machine [3] 9/25 10/21 11/20
machines [2] 9/23 11/19
mad [1] 18/25
Madam [1] 46/1
made [6] 19/6 24/19 36/4 43/5 44/10 45/14
make [1] 43/20
manager [2] 13/5 13/10
Mandy [2] 11/3 11/5
Mandy-Lynn [1] 11/3
Mandy-Lynn's [1] 11/5
many [2] 23/25 26/23
March [1] 35/18
March 26th [1] 35/18
MARCIA [1] 2/14
MARCUS [1] 2/13
marked [5] 5/15 5/16 29/15 34/9 39/4
MARYANN [11] 3/4 8/10 8/11 11/16 11/23 12/21 18/6 19/23 20/19 20/22 45/18
Maryann's [2] 8/16 12/19
match [1] 31/18
matched [1] 31/7
matter [1] 47/8

Maverick [2] 29/20 29/21
may [12] 1/15 2/1 5/1 14/1 19/12 24/25 34/20 36/10 38/5 44/16 47/15 48/18
May 12th [1] 38/5
May 17th [1] 34/20
maybe [1] 9/16
McCord [6] 1/25 5/4 47/6 47/18 48/18 48/20
me [6] 9/3 14/2 14/12 14/12 16/14 23/11
Meaning [1] 23/18
member [2] 7/10 8/24
members [2] 23/19 45/24
memory [1] 32/24
Mercer [2] 2/22 5/11
met [1] 14/12
Metro [2] 26/20 26/25
Metropolitan [2] 26/14 38/1
MIGUEL [8] 3/3 5/23 6/19 6/20 6/22 39/25 40/20 41/2
minute [1] 8/15
Mirandize [1] 32/21
misdeemeanor [4] 19/10 24/23 36/8 44/14
Miss [1] 5/20
missing [1] 42/22
moment [1] 8/9
money [38] 8/1 9/2 10/1 10/3 10/4 10/6 10/6 10/10 11/11 11/15 11/18 11/24 12/2 12/7 12/10 12/14 12/17 12/19 12/22 13/1 13/3 18/6 18/15 22/11 22/12 22/16 22/17 22/19 22/23 23/1 23/2 23/7 23/8 23/10 23/19 24/5 33/18 33/21
more [4] 9/11 10/24 11/21 46/2
morning [2] 5/9 7/3
most [1] 5/22
mounted [1] 28/12
move [1] 23/1
moved [1] 10/25
Mr. [1] 42/21
Mr. Frye's [1] 42/21
MSR [1] 7/9
much [2] 18/3 22/16
mutilated [1] 23/17
my [11] 5/10 9/24 9/25 14/13 23/8 23/8 23/10 26/2 26/3 41/21 47/10
MYRL [1] 2/7
MYRL-LEE [1] 2/7
myself [1] 5/20
MYSZ [1] 2/16

N
name [20] 5/10 6/18 8/16 11/5 11/9 14/10 20/18 20/20 22/4 26/1

26/2 26/3 31/2 31/5 37/13 37/14 37/15 39/13 39/15 48/20
named [2] 8/10 8/11
names [1] 45/15
nearby [1] 28/14
need [3] 13/7 13/9 45/14
NELSON [1] 2/4
NEVADA [8] 1/2 1/7 1/14 5/1 5/12 7/18 47/3 47/14
next [6] 18/23 19/22 25/7 29/20 30/22 39/18
night [1] 18/25
Nima [2] 2/23 5/12
no [11] 1/9 1/9 1/25 8/9 8/23 8/23 11/13 11/15 18/8 24/4 24/9
northbound [1] 30/3
not [6] 9/11 18/3 18/8 31/6 45/18 48/8
notes [1] 47/10
nothing [11] 6/6 6/25 9/22 9/22 11/21 20/6 20/25 25/14 26/9 36/25 37/21
notice [1] 28/3
now [6] 6/4 20/4 25/12 30/4 36/23 41/14
NRS [2] 48/2 48/13
number [31] 5/13 5/16 5/18 14/18 15/11 15/14 15/20 16/5 16/22 16/25 17/9 28/20 29/6 29/16 31/12 34/10 34/11 34/23 34/24 35/8 38/9 39/5 40/24 40/25 43/16 43/20 43/23 46/8 48/5 48/8 48/11
Number 13 [2] 28/20 43/16
Number 14 [1] 34/10
Number 2 [1] 5/18
Number 4 [1] 39/5
Number 5 [1] 14/18
Number 7 [1] 16/25
Number 8 [1] 17/9
numbers [5] 10/8 10/11 42/16 42/17 42/20

O
o'clock [1] 7/21
oath [1] 45/1
observe [1] 21/25
observed [1] 41/22
obtain [2] 28/7 39/1
obtained [7] 19/7 24/20 28/10 28/13 31/5 36/5 44/11
occasion [1] 32/10
occurred [1] 27/5
occurring [4] 19/6 24/19 36/4 44/10
off [3] 12/6 13/3 29/6
offense [1] 34/18
offenses [5] 5/17 6/11

20/11 25/19 37/5
office [1] 28/11
officer's [1] 9/11
Official [1] 48/22
oftentimes [1] 43/8
oh [4] 7/9 9/6 13/5 18/8
Okay [21] 7/12 11/11 13/1 13/12 14/8 16/1 17/20 18/10 21/23 22/5 23/18 24/2 24/11 27/3 28/16 32/10 34/1 39/10 40/17 43/12 45/4
OLGA [1] 2/15
once [5] 9/18 13/1 13/3 24/5 40/18
one [9] 17/1 33/17 34/1 35/7 35/7 40/2 41/21 42/11 44/25
ones [1] 18/22
oo0oo [1] 46/14
open [2] 7/20 23/10
other [11] 6/13 18/7 20/13 22/2 23/1 25/21 27/8 28/3 37/7 45/5 46/6
our [8] 12/12 13/9 13/9 13/10 21/22 22/1 22/10 39/20
ours [1] 10/6
out [16] 9/8 9/18 9/23 10/2 11/16 11/21 11/24 11/24 15/21 21/23 24/10 33/21 34/11 34/24 35/11 43/20
over [2] 8/23 12/24
overhead [1] 16/20
owner's [1] 35/3
ownership [5] 6/13 20/13 25/21 37/7 46/6
owns [1] 43/9

P
P-A-N-D [1] 37/15
p.m [2] 7/22 21/14
page [7] 14/25 15/17 16/4 16/8 40/13 41/4 41/12
page 2 [1] 16/4
pages [1] 14/22
PANDULLO [6] 3/6 14/11 30/20 36/19 37/15 37/18
pants [1] 14/7
paper [1] 10/9
parked [1] 29/23
parking [2] 29/19 30/5
Parra [5] 13/16 13/17 13/18 27/12 31/24
part [1] 38/11
partners [1] 41/21
passenger [2] 41/17 41/19
patrol [1] 26/21
PATTI [1] 2/3
pending [4] 6/5 20/5 25/13 36/24
percent [1] 15/22
person [10] 6/14 16/5

20/14 25/22 37/8 40/6 40/20 46/7 48/9 48/11
persons [1] 45/23
pertaining [5] 5/17 6/10 20/10 25/18 37/4
photo [12] 4/8 14/15 14/20 15/1 15/8 15/10 16/1 17/9 28/20 40/12 40/13 40/24
photograph [13] 4/6 4/9 4/10 4/11 4/12 4/13 4/14 4/15 4/16 29/9 31/10 31/15 42/25
photographic [1] 39/23
photographs [3] 16/17 40/17 41/9
photos [4] 14/24 15/6 15/16 28/15
physical [2] 31/16 31/20
pick [2] 40/20 40/23
picked [2] 12/4 16/4
picture [2] 18/14 43/13
pictures [1] 40/15
piece [1] 10/8
pixelated [1] 29/10
place [1] 47/9
Plaintiff [1] 1/8
plate [4] 29/6 43/13 43/20 43/22
playoffs [1] 9/1
pleading [1] 11/15
Please [12] 6/1 6/8 6/17 20/1 20/8 20/17 25/9 25/16 25/25 36/20 37/2 37/12
pockets [1] 18/16
point [14] 9/20 9/21 10/23 10/24 11/12 11/13 11/16 11/23 12/6 13/15 22/8 23/3 32/10 41/14
pointing [3] 22/1 22/11 29/19
police [7] 7/24 9/11 13/7 13/8 13/12 26/14 38/1
portable [1] 18/22
position [3] 16/5 33/20 40/25
possessing [1] 34/4
possession [11] 6/11 6/13 20/11 20/13 25/19 25/21 37/5 37/8 44/1 46/4 46/7
posted [1] 11/19
potential [1] 31/2
potentially [1] 28/4
pounds [1] 32/7
preceding [1] 48/4
premade [1] 10/8
prepare [1] 46/9
presence [4] 19/6 24/19 36/4 44/10
present [2] 2/1 2/22
presented [4] 19/5 24/18 36/3 44/9

P
presenting [1] 5/12
pretty [4] 5/22 9/4 13/4 18/25
previously [2] 17/21 46/10
Print [1] 48/20
prior [4] 7/22 21/14 26/19 32/22
probable [1] 45/1
probably [1] 43/11
proceeded [2] 22/15 23/3
proceedings [9] 1/20 5/7 19/2 24/15 35/25 44/6 46/13 47/8 47/13
program [1] 48/15
prohibited [10] 6/14 19/3 20/14 24/16 25/22 34/4 36/1 37/8 44/7 46/7
property [1] 18/5
proposed [3] 4/4 5/15 46/10
provide [3] 12/1 13/21 13/24
provided [3] 18/7 28/21 28/23
public [1] 48/15
publish [1] 16/20
pulled [4] 9/7 9/8 9/18 31/15
punishable [8] 19/10 19/12 24/23 24/25 36/8 36/10 44/14 44/16
purpose [1] 14/14
Pursuant [1] 48/2
pushed [1] 13/4
put [4] 9/25 10/20 12/4 40/2
putting [1] 21/22

Q
question [2] 33/4 44/25
questions [12] 5/21 18/12 24/13 24/14 32/22 33/8 34/2 35/23 35/24 44/5 45/5 45/21

R
R-O-L-A-N-D [1] 6/20
raise [4] 6/1 20/1 25/9 36/20
read [1] 40/13
reading [1] 33/1
ready [2] 21/18 23/9
real [3] 9/6 34/6 34/8
realized [1] 43/8
recall [2] 23/25 32/14
receive [3] 38/12 38/12 38/17
received [1] 15/4
recognize [7] 14/18 16/14 27/24 34/10 39/5 39/7 40/9
record [8] 5/14 6/18 10/11 20/18 26/1 35/20

37/13 47/12
recorded [1] 13/19
records [6] 4/7 39/1 39/10 39/13 39/17 43/25
red [2] 14/5 17/13
referred [1] 14/15
referring [1] 17/15
reflect [1] 5/14
regards [4] 28/19 30/25 31/21 45/16
regular [1] 8/24
related [1] 39/1
relation [1] 38/9
remember [1] 14/4
rental [3] 38/22 43/4 43/23
renter [1] 43/11
rents [1] 43/9
rep [1] 7/10
report [1] 38/12
Reported [1] 1/25
Reporter [1] 48/22
REPORTER'S [2] 1/20 47/1
request [3] 2/22 27/20 28/6
requested [1] 27/4
required [1] 48/12
research [3] 31/9 38/15 38/20
researched [2] 43/3 43/22
researching [2] 43/5 43/8
resemble [1] 15/22
respond [3] 13/12 27/5 27/8
rest [1] 15/21
result [1] 42/4
returned [2] 45/25 46/3 32/2
review [3] 5/19 14/25 32/2
revolver [1] 9/12
right [7] 6/1 8/7 17/3 20/1 25/9 30/7 36/20
rights [2] 33/1 33/2
ripped [1] 23/20
RITZ [1] 2/18
Road [3] 7/16 21/10 27/6
robbed [1] 13/7
robbery [24] 6/12 15/23 20/12 25/20 26/15 26/17 26/19 27/5 27/25 30/14 31/8 31/21 31/23 32/22 33/4 33/6 33/13 37/6 38/3 38/4 38/13 44/2 45/2 46/5
robbing [1] 33/20
Rochelle [5] 11/4 22/4 22/5 22/6 22/25
Rochelle's [2] 11/9 17/2
ROLAND [9] 3/3 5/23 6/19 6/22 39/25 40/13 40/20 41/2 45/17
Ronald [1] 45/17

room [1] 45/24
running [2] 30/13 30/18
runs [1] 29/21
RV [1] 30/6
RV-looking [1] 30/6

S
S-U-Y-A-T [1] 11/7
SA066075 [1] 35/8
SA066075-01 [1] 35/8
said [16] 8/18 9/2 9/3 9/5 9/8 11/24 13/6 18/14 22/14 23/11 23/16 23/21 33/10 33/17 34/8 47/9
same [4] 11/17 34/18 45/17 45/19
San [1] 34/25
saw [3] 8/22 12/24 22/1
say [5] 9/16 13/25 15/19 32/8 45/17
saying [1] 11/20
scene [1] 13/13
SCOTT [1] 2/17
search [1] 42/7
seated [4] 6/8 20/8 25/16 37/2
second [3] 8/7 14/25 35/15
secret [4] 19/3 24/16 36/1 44/7
Secretary [2] 2/5 2/6
section [1] 38/4
security [2] 48/8 48/11
see [10] 7/13 8/22 11/1 11/14 16/21 17/3 17/25 24/8 24/10 28/24
seeing [1] 15/20
select [2] 40/15 41/8
semiautomatic [1] 9/13
sensitive [1] 21/22
sent [1] 39/11
separate [1] 12/22
serial [5] 10/8 10/11 42/16 42/17 42/20
serious [2] 9/9 9/19
service [1] 7/10
set [2] 24/9 34/1
settlement [1] 33/18
seven [1] 32/5
seven inches [1] 32/5
several [1] 5/21
SEXTON [1] 2/17
shall [4] 6/5 20/5 25/13 36/24
Shared [1] 39/19
she [9] 8/12 8/13 8/14 8/18 12/23 22/13 22/13 22/15 22/16
SHELLEY [1] 2/16
SHERROD [1] 2/5
SHIRLEY [1] 2/18
shirt [3] 9/7 14/7 17/23
shocked [1] 9/4
shoes [1] 14/7

shook [1] 11/14
short [2] 5/22 14/6
short-sleeve [1] 14/6
shorter [2] 13/25 14/2
shorthand [2] 47/7 47/9
should [3] 5/14 45/16 45/18
shove [1] 18/16
show [1] 35/2
showed [2] 14/24 41/2
showing [17] 10/9 14/17 16/4 17/8 27/23 28/16 29/15 29/25 30/12 30/16 31/12 34/9 34/22 35/7 39/4 40/7 43/16
shown [1] 16/2
shows [2] 34/14 35/15
sign [1] 15/3
signature [2] 15/12 48/18
signed [1] 16/9
silent [2] 18/19 18/21
silver [1] 30/5
since [2] 8/14 23/9
sir [3] 7/3 19/20 26/13
sits [1] 29/17
sitting [1] 41/21
situation [2] 10/5 10/15
six [3] 14/1 26/24 41/8
skewed [1] 14/1
skin [1] 15/22
slang [1] 9/6
sleeve [1] 14/6
slightly [1] 32/8
slowly [4] 6/18 20/18 26/1 37/13
so [38] 6/6 7/12 8/25 9/5 9/13 9/24 10/11 10/14 10/17 10/25 11/20 12/1 12/7 12/12 12/18 14/1 14/3 16/1 16/21 18/17 18/22 18/25 20/6 21/18 22/12 22/14 23/9 23/11 25/14 26/25 29/17 30/2 32/19 32/20 33/19 33/19 36/25 42/15
social [2] 48/8 48/11
solemnly [4] 6/3 20/3 25/11 36/22
some [10] 12/7 13/15 23/14 23/14 30/22 31/9 31/22 31/25 32/10 41/14
somebody [1] 7/12
someone [1] 41/8
something [1] 7/23
sorry [2] 21/20 38/17
southeast [1] 26/21
speak [2] 13/15 31/24
specific [3] 33/8 43/6 48/13
spell [4] 6/18 20/18 26/1 37/13
spellings [1] 45/14

spoke [1] 31/22
sports [1] 30/18
ss [1] 47/3
stand [2] 5/24 19/24
standing [1] 22/6
staring [1] 22/6
state [9] 1/7 5/12 6/17 20/17 25/25 37/12 47/3 48/13 48/16
State's [2] 19/22 25/7
statement [8] 15/17 15/19 16/7 19/6 24/19 36/4 41/11 44/10
station [6] 12/16 12/18 12/20 17/2 29/20 29/21
stations [1] 17/1
Stenotype [1] 47/7
step [1] 11/14
sticker [1] 17/15
still [11] 11/21 13/13 14/5 15/24 16/17 28/15 28/20 29/9 30/13 30/17 44/25
stills [1] 27/24
stocky [1] 14/3
stood [1] 15/21
stop [4] 41/15 41/16 42/4 45/1
stormed [1] 13/3
street [1] 30/3
submitted [1] 46/11
Sunset [5] 7/16 7/16 21/10 27/6 38/13
Superior [3] 34/12 34/24 35/11
superiors [1] 13/9
supervision [1] 47/11
surveillance [11] 16/11 16/18 27/17 27/19 27/20 27/20 28/4 28/8 28/20 41/22 43/14
suspect [8] 13/22 15/23 28/24 29/2 29/22 30/2 31/7 31/7
suspect's [4] 28/25 31/2 31/11 31/17
Suyat [1] 11/5
swear [6] 5/25 6/3 19/25 20/3 25/11 36/22
swiped [1] 12/8
sworn [5] 5/5 6/23 20/23 26/7 37/19
symbol [1] 17/13
system [1] 39/20

T
T-H-E-O-D-O-R-E [1] 26/3
T-U-L-L-I-O [1] 37/15
table [2] 5/25 19/24
tag [1] 17/18
tags [1] 14/6
taken [3] 1/14 16/17 42/17
taking [3] 10/5 34/15 35/3
talking [1] 16/21
taller [1] 14/1

T
TAMA [1] 2/8
tape [1] 18/24
Ted [1] 25/8
tell [3] 33/6 33/16 33/23
teller [7] 7/10 7/11 17/1 21/7 22/2 22/3 22/22
telling [1] 9/21
ten [2] 24/1 26/18
testified [4] 6/25 20/25 26/9 37/21
testify [4] 6/24 20/24 26/8 37/20
testimony [8] 6/3 6/10 20/3 20/10 25/11 25/18 36/22 37/4
than [3] 29/9 32/8 45/12
Thank [14] 19/17 19/19 19/20 19/21 25/5 36/15 41/2 43/15 44/21 45/6 45/8 45/9 45/10 46/12
Thanks [1] 36/17
that [144]
that's [12] 9/7 11/16 13/4 13/5 13/6 14/2 27/2 30/9 30/11 31/1 31/14 43/15
theft [1] 43/7
their [1] 23/2
them [9] 5/22 11/12 13/10 15/4 16/20 31/25 41/6 42/14 43/1
then [28] 9/7 9/8 10/23 11/3 11/15 12/8 14/8 15/6 15/16 16/7 17/8 22/15 23/1 23/3 23/6 24/7 29/12 30/9 30/16 34/1 35/7 39/20 41/8 41/11 42/25 43/22 45/18 45/20
THEODORE [3] 3/5 26/2 26/6
there [12] 16/9 21/17 22/6 24/1 28/3 28/11 30/5 38/2 42/3 42/14 43/13 45/13
there's [3] 10/6 11/15 29/20
thereafter [1] 47/9
these [11] 11/19 14/25 16/17 19/2 24/15 35/25 39/10 39/13 39/17 40/15 44/6
they [10] 7/13 10/5 10/14 11/1 11/14 11/22 19/25 27/10 28/1 31/17
they're [1] 5/25
thing [5] 9/9 11/18 18/4 45/17 45/19
things [2] 9/6 11/19
this [49]
those [17] 5/19 10/11 11/2 11/13 15/4 16/15 27/24 31/21 33/1 33/2 33/11 35/20 42/7 42/11

42/16 42/20 42/25
though [1] 45/13
three [3] 10/25 11/3 12/11
threw [1] 12/8
through [6] 16/14 27/24 30/3 30/4 41/3 45/12
Thursday [1] 1/15
ticked [1] 12/6
TIM [1] 2/11
time [6] 8/8 8/14 8/19 33/17 45/23 47/9
timestamp [1] 30/17
Title [1] 48/22
to-wit [1] 48/13
today [5] 5/21 6/9 20/9 25/17 37/3
together [1] 40/2
told [4] 22/9 22/12 22/25 23/4
tone [1] 15/22
too [1] 12/6
took [2] 11/13 47/7
top [3] 15/1 28/12 29/17
total [1] 26/25
towards [1] 30/4
trace [1] 28/25
traced [1] 10/14
track [1] 39/21
transaction [1] 8/25
transcribe [1] 5/6
transcribed [1] 47/10
transcript [3] 1/20 47/11 48/5
transpired [4] 19/4 24/17 36/2 44/8
travel [1] 28/25
true [3] 27/2 46/2 47/12
truth [24] 6/5 6/6 6/6 6/24 6/24 6/25 20/5 20/6 20/6 20/24 20/24 20/25 25/13 25/14 25/14 26/8 26/8 26/9 36/24 36/25 36/25 37/20 37/20 37/21
try [2] 31/6 39/20
trying [3] 8/24 11/17 18/25
TULLIO [3] 3/6 37/14 37/18
twenties [2] 12/18 22/18
two [13] 8/15 11/13 14/22 15/11 15/14 15/20 16/5 22/18 23/14 34/17 40/24 40/25 45/14
type [3] 9/9 9/12 18/4
types [1] 10/6
typically [1] 7/20

U
U-L-L-O [1] 37/16
uh [4] 11/8 12/25 17/22 23/22
uh-huh [4] 11/8 12/25

17/22 23/22
under [2] 44/25 47/10
underneath [1] 16/9
undersigned [1] 48/4
understand [8] 6/15 19/15 20/15 25/3 25/23 36/13 37/10 44/19
understood [3] 15/4 33/2 41/6
undertake [1] 38/8
unfit [3] 23/14 23/16 23/17
Union [5] 7/6 10/7 21/5 27/6 33/13
unit [4] 26/17 26/20 27/8 28/7
unlawful [1] 34/14
unless [1] 10/2
up [32] 4/8 8/14 9/7 10/5 12/5 12/9 14/15 14/20 15/1 15/21 16/1 17/23 19/10 22/9 23/10 24/9 24/23 30/5 30/23 30/24 31/15 36/8 39/23 40/3 40/5 40/12 40/14 40/21 40/24 41/3 44/14 44/25
upon [4] 6/4 20/4 25/12 36/23
us [8] 19/4 23/4 23/4 24/17 36/2 44/8 45/22 46/11
use [6] 6/12 9/22 20/12 25/20 37/6 46/5
used [1] 39/20

V
V-A-L-D-E-Z [1] 20/20
VALDEZ [7] 3/4 8/16 19/23 20/19 20/20 20/22 45/18
van [1] 30/6
various [1] 10/6
Vasquez [1] 45/19
vault [7] 8/14 8/18 8/20 11/16 21/15 21/23 24/3
Vegas [6] 1/14 5/1 7/17 26/14 38/1 47/14
vehicle [23] 28/25 29/3 30/25 34/15 35/3 38/15 38/18 38/20 38/22 39/2 39/21 41/16 41/17 41/20 41/22 43/3 43/6 43/8 43/9 43/17 43/23 43/25 45/1
VERNA [1] 2/12
versus [1] 5/13
victims [1] 31/22
victims' [1] 45/15
video [11] 16/18 27/21 28/8 28/10 28/13 28/14 28/21 29/2 29/8 32/2 43/19
viewed [1] 15/6
viewing [1] 15/16
vote [1] 46/2
VP [1] 13/10

W
W-E-I-R-A-U-C-H [1] 26/4
walk [1] 8/22
walking [4] 8/6 18/17 30/4 30/9
walks [1] 30/2
wallet [2] 42/4 42/21
walls [1] 33/23
want [5] 7/3 9/16 13/25 21/3 27/3
wanted [1] 11/23
was [86]
wasn't [2] 10/1 15/23
watch [2] 8/25 28/13
watching [1] 29/8
way [2] 24/9 33/21
we [23] 5/12 5/21 8/14 9/22 10/4 10/7 10/8 11/18 11/18 11/19 11/20 11/25 13/6 13/6 13/7 13/9 18/22 22/9 22/10 23/4 23/19 45/11 46/9
we're [3] 9/24 16/21 45/20
weapon [10] 6/12 6/13 20/12 20/13 25/20 25/21 37/6 37/7 46/5 46/6
weapons [1] 8/22
wearing [5] 14/4 15/24 16/2 17/12 17/20
weight [2] 31/10 32/7
WEIRAUCH [4] 3/5 25/8 26/3 26/6
well [5] 11/15 14/7 23/2 30/21 32/2
went [5] 7/12 18/1 18/2 23/9 45/11
were [41] 7/5 7/7 7/15 8/4 8/15 10/15 11/14 11/22 13/13 14/8 16/2 17/15 17/25 18/20 21/4 21/12 21/14 21/17 21/20 23/25 24/1 27/4 27/16 28/2 28/3 29/5 33/24 38/5 40/2 40/13 42/3 42/3 42/7 42/11 42/14 42/17 42/21 42/21 43/5 43/19 47/10
west [8] 7/16 21/9 27/6 28/11 29/13 29/18 29/19 38/13
what [36] 7/7 7/7 9/10 9/15 9/19 10/3 10/9 10/23 11/1 13/1 13/6 13/10 13/24 14/2 15/19 16/21 21/17 21/21 21/24 22/5 22/8 23/7 23/11 23/13 23/18 23/23 24/5 31/6 32/14 33/6 38/2 39/15 39/17 40/11 43/5 43/15
what's [5] 14/14 16/14 29/15 34/9 39/4
whatever [2] 22/13

22/14
when [22] 8/21 8/21 9/5 9/7 10/4 13/4 13/5 13/6 17/25 21/23 22/25 23/6 27/16 28/13 29/8 30/2 31/5 31/15 32/21 33/1 41/2 43/22
where [19] 7/4 9/23 10/1 11/16 11/23 18/14 21/24 26/13 26/20 28/10 29/16 29/25 30/17 31/21 33/8 33/9 33/20 37/25 41/16
whether [1] 31/6
which [13] 5/13 7/9 7/15 8/4 11/24 15/10 17/25 22/3 24/8 27/11 34/22 40/12 40/14
while [9] 6/11 13/12 18/20 19/24 20/11 25/19 28/2 37/5 46/4
white [2] 14/6 17/23
who [11] 11/2 13/7 13/8 13/9 31/13 40/2 40/23 40/25 41/21 42/11 43/9
whole [8] 6/6 6/24 20/6 20/24 25/14 26/8 36/25 37/20
why [4] 18/20 28/23 33/16 43/5
will [2] 5/22 43/8
Willard [1] 1/10
window [9] 8/1 8/2 8/4 8/8 8/12 8/13 11/3 11/4 21/12
windows [6] 10/25 11/2 12/10 12/12 12/13 21/24
wit [1] 48/13
within [1] 26/20
without [1] 35/3
witness [10] 5/23 15/1 18/12 19/22 24/13 25/7 35/23 36/18 40/12 44/5
witnesses [2] 3/1 5/21
words [1] 18/7
wore [1] 33/10
work [3] 12/5 26/20 37/25
worked [1] 26/21
worker [2] 8/10 8/11
working [10] 7/15 8/4 8/12 8/13 11/2 21/4 21/12 30/20 30/22 38/5
would [7] 5/18 7/13 18/3 21/24 32/8 33/9 33/9
wouldn't [1] 18/17
written [1] 23/20
wrote [1] 16/8

Y
YA085649 [1] 34/11
YA085649-02 [1] 34/11
yeah [11] 8/20 9/8 12/3 12/15 13/18 18/8 18/25 23/3 30/8 32/9 32/18

Y

years [4] 26/18 26/23
26/24 27/1
yellow [1] 30/18
yes [116]
yesterday [1] 15/23
yesterday's [1] 15/23
yet [1] 11/21
you [204]
you're [20] 5/24 6/4 6/9
6/9 19/17 20/4 20/9
20/9 25/5 25/12 25/17
25/17 29/8 36/15 36/23
37/3 37/3 44/21 44/25
45/6
you've [2] 10/20 26/25
your [29] 6/1 6/17 7/3
7/7 7/20 7/23 8/2 9/3
10/20 12/1 15/12 16/11
16/23 18/19 20/1 20/17
21/3 23/7 25/9 25/25
27/3 27/8 28/7 31/7
31/17 31/21 34/2 36/20
37/12
yourself [1] 40/15