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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ORIGINAL

FILED

MAR 27 1 20 PM '06

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID
Anthony R. Gross
DISTRICT COURT
CLERK

THE STATE OF NEVADA,)
)
)
Plaintiff,)
)
-vs-)
)
CRAIG MICHAEL TITUS,)
KELLY ANN RYAN,)
ANTHONY R. GROSS,)
Defendants.)

Case No. 05BGJ079ABC
C 220719

Taken at Las Vegas, Nevada
Thursday, March 2, 2006
8:40 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

Reported by: Danette L. Antonacci, C.C.R. No. 222

1 GRAND JURORS PRESENT ON MARCH 2, 2006:

2
3 LAVERN RATZLAFF, Foreperson

4 CATHERINE WARNING, Deputy Foreperson

5 NANCY COATSWORTH, Secretary

6 JIMMIE BEATY

7 GUIDO DEIRO

8 BOBI LEE GREEN

9 GARY JENSEN

10 MARYLAN FREDERICK-MARSH

11 JOAN MCSWEENEY

12 LINDA REED

13 JUDITH SCHILL

14 UWE SCHREIBER

15 JILL TILLMON

16 ANDREW URBAN

17 AURORA YGUICO

18
19 Also present at the request of the Grand Jury:

20 Robert Daskas,
Deputy District Attorney

21 Becky Goettsch,
Deputy District Attorney

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1 LAS VEGAS, NEVADA, THURSDAY, MARCH 2, 2006

2 * * * * *

3
4 DANETTE L. ANTONACCI,

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

8
9 THE FOREPERSON: Let the record reflect that I
10 have canvassed the waiting area and no one is present in
11 response to the Notice of Intent to Seek Indictment.

12 MR. DASKAS: Good morning everyone. My name
13 is Robert Daskas. My partner on this case is Becky
14 Goettsch. This morning we're going to present or at least
15 begin the presentation of Grand Jury case number
16 05BGJ079AB&C. The case is titled State of Nevada versus
17 Craig Michael Titus, Kelly Ann Ryan and Anthony R. Gross.
18 The record should reflect that we have marked a copy of the
19 proposed Indictment as Exhibit No. 1 and all members of the
20 Grand Jury should have a copy of --

21 A JUROR: We do.

22 MR. DASKAS: -- of the proposed Indictment.

23 Okay. Thank you.

24 The defendants in this case are charged
25 with murder with use of a deadly weapon, first degree

1 kidnapping, accessory to murder and third degree arson. I
2 should point out that only defendants Titus and Ryan are
3 charged in Count 1 with murder with use of a deadly weapon,
4 only defendants Titus and Ryan are charged in Count 2 with
5 first degree kidnapping, only defendant Anthony Gross is
6 charged in Count 3 with accessory to murder, and all the
7 defendants are charged in Count 4 with third degree arson.

8 I have a number of instructions I want
9 to read to you this morning that pertain to the elements of
10 the offenses with which the defendants are charged so if
11 you would bear with me, there are quite a few instructions.

12 Murder is the unlawful killing of a
13 human being with malice aforethought, either express or
14 implied.

15 Malice aforethought means the
16 intentional doing of a wrongful act without legal cause or
17 excuse or what the law considers adequate provocation. The
18 condition of mind described as malice aforethought may
19 arise from anger, hatred, revenge or from particular ill
20 will, spite or grudge toward the person killed. It may
21 also arise from any unjustifiable or unlawful motive or
22 purpose to injure another, or with reckless disregard of
23 consequences and social duty. Malice aforethought does not
24 imply deliberation or the lapse of any considerable time
25 between the malicious intention to injure another and the

1 actual execution of the intent but denotes an unlawful
2 purpose and design as opposed to accident and mischance.

3 Express malice is that deliberate
4 intention unlawfully to take away the life of a human
5 being, which is manifested by external circumstances
6 capable of truth.

7 Malice may be implied when no
8 considerable provocation appears, or when all the
9 circumstances of the killing show an abandoned and
10 malignant heart.

11 Murder of the first degree is murder
12 which is perpetrated by means of any kind of willful,
13 deliberate and premeditated killing. All three elements --
14 willfulness, deliberation and premeditation -- must be
15 proven beyond a reasonable doubt before an accused can be
16 convicted of first degree murder.

17 Willfulness is the intent to kill.
18 There need be no appreciable space of time between the
19 formation of the intent to kill and the act of killing.

20 Deliberation is the process of
21 determining upon a course of action to kill as a result of
22 thought, including weighing the reasons for and against the
23 action and considering the consequences of the actions.

24 A deliberate determination may be
25 arrived at in a short period of time. But in all cases the

1 determination must not be formed in passion, or if formed
2 in passion, it must be carried out after there has been
3 time for the passion to subside and deliberation to occur.
4 A mere unconsidered and rash impulse is not deliberate,
5 even though it includes the intent to kill.

6 Premeditation is a design, a
7 determination to kill, distinctly formed in the mind by the
8 time of the killing.

9 Premeditation need not be for a day, an
10 hour, or even a minute. It may be as instantaneous as
11 successive thoughts of the mind. For if the jury believes
12 from the evidence that the act constituting the killing has
13 been preceded by and has been the result of premeditation,
14 no matter how rapidly the act follows the premeditation, it
15 is premeditated.

16 The law does not undertake to measure in
17 units of time the length of the period during which the
18 thought must be pondered before it can ripen into an intent
19 to kill which is truly deliberate and premeditated. The
20 time will vary with different individuals and under varying
21 circumstances.

22 The true test is not the duration of
23 time, but rather the extent of the reflection. A cold,
24 calculated judgment and decision may be arrived at in a
25 short period of time, but a mere unconsidered and rash

1 impulse, even though it includes an intent to kill, is not
2 deliberation and premeditation as will fix an unlawful
3 killing as murder of the first degree.

4 There is a kind of murder which carries
5 with it conclusive evidence of premeditation and malice
6 aforethought. This class of murder is murder committed in
7 the perpetration or attempted perpetration of kidnapping.
8 Therefore, a killing which is committed in the perpetration
9 of such kidnapping is deemed to be murder of the first
10 degree, whether the killing was intentional or
11 unintentional or accidental. This is called the Felony
12 Murder Rule.

13 The intent to perpetrate or attempt to
14 perpetrate kidnapping must be proven beyond a reasonable
15 doubt.

16 In considering the offense of murder of
17 the first degree you need not be unanimous in finding that
18 the murder was willful, deliberate and premeditated, or
19 that it was felony murder. It is sufficient that each of
20 you finds, beyond a reasonable doubt, that the murder,
21 under any theory, was murder of the first degree.

22 All murder which is not murder of the
23 first degree is murder of the second degree. Murder of the
24 second degree is murder with malice aforethought, but
25 without the admixture of premeditation and deliberation.

1 Voluntarily manslaughter is the unlawful
2 killing of a human being without the malice express or
3 implied, and without any admixture of deliberation. It
4 must be voluntary, upon a sudden heat of passion, caused by
5 a provocation apparently sufficient to make the passion
6 irresistible. In cases of voluntarily manslaughter there
7 must be a serious and highly provoking injury inflicted
8 upon the person killing, sufficient to excite an
9 irresistible passion in a reasonable person, or an attempt
10 by the person killed to commit a serious personal injury on
11 the person killing.

12 The killing must be the result of that
13 sudden, violent impulse of passion supposed to be
14 irresistible; for, if there should appear to have been an
15 interval between the assault or provocation given and the
16 killing, sufficient for the voice of reason and humanity to
17 be heard, the killing shall be attributed to deliberate
18 revenge and punished as murder.

19 The heat of passion which will reduce a
20 homicide to voluntarily manslaughter must be such an
21 irresistible passion as naturally would be aroused in the
22 mind of an ordinarily reasonable person in the same
23 circumstances. A defendant is not permitted to set up his
24 own standard of conduct and to justify or excuse himself
25 because his passions were aroused unless the circumstances

1 in which he was placed and the facts that confronted him
2 were such as also would have aroused the irresistible
3 passion of the ordinarily reasonable man if likewise
4 situated. The basic inquiry is whether or not, at the time
5 of the killing, the reason of the accused was obscured or
6 disturbed by passion to such an extent as would cause the
7 ordinarily reasonable person of average disposition to act
8 rashly and without deliberation and reflection and from
9 such passion rather than from judgment.

10 Deadly weapon means any instrument
11 which, if used in the ordinary manner contemplated by its
12 design and construction, will or is likely to cause
13 substantial bodily harm or death; or any weapon, device,
14 instrument, material or substance which, under the
15 circumstances in which it is used, attempted to be used or
16 threatened to be used, is readily capable of causing
17 substantial bodily harm or death.

18 In order to use a deadly weapon, there
19 need not be conduct which actually produces harm but only
20 conduct which produces a fear of harm or force by means or
21 display of the deadly weapon in aiding the commission of
22 the crime.

23 Every person concerned in the commission
24 of a felony, whether he or she directly commits the act
25 constituting the offense, or aids or abets in its

1 commission, and whether present or absent; and every person
2 who, directly or indirectly, counsels, encourages, hires,
3 commands, induces or otherwise procures another to commit a
4 felony, with the intent that the crime be accomplished, is
5 a principal, and shall be proceeded against and punished as
6 such. The fact that the person who was aided, abetted,
7 counseled, encouraged, hired, commanded, induced or
8 procured, could not or did not entertain a criminal intent
9 shall not be a defense to any person who was aiding,
10 abetting, counseling, encouraging, hiring, commanding,
11 inducing or procuring him or her.

12 Conspiracy is an agreement or mutual
13 understanding between two or more persons to commit a
14 crime. To be guilty of conspiracy, a defendant must intend
15 to commit, or to aid in the commission of, the specific
16 crime agreed to. The crime is the agreement to do
17 something unlawful; it does not matter whether it was
18 successful or not.

19 A conspiracy to commit a crime does not
20 end upon the completion of the crime. The conspiracy
21 continues until the co-conspirators have successfully
22 gotten away and concealed the crime.

23 Once a person joins a conspiracy, that
24 person remains a member until he withdraws from it. A
25 person can withdraw from a conspiracy by taking some

1 positive action which disavowed or defeated the purpose of
2 the conspiracy. It is not enough if the evidence shows
3 that the defendant merely ceased his own activities in
4 furtherance of the conspiracy.

5 The State has the burden of proving
6 beyond a reasonable doubt the defendant did not withdraw
7 from the conspiracy.

8 Each member of a criminal conspiracy is
9 liable for each act and bound by each declaration of every
10 other member of the conspiracy if the act or the
11 declaration is in furtherance of the object of the
12 conspiracy.

13 The act of one conspirator pursuant to
14 or in furtherance of the common design of the conspiracy is
15 the act of all the conspirators.

16 In order to find a defendant criminally
17 liable for first degree murder and first degree kidnapping
18 and arson under a theory of conspiracy liability, the State
19 is required to prove that he or she had the specific intent
20 to commit those offenses.

21 A statement offered against the
22 defendant which is a statement made by a co-conspirator of
23 the defendant during the course and in furtherance of the
24 conspiracy may be considered by the jury.

25 Every person not standing in the

1 relation of husband or wife, brother or sister, parent or
2 grandparent, child or grandchild, to the offender, who
3 after the commission of a felony harbors, conceals or aids
4 such offender with intent that he may avoid or escape from
5 arrest, trial, conviction or punishment, having knowledge
6 that such offender has committed a felony or is liable to
7 arrest, is an accessory to the felony.

8 Every person who willfully seizes,
9 confines, inveigles, entices, decoys, abducts, conceals,
10 kidnaps or carries away any person by any means whatsoever
11 with the intent to hold or detain, or who holds or detains,
12 the person: for ransom or reward; or for the purpose of
13 committing sexual assault, extortion or robbery upon or
14 from the person; or for the purpose of killing the person
15 or inflicting substantial bodily harm upon him; or to exact
16 from relatives, friends, or any other person, any money or
17 valuable thing for the return or disposition of the
18 kidnapped person; or a person who leads, takes, entices, or
19 carries away or detains any minor with the intent to keep,
20 imprison or confine him from his parents, guardians or any
21 other person having lawful custody of the minor, or with
22 the intent to hold the minor to unlawful service, or to
23 perpetrate upon the person of the minor any unlawful act,
24 is guilty of kidnapping in the first degree.

25 The law does not require the person

1 being kidnapped to be carried away for any minimal
2 distance.

3 The term inveigle means to lead astray
4 by trickery or deceitful persuasion.

5 It is the fact, not the distance, of
6 forcible movement of the victim that constitutes
7 kidnapping. However, a charge of kidnapping and an
8 associated offense will lie only where movement of the
9 victim is over and above that required to complete the
10 associated crime charged.

11 When associated with a charge of murder,
12 kidnapping does not occur if the movement is incidental to
13 the murder and does not increase the risk of harm over and
14 above that necessarily present in the commission of such
15 offense.

16 The crime of kidnapping in the first
17 degree, as charged in this case, is a specific intent
18 crime. A specific intent, as the term implies, means more
19 than the general intent to commit the act. To establish
20 specific intent the State must prove that the defendant
21 knowingly did the act which the law forbids, purposely
22 intending to violate that law.

23 An act is knowingly done if done
24 voluntarily and intentionally, and not because of a mistake
25 or accident or other innocent reason.

4
1 The intention or purpose for which the
2 victim was held against her will is a question of fact to
3 be determined by your consideration of the evidence. The
4 intention may be inferred from the defendant's conduct and
5 all other circumstances.

6 Any person who willfully and maliciously
7 sets fire to or burns or causes to be burned, or who aids,
8 counsels or procures the burning of: Any unoccupied
9 personal property of another which has the value of
10 twenty-five dollars or more; or any unoccupied personal
11 property owned by him in which another person has a legal
12 interest; or any timber, forest, shrubbery, crops, grass,
13 vegetation or other flammable material not his own, is
14 guilty of arson in the third degree.

15 With regard to the crime of arson, the
16 word willfully means the doing of an act purposely and
17 intentionally, not accidentally. The word maliciously
18 means wrongfully, intentionally and without just cause or
19 excuse.

20 That concludes the reading of the
21 instructions to the members of the Grand Jury. Are there
22 any questions with regard to the elements of the offenses
23 charged in this case?

24 THE FOREPERSON: Perhaps we could keep a copy
25 of that for later on when we have deliberations.

1 MR. DASKAS: May we call our first witness?

2 THE FOREPERSON: Yes.

3 MR. DASKAS: Our first witness is Laura James.

4 THE FOREPERSON: Please remain standing and
5 raise your right hand please.

6 You do solemnly swear that the testimony
7 you are about to give upon the investigation now pending
8 before this Grand Jury shall be the truth, the whole truth,
9 and nothing but the truth, so help you God?

10 MS. JAMES: Yes.

11 THE FOREPERSON: Please be seated.

12 You are advised that you are here today
13 to give testimony in the investigation pertaining to the
14 offenses of murder with use of a deadly weapon, kidnapping,
15 accessory to murder, third degree arson, involving Craig
16 Michael Titus, Kelly Ann Ryan, Anthony R. Gross. Do you
17 understand this advisement?

18 MS. JAMES: Yes.

19 THE FOREPERSON: Would you please state your
20 first and last name and spell them for the record.

21 MS. JAMES: Maura, M-a-u-r-a, James,
22 J-a-m-e-s.

23 MR. DASKAS: May I proceed?

24 THE FOREPERSON: Yes.

25 MR. DASKAS: Thank you.

1 MAURA JAMES,

2 having been first duly sworn by the Foreperson of the Grand
3 Jury to tell the truth, the whole truth, and nothing but
4 the truth, testified as follows:

5
6 EXAMINATION

7
8 BY MR. DASKAS:

9 Q Miss James, where do you reside?

10 A I live in Lambertville, New Jersey.

11 THE FOREPERSON: Pull the mic right up close
12 to you if you would please.

13 BY MR. DASKAS:

14 Q Did you say Lambertville, New Jersey?

15 A Lambertville, New Jersey.

16 Q Is that where you lived back in December of
17 2005?

18 A Yes.

19 Q Did you have a daughter in December of 2005
20 who lived here in Las Vegas?

21 A Yes.

22 Q What's her name?

23 A Melissa James.

24 Q In December of 2005 how old was your daughter
25 Melissa?

- 4 1 A Twenty-eight.
- 2 Q Do you know where in Las Vegas your daughter
3 lived in December of 2005?
- 4 A Adobe Arch Court. That's the name of the
5 street.
- 6 Q Did she live alone?
- 7 A No.
- 8 Q With whom did she live?
- 9 A Craig Titus and Kelly Ryan.
- 10 Q Back in December of 2005 did your daughter
11 have or use a cellular telephone?
- 12 A Yes, she did.
- 13 Q Do you know that telephone number?
- 14 A 501-7474.
- 15 Q Was that a 702 area code?
- 16 A 702 area code.
- 17 Q I want to talk to you about the last time you
18 had any contact with your daughter Melissa. Do you recall
19 the date on which you last had contact with her?
- 20 A March -- December 13th.
- 21 Q Of 2005?
- 22 A 2005.
- 23 Q Where were you when you had contact with your
24 daughter?
- 25 A At work.

4 1 Q In New Jersey?

2 A Yes.

3 Q To your knowledge where was your daughter?

4 A She was in a KFC restaurant.

5 Q In Las Vegas?

6 A In Las Vegas.

7 Q This was obviously telephone contact?

8 A Yes.

9 Q Did you call your daughter or did she call
10 you?

11 A She called me.

12 Q You were on a cellular telephone?

13 A Yes.

14 Q On your cellular telephone do you have caller
15 ID so you can see the number of the person calling?

16 A Correct.

17 Q Did you recognize the number?

18 A Yes.

19 Q Whose number was it?

20 A Melissa's.

21 Q Do you recall the time that that telephone
22 call took place?

23 A It was around 2:45 Eastern time.

24 Q Do you know what time that would have been
25 here in Las Vegas?

4 1 A 11:45.

2 Q You say around 11:45 or 2:45 Eastern time. Do
3 you recall the precise time?

5 4 A It might have been around 2:47, something like
5 that.

6 Q If I were to show you a copy of your cell
7 telephone bill, would that refresh your memory regarding
8 the time of the call?

9 A Yes.

10 MR. DASKAS: May I approach the witness?

11 THE FOREPERSON: Yes.

12 BY MR. DASKAS:

13 Q Miss James, I'm going to show you what
14 purports to be a Sprint telephone bill. Is that your
15 service provider?

16 A Yes, it is.

17 Q Having looked at that cellular telephone bill
18 does that refresh your memory about the precise time of the
19 telephone call we're discussing?

20 A Correct.

21 Q What time was that call?

22 A 2:42.

23 Q And it was 2:42 p.m. Eastern time?

24 A Correct.

25 Q 11:42 a.m. Las Vegas time?

5
1 A Correct.

2 Q Do you recall about how long that conversation
3 lasted?

4 A Maybe five minutes.

5 Q Without telling me what was discussed, how
6 would you describe your daughter's tone or demeanor during
7 that telephone call?

8 A Her usually upbeat self.

9 Q And again without telling me what was
10 discussed or what was said during the conversation, as a
11 result of that conversation did you eventually go somewhere
12 in New Jersey?

13 A The next morning I went to the airport to pick
14 her up.

15 Q Do you recall what time you went to the
16 airport?

17 A Her flight was to arrive I believe it was
18 8:30, 8:45, around that time.

19 Q In the morning?

20 A In the morning, in the a.m. And I got lost
21 going to the airport so I got there late. I didn't get
22 there until 9:30.

23 Q Now when you mentioned 8:30 and 9:30, do you
24 mean Eastern time?

25 A Correct.

5

1 Q And which airport was that?

2 A Newark, New Jersey.

3 Q Did your daughter ever arrive at the airport?

4 A No.

5 Q Did you make some efforts to contact your
6 daughter when she was not at the airport?

7 A Yes, I called and left her messages on her
8 cell phone.

9 Q The same number you mentioned earlier?

10 A Correct.

11 Q Did she ever answer her phone?

12 A Never.

13 Q Did you leave her messages?

14 A Yes, I did.

15 Q Did she ever return those calls?

16 A Never.

17 Q After you realized that your daughter was not
18 at the airport did you ever attempt to call her roommates
19 here in Las Vegas?

20 A Yes.

21 Q Who did you try to call?

22 A Craig Titus.

23 Q Did you have a cellular telephone number for
24 Mr. Titus?

25 A Yes, I did.

5
1 Q Is that the number you called?

2 A Yes.

3 Q Do you recall the date when you first called
4 him after you realized your daughter was not at the
5 airport?

6 A I think it was the 14th.

7 Q Again December 14th of 2005?

8 A Yeah, it was either the 14th or the 15th.

9 Q Again if I showed you a copy of you your cell
10 telephone bill would that refresh your memory on the date
11 you tried to call Mr. Titus?

12 A Yes.

13 Q Again I'm showing you what purports to be a
14 Sprint telephone bill. Do you now see or does that refresh
15 your memory regarding the first time you tried to call Mr.
16 Titus when your daughter was not at the airport?

17 A Yes.

18 Q On what date was that?

19 A 12/14.

20 Q Of 2005?

21 A 2005.

22 Q Did Mr. Titus answer that call?

23 A No.

24 Q Did you hear his voice on a message greeting?

25 A Yes.

- 5 1 Q Did you recognize his voice?
- 2 A I recognized his voice.
- 3 Q Prior to December 14th had you had
4 conversations or a conversation with Craig Titus?
- 5 A Once before.
- 6 Q Did Mr. Titus return your call on December
7 14th?
- 8 A No.
- 9 Q Did you make other efforts to contact Craig
10 Titus?
- 11 A Yes.
- 12 Q Do you recall the dates of those phone calls?
- 13 A I believe on 12/15 I called again.
- 14 Q Did Craig Titus answer that call?
- 15 A No.
- 16 Q Did he return that call?
- 17 A No.
- 18 Q Did you make other efforts to contact Craig
19 Titus?
- 20 A Yes.
- 21 Q Do you recall when?
- 22 A I believe it was the 17th.
- 23 Q Of December?
- 24 A Yes, 16th or the 17th.
- 25 Q Eventually did Craig Titus return any of your

5
1 telephone calls?

2 A Yes.

3 Q On what day?

4 A 12/17.

5 Q Of 2005?

6 A Correct.

7 Q Where were you?

8 A I was in New Jersey.

9 Q What did Craig Titus tell you when he called
10 you on December 17th?

11 A He told me that the police had spoken to him
12 and that he didn't have anything to do with it.

13 Q Now let me stop you. Between -- and this may
14 seem like an obvious question -- but between December 14th
15 when your daughter did not arrive at the airport and
16 December 17th when Craig Titus called you, had you learned
17 information about what happened to your daughter?

18 A Yes.

19 Q Who contacted you? Without telling me what
20 was said, who contacted you?

21 A The coroner.

22 Q Here in Las Vegas?

23 A Yes.

24 Q And again now let's discuss the conversation
25 with Craig Titus on December 17, 2005. Tell me again what

6 1 he said.

2 A He told me that the police had contacted him
3 and that he didn't have anything to do with it. Well, he
4 first told me that he didn't return my calls because he was
5 out of town and didn't have that particular phone with him.
6 And then he said that the police had spoken to him and that
7 he didn't have anything to do with it. And he also said
8 that he didn't believe it was her in the trunk of the car
9 and that he felt like she staged the whole thing to get
10 herself a new identity.

11 Q The phone call on December 17th when Craig
12 Titus called you, did he identify himself?

13 A Yes.

14 Q As Craig or Craig Titus?

15 A Yes, he said this is Craig.

16 Q And did you recognize his voice as being the
17 voice of Craig Titus?

18 A Yes.

19 Q As best you can recall, the words that Craig
20 Titus told you is that he didn't believe it was Melissa
21 your daughter in the trunk of the car?

22 A Correct.

23 Q And I believe you also mentioned Craig Titus
24 told you something to the effect of he believed Melissa had
25 staged the whole thing?

6 1 A Correct.

2 Q Those were Craig Titus' words?

3 A Right.

4 Q Tell me again the reason Craig Titus told you
5 your daughter staged the whole thing?

6 A To get herself a new identity.

7 Q Was anything else discussed during the
8 conversation on December 17th with Craig Titus?

9 A Yes. He told me that he wasn't mad at her for
10 burning the car, that he would get the money back from the
11 insurance company. When he said that he didn't think that
12 it was her in the car I told him that they were going to do
13 DNA and he seemed surprised.

14 Q You say he seemed surprised. Tell me about
15 his reaction over the telephone that leads you to that
16 conclusion.

17 A He said "Really?" And I could tell, sense in
18 his voice that he was not expecting me to say that.

19 Q Now I would admonish the members of the Grand
20 Jury that the witness can't speculate about what someone
21 else thought and I'm asking her her opinion based on what
22 she overheard during that telephone conversation.

23 Was that as far as you can recall the
24 extent of the discussion with Craig Titus on December 17,
25 2005?

6 1 A He also told me that he felt like he thought
2 she stole money from him.

3 Q Did Craig Titus tell you how he felt about
4 that?

5 A He didn't really say. He just said that she
6 had stolen money from him and then he went into how he had
7 purchased her an airline ticket to fly home.

8 Q Did he say anything about when he purchased
9 the ticket or the date on which he expected her to fly
10 home?

11 A He didn't tell me when he purchased it, he
12 just said he purchased it for the night of the 13th when
13 she was to fly out.

14 Q Did Craig Titus ever say anything to you
15 during this telephone conversation about what he wanted you
16 to relay to your daughter when you spoke with her?

17 A Just that he wasn't mad at her for burning the
18 car, that he could get the money back through the insurance
19 company.

20 Q As of December 17, 2005, had you been informed
21 with any certainty that it was your daughter Melissa James
22 who was found in the trunk of the car?

23 A No, there was no immediate identification.

24 MR. DASKAS: I have no additional questions
25 for Miss James unless members of the Grand Jury has

6
1 questions.

2 THE FOREPERSON: Go ahead.

3 BY A JUROR:

4 Q In the conversation with him did he give you
5 any explanation of or opine about whose body might be in
6 the trunk of the car?

7 A No.

8 MR. DASKAS: Any other questions?

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

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

21 Do you understand this admonition?

22 THE WITNESS: Yes.

23 THE FOREPERSON: Thank you. You may be
24 excused.

25 MS. GOETTSCH: Good afternoon ladies and

6 1 gentlemen. I'm Becky Goettsch. I'm also a deputy district
2 attorney that is going to be helping in this case. And I
3 believe the next witness is Dick Draper.

4 THE FOREPERSON: Please remain standing and
5 raise your right hand, sir.

6 Do you solemnly swear that the testimony
7 you are about to give upon investigation now pending before
8 this Grand Jury shall be the truth, the whole truth, and
9 nothing but the truth, so help you God?

10 MR. DRAPER: I do.

11 THE FOREPERSON: Please be seated.

12 You are advised that you are here today
13 to give testimony in the investigation pertaining to the
14 offenses of murder with use of a deadly weapon, kidnapping,
15 accessory to murder, and third degree arson, involving
16 Craig Michael Titus, Kelly Ann Ryan and Anthony Gross. Do
17 you understand this advisement?

18 MR. DRAPER: Yes.

19 THE FOREPERSON: Would you please talk right
20 into the mic please, sir, and please state your first and
21 last name and spell them for the record.

22 MR. DRAPER: My name is Dick Draper, D-i-c-k,
23 D-r-a-p-e-r.

24 ///

25 ///

7 1 Q What time did you receive the dispatch?

2 A It was just before four o'clock. I put it
3 down as four o'clock when I was dispatched.

4 Q And how do you know that was the time?

5 A I usually mark down when I leave the house. I
6 get the call at my home.

7 Q And you receive the call from who?

8 A From a dispatch in Vegas.

9 Q When you left your home what sort of vehicle
10 did you drive?

11 A Well, the first one I took out was the, what
12 we call a quick attack unit.

13 Q What is that?

14 A It's a small fire truck with medical stuff on
15 it and it does have foam capabilities.

16 Q And what were you told about where the fire
17 would be?

18 A Sandy Valley Road off of 160.

19 Q Where is that in relation to Mountain Springs
20 where you would be?

21 A It's approximately five to six miles west.

22 Q And I think you already testified to there was
23 a mile marker associated with that.

24 A Yes, it's Mile Marker 28.

25 Q What mile marker is Mountain Springs?

7 1 A Mountain Springs is 21.

2 Q Could you see a fire from State Route 160?

3 A Yes.

4 Q How far off that main route 160 was the fire?

5 A About a quarter of a mile.

6 Q When you actually got there what did you find
7 as far as the car?

8 A I found a vehicle from the back seat forward
9 fully involved and it was parked on the westbound or west
10 side of the highway. It was not a highway, it's a dirt
11 road. And I pulled up alongside of it and proceeded to
12 knock the flames down in the main part of the car.

13 Q Was the fire visible from the main road?

14 A Oh, yes.

15 Q Was this unusual at all?

16 A Not unusual for me. I get quite a few of
17 them.

18 Q Quite a few of what?

19 A Vehicle fires. People quit making payments
20 and so forth.

21 Q Okay. How long did it take you to get the
22 fire under control?

23 A The main part of the fire was probably maybe
24 forty-five minutes. Because the vehicle has a lot of
25 magnesium parts in it, that particular vehicle does, and

7 1 they don't respond to water very well, that's why we use
2 the foam.

3 Q Were you able to determine what sort of
4 vehicle it was?

5 A Yes.

6 Q What was that?

7 A It was a Jaguar, four door Jaguar, red.

8 Q Were you able to get the fire out with your
9 initial quick attack vehicle?

10 A Most of the fire I did, yes.

11 Q Did you have to leave and come back for any
12 reason?

13 A The reason I came back, I didn't have enough
14 foam and water on that small rig to completely extinguish
15 the car. I used a lot of my water without the foam in it
16 to keep the fire from spreading into the brush because that
17 was my main concern with the fire expanding out into the
18 desert which would require a lot more equipment.

19 Q So you left for a period of time and went
20 where?

21 A Yes. I went back to the station to get the
22 big rig when I seen I was not going to be able to,
23 basically what I did there was to go back and get the big
24 rig because we have to have the car cooled before they tow
25 it and it takes a lot of water to get a car down to where

1 it won't ignite while the tow truck driver tows it away.

2 Q What time approximately did you return to the
3 scene of the fire with the bigger rig?

4 A It was about 5:15.

5 Q What is the daylight situation at that time?

6 A It's completely black.

7 Q Had you called anyone else at that point?

8 A No.

9 Q Did anything unusual happen after that or did
10 you notice anything unusual after that?

11 A The most, well, the most unusual part was when
12 I tried to put out some smoking part in the middle of the
13 car between the front and the back seat, it wouldn't, it
14 kept smoking, it was just black smoke which I assumed was
15 either a suitcase or it could have been some of the floor
16 compartments, so I went back to the rig and got my pike
17 pole which you use to stir the stuff up so you can knock
18 the ashes out of the way, and when I did that, using a
19 large flashlight, I could see into the trunk area because
20 the back seat was gone and I noticed the body.

21 Q What did you see as far as the body?

22 A Basically the head and one hand and it looked
23 like a shirt. I assumed it was a male. I didn't go any
24 further than just looking in through the hole.

25 Q As a result of finding that what did you do?

8

1 A I reported it to -- well, I reported to our
2 investigators, our arson investigators first, and then when
3 I seen that they weren't coming out that early in the
4 morning, but when I seen it was a body why then I called
5 Metro. I didn't directly call Metro but I called our
6 dispatch to alert them.

7 Q Did you try to remove the body or touch the
8 body or do anything with the car after that?

9 A No.

10 MS. GOETTSCH: I have nothing further for this
11 witness. Does anyone else have any questions for this
12 witness?

13 BY A JUROR:

14 Q Yes, sir. I'd like to -- what date are we
15 talking about?

16 A I haven't got the date. I have it. Just a
17 moment.

18 It was the 14th of December.

19 Q Thank you.

20 BY A JUROR:

21 Q I have a question. When you left to get the
22 other fire vehicle, what shape was the car in?

23 A The car was consumed in fire from the back of
24 the, from the back of the back seat forward. The trunk
25 area had not been burned yet. That's how I got the

1 perfect -- well, the license plate was very visible there.

2 Q So the trunk was not burnt but the car was
3 still burning when you went to get the other vehicle?

4 A There was a small fire. It was dripping gas,
5 it was coming from the gas tank. It looked like, my idea
6 was that maybe somebody punched a hole with an ice pick or
7 something where the gas was barely dripping down, but it
8 was enough heat on the ground to ignite it and I couldn't
9 completely knock that out so that's another reason why I
10 went to get the big truck.

11 Q And how hot is the car? You said it had to
12 cool down. How hot does a car get?

13 A It's very hot. I mean the roof is all folded
14 in from the heat. But the trunk area from the tires, the
15 two rear tires hadn't blown out nor the trunk, the paint
16 was still on the trunk lid.

17 Q And the trunk was closed?

18 A Yes.

19 THE FOREPERSON: Andy.

20 BY A JUROR:

21 Q So I take it from your testimony you were
22 fighting this fire by yourself?

23 A Yes.

24 Q And about how long would you estimate you were
25 gone from the scene when you went to get the big rig?

8 1 A Probably about fifteen minutes.

2 Q And I'm assuming that you stayed at the scene
3 until police or investigators arrived?

4 A Yes, I was there completely until they took
5 the body out.

6 Q Did you see anybody in the area when you first
7 initially approached to go ahead and start putting out the
8 fire?

9 A No, there was no other cars on the road. A
10 few cars came by later on because it's a road that a lot of
11 people travel coming from Sandy Valley to go into Vegas.

12 BY A JUROR:

13 Q Do you know who reported the fire initially to
14 your dispatch?

15 A No, I don't. There was two calls that came
16 in. One was, the way I understand it from our dispatch the
17 first call was called in and then another one came in the
18 time that I was going back to get the second rig. And that
19 came from a truck driver that was going by out of Sandy
20 Valley.

21 Q So one call came from an unknown person to
22 you?

23 A Right.

24 Q And the second one you knew that it was a
25 truck driver passing?

8 1 A Well, I found that out from dispatch when the
2 detective checked the number.

3 Q When you arrived on the scene was there anyone
4 present?

5 A No.

6 Q Did you pass anyone between --

7 A No.

8 Q -- the quarter mile between 160 and the fire
9 scene?

10 A No.

11 BY A JUROR:

12 Q In your knowledge could you tell when you got
13 to the scene how the car started on fire? Was it in the
14 middle, was it in the gas part, was it in the front?

15 A No. It was totally consumed from, like I
16 said from the back of the back seat up to the front. I'd
17 assumed the way the wind was blowing that it started in the
18 engine compartment.

19 BY A JUROR:

9 20 Q You said in your testimony that you had many
21 of these vehicle fires and you indicated that they may have
22 been by arson.

23 A Yes.

24 Q Would you like to estimate how many vehicles
25 you put fires out under those circumstances that you

1 thought were suspicious of arson?

2 A Most of the ones that are off the highway are.
3 I get maybe ten to fifteen car fires a year. And a few of
4 those are on the highway. Most of those are caused by
5 automatic transmissions overheating and blowing a line and
6 it sprays the fluid on the exhaust system and boom, away it
7 goes.

8 Q In your experience in seeing this particular
9 fire, did it make you immediately suspicious that it might
10 be an arson?

11 A Yes. The type of vehicle and the position
12 where it was at.

13 Q There was nobody --

14 A No.

15 Q And probably the fact that there was nobody
16 present there?

17 A Yeah.

18 Q No owner running around or driver?

19 A No. It usually happens that way. They pull
20 them off, they try to hide them. That's why this one was
21 outstanding because it was up on a bluff where you could
22 see it from almost when you left Pahrump. It came through
23 a big wash where if they had left the car down in the wash
24 nobody would have seen it until daylight.

25 Q Would we be correct in assuming that nobody

9
1 called your fire department or came into Mountain Springs
2 announcing that their car was on fire?

3 A No.

4 THE FOREPERSON: Any other questions?

5 MS. GOETTSCH: I have a few follow-up.

6 Go ahead.

7 BY A JUROR:

8 Q I just wanted to ask, you refer to your
9 dispatch. You have a dispatcher in Mountain Springs?

10 A No.

11 Q Where did the dispatch call come from?

12 A It comes from Vegas, the main alarm office in
13 Vegas.

14 Q Okay. That's all I have.

15 BY MS. GOETTSCH:

16 Q Just a few follow-up questions.

17 Are you certified or trained as an arson
18 investigator?

19 A No.

20 Q Do you actually have contact with arson
21 investigators that if you suspect something like that you
22 call them out?

23 A On certain cases we do, yes.

24 Q And you indicated that the fire appeared to be
25 from the back seat forward. However when you looked into

1 the back seat, what was the condition of the actual back of
2 the back seat, were they still present burning or gone?

3 A No, it was gone. All it was was just the
4 springs.

5 Q Could you see into the trunk from that back
6 seat?

7 A Yes.

8 MS. GOETTSCH: Thank you. I have nothing
9 further.

10 MR. DASKAS: I apologize. Let me offer one
11 admonition to the members of the Grand Jury. There were
12 questions about the origination of certain calls and the
13 witness testified that he was told a truck driver had
14 called. Again that's a hearsay statement. It cannot be
15 considered for the truth of the matter asserted, but you
16 can consider it so far as what actions this witness took as
17 a result of those phones calls.

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

24 Failure to comply with this admonition
25 is a gross misdemeanor punishable by a year in the Clark

1 County Detention Center and a \$2,000 fine. In addition,
2 you may be held in contempt of court punishable by an
3 additional \$500 fine and 25 days in the Clark County
4 Detention Center.

5 Do you understand this admonition, sir?

6 THE WITNESS: Yes.

7 THE FOREPERSON: Thank you. You are excused.

8 THE WITNESS: Thank you.

9 THE FOREPERSON: We're going to take a
10 bathroom break.

11 MS. GOETTSCH: Okay.

12 THE FOREPERSON: For just a few minutes.
13 We'll take a restroom break.

14 (Recess.)

15 MS. GOETTSCH: Our next witness is going to be
16 Jessie Sams.

17 THE FOREPERSON: Please remain standing, raise
18 your right hand.

19 You do solemnly swear the testimony that
20 you are about to give upon investigation now pending before
21 this Grand Jury shall be the truth, the whole truth, and
22 nothing but the truth, so help you God?

23 MS. SAMS: Yes, I do.

24 THE FOREPERSON: Please be seated.

25 You are advised that you are here today

1 to give testimony in the investigation pertaining to the
2 offenses of murder with use of a deadly weapon, kidnapping,
3 accessory to murder, third degree arson, involving Craig
4 Michael Titus, Kelly Ann Ryan and Anthony Gross. Do you
5 understand this advisement?

6 MS. SAMS: Yes.

7 THE FOREPERSON: Would you please state your
8 first and last name and spell them for the record.

9 MS. SAMS: Jessie Sams, J-e-s-s-i-e, S-a-m-s.

10 THE FOREPERSON: Okay.

11
12 JESSIE SAMS,

13 having been first duly sworn by the Foreperson of the Grand
14 Jury to tell the truth, the whole truth, and nothing but
15 the truth, testified as follows:

16
17 EXAMINATION

18
19 BY MS. GOETTSCH:

20 Q Miss Sams, can you tell us how you are
21 employed?

22 A I am a senior crime scene analyst with the Las
23 Vegas Metropolitan Police Department.

24 Q And generally what are your duties in that
25 position?

9 1 A We respond to crime scenes usually at the
2 request of the detective or police officer or coroner's
3 office, different agencies sometimes, to process and
4 document crime scenes.

5 Q How long have you been employed in that
6 capacity?

7 A Little more than eleven years.

8 Q And were you called to a car fire on December
9 14th of 2005?

10 A Yes, I was.

11 Q Where was that located?

12 A It was approximately a half mile south on the
13 Sandy Valley Road off of State Route 160.

14 Q That's here in Las Vegas, Clark County,
15 Nevada?

16 A Yes, it's west of Las Vegas.

17 Q Describe when you get off of State Route 160,
18 describe the road where the car was located.

19 A State Route 160 goes from Las Vegas west
20 towards Pahrump into Nye County, and then Sandy Valley Road
21 goes south, a dirt or gravel road, a graded road, and it
22 goes towards the little community of Sandy Valley, and the
23 vehicle was about a half mile south on that road.

24 Q I'm going to show you Grand Jury Exhibit No. 2
25 and if you could describe what is depicted in that

10

1 photograph.

2 A Okay. This photograph shows State Route 160
3 where it comes over the mountains from Las Vegas coming
4 west and then the Sandy Valley Road where it comes
5 southward and the location where you see all these vehicles
6 is where the burned vehicle was located there.

7 Q I'm going to ask you to write on there where
8 Las Vegas is or towards Las Vegas with an arrow and then
9 your initials.

10 And then the car fire that you responded
11 to, if you could circle that.

12 Does this fairly and accurately depict
13 that aerial view of where you responded that day?

14 A Yes, it does.

15 Q I'm going to publish that, pass that around,
16 Exhibit No. 2.

17 Describe the scene that you found when
18 you approached the car fire.

19 A It was a desert scene, somewhat remote
20 looking. When you first drive up on it, even though it was
21 fairly close to the, you know, off the state route, it was
22 kind of cool that day and a little bit windy, just desert
23 scrub area, and there was a lot of wetness and like mud,
24 water, from where they had put out the fire that was
25 running along the west side of that road.

10 1 Q What time was it approximately that you
2 responded, that you actually got there?

3 A I got there about 9:30 a.m.

4 Q Was the car still burning?

5 A No, it wasn't.

6 Q Describe the condition of the car.

7 A It was burned out. There was very little
8 color left on it. It was just a few spots of red that you
9 could see. All the windows were gone, the tires were
10 pretty much blown, the handles, the lights, all the trim,
11 everything like that was burned up.

12 Q Does that include the trunk area as well as
13 the hood area of the car?

14 A Right. The body of the car was more or less
15 intact but everything else was burned off pretty much.

16 Q Could you tell or determine what the original
17 color of the car was?

18 A Well, you could see like I said a few little
19 pieces of red and there was I think a piece of maybe it was
20 molding that was on the ground near the rear that was red.

21 Q I'm going to show you Grand Jury Exhibits 3,
22 4, 5, 6 and 8. If you could tell me if these photographs
23 accurately depict the condition of the car as you came upon
24 the scene.

25 A Yes, they accurately depict it.

10

1 Q Are those photographs that you actually took?

2 A Yes, they are.

3 Q And was the trunk of the car open or closed
4 when you arrived?

5 A It was closed.

6 Q And I'm going to focus your attention here on
7 Grand Jury Exhibit 8. What's depicted in that photograph?

8 A That's a partial license plate.

9 Q Where was that located?

10 A That was lying on the ground below the rear of
11 the vehicle.

12 Q Were you able to get a partial plate off of
13 that?

14 A Yes, it reads 9 and then PPL like Paul Paul
15 Lincoln.

16 Q Publish these to the Grand Jury as well.

17 Once you documented how the external
18 area of the vehicle looked, what did you do next?

19 A There were general photos taken of the area
20 and aerial photos were taken, and the trunk was opened I
21 believe by the arson investigators that were present at the
22 scene and there was a body in the trunk of the vehicle.

23 Q Were there any items of evidentiary value
24 surrounding the car like in the desert area?

25 A Yes, there were. There was a flashlight like

1 you shake and it goes on that was lying in front of the
2 vehicle and some broken pieces of it in the middle of the
3 road. There were some apparent tire marks, partial tire
4 marks, and footwear in front of the vehicle, and there was
5 a beer can to the west of the vehicle.

6 Q Were you able to document the tire marks and
7 the footwear impressions?

8 A Yes.

9 Q Was it difficult or easy to do that?

10 A It was somewhat difficult.

11 Q What conditions made it difficult that day?

12 A The wind.

13 Q Did you attempt to make some sort of inventory
14 from the inside of the car, not the trunk at this point but
15 just the inside, the passenger compartment of the car?

16 A I did.

17 Q Were you able to find any identifiable items
18 of interest in the passenger compartment of the car?

19 A Yes.

20 Q What did you find?

21 A There was a suitcase frame, there were bits of
22 what looked like personal items, clothing items, keys,
23 there were tweezers, there was some little ceramic salt and
24 pepper shakers, there were some, what appeared to be
25 syringes, there was a part of barbecue set, purse, it

11

1 looked like part of a purse or a little case, make-up case.
2 Lots of things --

3 Q I'm sorry, anything else?

4 A There were lots of things that were almost
5 unidentifiable because of the fire, but lots of burned
6 debris. Food items that you could tell were probably food
7 but you couldn't tell what they were.

8 Q I'm going to show you Grand Jury Exhibit No.
9 7. If you could tell me what's depicted in this
10 photograph.

11 A That's the frame of the suitcase that was in
12 the, like the rear seat area.

13 Q Okay. And you actually took this photograph?

14 A Yes.

15 Q And there appears to be some black charred
16 debris inside there. Were you able to -- inside the frame
17 that is depicted in the photograph. Were you able to
18 determine what that was?

19 A Not that particular item that you can see
20 here, but there was some things that we did identify as
21 clothing items or parts of clothing items in there.

22 Q Okay. I'll publish this to the Grand Jury as
23 well.

24 Moving onto the trunk area, were you
25 present when the trunk was actually opened?