

EIGHTH JUDICIAL DISTRICT COURT

ORIGINAL

CLARK COUNTY, NEVADA

FILED

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BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID  
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 9, 2006

1:30 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

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

1 GRAND JURORS PRESENT ON MARCH 9, 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

18

Also present at the request of the Grand Jury:

19

Robert Daskas,  
Deputy District Attorney

20

Becky Goettsch,  
Deputy District Attorney

21

22

23

24

25

INDEX OF WITNESSES

1

1

2

3

Examined

4

CLIFFORD MOGG

6

5

MATT CUTLER

29

6

ROBIN PETERSON

33

7

MARNIE CARTER

48

8

MEGAN PIERSON

63

9

DEAN O'KELLEY

119

10

ANDREW HINZ

129

11

DAVID LEMASTER

158

12

CHERRY NEFF

170

13

JASON KIESS

175

14

15

16

17

18

19

20

21

22

23

24

25

INDEX OF EXHIBITS

1		
2		
3	<u>Grand Jury Exhibits</u>	<u>Identified</u>
4	12 - vehicle registration	7
	13 - photograph	49
5	14 - photograph	49
	15 - photograph	49
6	16 - photograph	49
	17 - photograph	49
7	18 - photograph	49
	19 - photograph	49
8	20 - photograph	49
	21 - receipt	37
9	22 - photograph	40
	23 - photograph	39
10	24 - photograph	40
	25 - photograph	41
11	26 - photograph	130
	27 - photograph	163
12	28 - photograph	163
	29 - photograph	163
13	30 - photograph	163
	31 - photograph	163
14	32 - photograph	163
	33 - photograph	163
15	34 - photograph	163
	35 - photograph	163
16	36 - photograph	163
	37 - photograph	163
17	38 - photograph	163
	39 - photograph	163
18	40 - photograph	163
	41 - surveillance CD	172
19	42 - surveillance CD	177
20		
21		
22		
23		
24		
25		

1 LAS VEGAS, NEVADA, THURSDAY, MARCH 9, 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 MR. DASKAS: We are here to resume State of  
10 Nevada versus Craig Titus, Kelly Ryan and Anthony Gross.  
11 The State's next witness is Cliff Mogg, M-o-g-g.

12 THE FOREPERSON: Raise your right hand, sir.

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

17 MR. MOGG: I do.

18 THE FOREPERSON: Thank you. Please be seated.

19 You are advised that you are here today  
20 to give testimony in the investigation pertaining to the  
21 offenses of murder with use of a deadly weapon, kidnapping,  
22 accessory to murder and third degree arson, involving Craig  
23 Michael Titus, Kelly Ann Ryan, Anthony R. Gross. Do you  
24 understand this advisement?

25 MR. MOGG: Yes, I do.

1                   1                   THE FOREPERSON: Would you please state your  
2 first and last name and spell them for the record.

3                   MR. MOGG: Clifford, C-l-i-f-f-o-r-d, Mogg,  
4 M-o-g-g.

5  
6   CLIFFORD MOGG,  
7 having been first duly sworn by the Foreperson of the Grand  
8 Jury to tell the truth, the whole truth, and nothing but  
9 the truth, testified as follows:

10  
11   EXAMINATION

12  
13 BY MR. DASKAS:

14                   Q           Mr. Mogg, what is your employment?

15                   A           I'm a detective with Las Vegas Metropolitan  
16 Police Department, homicide section.

17                   Q           How long have you been assigned to the  
18 homicide section?

19                   A           Approximately three years.

20                   Q           How many years in total have you been employed  
21 with the Las Vegas Metro Police Department as a law  
22 enforcement officer?

23                   A           Ten.

24                   Q           I want to direct your attention to December  
25 14th of 2005. Did you respond to a residence at 9539 Adobe

1 Arch Court here in Las Vegas, Nevada?

2 A That's correct.

3 Q About what time did you arrive at that  
4 residence?

5 A Approximately eleven in the the morning.

6 Q Why is it that you responded to Adobe Arch?

7 A I was initially assigned to assist Detective  
8 Wilson and Detective O'Kelley in the investigation of a  
9 burned vehicle in which a body had been found out on Blue  
10 Diamond Road near Pahrump. We determined that the  
11 registered owner of that vehicle was a Kelly Ryan who lived  
12 at the address on Adobe Arch. Myself, Detective Wilson and  
13 Detective Hardy went to the Adobe Arch address in order to  
14 make contact with whoever was at the residence.

15 Q For the record when we were here last week  
16 there was some testimony about a license plate and a  
17 registered owner's address of Adobe Arch. I have marked as  
18 State's Proposed Exhibit Number 12 a certified copy of a  
19 registration, 2003 Jaguar, license plate number 269PPL,  
20 registered owner is Kelly A. Ryan, and that is now a Grand  
21 Jury exhibit.

22 Detective Mogg, who did you personally  
23 contact at the Adobe Arch residence?

24 A I contacted Craig Titus.

25 Q Was he under arrest at any point while you

1 were at the home?

2 A No, he was not.

3 Q Did he agree to speak with you?

4 A Yes, he did.

5 Q Where did you and Mr. Titus have a  
6 conversation?

7 A In the front living room area of his  
8 residence.

9 Q Where was Kelly Ryan while you interviewed  
10 Craig Titus?

11 A She was speaking with Detective Wilson in the  
12 dining room.

13 Q Was Kelly Ryan placed under arrest?

14 A No, she was not.

15 Q Was the conversation you had with Mr. Titus  
16 tape recorded?

17 A Yes, it was.

18 Q Was he aware of it?

19 A Yes, sir.

20 Q Did you explain to Craig Titus why you and the  
21 other homicide detectives were at his residence on the  
22 morning of December 14?

23 A Yes, we did.

24 Q If I didn't ask you I apologize, I'm going to  
25 ask you again, about what time did you begin your



1 conversation with Craig Titus that morning?

2 A The taped conversation began at 12:05.

3 Q Did you ask Mr. Titus what his relationship  
4 was with the registered owner of the Jaguar, Kelly Ryan?

5 A Yes, he said that was his wife.

6 Q Did you explain to him that a body had been  
7 found in the trunk of the Jaguar?

8 A That's correct.

2 9 Q Did Mr. Titus tell you who had permission to  
10 drive that Jaguar?

11 A Yes, he did. He said himself, Kelly Ryan and  
12 Michelle James.

13 Q You said Michelle.

14 A I believe that was her name.

15 Melissa. I'm sorry.

16 Q So Craig Titus explained to you that he had  
17 permission to drive the Jaguar, his wife Kelly Ryan had  
18 permission, and Melissa James had permission?

19 A That's correct.

20 Q Did you ask him who Melissa James was?

21 A Yes. He said that it was a friend of theirs  
22 and that she had been living in a downstairs bedroom in his  
23 house.

24 Q Did you actually see a downstairs bedroom in  
25 the residence?

2

1           A        I did. It was located in what would be the  
2 east side of the residence on the first floor near the  
3 entrance to the garage.

4           Q        Did Craig Titus tell you how long Melissa  
5 James had been living in his home with he and his wife?

6           A        He said since October of '05.

7           Q        Did Craig Titus mention any problems that  
8 either he had or his wife Kelly Ryan had with Melissa  
9 James?

10          A        He told me that they had been concerned  
11 because of her drug use inside the house. He also said  
12 that they believed she had been using their identities to  
13 obtain money, take money from their checking accounts,  
14 things like that.

15          Q        This is what Craig Titus at least explained to  
16 you on December 14?

17          A        That's correct.

18          Q        Before you arrived at the residence on the  
19 14th did you have any idea who Melissa James was?

20          A        I did not.

21          Q        Did you have any idea who the person was in  
22 the trunk of the 2003 Jaguar before you arrived at the  
23 residence?

24          A        I did not.

25          Q        Did Craig Titus explain to you where Melissa

2

1 had stayed two nights earlier, that is on December 12,  
2 2005?

3 A He said that he had rented a room for her at  
4 the La Quinta on I believe it was Sahara.

5 Q Did he tell you who paid for that room?

6 A He did.

7 Q Craig Titus did?

8 A That's correct.

9 Q Did Craig Titus tell you whether he was with  
10 Melissa James when she checked into the motel, the La  
11 Quinta, on December 12, 2005?

12 A He said he was with her when she checked in  
13 and then he had spent the evening of the 12th into the  
14 morning of the 13th till approximately one or two o'clock  
15 in the morning at the hotel with her.

16 Q Did he explain where he went after he left the  
17 La Quinta at midnight or one a.m. on December 13, 2005?

18 A He said he came home then.

19 Q Did you ask Mr. Titus when he had next had  
20 contact with Melissa James?

21 A At approximately ten o'clock on the morning of  
22 the 13th he said that he went back to the La Quinta and  
23 picked Melissa up, brought her back to his house.

24 Q Did Craig Titus tell you what vehicle he was  
25 driving when he returned to the La Quinta to pick up

2 1 Melissa James now on the 13th?

2 A His wife Kelly Ryan's red Jaguar.

3 Q Was there a discussion about Melissa James  
4 returning home or at least to another state sometime around  
5 December 13?

6 A Mr. Titus said that he had purchased an  
7 airline ticket with Delta Airlines for Melissa in order for  
8 her to go home for Christmas and he said that he had bought  
9 a ticket either to Panama City or Florida or maybe to  
10 Newark, but he wasn't real sure.

11 Q Did Craig Titus explain to you what happened  
12 after he picked up Melissa James from the La Quinta and  
13 returned home on the morning of December 13, 2005?

14 A He said that his wife Kelly and Melissa had  
15 settled their differences, talked for awhile and I guess  
16 they talked out their issues.

17 Q Did Craig Titus tell you how long Melissa  
18 James stayed at the home of Craig Titus and Kelly Ryan on  
19 the morning of December 13, 2005?

20 A I believe that he said she was there from  
21 probably somewhere around ten o'clock when he brought her  
22 back to the house until I believe it was approximately  
23 three o'clock or so when Kelly Ryan took Melissa to the  
24 Green Valley Grocer and she was ultimately supposed to go  
25 to the airport.

2           1           Q           But Craig Titus explained to you that his wife  
3           2           Kelly Ryan had driven Melissa James to the Green Valley  
4           3           Grocery store?

5           4           A           That's correct.

6           5           Q           It was around three or 3:30 in the afternoon  
7           6           on the 13th he told you?

8           7           A           Correct.

9           8           Q           Was there in fact a Green Valley Grocery store  
10          9          near the residence on Adobe Arch?

11          10          A          Yes, there is, at Hacienda and Fort Apache.

12          11          Q          Do you know approximately how far the Green  
13          12          Valley Grocery store is from the Titus/Ryan residence?

14          13          A          Quarter mile roughly.

15          14          Q          Did Craig Titus tell you what vehicle Kelly  
16          15          Ryan drove when she dropped off Melissa James according to  
17          16          Craig at the Green Valley Grocery store?

18          17          A          He said that Kelly used his pickup truck.

19          18          Q          Do you know what kind of pickup truck Craig  
20          19          Titus owned as of December 13, 2005?

21          20          A          It's a full size Dodge pickup truck I believe,  
22          21          it was silver in color.

23          22          Q          Did Craig Titus tell you whether Melissa James  
24          23          took anything with her when she left the residence with  
25          24          Kelly Ryan on December 13, 2005?

          25          A          Yes, he said she had her luggage for her trip

3 1 and also Christmas presents that she had packed.

2 Q Did Craig Titus tell you that that was the  
3 last time he saw Melissa James?

4 A Yes, it was.

5 Q Did Craig Titus tell you where the red Jaguar  
6 was parked while Kelly his wife took Melissa to the Green  
7 Valley Grocery store?

8 A In the garage.

9 Q Of the Titus/Ryan residence?

10 A That's correct.

11 Q Did you ask Mr. Titus where the keys were  
12 normally kept to the 2003 Jaguar?

13 A Yes. He said that all the keys to their  
14 vehicles and to the house were kept in a small wooden like  
15 jewelry box in the formal dining room on top of the table  
16 in there, and he was insistent that all the keys were  
17 always kept in there because people would lose keys, this  
18 way he knew exactly where they were at.

19 Q Did you ask Craig Titus how long Kelly Ryan  
20 was gone from the time she left to drop off Melissa at the  
21 Green Valley Grocery store until Kelly Ryan returned home?

22 A He estimated approximately a half an hour.

23 Q Did he tell you what he, that is Craig Titus,  
24 and his wife Kelly Ryan did after Kelly Ryan returned home  
25 on December 13, 2005?

3

1           A       He said that they were curious as to what she  
2 had been doing so they ransacked her bedroom, being  
3 Melissa's bedroom, and that as they were going through all  
4 of her belongings in the bedroom they found Green Point  
5 Mortgage for one of his houses, they also found assorted  
6 documents with personal information on Kelly Ryan and her  
7 mother, and tax information for his business and  
8 metamphetamine and a bunch of bloody needles.

9           Q       Did he mention anything about morphine?

10          A       I believe he also said there was an ampoule of  
11 morphine that he found.

12          Q       And you mean he, being Craig Titus, he was  
13 referring to the bedroom of Melissa James?

14          A       That's correct.

15          Q       Earlier you told us that you actually saw the  
16 bedroom. Was that bedroom actually ransacked when you saw  
17 it?

18          A       It appeared so to me.

19          Q       Describe what you saw.

20          A       The bed was in disarray, things were just  
21 piled all over the floor, strewn all over the floor, the  
22 top of the bed. There was a small nightstand in the corner  
23 of the room and on top of that there was a, like a little  
24 metal strong box that appeared to have been forced open.  
25 There were some papers inside that. I saw numerous

3 1 syringes and bloody tissues in the room. I also saw at  
2 least ten, fifteen small bottles of some type of  
3 medication. I believe it was Nambulin (phonetic) or  
4 something like that.

5 Q Did Craig Titus ever tell you that sometime  
6 later that evening or that night, again on December 13,  
7 2005, that he went looking for Melissa James?

8 A Yes, he did.

9 Q What did he tell you?

10 A He said that he got into his truck and drove  
11 to the Palace Station looking for a black Jeep Cherokee  
12 which was supposedly driven by an associate of Melissa's by  
13 the name of Eddie. He said he never stopped anywhere, just  
14 drove around looking for this vehicle and was gone for a  
15 half an hour.

16 Q Did Craig Titus explain to you why it was he  
17 went looking for Melissa James?

18 A That he was concerned that she may not have  
19 made her flight.

20 Q Did Craig Titus tell you what time he returned  
21 home from looking for Melissa James on the night of the  
22 13th?

23 A I believe it was approximately 12:30, one  
24 o'clock.

25 Q So now it would be the early morning hours of



3           1    December 14, 2005?

          2           A       That's correct.

          3           Q       Did you ask Craig Titus whether the red Jaguar  
4   was still at his home when he returned now on December 14,  
5   2005?

          6           A       I did. He said it was in the garage.

4           7           Q       What did Craig Titus tell you he and his wife  
8   Kelly did once he returned home at one in the morning on  
9   the 14th?

10           A       Sat up in the bedroom, talked, watched TV, he  
11   did some paperwork in the office.

12           Q       Obviously you were there because you had found  
13   the Jaguar burning in the desert. Did Craig Titus ever  
14   offer an explanation as to the missing Jaguar?

15           A       He said that at some point Melissa must have  
16   come home, disabled the alarm to their house, then took the  
17   keys to the Jaguar, took the Jaguar, reset the alarm and  
18   left.

19           Q       That was Craig Titus's explanation to you?

20           A       That's correct.

21           Q       Did Craig Titus acknowledge that he was at  
22   home with his wife Kelly Ryan from at least one in the  
23   morning on the 14th until the time you and other detectives  
24   arrived at the residence around ten or eleven a.m.?

25           A       That's correct.

4           1           Q           Did he say, that is Craig Titus, whether he  
2           ever heard anybody enter the home during that time frame?

3           A           He did not.

4           Q           Did he acknowledge there was an alarm system  
5           on his home?

6           A           Yes, he did.

7           Q           You were actually in the home. Did you hear  
8           that alarm system function when you were there?

9           A           Yes.

10          Q           Explain that.

11          A           We had, as I said, myself, Detective Hardy and  
12          Detective Wilson, and also a crime scene analyst who had  
13          arrived to photograph Melissa's bedroom, recover any  
14          evidence that we may have found in there, this was all  
15          pursuant to written consent to search from Craig Titus, as  
16          the detectives and the crime scene analyst would walk in  
17          and out of the door you would hear the beeping on the alarm  
18          system as the door was opened, and during the interview as  
19          the alarm would beep Mr. Titus even turned his head to look  
20          in the direction of the alarm system. I could clearly hear  
21          the beeping noise,

22          Q           Did you ask Craig Titus what time he realized  
23          the Jaguar was missing from his home?

24          A           He said approximately 4:28 in the morning.

25          Q           In other words Craig Titus told you a precise

4 1 time?

2 A Exactly.

3 Q How did he know it was 4:28 in the morning  
4 when he realized his Jaguar or his wife's Jaguar was  
5 missing from the garage?

6 A He said that he got up, he was hungry, went  
7 down to the kitchen, then looked over to Melissa's bedroom,  
8 went in there, saw that she was missing, went out to the  
9 garage and said oh, the Jaguar is gone, she must have  
10 missed the flight.

11 Q Again that was Craig Titus's explanation to  
12 you?

13 A That's correct.

14 Q Did Craig Titus indicate to you whether he or  
15 his wife Kelly called the police once they realized the  
16 Jaguar was apparently missing?

17 A They did not.

18 Q Did Craig Titus tell you whether he made any  
19 attempts or any effort to contact Melissa James after he  
20 apparently realized the Jaguar was gone?

21 A Yes, he said he sent a text page to her which  
22 he showed me on his phone and it said "Where the fuck's my  
23 car?"

24 Q You actually saw the text message on Craig  
25 Titus's cellular telephone?

4 1 A That's correct.

2 Q He told you he sent that text message to  
3 Melissa James?

4 A Yes.

5 MR. DASKAS: I have no additional questions  
6 for Detective Mogg.

7 THE FOREPERSON: Guido.

8 BY A JUROR:

9 Q The time the text message said that it was  
10 sent, were you able to develop that from the device?

11 A I don't recall what that time was, sir. I  
12 believe it was somewhere around 4:30 in the morning to the  
13 best of my recollection.

14 Q So contemporaneous with his report of  
15 discovering the Jaguar, it was within that time frame?

16 A Yes, sir.

17 BY A JUROR:

18 Q Yes. So Titus rented a room at the Sahara --  
19 no, no, not at the Sahara Hotel -- the casino there, right?

20 A At the La Quinta which is a hotel located on  
21 Sahara, I think somewhere around maybe Durango, in that  
22 area.

23 Q My question was had he stayed with her until  
24 one or two a.m., so that's about, what, eight hours he was  
25 with her, did he say why he --

4 1 A He didn't say that he was with her the entire  
2 time, just that's what time he came home, that he had been  
3 with her that evening and arrived back at his house at  
4 about one or two in the morning.

5 Q Okay. Thank you.

6 BY A JUROR:

7 Q When they ransacked the room did you see the  
8 evidence that they stated that they had found?

9 A I didn't conduct a thorough investigation of  
5 10 Melissa's room, Detective Hardy did that. I just noticed  
11 the things that he had spoke of in general.

12 BY A JUROR:

13 Q Detective, in your experience, could you give  
14 an opinion what his demeanor was the moment it became  
15 apparent that Melissa was the victim in the vehicle?

16 A I don't believe we told him that Melissa James  
17 was the person who was in the vehicle because at that point  
18 we didn't know. He gave us a description of the clothing  
19 that Melissa was wearing when he last saw her and I relayed  
20 that information to Detective O'Kelley who was at the scene  
21 and he said that matched the clothing that remained on the  
22 victim. But during the interview he had a lighter that at  
23 various points when I would ask him questions that might be  
24 kind of pointed he would start clicking this lighter  
25 nervously and then when it was a more mundane question then

5 1 he would stop clicking the lighter.

2 MR. DASKAS: And I apologize, I will instruct  
3 the Grand Jurors to disregard the description that he was  
4 nervous when he clicked the lighter. Certainly you can  
5 consider what Craig Titus was doing, but it would be  
6 speculation to assume why he was doing it.

7 BY THE FOREPERSON:

8 Q Sir, I have a question. You indicated in your  
9 testimony that Titus said he had bought a ticket to Florida  
10 or New Jersey, he was not sure where he bought that ticket  
11 to for Melissa. Is that correct?

12 A That's correct.

13 Q Did you verify that he actually bought a  
14 ticket?

15 A He did buy a ticket. He had charges on his  
16 credit card through Delta Airlines. I didn't conduct the  
17 investigation as to where the ticket was for.

18 THE FOREPERSON: Yes, Gary.

19 BY A JUROR:

20 Q The items that you had previously mentioned,  
21 syringes, bottles of medication and so forth, were those  
22 collected by you and sent to your crime lab for evaluation?

23 A I know that we collected some syringes, some  
24 other evidence out of the room, but again I wasn't the  
25 detective that was assigned to process that room with the

5 1 crime scene investigators. That was Detective Hardy.

2 BY A JUROR:

3 Q Back on the ticket. Do you know the date and  
4 the time her flight was supposed to leave?

5 A Just from what Mr. Titus told me that the  
6 flight was supposed to leave on the 14th.

7 Q Do you know what time?

8 A I do not.

9 THE FOREPERSON: Andy.

10 MR. DASKAS: Can I ask a question?

11 THE FOREPERSON: Yes.

12 BY MR. DASKAS:

13 Q Detective Mogg, this is based on what Mr.  
14 Titus told you. Was it your understanding that the flight  
15 Melissa James was supposed to catch was going to leave  
16 December 13 or December 14?

17 A I'm sorry, it's December 13th which arrived at  
18 the house on the 14th.

19 BY A JUROR:

20 Q And in your conversation with him did Mr.  
21 Titus say when the flight was scheduled to leave for Delta  
22 Airlines?

23 A He did not. I asked him during the interview  
24 about the itinerary and he said that he couldn't remember  
25 but that he had that information in his office, and I

5 1 believe the other detectives assigned to the case have  
2 gathered that information.

3 Q And did he, you testified he said he went out  
4 looking for her and spent about a half an hour and  
5 mentioned particularly the Palace Station. Did he mention  
6 going to the airport since she was supposed to go to the  
7 airport?

8 A He did not, sir.

9 Q And what time, or did he say what time he left  
10 the house to go look for Miss James?

11 A I believe he said approximately 12:30 which  
12 would be 12:30 a.m. on the 14th.

13 Q 14th. Okay. Thank you.

14 BY A JUROR:

15 Q Just one follow-up. And I'm still interested  
16 in his demeanor. Did he, as this interview unfolded and it  
17 become apparent to him that this vehicle was gone, was it  
18 apparent to him that it was his wife's Jaguar at any time  
19 during this interview?

20 A We told him that it was his wife's Jaguar.

21 Q Okay. And then did he, did he offer some  
22 scenario as to, other than the one that apparently,  
23 apparently he believed that Melissa James had taken this  
24 automobile?

25 A He said that she may have been put up to it by



5           1    this person whom he described as a metamphetamine dealer  
2           2    named Eddie, that maybe he put her up to coming and getting  
3           3    his car and maybe getting some credit card information in  
4           4    order to obtain money from one of his accounts.

5           Q        So he volunteered a scenario; is that correct?

6           A        That's correct.

7           THE FOREPERSON: Any other questions?

8   BY A JUROR:

9           Q        I have one but I'm not sure if I'm asking it  
10          10    correctly. When you were stating that he was concerned why  
11          11    Melissa had not returned home, what time was that that he  
6          12    was concerned if she was going to be catching the airplane?

13          A        At 4:28 in the morning is when he said he went  
14          14    down to the kitchen, went to her room, went out to the  
15          15    garage, realized the Jaguar was gone, and at that point he  
16          16    said oh, she must have missed the flight.

17          MR. DASKAS: I think -- I apologize, and  
18          18    correct me if I'm wrong, I think the question pertains to  
19          19    why Craig Titus felt it necessary to go look for Melissa  
20          20    James at 12:30 or one in the morning.

21   BY MR. DASKAS:

22          Q        Did he tell you why, that is Craig Titus, did  
23          23    he tell you why he felt concerned enough to go look for  
24          24    Melissa James at the Palace Station?

25          A        I believe at that point he said that he was

6 1 concerned that his wife had dropped her off at the Green  
2 Valley Grocer, he thought she may have been meeting this  
3 guy Eddie and why she didn't want to go to the airport, and  
4 then at approximately 12:30 he decided to go look for this  
5 Eddie's vehicle.

6 THE FOREPERSON: Any other questions?

7 MR. DASKAS: And one more follow-up. I  
8 apologize.

9 BY MR. DASKAS:

10 Q But at least according to Craig Titus as of  
11 that point in time the Jaguar was still in the garage?

12 A That's correct.

13 Q Thank you.

14 BY A JUROR:

15 Q I just have one more question.

16 Going back to the 12th. I have my notes  
17 here that says Melissa came back on the 13th at ten a.m.

18 A Correct.

19 Q How did she get -- who brought her home?

20 A Mr. Titus went back to the hotel, picked her  
21 up and brought her back to the residence.

22 Q Okay. Thank you.

23 THE FOREPERSON: By law these proceedings are  
24 secret -- I'm sorry.

25 ///

6

1 BY A JUROR:

2 Q I'm sorry, I just got a brain storm.

3 Did Mr. Titus say why they took, he took  
4 Miss James to the hotel for one night and then brought her  
5 back to the house? I don't understand.6 A Apparently there was some friction between her  
7 and Kelly Ryan and so he was just trying to get her out of  
8 the house, and their goal was, his goal I guess, what he  
9 told me was that he wanted to get her out of Las Vegas,  
10 back to Newark or Florida or wherever so that she could  
11 clean up a little bit.

12 Q Okay. I'm sorry.

13 THE FOREPERSON: Anyone else?

14 By law these proceedings are secret and  
15 you are prohibited from disclosing to anyone anything that  
16 has transpired before us, including evidence and statements  
17 presented to the Grand Jury, any event occurring or  
18 statement made in the presence of the Grand Jury, and  
19 information obtained by the Grand Jury.20 Failure to comply with this admonition  
21 is a gross misdemeanor punishable by a year in the Clark  
22 County Detention Center and a \$2,000 fine. In addition,  
23 you may be held in contempt of court punishable by an  
24 additional \$500 fine and 25 days in the Clark County  
25 Detention Center.

1 Do you understand this admonition?

2 THE WITNESS: Yes, sir.

3 THE FOREPERSON: Thank you. You are excused.

4 THE WITNESS: Thank you.

5 MS. GOETTSCH: Our next witness is Matt  
6 Cutler.

7 THE FOREPERSON: Raise your right hand, sir.

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

12 MR. CUTLER: I do.

13 THE FOREPERSON: Please be seated.

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

20 MR. CUTLER: Yes.

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

23 MR. CUTLER: My name is Matt Cutler, spelled  
24 M-a-t-t, last name C-u-t-l-e-r.

25 ///

6 1 MATT CUTLER,

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 MS. GOETTSCH:

9 Q Mr. Cutler, can you tell us how you are  
10 employed?

11 A I'm currently employed with Ford Motor Credit  
12 Company.

13 Q What's your position?

14 A Customer service supervisor.

15 Q What does Ford Motor Credit Company do?

16 A Financing vehicles.

17 Q Are you familiar with Primus Financial  
18 Services, P-r-i-m-a-s?

19 A U-S.

20 Q U-S. Are you familiar with Primus Financial  
21 Services?

22 A Yes, I am.

23 Q What are they?

24 A They are a subsidiary of Ford Motor Credit and  
25 they handle Jaguars and other financing done, that is not

6 1 done through Ford Motor Credit.

2 Q Are you familiar with the liens and the lease  
3 interest held by Ford Motor Company and also Primus?

4 A Yes.

5 Q On 12/14 of 2005 did Ford Motor Credit or  
6 Primus have a lien interest in a 2003 X type Jag with  
7 license plate 269PPL?

8 A Yes, they did.

9 Q Is this a lease or a purchase?

10 A It was a lease.

11 MR. GOETTSCH: Thank you. I have nothing  
12 further. Any other questions?

13 THE FOREPERSON: Anyone have a question for  
14 this witness?

15 Yes.

16 BY A JUROR:

17 Q Who was it leased to?

18 A It was leased to, I think Titus I think was  
19 the last name on the --

20 MS. GOETTSCH: I'll follow-up with that.

21 BY MS. GOETTSCH:

22 Q Are you familiar with who it was leased to,  
23 specifically who was on the contract?

24 A No, not on the contract, no.

25 Q You just know that there was a leasehold or a

6           1    lien interest?

2                   A       Uh-huh.  Yes.

3                   MS. GOETTSCH:  Okay.

4                   THE FOREPERSON:  Gary.

5  BY A JUROR:

6                   Q       What was the current standing of the lease?

7                   A       That I'm unaware of.

8                   THE FOREPERSON:  Anyone else?

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

23                   THE FOREPERSON:  Thank you.  You are excused.

24                   MR. DASKAS:  State's next witness is Robin  
25   Peterson.

7 1 THE FOREPERSON: Please raise your right hand.

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

6 MS. PETERSON: I do.

7 THE FOREPERSON: Please be seated.

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

14 MS. PETERSON: Yes.

15 THE FOREPERSON: Would you move right close to  
16 the microphone please.

17 Would you please state your first and  
18 last name and spell them for the record.

19 MS. PETERSON: Robin Peterson, R-o-b-i-n,  
20 P-e-t-e-r-s-o-n.

21 ROBIN PETERSON,

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



EXAMINATION

7

1

2

3

BY MR. DASKAS:

4

Q Miss Peterson, what is your employment?

5

A Asset protection with Wal-Mart.

6

Q You said asset protection?

7

A Yes.

8

Q Are you assigned to any particular Wal-Mart?

9

A Yes.

10

Q Which one?

11

A 5200 South Fort Apache Road.

12

Q That's here in Las Vegas, Clark County,

13

Nevada?

14

A Yes.

15

Q As the asset protection manager or associate,

16

are you familiar with the surveillance system at Wal-Mart?

17

A Yes, I am.

18

Q Can you describe that surveillance system

19

please?

20

A I have at my disposal thirty-one PTZ's,

21

they're Pantel zoom cameras, and an unknown amount of

22

stationary cameras.

23

Q Does that video surveillance system have a

24

recording system?

25

A Yes, they record twenty-four hours on a time

7 1 lapse where it's sixteen video cameras or video shots that  
2 are being laid down on a VHF tape.

3 Q Do the cameras record the time?

4 A Yes, they do.

5 Q As the asset protection associate, do you on  
6 occasion have to adjust the surveillance system to properly  
7 record the time?

8 A Yes, I do. Once a month at the last day of  
9 every month we have to physically go back into the  
10 maintenance of the videotaping and get all the times  
11 aligned with our register times.

12 Q What is the margin of error on the time stamps  
13 for the video surveillance system at Wal-Mart?

14 A On the average it's usually five minutes give  
15 or take off of the register.

16 Q You say the register. I assume that the  
17 registers in Wal-Mart also have time stamps?

18 A Yes. The registers on the Wal-Mart times are  
19 generally more accurate because they are all linked  
20 together and they are already set up by like the corporate  
21 office sets up the times.

22 Q Based on your testimony then I assume that on  
23 occasion the video surveillance cameras can be off by a  
24 margin of five minutes compared to the time stamp on the  
25 registers?

7 1 A Yes, that's correct.

2 Q Do the surveillance cameras at Wal-Mart also  
3 record activity outside the Wal-Mart store?

4 A Yes, they do. I have two PTZ cameras outside  
5 and I'm going to just guess it might be maybe nine still  
6 shots that shoot the parking lot.

7 Q Are you familiar with whether Wal-Mart at 5200  
8 South Fort Apache sells lighter fluid?

9 A Yes, I am.

10 Q Does Wal-Mart sell lighter fluid?

11 A Yes, all the Wal-Mart's sell lighter fluid.

12 Q Where is the lighter fluid kept in the 5200  
13 South Fort Apache store?

14 A In the seasonal lawn and garden.

15 Q Where is that in relationship to the rest of  
16 the store?

17 A That is on the furthest -- let's see.  
18 Furthest south of the building, it's a seasonal location  
19 where the plants are located.

20 Q Sometime after December 14, 2005, were you  
21 contacted by a representative of the Las Vegas Metropolitan  
22 Police Department?

23 A I was, yes.

24 Q Were you asked to provide information  
25 regarding a particular transaction?

7

1 A I was.

2 Q What transaction was it you were looking for?

3 A The officer gave me a credit card number, he  
4 stated it was credit card fraud and he wanted to know if we  
5 had video surveillance of the transaction with the credit  
6 card number. So I actually went to our computer system and  
7 looked up electronic journal with the credit card number  
8 and found the transaction. Then I was able to figure out  
9 the items that were purchased and knowing where they were  
10 located, it was a seasonal item back in December, I was  
11 able to find the person that went to the seasonal  
12 department of lawn and garden and select the large  
13 quantities of the, I think it was lighter fluid, charcoal  
14 lighter fluid.

8

15 Q Let me admonish the members of the Grand Jury  
16 the witness has described a conversation she had with  
17 someone from the Metro Police Department. That is hearsay.  
18 But we're simply offering it to establish why this witness  
19 did what she did at the request of police officers.

20 So you say you were able to track down a  
21 particular transaction that occurred at Wal-Mart?

22 A Yes.

23 Q And was that transaction actually on December  
24 14th of 2005?

25 A Yes.

8           1           Q           Do you recall if it occurred at approximately  
2           3:31 a.m.?

3           A           Yes.

4           Q           Once you determined when the transaction took  
5           place, did you actually pull surveillance video footage of  
6           the transaction?

7           A           I did.

8           Q           Did you provide that video surveillance to  
9           someone at the Metropolitan Police Department?

10          A           I did. I gave it to a Sergeant -- I'm sorry,  
11          I don't remember the name.

12          Q           That's okay.

13                    Did you also personally review the video  
14          footage of the transaction described?

15          A           Yes.

16          Q           And have you seen still photos of that  
17          surveillance footage as well?

18          A           Yes.

19          Q           Let me show you first of all what has been  
20          marked as Grand Jury Exhibit, Proposed Exhibit No. 21. Do  
21          you recognize that receipt?

22          A           Yes.

23          Q           Is that a true and correct copy of a receipt  
24          reflecting a transaction that occurred at Wal-Mart at 5200  
25          South Fort Apache on December 14, 2005?

- 8
- 1 A Yes.
- 2 Q Is there a time on that receipt?
- 3 A Yes.
- 4 Q What time?
- 5 A 03:31.
- 6 Q And are there seconds also on there?
- 7 A Yes, forty-eight seconds.
- 8 Q And you mentioned earlier that the time stamp  
9 on the register is accurate?
- 10 A Yes.
- 11 Q So again this transaction occurred at 3:31  
12 a.m.?
- 13 A Yes.
- 14 Q On December 14?
- 15 A Yes.
- 16 Q What was purchased?
- 17 A Lighter fluid, seven bottles of lighter fluid  
18 and a beverage drink and a tool set, a barbecue tool set.
- 19 Q Were those items purchased with cash or a  
20 credit card?
- 21 A Credit card.
- 22 Q Is the credit card number reflected on that  
23 exhibit?
- 24 A Yes, it is.
- 25 Q What is that credit card number please?

8           1           A           It's a Visa and it's 4368 8400 2009 2014.

          2           Q           Is the store number reflected on the receipt?

          3           A           Yes, it is.

          4           Q           What store number is that?

          5           A           5070.

          6           Q           Is that store number assigned to 5200 South

          7 Fort Apache?

          8           A           Yes, it is.

          9           Q           Does each Wal-Mart in Las Vegas have a unique

         10 store number?

         11           A           Yes, they do.

         12           Q           You mentioned earlier that you were able to

         13 track the transaction and pull surveillance footage from

         14 the transaction.

         15           A           Yes.

         16           Q           Let me show you Grand Jury Exhibit 23. Do you

         17 recognize that exhibit?

         18           A           Yes.

         19           Q           What is depicted in that exhibit?

         20           A           It appears to a female pushing a lawn and

         21 garden cart with bottles, white bottles.

         22           Q           Is this exhibit a true and correct copy of the

         23 actual live surveillance video footage that you observed

         24 back in December of 2005?

         25           A           Yes, it is.

8           1           Q           Can you describe what the woman who is pushing  
2 the cart with the lighter fluid, what she's wearing?

3           A           It appears to be a red workout outfit, like a  
4 gym outfit.

5           Q           Let me show you Grand Jury Exhibit 22. Can  
6 you describe what is depicted in that photograph?

7           A           The same female in the red outfit walking  
8 towards the seasonal lawn and garden.

9           Q           And again is that a true and accurate  
10 depiction of the actual live footage you pulled and  
11 observed and provided to the Metro Police Department?

12          A           Yes, it is.

13          Q           Is there a time stamp on No. 23? I apologize,  
14 No. 22. Do you see the time at the top?

15          A           Yes.

16          Q           What time is on there?

17          A           I want to say it's 03:21:41.

18          Q           And again the receipt reflected a time of 3:31  
19 a.m.?.

20          A           Yes.

21          Q           Let me show you Grand Jury Exhibit No. 24.  
22 Can you describe what is depicted in that exhibit?

23          A           Same female in the red workout outfit pushing  
24 the cart with bags of -- bags.

25          Q           Is there a time on that?



8 1 A Yes, 03:31:04.

2 Q From the perspective in this photograph in  
3 Exhibit 24, where would the cash registers be located?

4 A Since I'm looking right at the photo it would  
5 be to the left.

6 Q If the person depicted in the photograph  
7 pushing the cart were to continue in the direction which  
8 she's walking, would she end up near the cash registers?

9 A No, she's exiting the store.

10 Q Okay. And is that actually the exit we see  
11 that appears to be a door frame?

12 A Yes, it is.

13 Q Let me show you finally Grand Jury Exhibit No.  
14 25. Can you tell us what is depicted in that photograph?

15 A It's the female in the red outfit at a car  
16 that a male is helping load the bags into the car.

17 Q And again is this a true or a fair and  
18 accurate depiction of the live surveillance video footage  
19 that you observed and then provided to the Metro Police  
20 Department?

21 A Yes, it is.

22 Q What color is the car in that photograph?

23 A Red.

24 Q Is there a time stamp on that photograph?

25 A Yes.

9 1 Q What time?

2 A 03:30:03.

3 Q Now am I correct the time stamp on No. 25 is  
4 earlier than the time stamp on the receipt?

5 A Yes, it's earlier.

6 Q Although it appears that the transaction has  
7 already been conducted.

8 A Yes.

9 Q Do you have an explanation as to why the time  
10 on this photograph is earlier than the receipt time?

11 A Again it's not the last day of the month so  
12 we'd have to physically go in at the last day of the month  
13 to put all the times back on the register time. So when  
14 the, every day the plexer or my VCR starts gaining a  
15 minute, or some of them, because it's older models, they'll  
16 start losing a minute or they'll move at a slower pace than  
17 the actual time on a register.

18 Q And again the margin, that was no more than  
19 five minutes, correct?

20 A On the average it's always give or take five  
21 minutes.

22 Q I should say the margin of error.

23 A Yes.

24 Q The fact that the time stamp might be off by  
25 five minutes, does that affect the integrity of what is

9 1 being filmed?

2 A No. No.

3 Q You weren't personally involved in this  
4 transaction that is reflected in these photographs?

5 A What do you mean? Did I take the photographs?

6 Q You didn't sell the lighter fluid?

7 A Oh, no.

8 Q You don't know who the people are depicted in  
9 these photographs, do you?

10 A No.

11 MR. DASKAS: I have no additional questions  
12 for this witness.

13 BY A JUROR:

14 Q One of the evidence going around, the credit  
15 card status, was approved?

16 A Yes, it was.

17 Q What signature was on it?

18 A I'm sorry, I didn't look at it.

19 Q Okay. Thank you.

20 BY A JUROR:

21 Q The time stamp process, the time stamps on  
22 your registers and on your VCRs, that's based on  
23 twenty-four hour military time?

24 A Yes.

25 Q So when it says three, it's three in the

9

1 morning?

2 A Yes.

3 BY MR. DASKAS:

4 Q And again the date we're referring to is  
5 December 14, 2005; is that correct?

6 A That's correct.

7 THE FOREPERSON: Other questions?

8 A JUROR: Yes.

9 THE FOREPERSON: Go ahead.

10 BY A JUROR:

11 Q Do you happen to know of your own knowledge  
12 about what size these bottles would be in ounces or  
13 anything like that?

14 A No, sir.

15 Q Can you show me with your hands?

16 A I think it's as tall as this box.

17 Q Thank you.

18 BY MR. DASKAS:

19 Q And for the record you're holding up a tissue  
20 box?

21 A A Kleenex box.

22 A JUROR: End wise.

23 THE WITNESS: Oh, hand wise?

24 A JUROR: End.

25 THE WITNESS: Yeah, it was at least this high.

9

1 BY A JUROR:

2 Q I have a question. There are two people in  
3 this picture when she was getting into the car, right?

4 A Yes.

5 BY MR. DASKAS:

6 Q Let me ask a follow-up. When you viewed the  
7 live video surveillance footage of the car at the  
8 conclusion of the transaction, did you see somebody exit  
9 that red car?

10 A Yes, it appeared to be a guy, a man.

11 Q Did he exit from the driver's side or  
12 passenger side?

13 A Driver's side.

14 Q What did he do once he exited the car?

15 A He opened up the rear passenger side on his  
16 side and then he helped that lady put all the stuff into  
17 the back, then he shut the door, she got into the  
18 passenger, he got back into the driver's.

19 Q And based upon your observations of the video,  
20 the woman who got into the passenger side of the red car,  
21 was that the same woman who was at the register purchasing  
22 the lighter fluid?

23 A Yes.

24 Q She was wearing the same clothes?

25 A Yes.

9           1           Q           Did you see either the passenger or the driver  
2 ever open the trunk of that red car?

3           A           No.

4           THE FOREPERSON: Any other questions?

5                   Ma'am, by law these proceedings are  
6 secret and you are prohibited from disclosing to anyone  
7 anything that has transpired before us, including evidence  
8 and statements presented to the Grand Jury, any event  
9 occurring or statement made in the presence of the Grand  
10 Jury, and information obtained by the Grand Jury.

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

17                   Do you understand this admonition?

18           THE WITNESS: Yes.

19           THE FOREPERSON: Thank you. You are excused.

20           THE WITNESS: Thank you.

21           MS. GOETTSCH: Our next witness is Marnie  
22 Carter.

23           THE FOREPERSON: Please remain standing and  
24 raise your right hand.

25                   You do solemnly swear that the testimony

9  
10

1 you are about to give upon investigation now pending before  
2 this Grand Jury shall be the truth, the whole truth, and  
3 nothing but the truth, so help you God?

4 MS. CARTER: I do.

5 THE FOREPERSON: Please be seated.

6 You are advised that you are here today  
7 to give testimony in the investigation pertaining to the  
8 offenses of murder with a deadly weapon, kidnapping,  
9 accessory to murder, third degree arson, involving Craig  
10 Michael Titus, Kelly Ann Ryan and Anthony Gross. Do you  
11 understand this advisement?

12 MS. CARTER: Yes, I do.

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

15 MS. CARTER: Marnie Carter, M-a-r-n-i-e,  
16 Carter, C-a-r-t-e-r.

17

18 MARNIE CARTER,

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

22

23 ///

24 ///

25 ///

EXAMINATION

10 1  
2  
3 BY MS. GOETTSCH:

4 Q Miss Carter, can you tell us how you are  
5 employed?

6 A I'm a crime scene analyst with the Las Vegas  
7 Metropolitan Police Department.

8 Q Were you dispatched to aid in the  
9 investigation of a possible homicide on Sandy Valley Road  
10 on December 14th of 2005 in the early morning hours?

11 A Yes.

12 Q Did you actually go to that scene and help  
13 Jessie Sams collect evidence out at the scene?

14 A Yes.

15 Q Were you also responsible for any follow-up  
16 investigation from that scene?

17 A I was at the autopsy the next day.

18 Q And that would have been on December 15?

19 A 15th, yes.

20 Q What are your job duties as a crime scene  
21 analyst at an autopsy?

22 A We take lots of photos, lots of photos, and  
23 any evidence pertaining to the body, whether it be the  
24 clothing or anything that is actually in the body bag, for  
25 the most part becomes ours, unless it's personal property,



10 1 money, things like that, a lot of times the coroner's  
2 office will keep that.

3 Q Was there a forensic pathologist or medical  
4 examiner that also attended that autopsy?

5 A Yes.

6 Q What was that doctor's name?

7 A Can I look at my --

8 Q If that would refresh your recollection.

9 A Yes, please.

10 I think it was Dr. Kubiczek.

11 Q I'm going to show you, if I may approach, what  
12 has been marked as Grand Jury Exhibits 13 through 20. I'm  
13 going to ask you to take a look at these and then tell me  
14 if they fairly and accurately depict what you photographed  
15 at that autopsy.

16 A Yes, they do.

17 Q Okay. When you first got to the autopsy what  
18 was the condition of the body?

19 A Relative to the day before or -- I mean you  
20 just want me to describe what it looked like?

21 Q Well, let me ask you this. How did the body  
22 arrive at the autopsy when you got there?

23 A In a sealed body bag.

24 Q Is that the body bag that you helped put her  
25 in in the first place out at the scene?

10

1 A Yes.

2 Q Once the body bag is there what happens next?

3 A We mark the time and we break the seal,  
4 obviously we photograph it with the seal intact, and the  
5 body bag, all four sides, we mark the time we break the  
6 seal, we unzip the bag and just open the bag, photograph  
7 again all four sides, and then slowly just take the sheet  
8 or whatever might actually be covering the body, sometimes  
9 the sheet goes all the way around, sometimes not, and then  
10 just as layers are taken off of the sheet and stuff,  
11 photographs, lots of photographs taken, and then in this  
12 case we just slowly remove some of the debris off of the  
13 body.

14 Q Once the body bag is opened can you describe  
15 generally what the condition of the body was?

16 A Just severely burned. We were able to see a  
17 little more at the autopsy, what, to kind of differentiate  
18 the different fabrics, some of her clothing. There were  
19 multiple pieces of fabric, different patterns and different  
20 pieces that were partially burned that we were able to say  
21 this was a different material than this was. We weren't  
22 sure if they were blankets or what, or pieces of the car,  
23 we didn't know what they were.

24 Q Let's talk about generally what the body is  
25 clothed in. Could you tell what sort of pants the body had