

13

1 A No.

2 BY THE FOREPERSON:

3 Q Mr. Hinz, approximately what date did you sell
4 it to your distributor? Do you have that?

5 A The date we sold it to our distributor, I
6 will -- let me look at my notes here. We sold the unit to
7 Fox's Spy Shop in California on March 26th of 2004.

8 THE FOREPERSON: Next question.

9 BY A JUROR:

10 Q Yes. Can an individual purchase the unit
11 directly from Taser?

12 A Yes.

13 Q And to your knowledge in your law enforcement
14 coordination past, is it accurate to say that these units
15 can be bought by anybody eighteen years of age or older in
16 the State of Nevada?

17 A We have a pretty extensive background check to
18 see who we're going to sell the units to. If you fail the
19 background check we're not going to sell the unit.

20 Q The unit to your knowledge here in Nevada is
21 not considered a concealed weapon; is that correct?

22 A I don't know the answer to that question. I'm
23 not familiar with Nevada law concerning consumer products.

24 Q My last question is when a unit is discharged
25 at the scene then the AFID tags are scattered; is that

13

1 correct, at the scene?

2 A Yes. They're right behind the probes and when
3 the nitrogen hits after the probe is expelled leaving the
4 cartridge and the nitrogen it will spread the AFID tags
5 probably a three to four foot radius.

6 Q I'm to assume the reason they're different
7 colors is not for some New Year's Eve effect, it's for
8 color blindness or contrast to --

9 A Exactly. The reason we have the different
10 colors, and we actually have the clear ones so that if the
11 cartridges are used inappropriately and we spread these
12 AFID tags throughout a particular area, we vary the number
13 from cartridge to cartridge because we don't want to say,
14 hey, there is forty in, so someone can count forty of them
15 out, we vary it so it can be disbursed, different colors,
16 so one may slip into the carpeting, or actually the clear
17 ones you can actually only detect with a black light, I've
18 fired probably a hundred cartridges myself and I've only
19 found the clear ones by looking on the ground on my hands
20 and knees maybe twice and that was only one tag.

21 THE FOREPERSON: Yes.

22 BY A JUROR:

23 Q I'd like to go back to an earlier question
24 about the length of the effect on the muscles when it's
25 fired, the probe has contacted the target.

13

1 A Yes.

2 Q How long are the muscles frozen? You said
3 they freeze.

4 A As long as the electricity is going down
5 range, and that is if the unit is fired for five seconds,
6 then the effect will last five seconds.

7 Q Thank you.

8 BY A JUROR:

9 Q Following that up, what's the recycle rate,
10 how quickly can you pull the trigger again?

11 A As long as the power supply holds out the
12 trigger could be held down.

13 Q And it would be continuous then?

14 A It would be continuous until you let off, yes.
15 One tap will fire it for five seconds. If I hold the
16 trigger down the unit will continue to fire until I let go.

17 BY THE FOREPERSON:

18 Q I'd like to ask one other question.

19 Where can cartridges be purchased? Can
20 they only be purchased through your firm?

21 A Yes, you have to go through an authorized
22 distributor or through Taser International itself.

23 THE FOREPERSON: Any other questions.

24 BY MR. DASKAS:

25 Q Mr. Hinz, let me ask -- I apologize. Go

13 1 ahead.

2 BY A JUROR:

3 Q What is the range of fire?

4 A For the consumer product it's fifteen feet.

5 MR. DASKAS: If I might ask a follow-up.

6 THE FOREPERSON: Yes.

7 BY MR. DASKAS:

8 Q Based on your knowledge, if at a particular
9 scene you find AFID tags with two different serial numbers,
10 what would that suggest to you?

11 A It would suggest to me that two cartridges had
12 been fired.

13 Q And how does one after firing an initial
14 cartridge reload the weapon?

15 A What you would do -- can I use the picture?

16 Q Of course.

17 A If you can kind of see, I'm sure you can, it
18 kind of blends in black, but the cartridge is right here,
19 there is two plastic tabs which they kind of click in and
20 they'll snap in and hold the cartridge. If this cartridge
21 was fired and I wanted to reload I would press those tabs,
22 drop the cartridge, grab my second round and click it in.

23 Q Is that a fairly easy or quick process?

24 A Yes.

25 ///

14

1 BY A JUROR:

2 Q One follow-up. What if I take the unit, place
3 it against your body and pull the trigger?

4 A With a cartridge on the end or without --

5 Q No.

6 A -- a cartridge?

7 Q No.

8 A The cartridge will fire and I'm sure -- I
9 don't understand the question. Is that what --

10 Q I just wondered what would happen if you took
11 the cartridge, put it at the back of someone's neck, the
12 unit, and held it against their neck and pulled the trigger
13 and held it down.

14 A The cartridge will fire, the probe spread will
15 be low, the nitrogen is eighteen hundred pounds per square
16 inch and it's not enough to be a projectile, to actually,
17 you know, say like a bullet, it will only go as far as that
18 probe, as the needle on the probe.

19 Q So the answer to the question is you can hold
20 it against somebody's neck, pull the trigger and continue
21 to deliver a continuous charge until the batteries ran out?

22 A Yes, you could. The unit can be fired at
23 pointblank range.

24 BY A JUROR:

25 Q What's the disbursement area for AFID tags?

14 1 A From the experiment I've done and what I've
2 personally seen it's about a three to four foot area.

3 Q Thank you.

4 THE FOREPERSON: Any other questions?

5 MR. DASKAS: No, sir.

6 THE FOREPERSON: Any other questions from the
7 members of the Grand Jury?

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

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

20 Do you understand this admonition?

21 THE WITNESS: Yes.

22 THE FOREPERSON: Thank you. You are
23 dismissed.

24 MR. DASKAS: With the permission of the Grand
25 Jury our next witness is Dave Lemaster.

14

1 THE REPORTER: Excuse me, we're on the record
2 and I can't hear you.

3 A JUROR: I'm having a difficult time hearing
4 and I know you did too.

5 THE FOREPERSON: It's fairly technical.

6 Would you please raise your right hand.

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

11 MR. LEMASTER: I do.

12 THE FOREPERSON: Please be seated. Ask you to
13 speak directly into the microphone.

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 a deadly weapon, kidnapping,
17 accessory to murder, and third degree arson, involving
18 Craig Michael Titus, Kelly Ann Ryan and Anthony Gross. Do
19 you understand this advisement?

20 MR. LEMASTER: Yes.

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

23 MR. LEMASTER: David Lemaster.

24 THE FOREPERSON: Pull the microphone up real
25 close please.

14

1

MR. LEMASTER: David -- is that better?

2

David Lemaster, L-e-m-a-s-t-e-r.

3

4

DAVID LEMASTER,

5

having been first duly sworn by the Foreperson of the Grand

6

Jury to tell the truth, the whole truth, and nothing but

7

the truth, testified as follows:

8

9

EXAMINATION

10

11

BY MR. DASKAS:

12

Q Mr. Lemaster, how are you employed?

13

A With the Las Vegas Metropolitan Police

14

Department as a senior crime scene analyst.

15

Q What is a crime scene analyst?

16

A Our job with Metro as we call it is to respond

17

to crime scenes and assist officers and investigators with

18

those scenes in indentifying, preserving, documenting and

19

as needed processing evidence.

20

Q What is a senior crime scene analyst?

21

A Senior crime scene analyst is the highest

22

level that we have of three, basically saying you have more

23

experience and you've passed more testing if you will to

24

handle more difficult cases. So we should be able to

25

handle pretty much anything that is thrown at us.

14 1 Q How long have you been employed with Metro as
2 a crime scene analyst?

3 A Over fourteen years now.

4 Q And how long have you been considered a senior
5 crime scene analyst?

6 A I believe that would be over eleven years now.

7 Q I'd like to direct your attention to January
8 5th of 2006. Did you respond to a residence at 9539 Adobe
9 Arch Court here in Las Vegas, Clark County, Nevada?

10 A Yes.

11 Q For what purpose?

12 A To assist with a homicide investigation on a
13 search warrant.

14 Q Were other police personnel at the scene as
15 well?

16 A Yes.

17 Q What time did you arrive?

18 A It was just after one p.m. or thirteen hundred
19 hours.

20 Q Who else was present?

21 A I went with one of my senior crime scene
22 analysts, Jessie Sams, and there was Detectives O'Kelley,
23 Wilson -- give me a second. Detective Hardy and Detective
24 Mogg were present.

25 Q In fact were you there pursuant to a

14 1 judicially authorized search warrant?

2 A Yes.

3 Q Pursuant to the warrant what items were you
4 searching for inside the residence at Adobe Arch?

5 A On this particular day we went back to look
6 for some potential Taser evidence, any additional evidence
15 7 as we were searching through the scene to include blood and
8 we also wanted to take a look at the shoes that were there
9 that day as well.

10 Q Had officers been to that residence prior to
11 January 5th of 2006?

12 A Officers including myself, yes.

13 Q When you arrived on January 5th was there
14 evidence to suggest that home had been preserved?

15 A Yes.

16 Q What evidence was present?

17 A Well, to begin with the front door needed to
18 be opened by a locksmith, so the door was secured, and
19 aside from that on the exterior it looked to be the same as
20 when we'd left the prior time we were there, and when we
21 entered everything appeared to be in the same condition as
22 we left the prior time.

23 Q You mentioned that among other things you had
24 judicial authorization to look for evidence that a Taser
25 gun had been used; is that correct?

15 1 A That's correct.

2 Q Did you find any evidence to suggest that a
3 Taser gun had been used inside that home?

4 A Yes.

5 Q Tell us generally what you found and I'll ask
6 you some specific questions.

7 A Particular to Taser evidence or evidence that
8 was recovered?

9 Q Taser evidence.

10 A Evidence that I impounded and that was
11 observed were the small tags or dots which I became more
12 familiar with with this case of different colors in several
13 rooms with serial numbers on it, two distinct serial
14 numbers on the dots that I recovered. Not every dot had a
15 serial number on it, but a large majority of the ones that
16 I recovered did have specific serial numbers as I described
17 it on them. And that was the Taser evidence that was
18 recovered.

19 Q Do you know, and if you have to refer to your
20 report to refresh your memory that's okay, how many Taser
21 dots or tags were recovered from the residence that
22 contained serial numbers?

23 A To be accurate I'd like to look and be
24 accurate.

25 Q Do you have your report with you?

15

1 A Yes.

2 Q If that would refresh your memory please do
3 so.

4 A Twenty-six.

5 Q So twenty-six Taser tags or dots were found in
6 the residence that contained actual serial numbers?

7 A Correct.

8 Q Of those twenty-six Taser tags or dots, how
9 many different serial numbers did you see?

10 A There were two distinct serial numbers of the
11 twenty-six.

12 Q Can you tell us what those two serial numbers
13 were?

14 A To be accurate may I refer?

15 Q Again if that would refresh your memory.

16 A Okay. The first one is F like Frank
17 03-212678. The second is F like Frank 03-212668.

18 Q So all twenty-six of those Taser tags had one
19 of those two serial numbers?

20 A Correct.

21 Q What color were those Taser tags?

22 A Of the ones I --

23 Q With serial numbers.

24 A Okay. With serial numbers of the ones I
25 impounded, there were yellow colors, pink colors, and I

15 1 believe I had one that was clear, it was clear, but it had
2 a serial number on it.

3 Q Let me show you Grand Jury Exhibits 27 through
4 40. Just thumb through those quickly and tell me if you
5 recognize collectively what is depicted in those
6 photographs.

7 A Okay. I've looked at them.

8 Q Do you recognize those?

9 A Yes.

10 Q Do those photographs collectively fairly and
11 accurately depict the residence at 9539 Adobe Arch as it
12 appeared either on January 5th, 2006 or at an earlier date
13 when you were at the residence?

14 A Yes.

15 Q And let me point out specifically Nos. 39 and
16 40. Were those photographs taken somewhere other than the
17 Adobe Arch residence?

18 A Yes.

19 Q Where were these two taken?

20 A These photographs were taken back at our crime
21 lab, our CSI building.

22 Q Do 39 and 40 fairly and accurately depict
23 yellow and pink and I think clear Taser identification tags
24 as they appeared on January 5th, 2006?

25 A Yes.

15 1 Q Although these were taken at the crime lab
2 where were the Taser tags particularly found?

3 A Okay. With these particular ones --

4 Q What I mean is in general where were these
5 found?

6 A As far as --

7 Q At 9539 Adobe Arch?

8 A Yes, at that residence.

9 Q That's what I'm getting at.

10 I want to ask you specifically about the
11 locations of the Taser tags. Does your report reflect
12 where specifically each of those Taser tags was found?

13 A My impound report reflects that.

16 14 Q If you would please tell the members of the
15 Grand Jury where specifically in the residence the Taser
16 tags were located.

17 A Okay. Beginning with the downstairs living
18 room there were four Taser tags recovered from the
19 downstairs living room.

20 Is that okay just to say living room
21 without more description?

22 Q Absolutely.

23 A Okay. In the downstairs as I described it,
24 northeast bedroom, which is near the garage entry exit fire
25 door, Taser tags, four Taser tags and two black circular

16 1 plugs, I'd have to see how I described them, that didn't
2 have serial numbers were recovered from that bedroom.

3 Q When you say the downstairs northeast bedroom,
4 describe the condition of that bedroom when you observed
5 it.

6 A On the 5th?

7 Q Yes.

8 A It was, basically it appeared to be in
9 disarray. There were some clothing tossed, items were
10 moved about, it wasn't in a very orderly condition.

11 Okay. On top of the dryer outside of
12 the bedroom was a canister that goes to a vacuum cleaner
13 with vacuum debris in it. Within that debris that was
14 adjacent to the vacuum canister were more of these Taser
15 tags within that. I'd have to refer to my notes to give an
16 exact number on that.

17 Q That's not necessary.

18 A Okay. In addition upstairs, there is a
19 stairway that goes up the stairs, right at the top of the
20 stairs of this particular residence is an office, I call it
21 the east office, at the entry threshold to that office was
22 another single Taser tag.

23 A final Taser tag was discovered in the
24 master, upstairs master bedroom, southwest bedroom, in the
25 closet on top of a black safe. So that would be the final

16 1 Taser tag that was discovered there.

2 Q The photographs you reviewed a moment ago
3 depict some of the Taser tags within the residence; is that
4 true?

5 A That's correct.

6 Q Not all the Taser tags that you impounded are
7 depicted in those photographs, are they?

8 A No, not all of them.

9 Q In addition to the Taser tags or Taser
10 evidence that you were authorized to search for, were you
11 also authorized to search for particular clothing?

12 A Yes.

13 Q What clothing were you looking for?

14 A Uhm, what was requested was that we
15 collectively search for a reddish colored sweat suit or
16 outfit, some type of outfit like that, and recovered from
17 the downstairs northeast bedroom was a red jacket and a
18 pair of red sweats.

19 Q Did the jacket and sweat bottoms look like
20 they belonged together?

21 A Yeah.

22 Q In other words was it a set that matched each
23 other?

24 A Yes, it was a set. The label was Hot Skins.

25 Q And these items were found in the downstairs

16

1 bedroom?

2 A The downstairs northeast bedroom.

3 Q The same bedroom you described as being in a
4 state of disarray?

5 A Correct.

6 Q In one of the photographs a chair is depicted
7 that contains a credit card. Do you recall that?8 A At this time I don't have specific knowledge
9 or memory of that particular photograph.10 Q Other than January 5th of 2006 what other
11 dates were you at the Adobe Arch residence?

12 A That would have been Decemer 21st of 2005.

13 MR. DASKAS: I have no additional questions
14 for this witness.

15 BY A JUROR:

16 Q One question. These AFID or little Taser
17 tags, in your estimation could they be transported on
18 someone's feet or something, could they adhere to a piece
19 of cloth?20 A I would definitely think that could happen,
21 absolutely.

22 THE FOREPERSON: Andy.

23 BY A JUROR:

24 Q The red sweat suit, was that a man's sweat
25 suit or a women's sweat suit?

16

1 A It appeared to be a woman's. The top was a
2 medium -- and I just want to confirm what I'm saying -- the
3 sweat jacket was a medium size and the bottoms, the sweat
4 pants were an S, a small.

5 BY A JUROR:

6 Q Follow-up to that. Did it have white stripes?

7 A Yes. And I neglected to say that. It had a
8 single stripe going down the sleeves and going down the
9 pant leg.

10 BY MR. DASKAS:

11 Q And that sweat suit is depicted in the
12 photographs that the Grand Jury is viewing, correct?

13 A I believe so.

14 MR. DASKAS: Okay.

15 THE FOREPERSON: Any other questions for this
16 witness?

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

23 Failure to comply with this admonition
24 is a gross misdemeanor punishable by a year in the Clark
25 County Detention Center and a \$2,000 fine. In addition,

16

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

4 Do you understand this admonition?

5 THE WITNESS: Yes.

6 THE FOREPERSON: Thank you. You're dismissed.

7 THE WITNESS: Thank you.

8 MS. GOETTSCH: We have two more short
9 witnesses. My next witness is Cherry Neff.

10 THE FOREPERSON: Remain standing and raise
11 your right hand.

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

16 MS. NEFF: I do.

17 THE FOREPERSON: Please be seated. Please sit
18 closely to the microphone if you would please.

17

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, first degree arson, involving Craig
23 Michael Titus, Kelly Ann Ryan and Anthony Gross. Do you
24 understand this advisement?

25 MS. NEFF: Yes, I do.

17

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

3 MS. NEFF: First name is Cherry, it's
4 C-h-e-r-r-y, last name is Neff, N-e-f-f.

5

6

CHERRY NEFF,

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 MS. GOETTSCH:

14 Q Miss Neff, can you tell us how you are
15 employed?

16 A I'm an assistant manager at Shortline Express
17 No. 2 which is a Shell Station.

18 Q And where is that located?

19 A It's at 9155 South Rainbow Boulevard off of
20 Rainbow and Blue Diamond.

21 Q Is it sort of at the intersection of Rainbow
22 and Blue Diamond?

23 A Yes, ma'am.

24 Q And do you, as part of your job duties as an
25 assistant manager, are you familiar with the surveillance

17 1 capabilities at that Shell Station?

2 A Yes, ma'am.

3 Q Can you explain to the jurors what you have
4 set up for as surveillance system?

5 A Right. At this time we have a surveillance
6 system that has twenty-six cameras, three of them are
7 outside and then the rest of them are inside. They can,
8 two of them will, are on both sides of our Shell Station,
9 and you can see both sides of the pumps and you can see
10 also the back sides of our Shell Station.

11 Q And is that recorded on like DVD or a VHF tape
12 or --

13 A It's a DVD.

14 Q And at some point in December of last year
15 were you asked by anyone from the Las Vegas Metropolitan
16 Police Department to look for some video footage that
17 occurred in the early morning hours of December 14th of
18 2005?

19 A Yes, ma'am.

20 Q Were you responsible for going back into your
21 archives to look for that?

22 A Yes, ma'am.

23 Q Do you recall what day you were asked for that
24 videotape?

25 A I believe it was the day after.

17 1 Q Was it shortly --

2 A It was it shortly after, yes, ma'am.

3 Q And were you asked for any certain number of
4 hours from the early morning hours?

5 A It was in the early morning a.m. between four,
6 4:30, five.

7 Q Were you able to go back to your archives and
8 record or burn a CD showing your surveillance cameras from
9 the early morning hours of December 14th?

10 A Yes, ma'am.

11 Q Did you provide a copy of that CD to anyone
12 from Metro?

13 A Yes, ma'am.

14 Q I'm going to show you what has been marked as
15 Grand Jury Exhibit 41. I'm going to ask you if you
16 recognize this?

17 A Yes, ma'am.

18 Q And what is that?

19 A That's our DVD that I burned the CD on, or
20 burned the surveillance onto the CD.

21 Q Does this depict the surveillance that you
22 provided to Metro for that date and time?

23 A Yes, ma'am.

24 Q And when you look at your video footage does
25 it have a time and date stamp on there?

17 1 A Yes, ma'am.

2 Q And is the time accurate?

3 A It's about two minutes fast.

4 Q And is that for all the cameras or just
5 outside cameras or just inside cameras?

6 A No, it's for all cameras.

7 Q It's about two minutes fast you said?

8 A Yes, ma'am.

9 Q And does the video also show a date on there?

10 A Yes, ma'am.

11 MS. GOETTSCH: Thank you. I have no further
12 questions for this witness.

13 THE FOREPERSON: Any member of the Grand Jury
14 have a question?

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

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

17

1 Detention Center.

2 Do you understand this admonition?

3 THE WITNESS: Yes, sir.

4 THE FOREPERSON: Thank you. You are excused.

5 THE WITNESS: Thank you.

6 MR. DASKAS: Our final witness for the day at

7 least I think is Jason Kiess. I believe it's K-i-e-s-s.

8 THE FOREPERSON: Raise your right hand, sir.

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

13 MR. KIESS: I do.

14 THE FOREPERSON: Please be seated.

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

21 MR. KIESS: Yes, I do.

22 THE FOREPERSON: Would you please state your
23 first and last name and spell them for the record. Speak
24 right into the microphone.

25 MR. KIESS: Jason Kiess. Last name is

17 1 K-i-e-s-s.

2

3

JASON KIESS,

4

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

7

8

EXAMINATION

9

10 BY MR. DASKAS:

11

Q Mr. Kiess, how are you employed?

12

A I'm the IT manager with Green Valley Grocery.

13

Q What do you do as the IT manager?

14

A IT is information technology. I oversee all
15 of the computer systems for our corporate office, three
16 companies, and all of our stores in Southern Nevada.

18

17

Q How many Green Valley Grocery Stores are

18

located here in Southern Nevada?

19

A Twenty-eight.

20

Q Do all of those stores have video surveillance
21 systems?

22

A Yes, they do.

23

Q I'd like to ask you specifically about the

24

Green Valley Grocery located at 5325 South Fort Apache here
25 in Las Vegas, Nevada.

18

1 A Okay.

2 Q Does that location also have a surveillance
3 system?

4 A Yes, it does.

5 Q Can you describe how that system works?

6 A It is a digital video recorder, computer
7 based, that records sixteen cameras worth of video onto a
8 computer hard drive. The video is encrypted and time
9 stamped.

10 Q How long is the information stored on the
11 digital video?

12 A It varies depending on the size of the hard
13 drive and the amount of information, the amount of movement
14 in the store. We typically have about three to four weeks
15 worth of video, but it varies on any given basis.

16 Q Is the time stamp and date on the video
17 surveillance system at the Green Valley Grocery I just
18 mentioned accurate?

19 A Yes, it is. It's actually synchronized with a
20 server there at the store which is also synchronized with a
21 server at our corporate office.

22 Q Are the cameras both inside and outside of the
23 Green Valley Grocer on Fort Apache?

24 A Yes.

25 Q Is there also a camera focused on the entrance

18

1 to that store?

2 A Yes, there is.

3 Q Sometime in December of 2005 were you
4 contacted by the Las Vegas Metropolitan Police Department
5 and asked to provide surveillance footage from December
6 13th into the 14th of 2005?

7 A I actually found out about it from our
8 district manager who was actually contacted by Metropolitan
9 Police Department. Our district manager turned around and
10 asked my department to copy the video from our system, and
11 I had one of my technicians, Peter Lawless, copy that
12 video.

13 Q Was that provided to someone from Metro?

14 A Yes, it was.

15 Q Was it in a CD format?

16 A They had actually requested twelve hours worth
17 of video which is too large of a file to fit onto a CD so
18 the officer actually had an i-Pod which acts as an external
19 hard drive, we were able to copy the video directly over to
20 his i-Pod device.

21 Q Let me show you what has been marked as Grand
22 Jury Exhibit No. 42. Do you see some writing on this CD
23 which indicates Green Valley Grocer?

24 A Yes, I do.

25 Q And it says surveillance video?

18

1 A Yes, I do.

2 Q If I were to represent to you that this is a
3 copy of the surveillance video you provided to Metro
4 detectives, would you have any reason to dispute that?

5 A No.

6 Q And again, so far as you know, how many hours
7 worth of footage was provided to Metro?

8 A Twelve hours.

9 Q From December 13th into the 14th of 2005?

10 A That's correct.

11 MR. DASKAS: Thank you. I have no additional
12 questions for Mr. Kiess.

13 THE FOREPERSON: Does any member of the Grand
14 Jury have a question?

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

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

18

1 Detention Center.

2

Do you understand this admonition?

3

THE WITNESS: Yes, I do.

4

THE FOREPERSON: Thank you. You are excused.

5

THE WITNESS: Thank you.

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MR. DASKAS: That concludes the presentation

7

of witnesses for today.

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(Proceedings adjourned.)

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--ooOoo--

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REPORTER'S CERTIFICATE

STATE OF NEVADA)
 : SS
COUNTY OF CLARK)

I, Danette L. Antonacci, C.C.R. 222, do hereby certify that I took down in Shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated and thereafter said shorthand notes were transcribed at and under my direction and supervision and that the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

Dated at Las Vegas, Nevada, March 12, 2006.


Danette L. Antonacci, C.C.R. No. 222