

EIGHTH JUDICIAL DISTRICT COURT

ORIGINAL

CLARK COUNTY, NEVADA

FILED

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BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID
DISTRICT COURT
Shirley...
CLERK

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

Case No. 05BGJ079ABC

0220719

Taken at Las Vegas, Nevada

Thursday, March 16, 2006

1:30 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 3

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

1 GRAND JURORS PRESENT ON MARCH 16, 2006:

2

3

CATHERINE WARNING, Deputy Foreperson

4

NANCY COATSWORTH, Secretary

5

VERONA SUE GARBAT, Assistant Secretary

6

JIMMIE BEATY

7

GUIDO DEIRO

8

BOBI LEE GREEN

9

GARY JENSEN

10

MARYLAN FREDERICK-MARSH

11

LINDA REED

12

JUDITH SCHILL

13

UWE SCHREIBER

14

DEVENDRA SINGH

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

22

23

24

25

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1 LAS VEGAS, NEVADA, THURSDAY, MARCH 16, 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 case number
10 05BGJ079A-C. Our next witness is Dr. Piotr Kubiczek.

11 MS. GOETTSCH: We have a little change in
12 order here. Our first witness is Dave Levinson.

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

17 MR. LEVINSON: I do.

18 THE FOREPERSON: 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 and Anthony R. Gross. Do you
24 understand this advisement?

25 MR. LEVINSON: Yes.

1 THE FOREPERSON: Please state your first and
2 last name and spell them for the record. Speak right into
3 the microphone.

4 MR. LEVINSON: David Levinson, D-a-v-i-d,
5 L-e-v-i-n-s-o-n.

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

11
12 EXAMINATION

13
14 BY MS. GOETTSCH:

15 Q Mr. Levinson, you live here in Las Vegas?

16 A Yes, I do.

17 Q Where were you employed in December of last
18 year?

19 A Integrity Chrysler Jeep Dodge.

20 Q What was your position?

21 A Sales associate.

22 Q Were you working on Saturday morning December
23 17, 2005?

24 A Yes, I was.

25 Q What shift did you work? When did you start

1 working?

2 A I start at eight o'clock in the morning.

3 Q Did you have contact that morning with someone
4 who was identified to you as Craig Titus?

5 A Yes, I did.

6 Q How did you make contact with him?

7 A He was there to trade in his existing vehicle
8 to purchase another one.

9 Q What was his existing vehicle?

10 A He had a 19 -- a 2005 Dodge SRT-10 quad cab.

11 Q Explain the SRT-10, what it looks like and any
12 distinctive qualities to it.

13 A It's a hot rod truck with a Viper V-10 motor.
14 It has ground effects, a little spoiler in the back of the
15 bed, wide tires.

16 Q Would you classify this as kind of a unique
17 vehicle?

18 A Yes, it's a high profile vehicle.

19 Q Did you sell him that Viper truck originally?

20 A Yes.

21 Q Do you know when previously you sold it to
22 him?

23 A Probably in April or May of 2005.

24 Q Did Craig Titus ask to speak with you directly
25 or want to deal with you directly?

1 A Yes, he did.

2 Q How did you know that?

3 A I was advised that there was somebody waiting
4 for me after I got done with a previous client.

5 Q And the advisement that he was, somebody was
6 waiting for him is hearsay. It should not be taken for the
7 truth of the matter. It's just to what he did next in this
8 particular witness's state of mind.

9 Based on that did you see Craig Titus
10 waiting for you?

11 A Not until I was advised that he was there to
12 see me.

13 Q And then did you make contact with him?

14 A Yes, I did.

15 Q What happened? What did you do next?

16 A We looked for a replacement vehicle for his
17 Viper truck.

18 Q Did he make any statements to you as to why he
19 wanted to turn in his truck?

20 A Yes. He expressed that he was under some
21 contact with Metro about somebody that was his roommate,
22 that he was questioned, he wanted to get out of town for a
23 little while and relax, he stated he was going to get this
24 vehicle and take it to Utah.

25 Q Did he explain what sort of problems the

1 roommate was involved in?

2 A He expressed that she was, probably incurred
3 some violence or something that happened with a result of
4 some methamphetamine dealing with somebody.

5 Q Did he give you that roommate's name?

6 A No, he never stated the name.

7 Q Did he refer to that roommate as either female
8 or male?

9 A She.

10 Q Did he indicate to you anything regarding any
11 other vehicles involved in his roommate's disappearance or
12 problems?

13 A He mentioned something of the nature that
14 there was a Jaguar that was missing.

15 Q Did he indicate to you how the Jaguar went
16 missing?

17 A No.

18 Q What were the requirements that he wanted in
19 the new vehicle that he was looking for?

20 A He was looking for something that could go
21 through some rough terrain. As he expressed it he might be
22 going through some gravel and some rough terrain.

23 Q Did he say why he would be going through rough
24 terrain?

25 A He just stated he was going to be going to

1 Utah and wanted a vehicle that could get up into the rough
2 areas.

3 Q About what time did you make contact with
4 Craig on that morning?

5 A Probably ten, ten, eleven o'clock in the
6 morning.

7 Q Was anyone with him?

8 A No, he was by himself.

9 Q What time was it that he actually selected
10 another truck and you started the paperwork to get him on
11 his way?

12 A It was probably twelve o'clock or so.

13 Q What car did he eventually settle on to take
14 with him?

15 A A 2006 Dodge mega cab pickup truck 2500.

16 Q Did he buy it or lease it?

17 A He leased the vehicle.

18 Q How did he pay for it?

19 A He put a down payment utilizing his business
20 account.

21 Q Do you recall the name on the business
22 account?

23 A Emperor Enterprises if I'm not mistaken.

24 Q Can you describe Craig Titus's demeanor and
25 how he was acting that morning?

1 A He seemed fatigued, a little skittish, a
2 little jittery. At times I found him napping between
3 getting some of the functions accomplished.

4 Q Did you notice whether Craig Titus had any
5 luggage with him when he transferred cars?

6 A He had a large satchel that was a shoulder
7 strap type of luggage type.

8 Q What time approximately did he leave the
9 dealership?

10 A Probably two o'clock.

11 Q Where is this dealership located?

12 A The dealership is at 215 and Rainbow.

13 MS. GOETTSCH: Thank you.

14 I have no further questions for this
15 witness.

16 THE FOREPERSON: Yes.

17 BY A JUROR:

18 Q Did you ever find out why he asked for you
19 personally?

20 A I assume that it was because of the previous
21 sale that I was accomplished with.

22 Q Thank you.

23 MS. GOETTSCH: That's somewhat speculation as
24 to why Craig Titus asked for him specifically. You can
25 take into consideration that this individual was the person

1 that sold him the car previously, but it would be
2 speculation as to why Craig asked for him.

3 A JUROR: Okay.

4 BY THE FOREPERSON:

5 Q Is the Viper that he turned in, the Dodge
6 truck that he turned in, is it still at your lot?

7 A No.

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

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

24 THE WITNESS: Thank you.

25 THE FOREPERSON: You do solemnly swear that

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

4 DR. KUBICZEK: Yes, 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 use of a deadly weapon, kidnapping,
9 accessory to murder, and third degree arson, involving
10 Craig Michael Titus, Kelly Ann Ryan and Anthony R. Gross.
11 Do you understand this advisement?

12 DR. KUBICZEK: Yes, I do.

13 THE FOREPERSON: Please state your first and
14 last name and spell them for the record and speak directly
15 into the microphone.

16 DR. KUBICZEK: First name is Piotr, P-i-o-t-r,
17 Kubiczek, K-u-b-i-c-z-e-k.

18
19 PIOTR KUBICZEK,

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

23
24 ///

25 ///

EXAMINATION

1

2

3

BY MR. DASKAS:

4

Q It's Dr. Kubiczek, correct?

5

A That's correct.

6

Q Dr. Kubiczek, where are you employed?

7

A I'm employed at Clark County Coroner Medical

8

Examiner's Office.

9

Q What is your position with the medical

10

examiner's office in Clark County?

11

A I'm a medical examiner.

12

Q What are your duties and responsibilities as a

13

medical examiner?

14

A I perform autopsies, investigate causes and

15

manner of death.

16

Q I want to discuss just a little bit your

17

education and training that enables you to perform your job

18

duties. Tell us a little bit about your educational

19

background.

20

A I completed my undergraduate school at

21

University of Maryland, College Park Campus, then I

22

completed my medical school in Medical School of Warsaw,

23

Poland, then I completed five years of residency in

24

pathology at Ball Memorial Hospital in Muncie, Indiana, and

25

then I completed fellowship at Montgomery County Coroner's

1 Office in Dayton, Ohio.

2 Q Have you on previous occasions qualified as an
3 expert in the area of forensic pathology in courts of law?

4 A Yes, I did.

5 Q Do those courts of law include the Eighth
6 Judicial District Court of Clark County, Nevada?

7 A Yes.

8 Q Have you previously testified and been
9 recognized as an expert if you will in front of the Clark
10 County Grand Jury?

11 A Yes.

12 Q I'd like to direct your attention to December
13 15 of 2005. On that date did you perform an autopsy on a
14 victim ultimately identified as Melissa Ann James?

15 A Yes, I did.

16 Q How was she originally identified when she was
17 initially brought to the Clark County Medical Examiner's
18 Office?

19 A I mean initially she was just described as a
20 Sandy Valley Doe.

21 Q Sandy Valley refers to the area where she was
22 located?

23 A That's correct.

24 Q She was ultimately identified as Melissa Ann
25 James. How was that accomplished?

3
1 A It was accomplished by DNA testing done by
2 University of Oklahoma. It was comparison of DNA from her
3 parents.

4 Q What was the race of Melissa Ann James?

5 A She was Caucasian.

6 Q And based on the fact that you said she, I'm
7 assuming this was a female?

8 A Right, that's correct. Her body was charred
9 in approximately seventy percent, but there were preserved
10 remnants of skin that we could use to identify that she was
11 Caucasian, and her genital area was preserved well enough
12 so we could determine that she's a woman.

13 Q You mentioned that about seventy percent of
14 her body was charred or burned; is that correct?

15 A That's correct.

16 Q I'm assuming that made your autopsy somewhat
17 more difficult than it otherwise might have been had she
18 not been burned.

19 A Yes.

20 Q Is that true?

21 A That's true.

22 Q What specifically caused the autopsy to be
23 more difficult based on the fact that she was burned?

24 A Basically burning, charring of the body
25 destroys evidence of some injuries or some signs that would

3
1 suggest certain types of death.

2 Q Can you give us some examples?

3 A Yes. For example in a case of asphyxia,
4 charring may basically destroy the petechia, those are like
5 minute, very small hemorrhages present on the skin, and
6 this may destroy, charring may destroy those hemorrhages.
7 Also hemorrhages within the neck may be destroyed by
8 obviously fire. And also blunt force injuries, some of
9 them may be destroyed by, evidence of those injuries may be
10 destroyed by fire. For example bruising would not be
11 visible in charred skin or abrasions of course on the skin
12 will be destroyed by fire. Those are some of the examples
13 how fire may alter the evidence.

14 Q In the case of Melissa Ann James, some of the
15 things you just described could have been present but they
16 were destroyed by fire?

17 A That's correct.

18 Q You simply don't know if they were present
19 based on the charred condition of her body?

20 A Yes, I don't know.

21 Q What was her height and weight?

22 A Her height and weight when she was brought to
23 our office was sixty-two inches and about a hundred seven
24 pounds. But this was after she was burned.

25 Q That height and weight, that information might

3
1 be somewhat misleading because she was burned as badly as
2 she was?

3 A That's correct.

4 Q Let me hand you what have been marked as Grand
5 Jury Exhibits 45 through 49 and just tell me with a yes or
6 no answer if you recognize generally what is depicted in
7 those photographs.

8 A Yes, those photos are the photos of Miss
9 Melissa Ann James.

10 Q Do you know --

11 A And some of the materials that were found
12 around her body or on her body.

13 Q Do those photographs fairly and accurately
14 depict Melissa Ann James as she was observed and her
15 condition during autopsy on December 15 of 2005?

16 A Yes.

17 Q Do the photographs also fairly and accurately
18 depict some of the material that was around Melissa Ann
19 James and later removed?

20 A Yes.

21 Q I want to start with your external findings.
22 Did you do an external examination during your autopsy of
23 Melissa James?

24 A Yes, I did.

25 Q You mentioned that seventy percent of her body

3
1 was charred. Did that include her extremities?

2 A Yes, it did.

3 Q Describe the condition of her extremities.

4 A Well, her left forearm, arm, was also charred,
5 approximately seventy percent. Some skin on the left
6 forearm was preserved and I could observe two markings left
7 by metal bracelets she had on when she was brought to our
8 office. On the right, actually most, most of the right arm
9 and forearm were charred. And regards to her legs, both of
4
10 them were pretty much charred.

11 Q You mentioned I believe that some of the
12 photographs depict material that had been wrapped around
13 Melissa Ann James. Is that true?

14 A That's correct.

15 Q If you would please, what photograph number
16 depicts the material that was wrapped around Melissa James?

17 A This is Exhibit No. 46. There's duct tape
18 with some fabric material that was present around the
19 decedent's face and neck. And also Exhibit 49, this is
20 duct tape that was removed actually from the decedent's
21 face.

22 Q You mentioned a couple things. You mentioned
23 a fabric that had been wrapped around her head, is that
24 true?

25 A That's correct.

4
1 Q Is that depicted in No. 46?

2 A That's correct.

3 Q And you also described some duct tape that was
4 on Melissa's face, is that true?

5 A That's correct.

6 Q Can you tell us the order in which things were
7 removed, what was removed first, the fabric or the duct
8 tape?

9 A It was, fabric was removed first and then the
10 duct tape was the last one.

11 Q Was there anything in between the duct tape
12 and Melissa's face or was the tape adhered directly to her
13 face?

14 A The tape was adhered directly to her face.

15 Q In Exhibit No. 48, does that depict the tape
16 being removed from Melissa's face?

17 A That's correct.

18 Q Has the fabric already been removed from
19 Melissa's head in Exhibit 48?

20 A Yes.

21 Q Exhibit No. 49, does that depict the duct tape
22 after it's been removed from Melissa's face?

23 A Yes.

24 Q Describe what you saw externally in the neck
25 area of Melissa James. I should say on the neck.

4 1 A Basically on the neck there were two pieces of
2 material that were tying the previously mentioned fabric
3 around the head and those two pieces of material in a way
4 preserved this area from the fire that was charring the
5 areas below the neck or above the neck. So this skin
6 underneath those two pieces of material was pretty much
7 well preserved and so the skin of the neck appears to be
8 tan pink in comparison to areas which are charred which are
9 basically black. Then on the right side of the neck there
10 is impression left by electrical cord, a piece of it was
11 imbedded into the, underneath the material that was
12 covering the neck, and also around the base of the neck
13 there is also a mark left by a necklace, metal necklace
14 that decedent had.

15 Q So, Doctor --

16 A Basically that's it.

17 Q Am I correct that once the fabric and the
18 items securing the fabric were removed from Melissa's head
19 and neck area there was a wire on or around her neck?

20 A Actually it was a piece of wire on her, on the
21 right side of the neck.

22 Q And that wire left an impression on the skin
23 of her neck?

24 A That's correct.

25 Q Is that impression depicted in one of the

4
1 photographs that you have in front of you?

2 A No, not this one.

3 Q Did you see it in one of the earlier

4 photographs that I showed you?

5 A I don't remember.

6 Q Describe the impression that you mentioned.

7 A It is basically oblique impression that runs
8 from decedent's right to left downward. And let me check
9 because -- it was about five -- it was five and a quarter
10 inch long and it has pattern that kind of correspond to the
11 wire that was imbedded.

12 Q And for the record you referred to your
13 autopsy report to refresh your memory about the length of
14 that --

15 A That's correct.

16 Q -- that patterned abrasion, is that true?

17 A That's correct.

18 Q In Exhibit No. 45, does that depict the neck
19 area of Melissa James?

20 A Yes, it does.

21 Q That's the left side of her neck?

22 A That's the left side.

23 Q Is there a patterned mark on the left side of
24 Melissa's neck in the photograph?

25 A Yes, it is.

4
1 Q What is that?

2 A This is pattern mark left by her necklace.

3 Q That's what you described a few moments ago?

4 A That's correct.

5 Q Can you describe the material that was used to
6 secure the fabric around Melissa's head and neck area?

7 A There was white fabric and also there was blue
8 piece of fabric around the neck.

9 Q Any other significant external findings that
10 you saw during the autopsy?

11 A Basically I didn't see any evidence of blunt
12 force injuries upon external examination. I didn't see any
13 natural disease on external examination.

14 Q Let me talk now about your internal
15 examination. You performed an internal examination during
16 the autopsy of Melissa James?

17 A That's correct.

18 Q What significant findings did you make during
19 the internal examination if any?

5
20 A Basically again there was no blunt force
21 injuries and there were no, there was no natural disease.
22 Basically aside of artifacts created by fire there were no
23 really significant findings in internal examination.

24 Q Did you examine the contents of her stomach?

25 A Yes, I did.

35

1 Q What if anything was found?

2 A There was mixture of small white fibers, meat
3 fibers.

4 Q Meat like m-e-a-t; is that correct, Doctor?

5 A Yes, that's correct.

6 Q What else other than the meat fibers was in
7 her stomach content?

8 A There were some rice, and the rest of it was
9 mixed into the kind of thick chunky fluid.

10 Q Did you analyze her lungs?

11 A Yes, I did.

12 Q What were your findings?

13 A My findings were that there was congestion and
14 edema of lungs.

15 Q What if anything does that suggest to a
16 medical examiner?

17 A Well, this could be due to many causes. One
18 we see this in lung infections, such as pneumonia is a
19 congestion. Edema meaning gathering of fluid within the
20 tissue of lungs. Then we can see this very often in heart
21 disease where somebody whose heart doesn't work well as a
22 pump gets the build-up of fluid inside the lungs. Another
23 reason could be related to drug overdose or drug
24 intoxication, especially this is very prominent in opiates
25 such as morphine, heroin. The other causes for edema could

5
1 be some injuries like chemical injury to lungs, somebody
2 inhales gases like chlorine gas, it may cause severe edema
3 and congestion of lungs leading finally to death.

4 So those are the, this is the list of most
5 likely causes of congestion and edema in general in people.
6 In this particular case I believe, it's my opinion that the
7 congestion is due to, we're going to talk about her opiate
8 intoxication, it could be also attributed to some degree I
9 think due to the thermal artifact or the fire artifact.

10 Q Are congestion and edema of the lungs a common
11 finding during autopsies in general?

12 A Well, in my autopsies they are pretty common
13 because I do very specific autopsies, they are coroner
14 cases which are very often associated with violent death or
15 drug intoxication, so I see this every day actually.

16 Q A moment ago you mentioned opiate
17 intoxication. I want to talk to you about that issue as it
18 relates to this autopsy of Melissa James. Was a toxicology
19 screening or test done of Melissa James?

20 A Yes, it was.

21 Q What were the results of that toxicology test?

22 A Her peripheral blood was positive for morphine
23 and 6-monoacetyl-morphine.

24 Q Let me ask you first of all about the morphine
25 that was present in the peripheral blood. What were the

5
1 levels of morphine that were present?

2 A They were highly toxic. Some specialist may
3 call them lethal, but they were very high.

4 Q And do you have the numbers specifically?

5 A Yes. Morphine was four hundred seventy-two
6 nannograms per milliliter.

7 Q For the record are you referring to the
8 toxicology report to refresh your memory?

9 A Yes, that's correct. This is our toxicology
10 report on her peripheral blood.

11 Q You mentioned that in your opinion these were
12 highly toxic levels, is that true?

13 A That's correct.

14 Q You don't know, do you, how those drugs got
15 into her system?

16 A No, I don't know.

17 Q 6-monoacetyl-morphine, what were the levels of
18 the 6-monacetyl-morphine?

19 A It's thirteen nannograms per milliliter.

20 Q Thirteen you say?

21 A Yes, one three.

22 Q Is that considered a toxic level?

23 A Well, combined with morphine it is toxic, very
24 high toxic level. Both morphine and 6-monoacetyl-morphine
25 are constituents of heroin, so appearance of those two

5 1 drugs, of those two substances in blood indicates use of
2 heroin.

3 Q Can you tell us though with any degree of
4 certainty whether the morphine, and I'm including for
5 purposes of this question the 6-monoacetyl-morphine, was
6 originally heroin when it was introduced into her body?

7 A I'm not -- I don't know if all of it was
8 heroin or just part of it because I cannot tell.

9 Q Is it possible that some of it could have been
10 just morphine and some of it could have been heroin?

11 A It's possible.

6 12 Q Was a sample taken of Melissa James' hair and
13 was a toxicology screen done on those hair samples?

14 A Yes, there was.

15 Q What were the results of that?

16 A The hair showed presence of amphetamines. And
17 this indicates chronic use of amphetamines.

18 Q Earlier when I asked you about your duties and
19 responsibilities you indicated that among other things you
20 make determinations about cause and manner of death, is
21 that true?

22 A Yes.

23 Q Describe what you mean when you say causes of
24 death.

25 A Causes of death are direct factors that cause

6
1 the death. That's the simplest explanation.

2 Q What are some examples?

3 A For example myocardial infarct, multiple blunt
4 force injuries of the head due to motor vehicle collision,
5 gunshot wound of the head, those are the straightforward,
6 simplest ways of explanation.

7 Q In the case of Melissa James and the autopsy
8 you performed on December 15, 2005, were you able to reach
9 a determination regarding the cause of her death?

10 A No.

11 Q Why not?

12 A Well, I called it undetermined with the
13 contributory finding of opiate intoxication. Why not,
14 because thermal artifacts prohibit me from exact
15 determination of cause of death.

16 Q We discussed earlier the term asphyxiation.
17 What do you mean by asphyxiation?

18 A It's a very wide term used to describe death
19 due to lack of oxygen.

20 Q In the case of Melissa James can you rule out
21 asphyxiation as the cause of her death?

22 A No, I cannot.

23 Q Why can you not rule it out?

24 A Because the evidence of asphyxia, this tape on
25 her face, I couldn't determine due to thermal artifact.

6
1 Q That's something that the fire potentially
2 destroyed that you referred to earlier?

3 A Yes.

4 Q In the absence of everything else that had
5 happened to Melissa James, in other words in the absence of
6 the fire, the opiates, the ligatures, if the tape had been
7 placed over her face while she were alive, could that kill
8 her?

9 A Yes.

10 Q Again for purposes of my question, assuming
11 that she were alive when the duct tape was placed over her
12 face, how long would Melissa have survived?

13 A Just a few minutes, three or four minutes.

14 Q Again you didn't see evidence to suggest that
15 was the cause of her death because of the fire?

16 A No, I didn't see it.

17 Q In the absence of everything else, could the
18 morphine, the opiate intoxication have killed her?

19 A Yes.

20 Q I'll represent to you that we've heard
21 testimony during this Grand Jury proceeding that someone
22 admitted to injecting Melissa James with a needle with
23 morphine. Did you find any evidence on her body that she
24 had been injected with a needle?

25 A No.

1 Q Is it possible that she had injection sites
2 but they were destroyed by fire?

3 A Yes, it is possible.

4 Q In the absence of everything else, could the
5 fire alone have killed Melissa James?

6 A Yes.

7 Q Why can you either rule that or not rule that
8 out?

9 A Well, because of the presence of the tape on
10 her face, this prohibited inhalation of products of
11 combustion, so it kind of stop inhaling, the inhalation of
12 soot for example as one of the signs of dying due to
13 inhalation of products of combustion.

14 Q You didn't find any soot in the lungs of
15 Melissa James?

16 A No, there was no soot.

17 Q Assuming that she were alive when her body was
18 lit on fire, would the duct tape have prevented soot from
19 getting into her lungs?

20 A Yes.

21 Q And I apologize, I think I cut you off a
22 moment ago.

23 A I just wanted to mention also that we tested
24 presence of carbon monoxide, carboxyhemoglobin is actually
25 the proper name for this. This test shows if there was

6
1 inhalation of products of combustion during the fire, the
2 test shows presence, the presence of carbon monoxide in
3 blood, and in this case there was no significant
4 carboxyhemoglobin in her blood.

5 Q Again though would the duct tape have
6 prevented those findings had she been alive when the fire
7 was started with the duct tape on her face?

8 A Yes, it would.

9 Q Again that's one reason you can't rule out the
10 fire as the cause of death?

11 A Yes.

7
12 Q I'll represent to you there has been testimony
13 that possibly a Taser gun was used on Melissa James. Did
14 you find any injuries on her body consistent with having
15 been struck with a Taser gun?

16 A No.

17 Q Is it possible those injuries existed but they
18 were destroyed by the fire?

19 A Yes, it is possible.

20 Q There has been testimony that Melissa James
21 was possibly choked. Can you either rule that in or
22 exclude that as a cause of death?

23 A No, I cannot.

24 Q And again why or why not?

25 A Again the thermal artifact destroyed lots of

1 soft tissues of the neck, and also in lot of cases of
2 strangulation you might not see actually any injuries
3 within the tissues of the neck.

4 Q Earlier you described one of your
5 responsibilities as to determining manner of death; is that
6 correct?

7 A That is correct.

8 Q What do you mean by manner of death?

9 A Manner of death are how death occurred and we
10 have natural manner -- natural, accident, homicide, and
11 undetermined and suicide.

12 Q What was your conclusion or opinion regarding
13 the manner of death of Melissa James?

14 A In this case it was undetermined.

15 Q And why is it undetermined?

16 A It was undetermined because first we couldn't
17 exactly pinpoint the cause of death due to all those
18 artifacts created by fire, and so because of that I didn't
19 arrive to conclusion was this accident for example versus
20 homicide or other options.

21 Q Is it accurate to say that you cannot rule out
22 any of the causes of death?

23 A Well, I can rule out natural because I --

24 Q You saw no evidence of natural disease?

25 A Yes, I didn't find any natural disease in her

1 case. Suicide, I don't think there was any evidence of
2 suicide. Accident, I cannot rule out that either, or
3 homicide, I cannot rule out that either so.

4 Q And because of your inability to rule out some
5 of the causes of death you deemed this manner of death as
6 undetermined?

7 A That's correct.

8 MR. DASKAS: Dr. Kubiczek, thank you.

9 That concludes my questions for this
10 witness.

11 THE FOREPERSON: Gary.

12 BY A JUROR:

13 Q If you had a time line regarding the injection
14 of an opiate into her body, would you be able to give a
15 value as far as the amount of opiates injected?

16 A You have to address this to, this question to
17 toxicologist who would explain. Some, I understand that
18 some types of drugs medications, it's possible to calculate
19 how much an average person may metabolize certain
20 medications, what's the half time life of certain
21 medications and so on. But again this is very much
22 experimental and correspond to average person and there are
23 obviously, it depends -- metabolism of every drug depends
24 on individual, so one person could be much -- some people
25 are much faster metabolizers than the others so, and it

1 also depends on if they use this certain drug chronically
2 they become tolerant to this drug and some of them become
3 faster metabolizers of these drugs. But this question
4 should be addressed to toxicologist.

5 Q Second question. If a previous testimony had
6 included that she had been put in a vise, an arm grip and
7 choked to death, or if it had included the fact that she
8 had had a large injection of opiate, would the manner of
9 death be revised in your opinion?

10 A If I have, if I had evidence for those this
11 would be called homicide, but because I don't have evidence
12 or evidence was basically destroyed by fire or that exist
13 then I would have to stay with the undetermined.

14 Q Thank you.

15 BY A JUROR:

16 Q In your post, Doctor, did you examine for
17 retinal hemorrhage?

18 A I believe I do on every average autopsy, but I
19 couldn't determine this because of the thermal injuries.
20 Did you see the photographs?

21 Q Yes.

22 A Her, basically her face, even underneath the
23 duct tape, was baked. It was not charred, but still there
24 was pretty significant thermal artifact and this destroyed
25 also her eyes I think.

7 Q And the hiatal cartlidge area?

2 A It was intact actually, and also thyroid
3 cartlidge was also intact, also gets, sometimes it gets
4 fractured when there is strangulation.

5 Q The duct tape and the fabric, was this
6 concentrated mostly in the upper body or the head and neck
7 area?

8 A Yes.

9 Q And was --

10 A As we receive her it was, but please remember
11 that lots of the material was destroyed by the fire. Lots
12 of the clothing for example which she had on or the
13 material she had around her body was destroyed by fire. It
14 was burned.

15 Q The way it was wrapped, the fabric and duct
16 tape around her head --

17 A Right.

18 Q -- did it show somebody taking time to make
19 many wraps like mummy like?

20 A Yes.

21 Q Paying particular attention to the head and to
22 sealing it off?

23 A Yes.

24 MR. DASKAS: I apologize for interrupting but
25 let me offer this admonition and then ask a follow-up. It

8
1 would be speculation from this doctor --

2 A JUROR: Yeah, yeah, I'll rephrase it.

3 MR. DASKAS: Well, for him to determine how
4 long someone took to do this.

5 BY MR. DASKAS:

6 Q But Doctor, let me ask you this. Was the head
7 area that was duct taped, was it thoroughly duct taped?

8 A Yes, it was.

9 BY A JUROR:

10 Q And in your estimation, thoroughly duct taped
11 enough to restrict or cutoff the flow of air to someone who
12 would be trying to breath through it, or is that
13 speculative?

14 A That's speculative. I don't know.

15 Q Thank you, Doctor.

16 BY A JUROR:

17 Q Earlier in your testimony you mentioned five
18 and a half inches of wire, but you said first it was
19 electrical cable and then you said wire. Which one is it?

20 A It's cable. It's a pattern. It's electrical
21 cable I should say. It's with insulation around, wrapped
22 around it, and this leaves a special pattern on the skin of
23 the neck.

24 Q Do you think that the rest of the cable is
25 gone or why would there only be five and a half inches?

8
1 A Well, there was this five and a half inches
2 against her neck, but when you see on the photographs, it
3 kind of goes out from underneath the material and parts of
4 it where the burn, it's on, outside of her chest.

5 Q Thank you.

6 BY MR. DASKAS:

7 Q I apologize, let me ask a follow-up based on
8 that.

9 Doctor, let me show you Grand Jury
10 Exhibit No. 19. Does that fairly and accurately depict the
11 head area of Melissa James as she appeared during autopsy?

12 A Yes, it does.

13 Q Is the injury you've just described visible
14 somewhere on this photograph?

15 A Yes, it is.

16 Q Can you hold that up for the members of the
17 Grand Jury and point to the area you've just described.

18 A Exhibit No. 19, this impression which I was
19 describing is here on the right side. It's kind of dark
20 pink here, tan, but you can see it on the right side. It's
21 kind of oblique.

22 Can I pass this?

23 MR. DASKAS: Yeah, if you would hand that to a
24 member of the Grand Jury so it can be published please.

25 A JUROR: Thank you.

1 A JUROR: Follow-up to that exhibit, Doctor.

2 THE WITNESS: Yes.

3 BY A JUROR:

4 Q Is that, can you describe more thoroughly
5 whether the cable was imbedded in the tissue, or does it
6 look like it had been constricted to the point where it
7 would have depressed into the soft tissue?

8 A After studying my findings on the neck and then
9 reviewing the photographs and comparing all the other
10 findings, I came to conclusion basically that this cable
11 was pressed against the skin by those two pieces of
12 material that were going around the neck, and because there
13 was an increased temperature, basically it left impression,
14 like you can compare this, some metal material leaving
15 impression on heat-up plastic. Because basically skin,
16 when it's heat up, very high temperatures, it will behave
17 like plastic, and this is what happened, this patterned
18 impression was left on the skin. It does not have any
19 hemorrhage underneath.

20 Q I understand.

21 THE FOREPERSON: Yes, Andy.

22 BY A JUROR:

23 Q Doctor, going back to your testimony about the
24 levels of morphine.

25 A Yes.

8
1 Q Morphine, that amount of morphine in
2 somebody's blood, is that something that you could get by
3 taking it orally or is it something that, could you only
4 get those levels by having an injection?

5 A Well, morphine can be administered orally or
6 it could be administered by injection, or in case of heroin
7 it can also be smoked. There are many ways that people get
8 this, those medications or those drugs into their system.

9 Q Okay. Thank you.

10 A And I don't know which way this was done.

11 BY A JUROR:

12 Q You said that in the autopsy there was also a
13 marking that looked like a chain.

14 A Yes.

15 Q Like a personal chain?

16 A Right.

17 Q Now was that chain burned off?

18 A No, it was removed by one of the CSA, I mean
19 the crime scene analysts.

20 Q Okay.

21 A Because when they bring the body, first they
22 collect all the evidence in separate room, they take all
23 the photographs and so on, they undress the body, wash it
24 and bring it to the autopsy suite. So the impression what
25 I saw on her neck, I could compare it to this chain that

1 was removed actually from her neck previously.

2 Q So there was a wire and a chain --

3 A Yes.

4 Q -- that was presented on her neck when it came
5 to you?

6 A Yes. And a chain meaning, you know, just
7 jewelry.

8 Q Right.

9 A It's not a chain like a chain to choke her or
10 something.

11 Q Thank you.

12 BY A JUROR:

13 Q Doctor, you estimate -- well, you did probably
14 accurately weigh and measure the decedent for your post.
15 As a physician would you consider a dosage of four hundred
16 and seventy-two nannograms per milliliter of this morphine
17 product, you wouldn't consider that a therapeutic dose in
18 any case, would you?

19 A No.

20 Q Would you consider it as a physician a dosage
21 that would render someone that body weight unconscious?

22 A Definitely. I mean my -- but I think the best
23 person to answer that would be toxicologist because then
24 they can give you all the explanations about person with
25 chronic use. Some individuals abusing morphine for a long

1 time, they're able to have very high concentrations of
2 morphine which is not really, which is not lethal to them,
3 and then there are some people who are opiate naive,
4 meaning someone that takes opiates only, it's the first
5 time they take the opiate, this could be some, very small
6 levels of opiate may be, morphine may be lethal, and so
7 there is a whole discussion about how individuals can
8 metabolize opiates, how they become resistant, but in this
9 case this is very high level of, very high concentration of
10 morphine.

11 Q I understand your cautiousness in answering,
12 but would it be fair to say this would be a remarkable
13 level?

14 A Yes, it's definitely a toxic level.

15 Q Thank you.

16 THE FOREPERSON: Any other questions?

17 By law these proceedings are secret and
18 you are prohibited from disclosing to anyone anything that
19 has transpired before us, including evidence and statements
20 presented to the Grand Jury, any event occurring or
21 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,

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, I do.

6 THE FOREPERSON: Thank you.

7 THE WITNESS: Thank you.

8 MR. DASKAS: Did I get all the photos back
9 from you?

10 THE WITNESS: Yes, I gave them. Thank you.

11 MR. DASKAS: May we continue or does anyone
12 need a quick break?

13 A JUROR: I could use one.

14 THE FOREPERSON: Five minutes.

15 (Recess.)

16 MS. GOETTSCH: Okay. Our next witness is
17 going to be Rob Wilson.

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

22 MR. WILSON: Yes.

23 THE FOREPERSON: Please be seated.

24 You are advised that you are here today
25 to give testimony in the investigation pertaining to the

9
1 offenses of murder with use of a deadly weapon, kidnapping,
2 accessory to murder and third degree arson, involving Craig
3 Michael Titus, Kelly Ann Ryan and Anthony R. Gross. Do you
4 understand this advisement?

5 MR. WILSON: Yes.

6 THE FOREPERSON: Please state your first and
7 last name and spell them for the record. And speak
8 directly into the microphone.

9 MR. WILSON: Detective Robert, R-o-b-e-r-t,
10 Wilson, W-i-l-s-o-n.

11

12

ROBERT WILSON,

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 You're a detective with the Las Vegas Metro
21 homicide division; is that right?

22 A Yes.

23 Q And you've testified previously another time
24 in this case?

25 A Yes.

1 Q Were you responsible for, either you or your
2 unit, someone in your unit, responsible for requesting
3 certain video footage of some --

4 MR. DASKAS: She can't hear.

5 BY MS. GOETTSCH:

6 Q Okay. Did the Las Vegas Metro homicide
7 section request video surveillance from the Short Line
8 Express Shell gas station located at Blue Diamond and
9 Rainbow.

10 A Yes.

11 Q Do you recall what date it was requested for?

12 A Yes, it was requested for the early morning
13 hours of December 14 of 2005.

14 Q And were you responsible for obtaining a CD of
15 that video footage that was requested by homicide?

16 A Yes.

17 Q I'm going to show you what has been marked as
18 Grand Jury Exhibit 41. Is this in fact a copy of that
19 video footage?

20 A Yes.

21 Q And was it your understanding that a Sherry
22 Neff was responsible for the production of that CD giving
23 it to homicide?

24 A I think her name was Cherry Neff.

25 Q Cherry, you're right.

9
1 A Yes.

2 Q Were you also responsible for obtaining a copy
3 of video surveillance from the Green Valley Grocer located
4 at Fort Apache by the Wal-Mart?

5 A Yes.

6 Q Did you in fact pick up that video footage?

7 A Yes.

8 Q Were you responsible for making a CD of it?

9 A Yes, our unit was responsible, yes.

10
10 Q I'm going to show you what has been marked as
11 Exhibit 42. Does that appear to be the video footage that
12 was downloaded from the Green Valley Grocer?

13 A Yes. Well, there was actually two portions.
14 One came on a CD like this and the other was on a mass
15 storage device that we used and it was later put onto a CD,
16 so I don't know if this is the, it's both of them on one CD
17 or if it's just one portion of what we had.

18 Q Well, let's explain this. When you went to
19 the Green Valley Grocer, what sort of mass -- did you get
20 it on a CD or did you get it on a mass storage device?

21 A Mass storage device.

22 Q And then did you, were you responsible for
23 watching it being downloaded onto a CD?

24 A Yes.

25 Q All of that video footage that you collected?

1 A Yeah, I was there when it was transferred from
2 their surveillance system onto the mass storage device and
3 I took it back to our office where we reviewed it. We
4 realized that it didn't have all the times that we really
5 wanted and the camera angles that we wanted to look at and
6 so I called back and made arrangements for them to copy the
7 rest of the footage that we needed and then they put that
8 on a disk.

9 Q Okay. And were those video, was that video
10 surveillance eventually given to the District Attorney's
11 Office?

12 A Yes.

13 Q Does this appear to be what is Exhibit 42?

14 A Yes.

15 MS. GOETTSCH: Thank you.

16 I have nothing further for this witness.

17 THE FOREPERSON: Anybody have any questions?

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

6 THE WITNESS: Yes.

7 THE FOREPERSON: Thank you.

8 MR. DASKAS: Dean O'Kelley.

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

13 MR. O'KELLEY: I do.

14 THE FOREPERSON: Please be seated.

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

21 MR. O'KELLEY: Yes, I do.

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

24 MR. O'KELLEY: It's Dean, D-e-a-n, O'Kelley,
25 O'K-e-l-l-e-y.

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DEAN O'KELLEY,

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

EXAMINATION

BY MR. DASKAS:

Q Detective O'Kelley, you previously testified before this Grand Jury regarding the homicide investigation of Melissa Ann James?

A I did.

Q I want to ask you some questions about surveillance video and still photographs taken from surveillance video regarding various locations throughout this investigation.

You were aware that Craig Titus and Kelly Ryan gave statements to homicide detectives on the morning of December 14 of 2005?

A Yes, I was.

Q Were you provided with and did you review copies of those statements?

A I did.

Q Among other things were you aware that both Mr. Titus and Miss Ryan claimed that their Jaguar

10
1 automobile had been stolen from their residence in the
2 early morning hours of December 14, 2005?

3 A Yes, at approximately 0500.

4 Q Did you obtain surveillance video that
5 purportedly showed Craig Titus and Kelly Ryan at a location
6 in the early morning hours of December 14, 2005 driving
7 that Jaguar?

8 A Yes.

9 Q Describe that.

10 A Craig Titus driving the Jaguar with Kelly Ryan
11 as a passenger.

12 Q Tell us if you would please what you requested
13 at the location from which you requested it and what you
14 obtained.

15 A We, based on a credit card transaction that we
16 discovered at the Wal-Mart store located at Fort Apache and
17 Hacienda, contacted the surveillance supervisor at the
18 Wal-Mart store and requested that the time period wherein
19 this credit card transaction took place be reviewed. It
20 was done so and the person making that transaction at the
21 specific time was located within their surveillance footage
22 and then from there they were able to backtrack and find
23 where that person had gone into the store prior to getting
24 to the register to pay for the items.

25 Q Did you personally observe the surveillance

1 video that Metro homicide requested from Wal-Mart?

2 A I did.

3 Q And had you met with both Craig Titus and
4 Kelly Ryan during the course of this investigation?

5 A I had not at that point.

6 Q Eventually you did?

7 A Yes, I did.

8 Q Let me show you Grand Jury Exhibits 22 through
9 25. Tell me if those are fair and accurate depictions of
10 still photographs that were taken from the Wal-Mart
11 surveillance video you requested.

12 A They are accurate, yes.

13 Q And what is depicted in that series of
14 photographs?

15 A In the photograph marked Exhibit 22 you can
16 see a white female adult who is walking out of an area of
17 the store wearing a red jumpsuit with a stripe down the
18 pant leg and a stripe down the arm. She has dark hair just
19 past the shoulder.

20 Q Do you recognize the woman depicted in that
21 photograph?

22 A Not from this photograph. She has her back
23 turned towards us and the quality of the photograph is not
24 well enough to be able to facially recognize Kelly Ryan in
25 this instance. Having seen her during an interview in

11

1 Boston I know what she looks like obviously, but from these
2 photographs you couldn't for certain say that that was her.

3 Q What about some of the other photographs you
4 have before you?

5 A Again they are of similar quality and distance
6 away. You can't say for a fact that that's who you're
7 dealing with, but we do know again from the surveillance
8 footage that this person in question is the one that went
9 to the register and paid for these items with Kelly Ryan's
10 credit card.

11 Q The sweat suit that is depicted in those
12 photographs, did you eventually locate that sweat suit or
13 at least what appeared to be that sweat suit at a location
14 during your investigation?

15 A Yes, we did.

16 Q Describe that.

17 A We, during the a search warrant that was
18 served on January 5th of the residence, we located a red
19 sweat suit that is very similar to this. Of course you
20 can't tell, you know, brand name or anything like that or
21 size or anything, but the color and the configuration of
22 the stripes on the sleeves and the pant legs are very
23 similar, yes, and that was found in the room that was
24 indicated by us or to us by Craig Titus and Kelly Ryan to
25 belong to Melissa James.

1 Q The series of photographs I've handed you, is
2 there an automobile depicted in one of those photographs?

3 A There is in the last photograph that you
4 handed to me and that's marked State's Exhibit 25.

5 Q And again this is a still photograph taken
6 from the Wal-Mart surveillance video you requested?

7 A It is.

8 Q What type of automobile is depicted in Exhibit
9 25?

10 A A red four door vehicle that is consistent
11 with a Jaguar, the Jaguar that we know belonged to Craig
12 Titus and Kelly Ryan.

13 Q Is there a person who appears to be male in
14 that photograph as well?

15 A Yes, there is. And again I'm familiar with
16 the video itself and so from the photograph here we
17 watched, or from the video, we watched this vehicle pull up
18 to just outside the exit doors of the Wal-Mart, and this
19 male subject that you mentioned getting out of the driver's
20 seat, he seems to be rather stocky, he has a dark colored
21 shirt on with it appears to be either a lighter colored
22 jacket or untucked button-up shirt over the top of it and
23 he has a dark colored baseball cap on, he's seen in this
24 photograph opening up or having opened up the left rear
25 passenger door, and again from the video I know that he