

The issue here is this alleged crime is a "tooth fairy crime." In other words, a FABRICATED scheme.

Mr. McCarter calls 911 at 23:07:13 [11:07PM] and is on his cell phone with Dispatcher Peralta from 11:07- until the time of his arrest 11:19 PM. His daughter Princess calls 911 at 23:08:41 [11:08 PM]. One and a half minutes after her dad made the 1st call. It is at this time she reports a crime 'IN PROGRESS.' Her dad just bust through the back door with a shovel. And now he's "FIXING TO" come to my room with a knife. (911 at 09:54). Getting ready to ("FIXING TO"). She's 'Predicting' everything He's going to do. But Mr. McCarter NEVER shows up to the door because he's on a current IN PROGRESS call with 911. She then out of context stated the following, "I predict he's rummaging through the kitchen drawers looking 'For a Knife.'

We all BARRICADED (BCV 6 at 06:23) ourselves in the room and once we did that, well, well. Hum, we started Hearing lil noises out there. "He on the phone with someone." (BCV at 06:28). Cognizable attention should be noted when they BARRICADE themselves, they were not in any danger. They BARRICADED themselves because they were AFRAID because McCarter returned home UNEXPECTEDLY. His daughter had him arrested on March 25, 2019 because she knew he had a warrant. While he was in jail she filed a FABRICATED CHILD MOLESTATION REPORT that Mr. McCarter molested his granddaughter.

However, Mr. McCarter was released from jail on March 27, 2019, at 8:59 PM. Returned home and they were playing possum. Suspicious someone was inside his home he called 911. During this call she "OPENED" the bedroom door. This ACT clearly DISPLAY they were not in fear or under the threat of imminent danger of an ASSAULT WITH A LARGE KNIFE. It was at this time- Mr. McCarter reports to Peralta, "Ma'm my daughter just opened the door (911 Tape 1, 05:28 minutes).

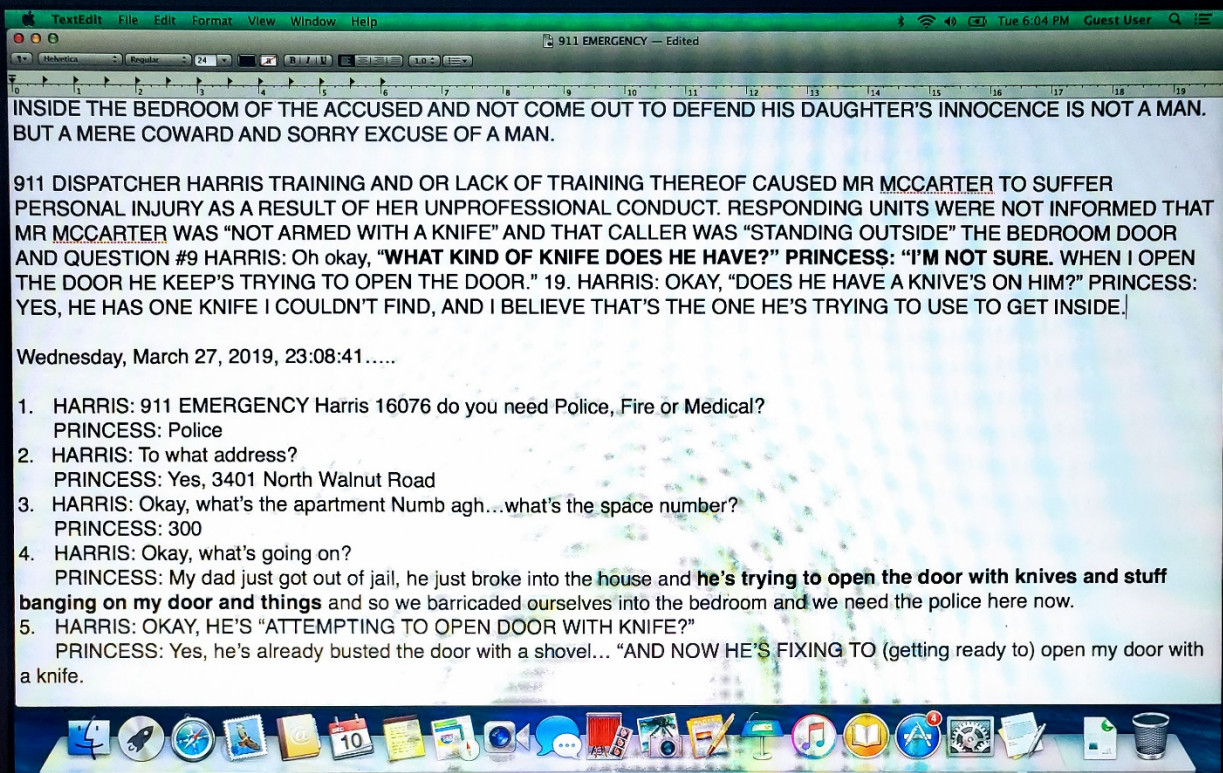
Officer Holm reports the crime occurred at "11:09 PM." That means the CRIME IS RECORDED. However, Peralta questioned Mr. McCarter during the call, "Is there, I DON'T HEAR ANY VERBAL in there right now. No one. Do you have any weapons?" (911at 03:41 minutes). According to WITNESS Peralta. You can't "HEAR ANY VERBAL" in the background.

They were DISHONEST to begin with and was ARMED with weapons [the knives] the whole Entire time. Princess informs 911 she took all the knives and put them in the closet BEFORE Mr. McCarter returns home. "Like I told 911 operator, I had put the other knife inside the, inside the closet. He (Paris?) "FELT BETTER SAFE" with the knife in the closet. Because I was just telling him like I "THINK" he gonna PROBABLY COME BACK AND TRY SOMETHING. So, I was trying. (02:40) And I thought I grabbed them all but I I guess didn't. I left that one. "SHE KNEW WHAT HE WAS GONE DO." (911 Recording at 03:41).

Metro enters the home (02:37) and questioned, "No WEAPONS in there or Anything? Paris, "Ah yes, this KNIFE she had brought back here Because she "KNEW WHAT HE WAS GONE DO!" (Body cam video 6 at 02:42 minutes).

Attached is a copy of the 911 calls and my rough draft Transcribed version of the call. In addition, I've submitted copies of the Police Report, witnesses statement's, and bodycam video verbal statements of witnesses.

Incident Create Time	Officer 1:	Incident Address	Caller Name
Incident Close Time	Officer 2:	Bldg. / Apt.	Caller Address
		City / Jurisdiction	Caller Phone
03/25/2019 20:17:45	16435 Citelli, Joseph	3401 N WALNUT RD	VIVIAN CAMERON
03/25/2019 23:03:18	16450 Pazoscazars, Eduardo	300	
Area: NE	S/B: F4	LAS VEGAS	CC 702 8019057
SRA: H907			
Incident Type: 416 - FIGHT		Cross St1: 3900 E GOWAN RD	Location: SILVERADO MHP
Disposition: C - INCIDENT/CRIME REPORT		Cross St2: 3400 N LAS VEGAS BLVD	Map: 1928- Latitude: 36.22167075
			75
03/25/2019 22:57:34	16991 Terranova, Justin	3401 N WALNUT RD	PRINCESS MCCARTER
03/26/2019 07:42:27		300	
Area: NE	S/B: F4	LAS VEGAS	CC 702 2383824
SRA: H907, H907			
Incident Type: 428 - CHILD MOLEST		Cross St1: 3900 E GOWAN RD	Location: SILVERADO MHP
Disposition: N - BACKUP UNIT CLEAR		Cross St2: 3400 N LAS VEGAS BLVD	Map: 1928- Latitude: 36.22167075
			75
03/27/2019 23:07:17	0	3401 N WALNUT RD	ROY MCCARTER
03/27/2019 23:18:46		SPC 300	
Area: NE	S/B: F4	LAS VEGAS	CC 702 6901723
SRA: H907			
Incident Type: 416B - OTHER DISTURBANCE		Cross St1: 3900 E GOWAN RD	Location: SILVERADO MHP
Disposition: G - DISPATCH CANCELLED		Cross St2: 3400 N LAS VEGAS BLVD	Map: 1928- Latitude: 36.22167075
			75



21. HARRIS: Is he drunk or high?
PRINCESS: I'm not sure.

22. HARRIS: Okay
PRINCESS:

23. HARRIS: WHAT KIND OF KNIFE DOES HE HAVE....IS IT LIKE A KITCHEN KNIFE?
PRINCESS: YES, (DESCRIBING) "IT'S LIKE A BIG BLACK BUTCHER'S KNIFE."

RED FLAG #2. IMPOSSIBLE FOR CALLER TO IDENTIFY WHAT MR MCCARTER IS WEARING, OR ALLEGEDLY WHAT KIND OF KNIFE HE SUPPOSEDLY HAS IN HIS POSSESSION ACCORDING TO RESPONSE "QUESTION 9. HARRIS: Oh okay, "WHAT KIND OF KNIFE DOES HE HAVE?" PRINCESS: QUESTION #20 "I'M NOT SURE. PRINCESS: "I HAVE NOT SEEN HIM.....I WOULDN'T OPEN THAT DOOR!" IF SHE HAD NOT SEEN THE KNIFE, HOW THEN "NOW" IS SHE ABLE TO DESCRIBE IT NOW THAN BEFORE. WHEN NOTHING CHANGED? (EMPHASIS ADDED).

24. HARRIS: Does he has any mental health conditions? Okay.
PRINCESS: Yes, he's schizophrenic.

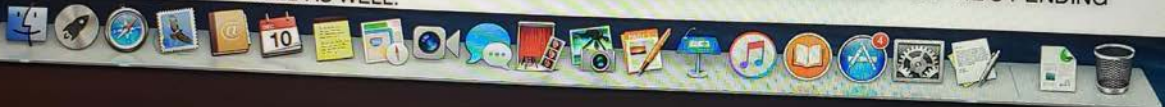
25. HARRIS: "LET ME KNOW IF ANYTHING CHANGES?"
PRINCESS: Okay.

26. HARRIS: Are you guys ARMED in the bedroom, do you have any weapons? Okay.
PRINCESS: No ma'm

27. HARRIS: WHAT WAS THAT NOISE?

PRINCESS: I'M OPENING THE DOOR, HE HAS ON GRAY SHORTS, AND A BLUE SWEATER, AND BLACK TENNIS SHOES

28. HARRIS: OKAY "WHAT IS HE DOING?"
PRINCESS: I DON'T KNOW HE'S RUMMAGING THROUGH A BAG OR SOMETHING. AND MIND YOU HE'S PENDING CHARGES OF TOUCHING MY CHILD AS WELL.





DISTRICT COURT NO. C-19-339568-1

IN THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

ROY R. McCARTER,

Defendant.

DEPARTMENT 2

CASE NO. 19CRN000795-0000

19FN0847X

**RECORDED TRANSCRIPT
OF
PRELIMINARY HEARING**

BEFORE THE HONORABLE NATALIE L. TYRRELL
JUSTICE OF THE PEACE
APRIL 15, 2019, 9:30 A.M.

APPEARANCES:

For the Plaintiff:

CHRISTOPHER LAURENT, ESQ.
Deputy District Attorney

L. SMITH, Law Student

For the Defendant:

DWAYNE NOBLES, ESQ.

TRANSCRIBED BY: SHARON EULIANO, COURT RECORDER-TRANSCRIBER

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I N D E X

WITNESSES FOR THE STATE:

PAGE

PARIS LEE WALLACE

Direct Examination by Mr. Laurent	4
Cross-Examination by Mr. Nobles	11
Redirect Examination by Mr. Laurent	20
ReCross-Examination by Mr. Nobles	22

PRINCESS McCARTER

Direct Examination by Ms. Smith	23
Cross-Examination by Mr. Nobles	30

WITNESSES FOR THE DEFENDANT:

None

1 NORTH LAS VEGAS, CLARK COUNTY, NEVADA

2 APRIL 15, 2019, 9:30 A.M.

3 P R O C E E D I N G S

4
5 THE COURT: State of Nevada vs. Roy McCarter, 19FN0847X.

6 MR. LAURENT: Your Honor, I just need a few minutes to talk to the
7 victims. They (indiscernible) and missed the first cab. They're now here.

8 THE COURT: Okay.

9 MR. LAURENT: If that's all right, your Honor.

10 MR. NOBLES: We're ready to proceed, Judge.

11 THE COURT: Okay. So we'll take a brief recess.

12 MR. LAURENT: Thank you.

13 (Recess taken)

14 THE COURT: Recalling Roy McCarter.

15 MR. LAURENT: Both parties, I think, are present, so we're ready to
16 proceed, your Honor.

17 MR. NOBLES: That's correct, Judge. I would request that we invoke
18 the exclusionary rule even though I don't see anyone in here at this time.

19 THE COURT: All right, and that is granted at this time.

20 And, the State, you may proceed.

21 MR. LAURENT: The State would call for its first witness, Paris Wallace.

22
23 **PARIS LEE WALLACE,**

24 having been first duly sworn

25 was examined and testified as follows:

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THE BAILIFF: Please have a seat.

And if you could state and spell your full name for the record.

THE WITNESS: Paris Lee Wallace, P-a-r-i-s, Lee, L-e-e, Wallace, W-a-
l-l-a-c-e.

DIRECT EXAMINATION

BY MR. LAURENT:

Q. Mr. Wallace, I want to direct your attention to March 27, 2019. Did something unusual happen that day that causes you to be in court today?

A. Yes.

Q. Before I do that, are you familiar or do you know the individual by the name of Roy Rouch McCarter?

A. Yes.

Q. Do you see that individual in the courtroom today?

A. Yes.

Q. Could you please point to that person and describe an article of clothing that person is currently wearing.

A. Right there. He's wearing a CDC -- CCDC inmate uniform.

MR. LAURENT: And the record reflect the identification of the defendant.

THE COURT: It will.

BY MR. LAURENT:

Q. Mr. Wallace, what is your relationship to Mr. McCarter, if any?

A. We don't have a relationship at all.

1 Q. How is it that you know him?

2 A. Through my children's mother.

3 Q. And that is Princess McCarter?

4 A. Yes.

5 Q. Directing your attention again to that date, March 27, 2019, you said
6 something unusual occurred. What occurred?

7 A. Me and my children were watching movies on the couch. We started
8 hearing things around the home, so we didn't really pay no mind like, you know, it's
9 probably, you know, could it be cats and dogs running all around there. So I
10 checked it out, looked outside, didn't see nothing. We constantly heard noises,
11 noises, noises. We took --

12 Q. Let me stop you right there. What time of day was this?

13 A. Oh, Jesus, I want to say around eight -- no, about nine, nine, ten
14 o'clock, yes.

15 Q. And when you say you heard noises, can you describe these noises?

16 A. Like somebody's like messing with the windows or trying to mess with
17 the doors. I heard like somebody tripped outside the window.

18 Q. So as a result of this and you checking it out, what did you guys do, if
19 anything?

20 A. At first I just took my kids to the room, barricaded them in the room with
21 their mother -- she was laying down -- so I took my children in there. I already --
22 we already went over hearing things. My son, my oldest son, he stayed in the living
23 room while we were in the room. And after a while he came to the room scared,
24 like, Dad, I keep hearing things outside. So now it's cut off the TV, cut off the lights,
25 come in the room. That's what we did. We barricaded ourselves in the room,

1 locked the door. We stayed in there for about -- I want to say, we dozed off
2 probably for just a little bit, and that's when we start hearing somebody breaking into
3 the home.

4 Q. Where is this home located?

5 A. 3401 North Walnut Road.

6 Q. And who lives in this home?

7 A. Princess (Indiscernible) McCarter, and Roy McCarter.

8 Q. So the defendant lives in this home?

9 A. Yes.

10 Q. And do Princess and Roy have separate bedrooms?

11 A. Yes.

12 Q. And you were in Princess's bedroom?

13 A. Yes.

14 Q. So you hear someone trying to break down the door, is that --

15 A. Yes.

16 Q. -- what you're saying?

17 Then what happened?

18 A. Like I knew it was a shovel because I could hear the shovel hit the dirt,
19 so I guess he was just jamming it in the door trying to pry it open. But my kids are
20 so scare because they don't know what's going on, they just hear a loud like
21 somebody trying to get in the home. So he -- he -- I'd say he was at the door for
22 about eight minutes trying to get in there, and then he finally popped it open. Once
23 he popped it open, he stormed in there. He got on the phone with, I want to say
24 authorities, and told them that I have a gun and that I'm up in there trying to threaten
25 him or something like that. But we're barricaded in the room, we're listening to him

1 say this.

2 And like he went in the kitchen, you know, grabbed the knife, came to
3 our door. You can -- you can hear him jiggle the door at first. He tried to walk in
4 our room. He jiggled it. He didn't stuck the knife in now. Now he about to pop it
5 open. He's trying to pop it open. I'm holding the door now. Now my son is in here
6 crying, screaming. I'm trying to hold the door now. And she comes up, she starts
7 helping me.

8 Q. You said "she," you're talking --

9 A. Princess -- I mean Princess. Princess start helping me hold the door
10 now. So we're trying to hold the door once he popped it to get it like to where it can't
11 push open now. Now he's trying to force his self in there.

12 Q. What was he doing to force himself in there?

13 A. Like basically once it popped open, he like pushed his arm on the door
14 trying to push his self in. But we're both holding it from -- it's a wall behind it, so it
15 would be impossible for him to use all that power. And I'm pushing against the wall
16 at the same time. So once he pops it open, it's like you could see through the crack
17 now. Now he's trying to jam the knife through the crack.

18 Q. Does the knife actually come through the crack --

19 A. Yes.

20 Q. -- in the bedroom?

21 A. Yes, to where I'm holding the door like this trying to --

22 MR. LAURENT: May the record reflect that he's holding his hands
23 above his shoulder both palms towards what would be the door as if you were
24 holding a door, your Honor.

25 THE COURT: It will.

1 BY MR. LAURENT:

2 Q. So let me stop you there. Can you describe the knife for us?

3 A. I -- I could say it was like a long -- I want to say it was long. It was
4 like a chef knife or something like that, yeah. So its real long black handle, and it's
5 probably about -- I want to say about that wide.

6 Q. About two and a half to three inches wide?

7 A. Yes.

8 Q. So that is coming through the crack in the door --

9 A. The crack of the door.

10 Q. -- into the bedroom?

11 A. Yes.

12 Q. And what, if anything, is the defendant saying?

13 A. He's gonna kill me.

14 Q. Do you remember his words exactly?

15 A. I don't exactly remember the words, but I know he said he was gonna
16 kill me, he was gonna kill me.

17 Q. And what are you and Princess doing at this point?

18 A. We were holding the door. Once he pulled the knife out, we slammed it
19 back shut. So now we're -- now I pull on the door now like it's gonna be impossible
20 for you to get in here now, and I'm telling her -- she like, "Please. Please." She's
21 like begging me, and my son crying, I've got so much going on right now. So I'm
22 just letting her know if he comes in this room, I'm gonna have to defend myself and
23 my children, like simple as that. Like I'm gonna have to hurt him.

24 Q. So does someone call the police from inside the bedroom?

25 A. Yes. Princess was on the phone with authorities and I was still trying to

1 make sure, you know, we were still barricaded in that room. So while she's on the
2 phone with them, he's on the phone with the police also telling them that I have guns
3 in the home and stuff. So they were also on me when they came looking for guns
4 and stuff, but I told them, no, that he had some knives in the home, you know, and
5 that's about it. And we didn't come out until the police came to in the house. Like
6 they were outside with him, "Get out. Get out. Get out." We didn't come out the
7 room until the police actually came all the way through the house. I told them like
8 we wasn't about to come out the room until we knew it was safe.

9 Q. This address that you gave me on Walnut, this is in North Las Vegas?

10 A. Yes.

11 Q. And that's Clark County, Nevada?

12 A. Yes.

13 Q. Now prior to court today I asked you if you had any felony convictions
14 within the last ten years. Do you remember that?

15 A. Yes.

16 Q. And you indicated to me that in California you have a drug felony
17 conviction --

18 A. Yes.

19 Q. -- is that correct?

20 Is that a yes?

21 A. Yes.

22 Q. And that was in the last ten years?

23 A. Yes.

24 Q. You don't remem-- do you know the exact name of that felony
25 conviction? A. No, I don't.

1 Q. But it is a drug felony conviction?

2 A. (No audible response.)

3 Q. That bedroom that you were in, which is Princess's bedroom, does it
4 have a lock on the door?

5 A. Yes.

6 Q. Have you stayed there often with her?

7 A. I started -- I started staying there when the first, like I was telling you,
8 the incident -- it was an incident a few days before that with her and her father, so
9 that's the reason I was over there. The police said it was cool because I had got
10 trespassed off the property, which I talked to the officers and let them know. Like
11 she said she was scared. She -- she doesn't want to be around him alone, so I
12 went over there to, you know, protect them.

13 Q. Did you know that Mr. McCarter was coming over that night?

14 A. She said she heard a rumor that he -- he was supposed to be getting
15 out or something like that. That was about it, but we wasn't too sure how true it was.

16 Q. When he first came in the door -- not -- not the bedroom door but the
17 door to the house, the apartment, was he saying anything when he came in?

18 A. No, he was on the phone saying I had a gun and I'm in his house and
19 stuff like that.

20 MR. LAURENT: I have no additional questions, your Honor.

21 THE COURT: Cross-examination.

22 MR. NOBLES: Thank you, Judge.

23 ///

24 ///

25 **CROSS-EXAMINATION**

1 BY MR. NOBLES:

2 Q. Mr. Wallace, the drug conviction, what year was that from?

3 A. I want to say 2010.

4 Q. And do you know what jurisdiction that was in in California?

5 A. Los Angeles County.

6 Q. Okay. Is that something you have to register for, if you're aware?

7 A. No.

8 Q. Back to March 27th, so you're at 3401 Walnut, is that right?

9 A. Yes.

10 Q. And you said around 9:00 you hear some noises at the back door?

11 A. Around nine, ten.

12 Q. Around nine or ten?

13 A. Somewhere in there.

14 Q. And you're there with who?

15 A. Princess (Indiscernible) McCarter and my four children.

16 Q. Okay. So there's six of you total?

17 A. Yes.

18 Q. Is Princess out in the living room with you watching TV?

19 A. No, she was in the bedroom.

20 Q. Okay. Was she asleep or do you know what she was doing?

21 A. No, she was -- I believe she was woke.

22 Q. Okay. And you had mentioned -- well, let me go back.

23 The 3401, whose house is that?

24 A. That's, I believe, both of their home. I'm not too sure.

25 Q. Okay. So Princess is on the deed?

1 A. I don't know if there is a deed, actually.

2 Q. Is it a rental?

3 A. I'm not too -- yeah, you'll have to talk more -- I'm not too sure about
4 the rental histories and stuff like that.

5 Q. So as far as you know, you don't know if they own the house or if
6 they're renting it?

7 A. No.

8 Q. Okay. And your understanding was whichever it is, a rental or a
9 property that they own, that they're both on, you know, the title or the rental
10 agreement?

11 A. I don't know. I'm not too sure about that --

12 Q. Not sure, okay.

13 A. -- but I'm pretty sure, yeah, they're probably both most likely on it or
14 neither one of them on it. I'm not too sure.

15 Q. Okay. And then you had mentioned on direct that you had been
16 trespassed from that place?

17 A. Yes.

18 Q. When was that?

19 A. I want to say probably like the beginning of March.

20 Q. So the beginning of March, that would have been about roughly a
21 couple of weeks before this incident?

22 A. Yeah.

23 Q. Okay. And who trespassed you from that residence?

24 A. Princess.

25 Q. Okay. So Princess called the cops, cops come show up and officially

1 trespass you from there?

2 A. Yes.

3 Q. Okay. Did they tell you how long you got to be trespassed from that
4 location?

5 A. No, they didn't. They just explained that, you know, she -- she
6 basically -- I told -- well, like basically she --

7 MR. NOBLES: Your Honor, non-responsive.

8 THE COURT: Sustained.

9 BY MR. NOBLES:

10 Q. So the question was, you had been trespassed. Did they give you a
11 timeframe on it, how long you had to stay away from that place?

12 A. No.

13 Q. Okay. So as far as you know, that trespass was still in effect on March
14 27th?

15 A. March 27th, not too sure.

16 Q. That would have been like a few weeks after you got the original
17 trespass.

18 A. Yeah, I don't know if it was any weekly or few days on there. They
19 never explained that.

20 Q. When you got trespassed, did you get any kind of paperwork?

21 A. Say that again.

22 Q. When you got trespassed, did you get any kind of paperwork?

23 A. I believe I had got a citation or something like that.

24 Q. Okay. And did you have to make a court appearance at all?

25 A. No.

1 Q. Was it just a warning?

2 A. No. No court appearance.

3 Q. All right. So back to March 27th, so you're there with the kids and
4 Princess and you hear a noise?

5 A. Yes.

6 Q. Okay. And did you investigate that noise?

7 A. The first time I investigated the noise -- investigated the noise, I walked
8 out, looked around, went around the back, didn't see anything, so we closed, locked
9 up, you know, same as usual. We was -- me and my son was in the living room for
10 a while. I went back in the room to go talk to Princess for a little bit. Once we were
11 back there talking for a while, that's when my son ran to the room like petrified. So,
12 you know, like he told us that he hears noises too, so I know I'm not tripping now
13 because this is like --

14 Q. Well, let me -- let me stop you right there.

15 The first time you heard noises, is it just you who hears it?

16 A. No, we all -- we all heard noises, but it was just like we all heard like
17 different noises. Like she might go to the back, she hears something. Like I heard
18 noises like somebody tripped outside the window. It's all in my report, you know,
19 but --

20 Q. Okay. So "she" -- "she" who? I'm sorry. You keep saying "she."
21 Who's "she"?

22 A. Princess. I'm sorry.

23 Q. So Princess was in and out of the room?

24 A. Yes.

25 Q. Okay. And one of these occasions she's out of the room, she hears

1 noises as well?

2 A. Let me see. I can't quite remember that part, but I know -- all I know is
3 we started hearing noises. I went to investigate the first noise, didn't see anything or
4 like hear anything, so we closed up, went back into the home. She was in the back.
5 I put my four children back there with her. My son, like I say, he stayed in the living
6 room. I went to the back. When I went to the back, that's when he ran to the back
7 with us and said he keeps hearing stuff like somebody's trying to get in the home.
8 So now we cut off the TV, cut off the lights. We all go to the room, lock ourselves in
9 there.

10 Q. Okay. So that second time your son comes and tells you about noises,
11 you don't go and look and investigate that?

12 A. No. I just instantly, let's go to the room.

13 Q. Okay. Why was that your first thought? Why go to the room --

14 A. Because we constantly --

15 Q. -- and barricade yourself?

16 A. -- hear stuff outside, and then her dad was already saying he wants to
17 kill me, so.

18 Q. Okay. So you're assuming at that point it's Mr. McCarter trying to get
19 in?

20 A. It could be anybody right now. It could be somebody trying to burglarize
21 us. It could be him.

22 Q. Okay.

23 A. I got a lot going through my mind. Once I constantly heard stuff and my
24 kid come and tell me he hears stuff too, now I know I'm not tripping.

25 Q. Okay. So when you go and put yourself and your kids in the room, do

1 you call the police?

2 A. Yes -- no. She -- we didn't call the police instantly. We laid down for
3 a moment, you know. I believe we dozed off just for a little bit, and then that's when
4 we hear him trying to get in the home.

5 Q. Okay. So when you go back and barricade yourself in 'cause you think
6 someone might be trying to get in, you guys doze off, you do not call the police at
7 that point?

8 A. Like, no, yeah. It wasn't like, oh, somebody kicked in the door and then
9 we didn't call the police. It was just --

10 Q. So my question is this --

11 A. -- some noises. It was just noises.

12 Q. Sir, I need you to answer my question, okay, because you're kind of
13 going all off. The question is this --

14 MR. LAURENT: Your Honor, I'd ask that -- I'd ask that the court
15 instruct the witness.

16 THE COURT: All right. If you would just listen to the question and
17 answer it to the best of your ability directly rather than going onto other stories. You
18 may be asked a further question later, but for now just listen to the question and
19 answer what's before you.

20 THE WITNESS: Okay.

21 MR. NOBLES: Thank you, Judge.

22 BY MR. NOBLES:

23 Q. So the question is this, when you went in and barricaded yourself in, you
24 did not immediately call the police, correct?

25 A. No.

1 Q. No, you did not call them?

2 A. No.

3 Q. Okay. And you dozed off, correct?

4 A. Slightly.

5 Q. Okay. And is that you or is that everyone in the room with you?

6 A. I believe -- I can't quite remember that one, but as far as the sleeping

7 part and stuff like that.

8 Q. Okay. And then at that point you hear someone actually in the house?

9 A. No. First we were in the room. That's when you hear somebody trying

10 to get in the home with a shovel --

11 Q. All right.

12 A. -- busting it down. Like my kids are scared for their lives because that's

13 how it sound like, shoo, shoo, somebody just really trying to get in the home.

14 Q. Okay. Are you opening the door and looking out or are you just hearing

15 this through the door?

16 A. I'm hearing this through the door.

17 Q. The door's closed, right?

18 A. Yes.

19 Q. Okay. And then what do you hear after that?

20 A. About eight minutes later he got in. He right in there. Now my kids is

21 really scared.

22 Q. Okay.

23 A. He walked to the -- like you could hear him walk to the living room.

24 Then he instantly gets on the phone, I got a gun, I got this.

25 Q. Okay.

1 A. Police and --

2 Q. So let's go back --

3 A. -- police --

4 Q. -- to when you hear the shovel on the door for eight minutes. Do you
5 call the police at that point?

6 A. No, we didn't call the police at that point.

7 Q. You didn't call the police?

8 A. Well, it took probably like, I want to say once he popped open that door,
9 that's when we instantly called the police. Like once we heard his voice, we already
10 knew who it was. Like, oh, that's Roy, you know. He's -- oh, he gets -- he gets a
11 gun. He got this. He got that. Like why would you come to my door and try to stick
12 me with a knife if I have a gun?

13 Q. So from the time you're hearing all these noises from when you were
14 originally out in the living room up until who you say is Roy opening with the knife
15 the door --

16 A. Yes.

17 Q. -- the police are not called in that entire time?

18 A. Yeah, oh, when we knew -- when he came to that door trying to stick it
19 through, trying to jiggle that knob, yes, we called the police instantly.

20 Q. So that's the point you called the police?

21 A. Yes.

22 Q. Okay. And then you said you're holding the door closed with Princess,
23 is that right?

24 A. Yes.

25 Q. Okay. And then Princess is the one who calls the police --

1 A. She was on the phone with the --
2 Q. -- and speaking with them?
3 A. -- authorities, yes.
4 Q. Okay. You're not speaking with them at all?
5 A. While I'm -- yeah, I'm holding the door, yeah, trying to get my kids,
6 right.
7 Q. And then at some point the door does come open, is that right?
8 A. Yeah, that's when he tried to stick the knife in to --
9 Q. Could you see --
10 A. -- try to --
11 Q. -- through there who it is sticking the knife in?
12 A. Yeah. It's him.
13 Q. Okay. So you could see --
14 A. Yeah.
15 Q. -- him through the door?
16 A. I know -- I know him from a mile away.
17 Q. So the question is, you could see him through the door as --
18 A. Through that crack --
19 Q. -- you're trying to hold it --
20 A. -- where he was trying to stick me through, yes, I can. That's when I
21 went to the side trying to not get to where he can't -- he can try to stick it through,
22 but I'm -- I'm too far for him to stick it, trying to get me with it 'cause he can't stick
23 his whole hand in there.
24 Q. Right.
25 A. The most he could get through is that blade, that's it.

1 Q. So you see him when? When the door first pops open?

2 A. No, I didn't see him when the door popped open. I knew I seen him
3 when he went and grabbed that knife and popped our door open. That's when we
4 hurried up and tried to get his -- like once he pulled his knife out, that's when we
5 were able to close it back, and that's when I went full force on the door.

6 MR. NOBLES: Okay. No further questions, Judge. Thank you.

7 THE COURT: Redirect.

8 MR. LAURENT: Just briefly, your Honor.

9

10 **REDIRECT EXAMINATION**

11 BY MR. LAURENT:

12 Q. You indicated on cross-examination something about a prior threat.

13 A. Oh, yes. I have police -- I got police ---

14 Q. Just let me ask a question, if you don't mind.

15 When -- when was that threat made?

16 A. I want to say about a week before the incident.

17 Q. And who made that threat?

18 A. Roy McCarter.

19 Q. And what did he say to you?

20 A. He said he was going to kill me. He posted like his people supposed to
21 be coming to my house. He knew my address and everything.

22 Q. That's a -- that's a separate place from --

23 A. Yeah.

24 Q. -- the Walnut address?

25 A. Yes, a separate place.

1 Q. And, again, just so we're clear, Mr. Nobles asked you a question and it
2 sounded like you heard -- correct me if I'm wrong, please. It sounded like you
3 heard the door, front door broke, be busted open.

4 A. Mm-hmm.

5 Q. You actually saw Roy, the defendant, at that time, at some point?

6 A. Yeah, 'cause Princess like when she knew he was in the kitchen trying
7 to -- I think he was trying to look for another knife or something like that 'cause she
8 had already took every -- tried to take -- hide everything up out of the kitchen.

9 MR. NOBLES: Objection, Judge. Speculation.

10 BY MR. LAURENT:

11 Q. So the door, the door was --

12 THE COURT: Sustained.

13 MR. LAURENT: Thank you.

14 BY MR. LAURENT:

15 Q. The door was open, so you saw him?

16 A. Yes. And once she cracked that door, I seen him, he seen me. His
17 eyes got big like, you know?

18 Q. Okay. So then you testified on direct examination that the knife actually
19 went into the bedroom?

20 A. Yes.

21 Q. And the image that -- or, the motion that you made when that knife
22 went in, is you -- correct me if I'm wrong -- you put your hands on the door and
23 tried to move your body more behind the door so it wasn't right behind the crack?

24 A. Yeah, so it wouldn't -- so basically I wouldn't get nipped by whatever
25 he's sticking. Like my kids are -- they already back there. I got them like way like

1 in the -- like damn near in the closet, so, you know, just in case the windows or
2 anything. So they're already in the closet, so I just want to make sure that she
3 doesn't get poked and I don't get poked by the knife.

4 MR. LAURENT: I have no additional questions, your Honor.

5 THE COURT: Anything else?

6 MR. NOBLES: Very briefly, Judge.

7
8 **RECROSS-EXAMINATION**

9 BY MR. NOBLES:

10 Q. This threat that you just spoke with the prosecutor about, you said it
11 was about a week before this?

12 A. Yes.

13 Q. Okay. And is -- is this in response to anything that Roy told you this?

14 A. I want to say it was like with his daughter, something with his daughter
15 or something like that.

16 Q. Okay. So there was issues between you and Princess?

17 A. No. Basically like when we have problems, I guess he gets mad or
18 something like that.

19 Q. Okay.

20 A. It's a -- it's a lot to the story, but it's gonna be going off, but yeah.

21 Q. Okay. So the threat just isn't out of nowhere, it's in response to
22 something --

23 A. Yeah, like it's --

24 Q. -- the issue you and --

25 A. -- always --

1 Q. -- Princess were having?

2 A. -- because I've been with his daughter --

3 Q. Okay.

4 A. -- you know?

5 MR. NOBLES: No further questions, Judge.

6 MR. LAURENT: No additional follow-up on this witness. We'd like to
7 amend the criminal complaint on lines 15 and 16 where it says "firearm" and replace
8 that with "knife," your Honor.

9 THE COURT: All right. I'll grant that.

10 And the witness may stand down at this time.

11 MR. LAURENT: We would call Princess McCarter.

12

13 **PRINCESS McCARTER,**

14 having been first duly sworn

15 was examined and testified as follows:

16

17 THE BAILIFF: Please have a seat.

18 If you will state and spell your full name for the record.

19 THE WITNESS: Princess Zari McCarter, P-r-i-n-c-e-s-s, Z-a-r-i, M-c-C-
20 a-r-t-e-r.

21

22 **DIRECT EXAMINATION**

23 BY MS. SMITH:

24 Q. I'd like to direct your attention to March 27th of 2019. Did an event occur
25 that day or that night that brought you to court today?

1 A. Yes.

2 Q. Do you see anyone in this courtroom who was involved in that incident?

3 A. Over there.

4 Q. And can you point to him and identify clothing he's wearing?

5 A. My dad, Roy McCarter, blue -- blue inmate clothes, I guess.

6 MS. SMITH: Would the record reflect the identification.

7 THE COURT: Yes, it will.

8 BY MS. SMITH:

9 Q. And you said it, but can you say it again, what's your relationship with
10 the defendant?

11 A. My dad.

12 Q. Okay. And so on March 27, 2019, can you describe what happened?

13 A. Well, I don't remember exactly what time it was, but probably like
14 around eight or nine we were all in the living room and -- actually, I'm sorry, not in
15 the living room -- in my room. And Kemoni, which is my stepson, he came in the
16 room and said he was scared because he heard like a lot of noise and stuff out --
17 out there in the living room. So I told all of the kids to come into the room with me,
18 and I just closed the door.

19 But I went as far as grabbing knives and stuff because Paris Wallace
20 and my dad always want to argue over the phone, threaten each other, this and that.
21 My dad already said if he seen Paris, he's either gonna beat his ass really bad or kill
22 him. So I took the knives out of the kitchen --

23 Q. I'm gonna pause you for a second --

24 A. -- at least I thought all of them.

25 Q. -- and take a step back. You said -- who was there? Who all was

1 there?

2 A. My three kids and my stepson Kemoni. Do you want me to like say all
3 their names or just?

4 Q. No, that's fine.

5 And so you said Paris?

6 A. Yeah, Paris, Kemoni, me, and my other three kids.

7 Q. And where was this?

8 A. At me and my dad's house.

9 Q. And what's the address?

10 A. 3401 North Walnut Road, Space 300.

11 Q. Is that in Clark County, Nevada?

12 A. Yes.

13 Q. Okay. You said it was your house and your dad's?

14 A. Yes.

15 Q. And so in that home did you guys have separate rooms?

16 A. Yes.

17 Q. And so you said you took them to your room?

18 A. Yes. My room was towards the back to the -- where the side door is
19 and my dad's is in the front where the -- towards the kitchen.

20 Q. And did the defendant have any reason to be in your room?

21 A. No.

22 Q. Did he have any permission to be in your room?

23 A. No.

24 Q. You said at first one of your children heard a noise?

25 A. Yeah, my stepson Kemoni heard noise and he said he was scared, so I

1 just got all the kids and brought them into my room.

2 Q. Can you describe that noise or did you hear it at all or --

3 A. No, I didn't -- I didn't hear the noises, but Paris and Kemoni heard the
4 noise. I didn't hear anything. I just -- to be safe, I just told them all to go in the
5 room, but Kemoni was saying he heard someone like jiggling the handle or messing
6 with the windows trying to get in.

7 Q. Okay. And you said so when you -- when he told you that he heard a
8 noise, you moved them all to the bedroom?

9 A. Yeah, all to my room.

10 Q. Was there anything else you did at that time?

11 A. I grabbed knives as well.

12 Q. And why did you grab the knives?

13 A. Him and Paris been arguing on the phone for like, I wanna say like a
14 month straight. And the very last argument that they had, my dad said that he was
15 either gonna beat Paris's ass or kill him.

16 Q. So then you said you all went back to your bedroom?

17 A. Yeah.

18 Q. And what did you guys do then?

19 A. We just -- I -- I sat around for a little bit trying to see if I hear anything,
20 and I didn't really hear anything, so we dozed off. And next time I woke up is when I
21 heard the banging and I guess it was the shovel that my dad had he was beating on
22 the side of the door with the shovel to get inside.

23 Q. You heard a noise?

24 A. Yeah, I heard a loud noise. It was over and over and over again like a
25 beating noise, but I didn't know what it was.

1 Q. Okay. So what did you do at that point?

2 A. Paris woke me up. He told me that I needed to get up, someone's
3 trying to get in. And I just -- I was in shock 'cause I didn't know what was going on,
4 so I kind of just like told all the kids to like move onto the bed. So I got all the kids
5 and started putting them on the bed, and that's when I heard my dad on the phone.
6 His phone was on the speaker phone and he called Alva Rivera and asked her who
7 was in the house, and she told him Princess and Paris. And as soon as he heard
8 Paris, all I know is that door busted open.

9 Q. And you said that's when he was in the home?

10 A. Yes.

11 Q. And what happened after that?

12 A. After that I heard him go to the kitchen. I heard him open -- opening
13 up drawers. And I looked at Paris, I told Paris you better put your shoes on 'cause
14 right now you're gonna have to protect yourself. And from there that's when my dad
15 started screaming, "Who's in the house?" And, "Paris are you in here? I'm gonna
16 kill you." And, you know, he kept opening the -- he opened up the door with the
17 knife 'cause like I said, you can just stick a -- you could just stick your fingernail
18 through my door and unlock it. It's not that hard.

19 Q. You said unlock it. Was the door locked at that time?

20 A. Yeah, I locked the door. I made sure I locked it, and I barricaded me
21 and my kids inside of that room because my dad is crazy and he's killed my mom
22 before, so yes.

23 Q. And so what happened after that?

24 A. He kept trying to get into the room with that knife, and me and Paris was
25 pushing the door closed. And he just kept screaming that he was gonna kill Paris.

1 Q. And did you --

2 A. He didn't want --

3 Q. -- see the knife?

4 A. Yeah, I seen it.

5 Q. Okay. How? Can you describe how you saw --

6 A. He stuck it --

7 Q. -- the knife?

8 A. He stuck it through the crack of the door. It's a silver -- silver knife and
9 has a black handle.

10 Q. Was there some point when you called 911?

11 A. Yeah, I called 911, and I guess because my dad must have heard me
12 calling 911, so he got on the phone -- he got on the phone. He was going as far as
13 trying to attack Paris, he called 911 saying that Paris had a gun, and Paris was a
14 known gang member and he tried to kill him. Like at that moment he said Paris tried
15 to kill him. But he was not aware that I had already had 911 on the phone, and they
16 could hear the whole commotion what he was trying to do.

17 Q. And you called 911 before you heard him make that call?

18 A. Yes.

19 Q. Okay. And was there some point when you -- or, I'm sorry.

20 What happened after you called 911?

21 A. He was on the phone with -- I'm sorry. My dad, Roy McCarter, was on
22 the phone with 911 claiming that Paris Wallace, which is my kids' father, was trying
23 to attack him with a gun.

24 Q. Where was he when he made the call?

25 A. He was in the kitchen.

1 Q. So he retreated from --

2 A. From my room door through the hallway to the kitchen.

3 Q. Was there a point when you saw him?

4 A. Yes, because the 911 operator said if it's safe, can you open the door
5 and see what he has on. And I said I will look, and that's when he was standing at
6 the kitchen table, the round kitchen table with the knife in hand and he was on the
7 phone.

8 Q. And how were you feeling throughout this event?

9 A. I'm scared and I'm just like really I don't understand what do you wanna
10 do all that with my kids in the room for.

11 Q. And how did your kids appear, their demeanor?

12 A. They were scared. They were pretty shaken up, especially the ten-
13 year-old. He was really scared. He was screaming and yelling telling him not to kill
14 his dad and things like that, but my other kids were asleep until the point where the
15 police came and arrested my dad.

16 Q. Just to take a step back, you said it was your and your father's place?

17 A. Yes.

18 Q. And you had a separate bedroom?

19 A. Yes.

20 Q. And this was your bedroom exclusively?

21 A. Yes.

22 Q. He had no reason to be in there?

23 A. No. No reason.

24 Q. He did not have any permission to be in your room?

25 A. No.

1 Q. And then also you said that Paris was at your home that night?

2 A. Yes.

3 Q. Did he have permission to be there?

4 A. Yes, he did.

5 MS. SMITH: Okay. We'll pass the witness.

6 THE COURT: Cross.

7 MR. NOBLES: Thank you, Judge.

8

9 **CROSS-EXAMINATION**

10 BY MR. NOBLES:

11 Q. Ms. Carter --

12 A. McCarter.

13 Q. -- the address, the 3401 Walnut Road, Space 300, do you guys own or
14 rent that place?

15 A. Own.

16 McCarter is my last name, not Carter.

17 Q. Okay. Do you own or rent that place?

18 A. Own.

19 Q. Okay. Are you on the deed?

20 A. Excuse me?

21 Q. Are you on the deed?

22 A. No.

23 Q. Who's on the deed?

24 A. Neither is he. Armando Ortega's on the deed.

25 Q. Okay. And who is Armando Ortega?

1 A. I gave you guys that paper as well.

2 The previous owner.

3 Q. So the previous owner allowed you to --

4 A. Yes, due to his -- due to him killing my mother, he's not allowed to be
5 living there. They don't want him there.

6 MR. NOBLES: Judge, I think you need to instruct her to answer my
7 questions or at least let me ask them.

8 THE COURT: Yeah.

9 MR. NOBLES: It will be a lot quicker.

10 THE COURT: I -- I know you're emotional, but just listen to defense's
11 questions and just answer them as directly as you can. The State may ask you
12 other questions later.

13 THE WITNESS: Okay. I do apologize.

14 THE COURT: Okay.

15 MR. NOBLES: Thank you, Judge.

16 BY MR. NOBLES:

17 Q. Armando Ortega is the prior owner?

18 A. Yes, he is.

19 Q. And he still owns the place or no?

20 A. Yes, he does.

21 Q. And does he lease it to you guys or rent it to you?

22 A. I'm sorry?

23 Q. Does he rent it to you?

24 A. No. The rental property does. Silverado Mobile Home Park does. We
25 have to pay a space rent. Everyone in there owns their stuff. You have to pay a

1 space rent.

2 Q. Okay. So you pay space rent to a property manager?

3 A. Yes.

4 Q. And they in turn pass it on to the owners?

5 A. Can you speak up?

6 Q. They in turn pass it to the owners, the money they collect, the property
7 managers?

8 A. Do they do what?

9 Q. You pay a space rent, correct?

10 A. Yes.

11 Q. To property managers --

12 A. Yes.

13 Q. -- correct?

14 Okay. Do you know --

15 A. They have a leasing office, so whoever they take their money to after
16 they get their --

17 Q. Okay.

18 A. -- money from renters --

19 Q. This isn't gonna work if you --

20 A. -- that's where it goes.

21 Q. -- talk over me, okay?

22 A. Well, I don't work for them, so I wouldn't know where they put their
23 money.

24 Q. Okay. Then let me ask my questions, and if you have an answer to
25 that, you can answer it, okay?

1 So Armando Ortega owns the mobile home?

2 A. Yes, he does.

3 Q. Okay. And neither you nor your dad own that place?

4 A. Nope.

5 Q. Okay. And you pay a space rent?

6 A. Yeah.

7 Q. To a property manager?

8 A. Yeah.

9 Q. Okay. Did you have any agreement with Armando Ortega to rent --

10 A. Don't need one.

11 Q. -- the actual home?

12 A. Don't need one.

13 Q. Okay. So --

14 A. I'm on a lease there.

15 Q. Again, if you talk over me, this isn't gonna go very well, okay? So the

16 way this works, I ask a question, you give the answer. You can get an attitude all

17 you want --

18 MR. LAURENT: Judge --

19 MR. NOBLES: -- (indiscernible).

20 MR. LAURENT: -- I'm gonna object.

21 THE COURT: Okay.

22 MR. NOBLES: I mean, Judge, she's rolling her eyes, and you can't see

23 it, unfortunately, but for the record, that's what she's doing.

24 MR. LAURENT: The judge can see everything.

25 MR. NOBLES: The judge cannot see her.

1 THE COURT: Well, I --

2 MR. LAURENT: She can. She's got a camera.

3 THE COURT: I have a monitor. I can see fairly well, probably not as
4 well as straight on, but --

5 MR. LAURENT: My objection is Mr. Nobles is not a witness. He should
6 not be testifying or engaging in this type of instruction to the witness. That is the
7 court's job.

8 THE COURT: All right. So I'm just gonna reiterate. Just listen to
9 Mr. Nobles' question, and if you can answer it, answer it. If you cannot, just say that
10 you can't or that you don't know.

11 MR. NOBLES: Thank you, Judge.

12 BY MR. NOBLES:

13 Q. Yes or no, do you have an agreement with Ortega about the mobile
14 home itself?

15 A. Yeah.

16 Q. Okay. When was that agreement signed?

17 A. I'm sorry?

18 Q. When was that agreement signed?

19 A. Once again, I have to go through the leasing office. I got a lease, okay?
20 I had to be put on the lease.

21 Q. When was --

22 A. So that was done as of March 30th of --

23 Q. So you signed the lease on March --

24 A. -- 2019 --

25 Q. -- 30th?

1 A. -- yes.

2 Q. Of 2019?

3 A. Yes.

4 Q. Okay.

5 A. After Alva Rivera tried to come and get me to -- give me a thousand
6 dollars to not show up to court.

7 MR. NOBLES: Judge, I'm gonna ask that you strike the rest of that as
8 non-responsive. Thank you.

9 THE COURT: Granted.

10 BY MR. NOBLES:

11 Q. A couple of weeks before, did you have Paris trespassed from that
12 3401 Walnut?

13 A. Sure did.

14 Q. Okay. Do you remember what date that was?

15 A. No, I don't.

16 Q. And you called the police and they showed up?

17 A. Yeah.

18 Q. And did they officially trespass him?

19 A. I trespassed him.

20 Q. Were the police involved?

21 A. No.

22 Q. The police did not show up?

23 A. I got him trespassed. That's who trespassed him, me.

24 Q. Did the police show up?

25 A. I just told you yes.

1 Q. Okay. Did they speak with Paris?

2 A. Yes, they did. They spoke with me and Paris and Alva Rivera.

3 Q. Do you know if they gave him any type of paperwork?

4 A. No, they didn't. They gave it to me.

5 Q. Okay. And what paperwork did they give you?

6 A. They gave me the trespassing slip.

7 Q. Okay. Was there an expiration on the trespass?

8 A. No, it was not.

9 Q. Okay. So it was in place on March 27th?

10 A. I don't remember the exact date.

11 Q. The date this happened was March 27th that we're testifying about.

12 A. Okay, so if that's the date, then that's the date that he got his
13 trespassing ticket then. I'm not sure.

14 Q. He got a trespassing ticket on March 27th?

15 A. So what are you talking about March 22nd for? I'm not following you.

16 Q. No one's mentioned March 22nd, ma'am. March 27th is the date this
17 apparently happened that you've just testified to on direct, is that correct?

18 A. That's correct.

19 Q. Okay. Did he get a trespassing the same night or was the trespassing
20 previously?

21 A. Once again, Paris got his trespassing (indiscernible) previously before
22 any of this happened with --

23 Q. Okay.

24 A. -- him and my dad.

25 Q. Okay. So when this happened on March 27th, the trespassing was still

1 in effect, is that correct?

2 A. No, it wasn't.

3 Q. Okay. So back to March 27th, your stepson came in and told you he
4 heard some noises?

5 A. Yes, he did.

6 Q. Okay. And what did you do at that point when he told you that?

7 A. Brought my kids in the room.

8 Q. Okay. Did you call the police at that point when you --

9 A. No, I did not.

10 Q. -- got into the room?

11 Okay. When you were in the room, did you hear additional noises?

12 A. I'm sorry?

13 Q. Did you hear additional noises while you were in the room?

14 A. Once again, I said I never heard any noises. It came from my stepson
15 and his father. They heard the noises.

16 Q. Please listen. Once you were in the room with --

17 A. No.

18 Q. -- everybody else, did you hear additional noises?

19 A. No.

20 Q. No.

21 A. Only when he came beating the door with the shovel.

22 Q. That's a noise, isn't it?

23 MR. LAURENT: Objection, your Honor.

24 THE WITNESS: You suck as an attorney.

25 THE COURT: Okay. Ma'am --

1 THE WITNESS: I'm sorry, ma'am, but he --

2 THE COURT: Okay. Don't -- the only thing you're supposed to do on
3 the stand is to answer, not give your opinion, not editorialize, just answer the
4 question.

5 BY MR. NOBLES:

6 Q. So when you brought your kids back in, you did or did not hear
7 additional noises?

8 A. Like I said, when I brought my kids in, it was probably two, three hours
9 after Roy McCarter came with a shovel beating the shovel on the door is when I
10 heard the noises.

11 Q. So when you heard the --

12 A. So three hours --

13 Q. -- beating --

14 A. -- later after my son Kemoni came to me and told me he heard
15 something, about three hours later that's when Roy McCarter came to the door and
16 beat the door until the deadbolt came off with a shovel --

17 Q. So from the point --

18 A. -- to Armando's Ortega's home.

19 Q. From the point Kemoni came to you until you heard the shovel noises,
20 three hours?

21 A. Correct.

22 Q. Thank you.

23 And at that point what did you do? Is that when you called the police
24 when you heard the shovel noises?

25 A. No.

1 Q. Okay. When did you call the police?
2 A. When he came to the door with a knife.
3 Q. Okay. How far was that -- how much time had passed from the
4 time --
5 A. I'm not sure.
6 Q. -- you heard --
7 A. I'm not sure.
8 Q. Let me finish. -- from the time you heard the shovel noises until he did
9 the door with the knife?
10 A. I'm not sure.
11 Q. Okay. Was it more than five minutes?
12 A. Not sure.
13 Q. Was it more than ten minutes?
14 A. I'm not sure. All I know is my dad's at that door with that knife --
15 Q. Okay.
16 A. -- trying to kill Paris Wallace.
17 Q. And you had mentioned that they threatened each other when you --
18 A. No, I did not mention that they threatened each other --
19 Q. -- when you were --
20 A. -- no.
21 Q. When you were speaking with the district attorney -- unless I heard
22 you wrong --
23 A. You did.
24 Q. -- you said that they've threatened each other for the past month.
25 A. Like I --

1 Q. Is that correct or --

2 A. Once again, I did not say that they threatened each other.

3 Q. All right.

4 A. I said they've had words. Paris Wallace and my father have had words.

5 Q. Okay.

6 A. The week before this incident exactly out of my dad's mouth was he's

7 gonna beat the shit out of Paris Wallace or fucking kill him

8 Q. Okay. And that was a week before this?

9 A. Yes.

10 Q. Okay. Was there anyone else around that heard that?

11 A. Alva Rivera.

12 Q. Okay.

13 A. (Indiscernible) McCarter.

14 Q. Do your dad and Paris have issues with each other?

15 A. Yes, they do.

16 Q. How long have they had issues with each other?

17 A. Years.

18 Q. Years?

19 A. Years.

20 Q. Okay. More than five years?

21 A. More than five.

22 Q. More than ten?

23 A. Yes.

24 Q. Okay. When you have issues with Paris, do you involve your dad?

25 A. No, I don't.

1 Q. Okay. You don't tell him about anything --

2 A. No.

3 Q. -- that's going on with you guys?

4 A. Never.

5 Q. Okay. He was sleeping with my cousin, and that's how he found all the
6 stuff that we had going on.

7 MR. NOBLES: Okay. No further questions, Judge.

8 THE COURT: The State, anything further?

9 THE WITNESS: I believe your attorney is trying to intimidate me. He's
10 staring me at my eyes and stuff like that. Please don't do that.

11 MS. SMITH: There's no question, Judge.

12 MR. LAURENT: No, there are no additional questions. At this time we
13 move to add a burglary while in possession of a deadly weapon, to-wit, a knife for
14 trying to get into -- for making entry into the room with a knife with intent to commit
15 assault and/or battery and/or a felony, to-wit, attempted (indiscernible).

16 THE COURT: Okay. So you're moving to add a Count 2?

17 MR. LAURENT: Yes, your Honor.

18 THE COURT: Burglary with a deadly weapon.

19 MR. LAURENT: Burglary while in possession of the deadly weapon.

20 THE COURT: All right. The witness can be excused at this time.

21 THE WITNESS: Thank you.

22 THE COURT: All right. And the defense, do you wish to address the
23 issue of the amendment?

24 MR. NOBLES: I do, Judge. I believe testimony from Paris was that the
25 defendant came in and was yelling out, "Who's in the house?" If I recall that

1 correctly, then my objection is this, Judge: This is his house. He can hear noises
2 inside his house. He doesn't know who's in there. There's an individual in there
3 that's supposed to be trespassed, and he doesn't know what that individual's doing
4 in terms of with his daughter, which is the whole reason this particular person was
5 trespassed. So I would ask that you not allow the amendment, Judge.

6 MR. LAURENT: Your Honor, that's a jury question and that assumes
7 facts not in evidence because we have no idea what's going through the defendant's
8 mind other than the fact that he told Paris that he was going to kill him and he's
9 entered into a room that was exclusively under the control and custody of his
10 daughter. This is what she testified to. And he did not have permission to be there.
11 He entered with that knife. That meets the elements of the charge.

12 THE COURT: All right. I'm gonna go ahead and allow the amendment,
13 Count 2.

14 The State, you have other witnesses?

15 MR. LAURENT: We'll rest, your Honor.

16 MR. NOBLES: Could I have a moment --

17 THE COURT: Defense.

18 MR. NOBLES: -- Judge.

19 Judge, I did speak with Mr. McCarter. He's gonna follow my advice --
20 my advice which is not to testify at this point, and we would rest, Judge.

21 THE COURT: All right. And the State, do you wish to make any
22 argument at this time?

23 MR. LAURENT: We'll reserve, your Honor.

24 MR. NOBLES: I'll submit it, Judge.

25 THE COURT: All right, Mr. McCarter, if you would stand at this time.

1 Mr. McCarter, the court having heard evidence today by way of
2 testimony does find that slight or marginal evidence exists; and therefore, you will be
3 answering to Count 1 and Count 2, Count 1 having been amended on lines 15 and
4 16, and the new Count 2 you will answer in the Eighth Judicial District Court.

5 THE CLERK: April 21st, 10 a.m.

6 MR. NOBLES: Thank you, Judge.

7 THE BAILIFF: You may remain seated. Court's adjourned.

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10 * * * * *

11 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
12 video recording of this proceeding in the above-entitled case to the best of my
13 ability.

14 
SHARON EULIANO
15 Court Recorder/Transcriber
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Please see the Research Library of the Legislative Counsel Bureau for copies of additional documents submitted under this agenda item.

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