

# NV v. Devyn Michaels Day 7

15 November 2025 18:34

Day 7 - 14 November 2025

## 1. Witness #23 - Defence witness #1 - Sean O'Brien - Forensic Examiner [36:27]

- a. Direct exam conducted by William Horvath
  - i. Sean O'Brien testifies to his experience handling data and communications on different devices.
  - ii. Sean O'Brien testifies to examining the cell phone examinations, cell towers and the vehicle infotainment.
    - 1) He testifies to the data given to him by the state was incomplete explaining that the 3% data given was problematic.
  - iii. Sean O'Brien testifies to receiving videos of Taylor Creek address.
    - 1) He testifies to the video that captured Deviere's work van was an issue an issue because it was just one snapshot and three videos in total which wasn't enough and needed to have more snapshots to have depth of data.
  - iv. Sean O'Brien testifies to the communications on Devyn's mobile phone [36:30]
    - 1) He testifies to the message from Deviere to Devyn saying "see you when you get back, im going to sleep" sent at 10:36:18pm
    - 2) He testifies to the call that was made from Devyn Michaels to Deviere on 6th August 2023 10:58pm lasting for 44 seconds
    - 3) He testifies to an icon that was recorded which shows a picture of both Deviere and Devyn kissing that was modified [accessed] on 7 August 2023 at 12:38am
  - v. Sean O'Brien testifies to examining the xbox for communications
    - 1) He testifies to Deviere installing the Discord 6:12pm on 6th August 2023
  - vi. Sean O'Brien testifies to examining the Nintendo Switch saying that it had chat capabilities
    - 1) He testifies to the discord on the switch was modified [accessed] at 2:31am explaining that whenever the system is modifieds making changes. [1:05:31]
    - 2) He testifies they would not know whats on these artifacts.
    - 3) He testifies to a message saying "headed there now" being deleted but not knowing the time or date [1:07:25]
- b. Cross exam conducted by John Giordani [1:12:24]
  - i. Sean O'Brien testifies to the messages location and location of cell activity around Paladura address from 10:30 - 8pm and that he is not saying that these data puts him at Paladura drive. [1:14:50]
  - ii. Sean O'Brien testifies to the message "headed there now" agreeing that it could be whenever.
  - iii. Sean O'Brien testifies that he was doing the best he could with the limited time he had available.
  - iv. Sean O'Brien testifies to the voicemail left by Devyn to Deviere on the 5<sup>th</sup> August 2023 at 4:02am where she says you obviously aint home but you aint cheating!!! [1:27:18]
  - v. Sean O'Brien testifies to there being no text messages from Deviere to Devyn from 10:58pm to 8am the next day according to the CDR records, phone company records basically. Then Deviere responds saying see you when you get back. Im going to sleep. Girls are in the living room.
  - vi. Sean O'Brien testifies to the 3 recorded voicemails left on Deviere's phone after the call to Deviere from Devyn Michaels at 11:13pm, 11:18pm and 11:21pm. [1:39:00]
    - 1) The girl says that Deviere is asleep and I woke up in the middle of the night. At 11:13pm, volume 1. [1:40:02]

- 2) The girl says that she is very scared and worried about Devyn and woke up in the middle of the night saying that you were going to get the medicine but you never got some. Everyone is asleep and Deviere is knocked out. At 11:18pm, volume number 2. [1:41:20]
- 3) The girl says she was waiting for mom to come home, there is a car outside the house and you never come home. I am very worried, very worried, could you call me back. At 11:21pm voicemail number 3. [1:43:40]
- c. Redirect exam conducted by William Horvath [1:45:10]
  - i. Sean O'Brien testifies to one of the voicemails that the girl said that there was a car out front.
- d. No recross exam conducted.

#### Established in this testimony

Voicemails from the little girl saying that Deviere was knocked out and there was a car outside their home.

#### Witness Function

Advance timeline of events

Create doubt with prosecution testimony

### **2. Witness #24- Defence witness #2 - Larry Sims - Forensic medical examiner [2:11:48]**

- a. Direct exam conducted by Robert Draskovich
  - i. Larry Sims testifies to his experience with forensic anthropology, autopsies.
  - ii. Larry Sims testifies to the weed and alcohol content on Johnathon's toxicology and concluded that the weed was 10x above the legal limit and says that Johnathon was intoxicated.
  - iii. Larry Sims testifies that the homicide based on his examination should have been designated as undetermined and cause of death could not have been classified as homicidal violence. [2:23:39]
  - iv. Larry Sims testifies that there will be a lot of cast off and a lot of blood splatter.
- b. Cross exam conducted by John Giordani
  - i. Larry Sims testifies to being in agreement with the decapitation being post mortem.
  - ii. Larry Sims testifies to what is meant by hesitation marks where someone considers killing themselves or someone trying to kill and would stop during the work. [2:34:20]
    - 1) He says that there was multiple hesitation marks.
  - iii. Larry Sims testifies to it being possible to kill a person and not being there to testify about a decapitation
- c. Redirect exam conducted by Robert Draskovich
  - i. Nothing of note.
- d. No recross conducted.
- e. Devyn Michaels chose not to testify.
- f. Defence rests.

#### Established in this testimony

There were a lot of hesitation marks on the body meaning that as the killer was cutting they started and stopped likely due to disbelief of carrying out the act.

#### Witness Function

Create doubt in prosecution testimony

### **3. Closing arguments**

- a. Prosecution closing arguments presented by Summer Clarke [4:29:00]
  - i. The state delivers their closing saying that the truth was the truth and it shouldn't change and the truth was the walls was closing in on Devyn, she lost custody of

- the children and she murdered Johnathon.
- ii. The state explains the charge and their interpretation of the law to the jury. [4:29:37]
    - 1) She stressed to the jury that they do not have to be unanimous to the to decide on the 1st degree murder charge.
  - iii. The state emphasises that Deviere's vehicle entered or left Porcupine Rim.
  - iv. The state emphasises that Devyn was in charge of the relationship not Deviere.
  - v. The state presents the time line of events [4:50:25]
  - vi. The state highlights all of the inconsistencies [4:58:15]
    - 1) The state highlights that there was no ring found in the thrash that was searched by the investigators
    - 2) The state highlights that there was a gun safe in the home with guns and ammunitions
    - 3) The state highlights that the bags were tied up over and over again which contained the wallets, cards etc.
    - 4) The state highlights that John was called by people multiple times but no notifications.
    - 5) The state highlights the 4th interview where she is nodding when asked that its got to be eating you up. [5:08:15]
    - 6) The state highlights the 4th interview where Devyn was saying yes sir its very possible when asked by detectives if possible she doesn't remember committing the murder.
    - 7) The state highlights the 4th interview saying that Devyn drew him exactly how Johnathon was found.
    - 8) The state highlights that Devyn was with the victim and Devyn taking his phone back to the home.
    - 9) The state highlights that Deviere's vehicles or work trucks did not leave at 2:39am [5:24:30]
  - vii. The state states that the walls was closing in.
- b. Defence closing arguments presented by Robert Draskovich [5:44:40]
- i. The defence emphasises the need for the state to meet the reasonable doubt burden they have saying that England had a saying, "its better to let 10 guilty men walk free, than 1 innocent man be wrongfully convicted"
  - ii. The defence read out the law with their interpretation saying that they read these instructions [5:48:00]
  - iii. The defence highlights that Devyn began contacting Johnathon at 4am on 7th August 2023
  - iv. The defence highlights that it's the first time Yoko mentions a bang during the trial after the prosecutor banged the table with a pen.
  - v. The defence highlights that Devyn's fingerprints were not on the phone and is not evidence she committed the murder, neither are the keys evidence of a murder.
  - vi. The defence highlights that the police saw the photos and filled in the details and was able to draw what was presented.
  - vii. The defence highlights that 2:12 and 2:32am that Deviere was up and active.
- c. Rebuttal prosecution arguments presented by John Giordani [6:49:38]
- i. The state starts by saying the defence done a very good job and Devyn deserves a fair trial but the family defence justice and admonishes the jury not to take it lightly.
  - ii. The state highlights that it does not matter if Deviere got out like a ninja and went to the neighbour in time to clean up the murder, that she is the one that killed him!
  - iii. The state highlights that the voicemail eliminates that theory saying its scapegoating and its wrong. Highlighting there would be another voicemail that Deviere is not home, where are you.
  - iv. The state highlights that Devyn saying that hitting Deviere on the head and leaving him unconscious is murder and a confession; telling the DFS worker that she had to do it is a confession.

- v. The state highlights that there are no bleeding injuries on Johnathon's body except the head, only the blood on the phone that means that the murder occurred with Devyn.
- vi. The state highlights Deviere taking the stand and giving his account by sitting on the witness stand [7:04:31]
- vii. The state highlights that John moving into her house was when the walls closed in and she didn't want that but wanted her children.
- viii. The state highlights that he is not saying the defendant is a bad mother he would never do that and could be a good mom, she loved her children even though he took her father from them. [7:16:50]
- ix. The state asks why did she confess if Deviere was the man and was protecting him, her arrest meant Deviere got away with it and says that's because it happened.
- x. The highlights that the defendant that they agree with the defence that Devyn took no stops but when she got home and it was thrash pick up day. What stops her walking over to a neighbours thrash and dropping it there to be picked up.
- xi. The state urges the jury to remember the bigger picture and says that there is a saying, "admit what you can't deny and deny what you can't admit saying that the defence were pushed into a corner and they blamed an innocent person. That the defendant probably has nice qualities and reminds them to follow the law. [7:26:00-7:27:50]

***Case number C-23-377239-1***

***Count 1: 1st Degree Murder - Guilty [10:13:30]***

***Court adjourned for the day!***

[Timestamps from the Law & Crime Trials channel, see sources]