

1 CODE: 2505
2 DONALD YORK EVANS, ESQ.
3 State Bar No. 1070
4 P.O. Box 864
5 Reno, NV 89504
6 (775) 348-7400

7 Attorney For Petitioner

FILED

2004 AUG 25 AM 10:08

RONALD A. LONGTIN, JR.

BY *R. Williams*
DEPUTY

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10 SHAWN RUSSELL HARTE,
11 Petitioner,

No. 43877

CASE NO. CR98P0074A

FILED

DEPT. NO. 4

SEP 02 2004

v.

12 THE STATE OF NEVADA,

13 Respondent.

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Alvarado*
DEPUTY CLERK

14
15 NOTICE OF APPEAL

16 Notice is hereby given that Petitioner in the above-named case, hereby appeals to the
17 Supreme Court of the State of Nevada from the Court's Order entered in this action on the 12th
18 day of August, 2004

19 DATED: This 24 day of August, 2004.

20
21 *[Signature]*
22 DONALD YORK EVANS, ESQ.
23 Nevada State Bar No. 1070
24 P.O. Box 864
25 Reno, NV 89504
26 (775) 348-7400

27 Attorney For Petitioner

28
RECEIVED

SEP 02 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

CERTIFICATE OF SERVICE

I certify that I am an employee of DONALD YORK EVANS, ESQ., and that on this date

I

 deposited for mailing, via U.S. mail

 caused to be delivered, via Reno-Carson Messenger Service

 delivered via facsimile machine

 personally delivered

a true and correct copy of the foregoing document, addressed to:

Terrence McCarthy, Esq.
Appellate Division
P.O. Box 30083
Reno, NV 89520

DATED this 24, day of August, 2004.


GINGER ROGERS HOWARD

DONALD YORK EVANS
ATTORNEY AT LAW

P.O. BOX 864

RENO, NEVADA 89504

775 / 348-7400 FAX 775 / 348-4604

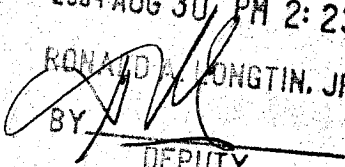
ORIGINAL

FILED

CODE: 1310
DONALD YORK EVANS, ESQ.
State Bar No. 1070
P.O. Box 864
Reno, NV 89504
(775) 348-7400

2004 AUG 30 PM 2:23

RONALD A. LONGTIN, JR.

BY  DEPUTY

Attorney For Petitioner

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

SHAWN RUSSELL HARTE,

Petitioner,

CASE NO. CR98P0074A

v.

DEPT. NO. 4

THE STATE OF NEVADA,

Respondent.

PETITIONER'S CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Petitioner SHAWN RUSSELL HARTE.

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Connie J. Steinheimer's Order of August 12, 2004 regarding the
Finding of Fact, Conclusions of August 12, 2004.

3. Identify all parties to the proceedings in the district court:

SHAWN RUSSELL HARTE, Petitioner;

THE STATE OF NEVADA, Respondent.

4. Identify all parties involved in this appeal:

SHAWN RUSSELL HARTE, Petitioner;

THE STATE OF NEVADA, Respondent.

5. Set forth the name, law firm, address, and telephone number of all counsel on
appeal and identify the party or parties whom they represent:

DONALD YORK EVANS
ATTORNEY AT LAW

P.O. Box 864

RENO, NEVADA 89504

775/348-7400 FAX 775/348-4604

DONALD YORK EVANS
ATTORNEY AT LAW
P.O. BOX 864
RENO, NEVADA 89504
775/348-7400 FAX 775/348-4604

Donald York Evans, Ltd.
State Bar No. 1070
P.O. Box 864
Reno, NV 89504
(775) 348-7400
Attorney For Petitioner

Terrence McCarthy, D.D.A., Washoe County
Appellate Division
75 Court Street
Reno, NV 89501
(775)
Attorney For Respondent

6. Indicate whether appellant was represented by appointment or retained counsel in the district court:

Donald York Evans, Esq., was appointed to represented appellant.

7. Indicate whether appellant was represented by appointment or retained counsel on appeal:

Donald York Evans, Ltd., was appointed counsel on appeal. Counsel Evans will be moving to have additional counsel appointed for the appeal in this matter.

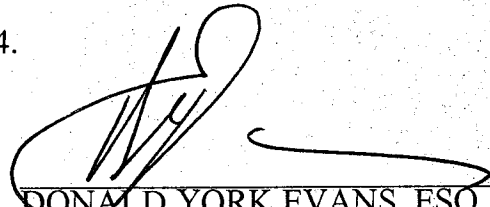
8. Indicate whether appellant was granted leave to proceed in *forma pauperis*, and the date of entry of the district court order granting such leave.

Appellant was not granted leave to proceed in *forma pauperis*.

9. Indicate the date the proceedings commenced in the district Court.

Information was filed on January 15, 1998.

DATED: This 30 day of August, 2004.



DONALD YORK EVANS, ESQ.
State Bar No. 1070
P.O. Box 864
Reno, NV 89504
(775) 348-7400

Attorney For Petitioner

DONALD YORKE EVANS
ATTORNEY AT LAW
P.O. BOX 864
RENO, NEVADA 89504
775/348-7400 FAX 775/348-4604

CERTIFICATE OF SERVICE

I certify that I am an employee of DONALD YORK EVANS, ESQ., and that on this date

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 personally delivered

a true and correct copy of the foregoing document, addressed to:

Terrence McCarthy, Esq.
Appellate Division
P.O. Box 30083
Reno, NV 89520

DATED this 30th, day of August, 2004.


GINGER ROGERS HOWARD

9/22/99 09:22

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
FULL CASE HISTORY

PAGE: 1

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL
Title: STATE OF NEVADA VS. SHAWN HARTE ET AL
Dept: 4 Addl Info: SUB.TO S.C.(HARTE) 5-17-99

At issue: 00/00/00
Clerk: MB

Disp: 08/10/01 CASE RETURNED FROM SUPREME COURT

This case is exempt from purge
Restored Date: 03/25/98

----- P A R T I E S -----

PLTF: STATE OF NEVADA
DA: BARB, THOMAS W.

APP/DFT SIREX, WESTON EDWARD
PD: PUBLIC DEFENDER

APP/DFT BABB, LATISHA MARIE
ATTY: PICKER, MARC

APP/DFT HARTE, SHAWN RUSSELL
ATTY: SCHMUCK, JANET COBB

DEF: BABB, LATISHA MARIE (TN) (D4)
ATTY: WRIGHT, M. JEROME "JERRY"
Address: W/D GIESE PAUL
Disposed: 05 07 99 SENTENCED

Custody: 03 Waiver of Speedy Trial: Y Credited Days: 540

* CHARGES	* Doc	Cnt	Plea	Date	F/M	Charge
1. INF	1			0/00/00	F	MURDER
		DISP		3/05/98		(REMANDED TO JC FOR FURTHER PROCEEDINGS)
2. INF	2			0/00/00	F	ROBBERY WITH THE USE OF A FIREARM
		DISP		3/05/98		(REMANDED TO JC FOR FURTHER PROCEEDINGS)
3. IND	1	NG		4/07/98	F	MURDER WITH THE USE OF A DEADLY WEAPON (FIRST DEGREE)
		DISP		3/19/99		(GUILTY - JURY)
		SENT		3/24/99		(LIFE WITHOUT POSSIBILITY OF PAROLE (BY JURY) -W/CONSEC. LIKE TERM FOR USE D.W.)
4. IND	2	NG		4/07/98	F	ROBBERY WITH THE USE OF A FIREARM
		DISP		3/19/99		(GUILTY - JURY)
		SENT		5/07/99		(NSP-MAX. 180 MOS, MIN. PAROLE 72 MOS, W/ CONSEC. LIKE TERM USE OF DW; CONCUR W/CTI; DNATEST; \$25AAF; \$750ATTY; \$250DNA)

DEF: SIREX, WESTON EDWARD (TN)
ATTY: ALIAN, JACK ANTHONY
ATTY: HUBACH, JENNY D
Disposed: 05 07 99 SENTENCED

Custody: 03 Waiver of Speedy Trial: Credited Days: 540

* CHARGES	* Doc	Cnt	Plea	Date	F/M	Charge
1. INF	1			0/00/00	F	MURDER
		DISP		3/05/98		(REMANDED TO JC FOR FURTHER PROCEEDINGS)
2. INF	2			0/00/00	F	ROBBERY WITH THE USE OF A FIREARM
		DISP		3/05/98		(REMANDED TO JC FOR FURTHER PROCEEDINGS)
3. IND	1	NG		4/07/98	F	MURDER WITH THE USE OF A DEADLY WEAPON (FIRST DEGREE)
		DISP		3/19/99		(GUILTY - JURY)
		SENT		3/24/99		(LIFE WITHOUT POSSIBILITY OF PAROLE (BY JURY) -W/CONSEC. LIKE TERM FOR USE D.W.)

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- P A R T I E S -----

4. IND 1 NG 4/07/98 F MURDER WITH THE USE OF A DEADLY WEAPON
(FIRST DEGREE)
DISP 3/19/99 (GUILTY - JURY)
SENT 3/24/99 (LIFE WITHOUT POSSIBILITY OF PAROLE
(BY JURY) -W/CONSEC. LIKE TERM FOR USE
D.W.)
5. IND 2 NG 4/07/98 F ROBBERY WITH THE USE OF A FIREARM
DISP 3/19/99 (GUILTY - JURY)
SENT 5/07/99 (NSP-MAX. 180 MOS, MIN. PAROLE 72 MOS, LIKE
CONSEC. FOR USE D.W.; CONCUR CT I; DNA
TEST; \$25 AAF; \$250 DNA; \$750 ATTY FEE)

DEF: HARTE, SHAWN RUSSELL (TN) (D4)

ATTY: OHLSON, JOHN

ATTY: SPRINGGATE, JOHN P.

Disposed: 05 07 99 PLED GUILTY

Custody: 03 Waiver of Speedy Trial: Y Credited Days: 541

* CHARGES * Doc Cnt Plea/Date F/M Charge

1. INF 1 0/00/00 F MURDER
DISP 3/05/98 (REMANDED TO JC FOR FURTHER PROCEEDINGS)
2. INF 2 0/00/00 F ROBBERY WITH THE USE OF A FIREARM
DISP 3/05/98 (REMANDED TO JC FOR FURTHER PROCEEDINGS)
3. IND 1 NG 4/07/98 F MURDER WITH THE USE OF A DEADLY WEAPON
(FIRST DEGREE)
DISP 3/19/99 (GUILTY - JURY)
SENT 3/24/99 (DEATH
(BY JURY))
4. IND 2 NG 4/07/98 F ROBBERY WITH THE USE OF A FIREARM
DISP 3/19/99 (GUILTY - JURY)
SENT 5/07/99 (NSP-MAX. 180 MOS, MIN. PAROLE 72 MOS, CONSE
LIKE TERM USE D.W., CONCUR CT I; DNA
TEST; \$25 AAF; \$250 DNA; \$750 ATTY FEES)

RSP/PLF THE STATE OF NEVADA

RSP/PLF THE STATE OF NEVADA

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

Dept	Sched.	Time	Notice	Event
1.	00/00/00	0:00 AM	00/00/00	
Pri: 9	Clerk: MT	Reporter:		Est. Dur.: 00: 0: 0
2.	01/05/01	0:00 AM	00/00/00	CASE RETURNED FROM SUPREME COURT 1 ENVELOPE EXHIBITS TO EXHIBITS ROOM
Pri: 9	Clerk: RM	Reporter:		Est. Dur.: 00: 0: 0
3. 4	01/22/98	9:00 AM	00/00/00	ARRAIGNMENT - HARTE
Pri: 3	Clerk: MB	Reporter: L. CLARKSON		Est. Dur.: 00: 0: 0
Disposition -	Clk: MT	01/22/98		(CONT'D FOR ENTRY OF PLEA/WAIVED 60-DAY)
4. 4	01/22/98	9:00 AM	00/00/00	ARRAIGNMENT - SIREX
Pri: 3	Clerk: MB	Reporter: L. CLARKSON		Est. Dur.: 00: 0: 0
Disposition -	Clk: MT	01/22/98		(MTN FOR PSYCH EVAL GRANTED)

9/22/99 09:22

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
FULL CASE HISTORY

PAGE: 3

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA

VS. SHAWN HARTE ET AL

At issue: 00/00/00

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

	Dept	Sched.	Time	Notice	Event	
5.	4	01/22/98	9:00 AM	00/00/00	ARRAIGNMENT - BABB	
	Pri: 3	Clerk: MB	Reporter: L.CLARKSON	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	01/22/98	(CONT'D FOR ENTRY OF PLEA/60 DAY RL WAI)		
6.	4	02/26/98	4:00 PM	00/00/00	MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST (ALL DEFENDANTS)	
	Pri: 5	Clerk: MT	Reporter: K.BOKELMANN	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	02/27/98	(P.D. REMOVED/SIREX, COMPETENT/REMANDED)		
7.	4	03/04/98	9:00 AM	00/00/00	ENTRY OF PLEA (BABB AND HARTE)	
	Pri: 4	Clerk: MT	Reporter:	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	02/27/98	(VACATED)	
8.	4	03/04/98	9:00 AM	00/00/00	REPORT ON PSYCHIATRIC EVALUATION (SIREX)	
	Pri: 5	Clerk: MT	Reporter:	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	02/27/98	(VACATED)	
9.	4	04/07/98	9:00 AM	00/00/00	ARRAIGNMENT ON INDICTMENT (BABB/HARTE)	
	Pri: 3	Clerk: MT	Reporter: L.CLARKSON	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	04/07/98	(PLED NOT GUILTY- ALL DEFENDANTS)	
10.	4	04/07/98	9:00 AM	00/00/00	ARRAIGNMENT ON INDICTMENT (SIREX)	
	Pri: 3	Clerk: MT	Reporter: L.CLARKSON	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	04/07/98	(NOT GUILTY ENTERED BY COURT)	
11.	4	05/08/98	10:22 PM	00/00/00	MOTION SUBMITTED PENDING DECISION (MTN TO DISMISS) (SIREX)	
	Pri: 9	Clerk: PM	Reporter:	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: TL	07/21/98	(DENIED)	
12.	4	08/04/98	9:00 AM	00/00/00	MOTION TO RELEASE EVIDENCE (ALL DEFENDANTS)	
	Pri: 5	Clerk: BW	Reporter: E. NELSON	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: BW	08/04/98	(DENIED)	
13.	4	10/15/98	10:22 PM	00/00/00	MOTION SUBMITTED PENDING DECISION (MTN FOR ADD PEREMP CHALL)	
	Pri: 9	Clerk: PM	Reporter:	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: TL	10/22/98	(GRANTED)	
14.	4	10/22/98	4:00 PM	00/00/00	STATUS CONFERENCE (ALL DEFENDANTS)	
	Pri: 9	Clerk: MT	Reporter: D.PHIPPS	Est. Dur.: 00: 0: 0		
	Trial - Start:	00/00/00	End: 00/00/00	Time: 0.1 Total: 0.1		
	Disposition -	Clk: MT	02/01/99	(ORDERS ENTERED)	
15.	4	10/23/98	10:22 PM	00/00/00	MOTION SUBMITTED PENDING DECISION (MTN TO SUPPRESS) (HARTE)	
	Pri: 9	Clerk: PM	Reporter:	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: TL	02/11/99	(HEARING SET)	

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

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

	Dept	Sched.	Time	Notice	Event	
16.	4	01/08/99	10:00 AM	00/00/00	PRE-TRIAL MOTIONS (ALL DEFENDANTS)	
	Pri: 9	Clerk: MT	Reporter: K. RAMAGE	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	01/08/99	(CONTINUED DUE TO GIESE'S ABSENCE)	
17.	4	01/28/99	1:30 PM	00/00/00	CONTINUED PRE-TRIAL MOTIONS (ALL DEFENDANTS)	
	Pri: 9	Clerk: MT	Reporter: D. ARNAUD	Est. Dur.: 00: 0: 0		
	Trial - Start:	00/00/00	End: 00/00/00	Time: 0.2 Total: 0.2		
	Disposition -	Clk: MT	02/01/99	(CONTINUED FOR ALL CNSL TO BE PREPARED)		
18.	4	02/22/99	9:00 AM	00/00/00	PRE-TRIAL MOTIONS (ALL DEFENDANTS)	
	Pri: 9	Clerk: MT	Reporter: K. RAMAGE	Est. Dur.: 00: 0: 0		
	Trial - Start:	00/00/00	End: 00/00/00	Time: 0.6 Total: 0.6		
	Disposition -	Clk: MT	02/22/99	(UNDER ADVISEMENT)	
19.	4	03/08/99	2:00 PM	00/00/00	JURY SELECTION (QUESTIONAIRES)	
	Pri: 9	Clerk: MT	Reporter: E.NELSON	Est. Dur.: 00: 0: 0		
	Trial - Start:	00/00/00	End: 00/00/00	Time: 0.1 Total: 0.1		
	Disposition -	Clk: MT	03/09/99	(JURORS SWORN/QUESTIONNAIRES FILLED OUT)		
20.	4	03/09/99	3:45 PM	00/00/00	EMERGENCY TELECONFERENCE RE: POTENTIAL JUROR	
	Pri: 9	Clerk: TL	Reporter: E.NELSON	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	03/09/99	(HEARD- JUROR GUZMAN EXCUSED)	
21.	4	03/11/99	3:00 PM	00/00/00	JURY SELECTION (QUESTIONNAIRES)	
	Pri: 9	Clerk: MT	Reporter: E.NELSON	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	03/11/99	(JURORS SWORN/QUESTIONAIRES FILLED OUT)		
22.	4	03/11/99	3:30 PM	00/00/00	ORDER TO SHOW CAUSE (BABB)	
	Pri: 9	Clerk: MT	Reporter:	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: TL	03/10/99	(VACATED)	
23.	4	03/11/99	4:00 PM	00/00/00	MOTION TO CONFIRM TRIAL DATE (ALL DEFENDANTS)	
	Pri: 9	Clerk: MT	Reporter: SNR	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	03/11/99	(TRIAL DATE CONFIRMED)	
24.	4	03/12/99	9:00 AM	00/00/00	MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS (CONTINUED FROM 3/11/99)	
	Pri: 9	Clerk: MT	Reporter: SNR	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	03/12/99	(ORDERS ENTERED)	
25.	4	03/15/99	10:00 AM	00/00/00	JURY TRIAL (ALL DEFENDANTS)	
	Pri: 9	Clerk: MT	Reporter: E.NELSON	Est. Dur.: 00: 0: 0		
	Trial - Start:	00/00/00	End: 00/00/00	Time: 8.5 Total: 8.5		
	Disposition -	Clk: MT	03/25/99	(GUILTY - JURY/SENTENCES PRONOUNCED CT I)		
26.	4	05/07/99	11:00 AM	00/00/00	SENTENCING - COUNT II ALL DEFENDANTS	
	Pri: 9	Clerk: MT	Reporter: D.PHIPPS	Est. Dur.: 00: 0: 0		
	Disposition -	Clk: MT	05/07/99	(SENTENCED)	

9/22/99 09:22

PAGE: 5

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

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

Dept	Sched.	Time	Notice	Event
27. 4	05/07/99	11:00 AM	00/00/00	ENTRY OF JUDGMENT - COUNT I (ALL DEFENDANTS)
Pri: 9 Clerk: MT Reporter: D. PHIPPS Est. Dur.: 00: 0: 0				
Trial - Start: 00/00/00 End: 00/00/00 Time: 0.1 Total: 0.1				
Disposition - Clk: MT 05/07/99 (SENTENCE IMPOSED)				
28. 4	05/07/99	1:30 PM	00/00/00	SENTENCING - COUNT II (ALL DEFENDANTS)
Pri: 9 Clerk: MT Reporter: Est. Dur.: 00: 0: 0				
Disposition - Clk: MT 05/06/99 (VACATED - RE-SCHEDULED EARLIER)				
29. 4	05/07/99	1:30 PM	00/00/00	ENTRY OF JUDGMENT - COUNT I (ALL DEFENDANTS)
Pri: 9 Clerk: MT Reporter: Est. Dur.: 00: 0: 0				
Disposition - Clk: MT 05/06/99 (VACATED - RESCHEDULED EARLIER)				
30.	05/17/99	0:00 AM	00/00/00	CASE SUBMITTED TO SUPREME COURT (SUB) HARTE APPEAL
Pri: 9 Clerk: ML Reporter: Est. Dur.: 00: 0: 0				
31. 4	06/08/99	10:22 PM	00/00/00	MOTION SUBMITTED PENDING DECISION (MTN FOR TRANSCRIPTS) (BABB)
Pri: 9 Clerk: PM Reporter: Est. Dur.: 00: 0: 0				
Disposition - Clk: TL 08/25/99 (REFERRED TO COUNSEL)				

----- A C T I O N S -----

Date	Action	Dept	FC
1. 00/00/00	DA# 156974, RJC 88,165 WCSO 247540-97,		MB
2. 02/23/00	SUPREME COURT ORDER ORDER RE: RECORD		RM
3. 01/05/01	SUPREME COURT REMITTITUR		RM
4. 01/05/01	SUPREME COURT JUDGMENT		RM
5. 01/05/01	SUPREME COURT OPINION		RM
6. 02/05/01	FINAL CLAIM FOR COMPENSATION	4	PM
7. 02/05/01	ORDER FOR COMPENSATION	4	TC
8. 08/10/01	SUPREME COURT REMITTITUR		RM
9. 08/10/01	SUPREME COURT ORDER		RM
10. 08/10/01	SUPREME COURT JUDGMENT		RM
11. 09/25/01	WITHDRAWAL OF ATTORNEY (BABB)	4	XX
12. 01/28/02	STIPULATION FOR RELEASE OF EVIDENCE	4	PC
13. 01/30/02	ORDER APPROVING STIP FOR RELEASE OF EVIDENCE	4	TC
14. 01/31/02	RECEIPT-EVIDENCE	4	RD
15. 01/15/98	PROCEEDINGS - SIREX		MB
16. 01/15/98	WAIVER - (3)		CP
17. 01/15/98	INFORMATION	4	CP
18. 01/20/98	APPLICATION FOR SETTING	4	MB
19. 01/22/98	MOTION FOR PSYCHIATRIC EVAL.	4	MT
20. 01/28/98	ORDER APPOINTING PSYCHIATRIST FOR EXAM OF DEFENDANT (SIREX)	4	TJ

9/22/99 09:22

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
FULL CASE HISTORY

PAGE: 6

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- A C T I O N S -----

Date	Action	Dept	FC
21. 02/03/98	NOTICE OF STATE'S INTENT TO SEEK DEATH PENALTY		CP
22. 02/03/98	MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST		MA
23. 02/05/98	OPPOSITION TO MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST (HARTE)		TJ
24. 02/10/98	REPLY TO OPPOS TO MTN TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST		MN
25. 02/10/98	REQUEST, AGREEMENT AND ORDER FOR PRE-TRIAL RECIPROCAL DISCOVERY (BOBB)	4	JB
26. 02/13/98	APPLICATION FOR SETTING		JB
27. 02/17/98	TRANSCRIPT 1-22-98	4	TJ
28. 03/05/98	ORDER (REMAND, APPTMENT OF CNSL)	4	MT
29. 03/06/98	RECEIPT		PM
30. 03/25/98	INDICTMENT		SS
31. 03/25/98	BENCH WARRANT FILED (BAIL SET AT NO BAIL) (BABB)	6	SA
32. 03/25/98	BENCH WARRANT FILED (BAIL SET AT NO BAIL) (HARTE)	4	SS
33. 03/25/98	BENCH WARRANT FILED (BAIL SET AT NO BAIL) (SIREX)	4	SS
34. 03/25/98	ORDER STAYING PROCEEDINGS IN JUSTICE COURT	4	SS
35. 03/30/98	APPLICATION FOR SETTING		CP
36. 03/31/98	TRANSCRIPT (GRAND JURY TRANSCRIPT)		PM
37. 03/31/98	RECEIPT (GRAND JURY TRANSCRIPT)		PM
38. 03/31/98	RETURN OF SERVICE FILED (BENCH WARRANT) (3)		TJ
39. 03/31/98	TRANSCRIPT MOT. TO DET. VALIDITY OF WAIVER (02-26-98)	4	JB
40. 04/08/98	RECEIPT (GRAND JURY TRANSCRIPT)		PM
41. 04/15/98	MOTION TO DISMISS		JB
42. 04/21/98	STATE'S REPLY TO SIREX'S MOTION TO DISMISS		JB
43. 04/21/98	EXHIBIT "A" TO DEF'S MOTION TO DISMISS		MA
44. 05/07/98	REQUEST FOR SUBMISSION (MTN TO DISMISS) (SIREX)		MN
45. 05/08/98	** REQ FOR SUB -		PM
46. 05/18/98	TRANSCRIPT ARRAIGNMENT - 4/7/98	4	CP
47. 06/02/98	MOTION FOR SEVERANCE (SIREX)		CP
48. 06/12/98	JOINDER IN MOTION FOR SEVERANCE (HARTE)		TJ
49. 06/16/98	JOINDER IN MOTION FOR SEVERANCE (BABB)		CP
50. 06/18/98	MOTION TO SUPPRESS	4	TJ

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51. 06/22/98	OPPOSITION TO MOTIONS TO SEVER		MN
52. 06/24/98	MOTION TO WITHDRAW PREVIOUSLY FILED MOTION TO SUPPRESS (SIREX)		CP
53. 06/24/98	AMENDED MOTION TO SUPPRESS (SIREX)		CP
54. 06/30/98	MOTION TO RELEASE EVIDENCE	4	CP
55. 07/06/98	REPLY TO OPPOSITION TO MOTION FOR SEVERANCE (WESTON SIREX)	4	MA
56. 07/07/98	STATE OF NEVADA'S RESPONSE TO DEFENDANT'S AMENDED MOTION TO SURPRESS	4	MA
57. 07/14/98	OPPOSITION TO STATE'S MOTION TO RELEASE EVIDENC (SIREX)		MA
58. 07/20/98	APPLICATION FOR SETTING		TP
59. 07/22/98	REPLY TO STATE'S RESPONSE TO AMENDED MOTION TO SUPPRESS (SIREX)		TJ
60. 07/23/98	ORDER DENYING MOTION TO DISMISS INDICTMENT(SIREX)	4	TL
61. 08/05/98	MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE (SIREX)		TP
62. 08/05/98	MOTION TO PERMIT BROAD QUESTIONING OF JURORS DURING VOIR DIRE (SIREX)		TP
63. 08/05/98	MOTION FOR ADDITIONAL PEREMPTORY CHALLENGES (SIREX)		TP
64. 08/14/98	CONCURRENCE IN MOTION (HARTE)		MA
65. 08/20/98	TRANSCRIPT	4	SA
66. 08/20/98	MOTION TO RELEASE EVIDENCE - 8/4/98 SECOND NOTICE OF STATE'S INTENT TO SEEK DEATH PENALTY (ALL DEFENDANTS)		TP
67. 08/31/98	STATE OF NEVADA'S RESPONSE TO DEF SIREX'S MTNS FOR ADD PEREMPTORY CHALLENGES	4	CP
68. 09/02/98	REQUEST, AGREEMENT AND ORDER FOR PRE-TRIAL RECIPROCAL DISCOVERY (SIREX)	4	TP
69. 09/25/98	MOTION TO SUPPRESS DEF'S STATEMENTS (HARTE)		MA
70. 10/09/98	OPPOSITION TO MOTION TO SUPPRESS DEF'S STATEMENTS		GO
71. 10/13/98	REPLY TO STATE'S OPPOS TO MTN FOR ADDITIONAL PREMPTORY CHALLENGES & MTN FOR IND SEQ -SIREX		MA
72. 10/14/98	REQUEST FOR SUBMISSION (MTN FOR ADD PEREMPTORY CHALL) (HUBACH/ALIAN)		GO
73. 10/16/98	SUBPOENA DUCES TECUM FILED (3)		GO
74. 10/19/98	SUBPOENA DUCES TECUM FILED (2)		MA
75. 10/21/98	SUBPOENA DUCES TECUM FILED		GO
76. 10/21/98	REPLY ON MTN TO SUPPRESS DEF'S STATEMENTS (HARTE)		SA

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Date	Action	Dept	FC
77. 10/21/98	REQUEST FOR SUBMISSION (MTN TO SUPPRESS) (SPRINGGATE)		SA
78. 10/22/98	RECEIPT (GRAND JURY TRANSCRIPT)		TJ
79. 10/22/98	MOTION TO DECLARE THE DEATH PENALTY STATUTES UNCONSTITUTIONAL, & OPPOS TO NTC OF INENT-SIREX		TJ
80. 10/23/98	** REQ FOR SUB -		PM
81. 10/29/98	JOINDER IN MOTION (HARTE)		TP
82. 10/29/98	TRANSCRIPT STATUS CONFERENCE - 10/22/98	4	MA
83. 11/02/98	OPPOS TO MTN TO DECLARE THE DEATH PENALTY STATUTES UNCONSTITUTIONAL (SIREX)		CP
84. 11/03/98	ORDER GRANTING MOTION TO WITHDRAW PREVIOUSLY FILED MTN TO SUPPRESS(SIREX)	4	TL
85. 11/04/98	JOINDER IN MOTION	4	MA
86. 11/16/98	RESPONSE TO OPPOS TO MTN TO DECLARE THE DEATH PENALTY STATUES UNCONSTITUTIONAL-SIREX		GO
87. 12/10/98	ORDER FOR RELEASE OF EVIDENCE	4	TP
88. 01/07/99	EX-PARTE MOTION FOR REASONABLE AND NECESSARY EXPENSES FOR THE DEFENSE (HARTE) SEALED	4	MT
89. 01/07/99	MEMO. OF PNTS AND AUTH. IN SUPPORT OF MTN FOR EXPENSE (HARTE) SEALED	4	MT
90. 01/07/99	AFFIDAVIT OF JOHN OHLSON (HARTE) SEALED	4	MT
91. 01/12/99	TRANSCRIPT 1-8-99 (PRETRIAL MOTIONS) (ALL DEFENDANTS)	4	MA
92. 01/15/99	SUBPOENA FILED (4)		SC
93. 01/19/99	EX PARTE ORDER FOR EXPENSES (SEALED IN CONFIDENTIAL ENVELOPE)	4	TL
94. 01/22/99	NOTICE OF FACTS IN AGGRAVATION PURSUANT TO AMENDED SUPREME COURT RULE 250(4)(c)	4	CP
95. 01/25/99	MOTION TO PRECLUDE OR LIMIT PHOTOGRAPHS		MA
96. 02/02/99	JOINDER IN MOTION (BABB)		JB
97. 02/02/99	OPPOSITION TO MOTION TO PRECLUDE OR LIMIT PHOTOGRAPHS		MA
98. 02/03/99	MTN TO STRIKE AGGRAVATING CIRCUMSTANCE & TO DISMISS STATE'S NTC OF INTENT (BABB)		GO
99. 02/03/99	SUPPLEMENTAL AUTHORITIES TO MOTION FOR SEVERANCE (BABB)		GO
100. 02/03/99	JOINDER IN MOTION (HARTE)		TP
101. 02/09/99	OPPOSITION TO MOTION TO STRIKE AGG CIRCUM & TO DISMISS STATE'S NTC OF INTENT		TP
102. 02/09/99	MOTION FOR REASONABLE TIME BETWEEN GUILT AND PENALTY PHASE		TP
103. 02/09/99	MOTION TO REQUIRE D.A. TO DIVULGE INFO RE: JURY PANEL		TP
104. 02/09/99	TRANSCRIPT - 1/28/99 PRE-TRIAL MOTIONS		MA

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Date	Action	Dept	FC
105. 02/10/99	NOTICE OF ADDITIONAL STATEMENT OF DEF SHAWN RUSSEL HARTE		TP
106. 02/12/99	JOINDER IN MOTION (BABB) (2)		TP
107. 02/12/99	AFFIDAVIT OF MAILING		TP
108. 02/16/99	CONCURRENCE IN MOTION (HARTE)		SA
109. 02/18/99	MTN FOR MORE DEFINITE STATEMENT TO PRODUCE FACTS, STATEMENTS OF AGG TO SEEK DEATH-BABB		TP
110. 02/18/99	EX-PARTE MOTION FOR APPT OF EXPERT WITNESS FOR DEF LATISHA MARIE BABB		TP
111. 02/18/99	JOINDER IN SUPPLEMENTAL AUTHORITIES FOR SEVERANCE		TP
112. 02/18/99	JOINDER IN MTN TO STRIKE AGGRAVATING CIRCUM & TO DISMISS STATE'S NTC OF INTENT -SIREX		MA
113. 02/18/99	MOTION TO LIMIT VICTIM IMPACT TEST WITHIN CONSTITUTIONAL BOUNDS (SIREX)		MA
114. 02/19/99	JOINDER IN MTN FOR MORE DEF STATEMENT TO PROD FACTS, STATEMENTS & EVIDENCE-SIREX		GO
115. 02/19/99	REPLY TO OPPOS TO MOTION TO PRECLUDE OR LIMIT PHOTOGRAPHS (SIREX)		GO
116. 02/19/99	REPLY TP STATE'S OPPOS TO MTN TO STRIKE AGG CIRCUM & TO DISMISS (BABB)		TP
117. 02/23/99	NOTICE OF EXPERT WITNESS (BABB)		MA
118. 02/23/99	NOTICE OF EXPERT WITNESS		TJ
119. 02/23/99	NOTICE OF INTENT TO CALL EXPERT WITNESSES		TJ
120. 02/23/99	NOTICE OF EXPERT WITNESSES		TJ
121. 02/24/99	SUBPOENA DUCES TECUM ISSUED	4	MA
122. 03/02/99	EX-PARTE APPLICATION FOR COURT ORDER (BABB) SEALED		TP
123. 03/03/99	ORDER RE: COPIES OF PRIOR CONVICTIONS	4	TP
124. 03/04/99	ORDER RE: PRETRIAL MOTIONS	4	TL
125. 03/04/99	SPECIAL JUROR INSTRUCTION 'A' AND DRAFT SPECIAL JUROR QUESTIONNAIRE	4	TL
126. 03/05/99	TRANSCRIPT-MOTIONS 2/22/99	4	TJ
127. 03/05/99	NOTICE OF WITNESSES (BABB)		TJ
128. 03/05/99	NOTICE OF WITNESSES		TP
129. 03/08/99	ORDER (SEALED)	4	MT
130. 03/08/99	DEFENDANT HARTE'S RESPONSES TO SPECIAL JUROR QUESTIONNAIRE DATED 3/4/99	4	TL
131. 03/08/99	DEFENDANT BABB'S RESPONSES TO SPECIAL JUROR QUESTIONNAIRE DATED MARCH 4, 1999	4	TL
132. 03/08/99	STATE'S RESPONSES TO SPECIAL JUROR QUESTIONNAIRE DATED MARCH 4, 1999	4	TL
133. 03/08/99	SPECIAL JUROR INSTRUCTION 'A' AND FINAL SPECIAL JUROR QUESTIONNAIRE	4	TL

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Date	Action	Dept	FC
134. 03/08/99	IN CAMERA, UNDER COURT SEAL PRESENTATION OF PROP QUESTIONING OF JURORS DURING VOIR DIRE		TJ
135. 03/08/99	DEF'S WITNESS LIST		TJ
136. 03/08/99	NOTICE OF MITIGATING CIRCUMSTANCES (SIREX)		CP
137. 03/10/99	MOTION IN LIMINE TO EXCLUDE DEFENDANT HARTE'S EXPERT WITNESSES	4	MB
138. 03/10/99	TRANSCRIPT - JURY SELECTION - 3/8/99	4	TJ
139. 03/12/99	WITNESS LIST		TJ
140. 03/12/99	TRANSCRIPT-MOTIONS-LATISHA BABB, WESTON SIREX & SHAWN HARTE 3/11/99	4	TJ
141. 03/15/99	TRANSCRIPT - MOTIONS 3/12/99 (WITH EXHIBIT CLERK)	4	MT
142. 03/15/99	AMENDED NOTICE OF WITNESSES		TP
143. 03/15/99	SUBPOENA ISSUED		TJ
144. 03/15/99	SUBPOENA ISSUED		MA
145. 03/16/99	TRANSCRIPT - JURY TRIAL 3/15/99 (W/EXHIBIT CLERK)	4	MT
146. 03/17/99	TRANSCRIPT - JURY TRIAL 3/16/99 (W/EXHIBIT CLERK)	4	MT
147. 03/17/99	TRANSCRIPT - MARCH 9, 1999 - IN CHAMBERS (W/EXHIBIT CLERK)	4	MT
148. 03/18/99	TRANSCRIPT - JURY TRIAL VOL. III 3/17/99 (WITH EXHIBIT CLERK)	4	MT
149. 03/19/99	TRANSCRIPT TRIAL VOLUME IV - MARCH 18, 1999 (WITH EXHIBIT CLERK)	4	MT
150. 03/19/99	ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE DEFENDANT HART'S EXPERT WITNESSES	4	TL
151. 03/19/99	INSTRUCTIONS 1-43	4	MT
152. 03/19/99	WRITTEN QUESTIONS FROM JURY 1 AND 2	4	MT
153. 03/19/99	TYPED QUESTIONS AND ANSWERS FOR JURY 1 AND 2	4	MT
154. 03/19/99	UNUSED VERDICT FORMS (HARTE)	4	MT
155. 03/19/99	UNUSED VERDICT FORMS (SIREX)	4	MT
156. 03/19/99	UNUSED VERDICT FORMS (BABB)	4	MT
157. 03/19/99	VERDICT - COUNT I (HARTE)	4	MT
158. 03/19/99	VERDICT - COUNT I (SIREX)	4	MT
159. 03/19/99	VERDICT - COUNT 1 (BABB)	4	MT
160. 03/19/99	VERDICT - COUNT II (HARTE)	4	MT
161. 03/19/99	VERDICT - COUNT II (BABB)	4	MT
162. 03/19/99	VERDICT - COUNT II (SIREX)	4	MT

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163. 03/22/99	MOTION TO LIMIT THE STATE'S EVID. RE: THE AGGRAV. CIRC.TO THE NOT. PROV. BY SCR250	4	MT
164. 03/22/99	TRANSCRIPT - TRIAL VOL. IV - 3/19/99 (WITH EXHIBIT CLERK)	4	MT
165. 03/23/99	TRANSCRIPT - PENALTY HEARING VOLUME VI 3/22/99 (W/EXHIBIT CLERK)	4	MT
166. 03/23/99	DEFT. HARTE'S OFFERED INSTRUCTION A (DENIED)	4	MT
167. 03/23/99	DEFT. BABB'S OFFERED SPECIAL VERDICT B (DENIED)	4	MT
168. 03/23/99	DEFT. SIREX'S OFFERED SPECIAL VERDICT C (DENIED)	4	MT
169. 03/23/99	DEFT. JOINT OFFERED CAUTIONARY INSTRUCTION D (HANDWRITTEN)	4	MT
170. 03/23/99	HANDWRITTEN QUESTION #3	4	MT
171. 03/24/99	TRANSCRIPT - PENALTY PHASE VOL. VII - 3/23/99 (WITH EXHIBIT CLERK)	4	MT
172. 03/24/99	HANDWRITTEN QUESTIONS BY JURY 4, 5 AND 6		MT
173. 03/24/99	TYPED QUESTIONS AND ANSWERS 4 AND 5	4	MT
174. 03/24/99	INSTRUCTIONS (PENALTY PHASE)		MT
175. 03/24/99	VERDICT (PENALTY PHASE) - LATISHA MARIE BABB	4	MT
176. 03/24/99	VERDICT (PENALTY PHASE) - WESTON EDWARD SIREX	4	MT
177. 03/24/99	CAUTIONARY INSTRUCTION A	4	MT
178. 03/24/99	VERDICT (PENALTY PHASE) - SHAWN RUSSELL HARTE	4	MT
179. 03/25/99	SUBPOENA FILED (2)		TJ
180. 03/25/99	TRANSCRIPT - PENALTY HEARING VOL. VIII - 3/24/99 (WITH EXHIBIT CLERK)	4	MT
181. 03/29/99	EX PARTE APPLICATION FOR COMPENSATION (HARTE) (FILED UNDER SEAL IN CONFID ENV. FILE #1)	4	TL
182. 03/29/99	EX PARTE ORDER FOR COMPENSATION (HARTE) (UNDER SEAL IN CONFID ENV FILE #1)	4	TL
183. 04/23/99	EX-PARTE MOTION FOR COMPENSATION (SEALED) - HARTE	4	MT
184. 04/23/99	REQUEST FOR SUBMISSION (SEALED) - HARTE	4	MT
185. 04/23/99	EX-PARTE ORDER FOR COMPENSATION (SEALED) - HARTE		MT
186. 04/27/99	TRANSCRIPT OF PROCEEDINGS - PENALTY HEARING (VOLUME VII)	4	SH
187. 05/07/99	JUDGMENT OF CONVICTION (BABB)	4	MT
188. 05/07/99	JUDGMENT OF CONVICTION (SIREX)	4	MT
189. 05/07/99	JUDGMENT OF CONVICTION (HARTE)	4	MT
190. 05/07/99	WARRANT OF EXECUTION (HARTE)	4	MT
191. 05/07/99	ORDER FOR EXECUTION (HARTE)	4	MT
192. 05/07/99	ORDER FOR COMMITMENT (HARTE)	4	MT

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Date	Action	Dept	FC
193. 05/07/99	NOTICE OF APPEAL FILED (WESTON EDWARD SIREX)	4	SC
194. 05/07/99	DESIGNATION OF RECORD	4	SC
195. 05/07/99	NOTICE OF APPEAL FILED (LATISHA MARIE BABB)	4	SC
196. 05/07/99	DESIGNATION OF RECORD (SIREX)	4	SC
197. 05/07/99	NOTICE OF WITHDRAWAL OF ATTORNEY (BABB)	4	SC
198. 05/10/99	CERTIFICATE OF CLERK (SIREX)	4	RM
199. 05/10/99	CERTIFICATE OF TRANSMITTAL (SIREX)	4	RM
200. 05/10/99	DESIGNATION OF RECORD (BABB)		SC
201. 05/10/99	REQUEST FOR APPOINTMENT OF COUNSEL (BABB)	4	SC
202. 05/11/99	TRANSCRIPT-SENTENCING 5/7/99 BABB; SIREX & HARTE	4	SC
203. 05/14/99	NOTICE OF APPEAL FILED (HARTE)	4	ML
204. 05/17/99	MOTION FOR ORDER ALLWOING WITHDRAWAL OF TRIAL COUNSEL (JOHN OHLSON) (HARTE)		TP
205. 05/17/99	JOINT AFFIDAVIT OF JOHN OHLSON & JOHN SPRINGGATE (2) (HARTE)		TP
206. 06/07/99	MOTION FOR TRANSCRIPTS (BABB)		TJ
207. 08/05/99	ORDER APPOINTING COUNSEL (BABB)	4	MT
208. 08/05/99	ORDER APPOINTING COUNSEL (SIREX)	4	MT
209. 08/05/99	ORDER APPOINTING COUNSEL (HARTE)	4	MT
210. 08/05/99	CERTIFICATE OF MAILING (HARTE)	4	MT
211. 09/20/99	REQUEST FOR ROUGH DRAFT TRANSCRIPT (BABB)		SC

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ID	Description	Type	Relshp	Dept	Clrk
1.A	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit: 03/17/99		
1.B	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit: 00/00/00		
1.C	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit: 00/00/00		
2.A	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit: 03/16/99		

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2.B	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/16/99	
2.C	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
3.A	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
3.B	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
4.A	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
4.B	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
4.C	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
5.A	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
5.B	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
5.C	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/OBJ. OVRRLD		Admit:	03/22/99	
5.D	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
6.A	BAG	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
6.B	MAP	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
6.C	NOTEBOOK	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
6.D	CLIPBOARD	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
7.A	POLORIOD PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/16/99	
7.B	POLORIOD PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/16/99	
7.C	POLORIOD PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/16/99	
8	LETTER WRITTEN BY HARTE	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
8.A	REDACTED LETTER BY HARTE	01	STATE	4	MT
	Intro: 03/18/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/18/99	
8.B	REDACTED PORTION OF LETTER WRITTEN BY HARTE	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
8.C	REDACTED LETTER BY HARTE	01	STATE	4	MT
	Intro: 03/23/99 Off/Obj:		Admit:	00/00/00	
9	ENVELOPE CONTAINING 7 PAGES - HARTE MATERIAL	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	

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10	VIDEO TAPE INTERVIEW WITH SIREX Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
11.A	VIDEO TAPE INTERVIEW WITH HARTE Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
11.B	VIDEO TAPE INTERVIEW WITH HARTE Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
12.A	VIDEO TAPE INTERVIEW OF BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
12.B	VIDEO TAPE INTERVIEW OF BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
13.A	VIDEO TAPE - NEWS INTERVIEW BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
13.B	VIDEO TAPE - NEWS INTERVIEW BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
14	AUDIO TAPE - LANETTE BAGBY Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
15	TYPED NOTE AND HANDWRITING WITH ATTACHED NEWSPAPER CLIPPING Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
16	MISSILE FRAGMENTS FROM VICTIM Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.A	SMITH AND WESSON .22 Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.B	BULLET FOR SMITH AND WESSON Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.C	MAGAZINE FOR SMITH AND WESSON Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.D	WILDCATE AMMUNITION Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.E	STINGER AMMUNITION Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18.A	LORCIN .22 Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18.B	MAGAZINE FOR LORCIN .22 Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18.C	BULLETTES FROM LORCIN .22 Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19.A	PAPERS FROM TAXI CAB Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19.B	PAPERS FROM TAXI CAB Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
20	MICRO AUDIO TAPE - CONSENT TO SEARCH SIREX Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
21	MICRO AUDIO TAPE - INTERVIEW WITH BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
22	ENVELOPE WITH 6 CASSETTE TAPES Intro: 03/12/99 Off/Obj:	01	STATE	4	MT

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
23	MICRO AUDIO TAPES - INTERVIEW BY SIREX Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
24	NEWSPAPER - 10/27/97 FROM BABB/HARTE RESIDENCE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
24.A	REDACTED COPY OF NEWSPAPER ARTICLE Intro: 03/19/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
25	ITEMS FROM VICTIM Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
26	RADIO SHACK WIRELESS MICRO-PHONE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
27	BOX FROM SIREX'S HOUSE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
28	.22 CALIBER CASING Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
29	MILITARY RECORDS OF HARTE Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
30	MILITARY RECORDS OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
31.A	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.B	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.C	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.D	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.E	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
32	PHOTOGRAPH Intro: 03/16/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33	PHOTOGRAPH Intro: 03/16/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
34.A	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.B	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.C	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
34.D	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
34.E	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.F	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.G	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.H	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
34.I	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.J	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD		Admit:	03/22/99	
34.K	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.L	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD		Admit:	03/22/99	
35	FOOTPRINT ANALYSIS	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
36	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
37	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
38	SIGNED MIRANDA WAIVER BY S. HARTE	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
39	SMALL PHOTOGRAPH OF SIREX AND UNCLE	01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
40	MEDICAL RECORDS FROM WASHOE MEDICAL	01	DEF:	4	MT
	CENTER ON SIREX				
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
41	PSYCHOLOGICAL EVALUATION OF LATISHA BABB	01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj:		Admit:	00/00/00	
41.A	PSYCHOLOGICAL EVALUATION OF LATISHA BABB	01	DEF:	4	MT
	(REDACTED)				
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
42		01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj: DEMONSTRATIVE		Admit:	03/23/99	
43	PROBABILITY OF VIOLENCE RECIDIVISM	01	DEF:	4	MT
	WITH AND WITHOUT TREATMENT				
	Intro: 03/23/99 Off/Obj: OFFER WITHDRAWN		Admit:	03/23/99	
44	PHOTO ALBUM OF SHAWN HARTE	01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
A	TRANSCRIPT OF STATEMENT MADE BY	071	STATE	4	MT
	SHAWN HARTE				
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	01/08/99	
B	TRANSCRIPT OF STATEMENT MADE BY	071	STATE	4	MT
	WESTON SIREX				
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ		Admit:	01/08/99	
C.1	TAPE ONE OF INTERVIEW WITH SHAWN HARTE	071	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	01/08/99	
	Disp: E01 03/08/99 RELEASED PER COURT ORDER				
C.2	TAPE TWO OF INTERVIEW WITH SHAWN HARTE	071	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	01/08/99	
	Disp: E01 03/08/99 RELEASED PER COURT ORDER				
D	TAPE OF INTERVIEW WITH WESTON SIREX	071	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	01/08/99	
	Disp: E01 03/08/99 RELEASED PER COURT ORDER				

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA

VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
E.1	JURY QUESTIONNAIRE OF MARCOS ALAS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.2	JURY QUESTIONNAIRE OF JEFFREY ALLAN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.3	JURY QUESTIONNAIRE OF ALAN K. ALPERS Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.5	JURY QUESTIONNAIRE OF ROBERT L. BARTLETT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.6	JURY QUESTIONNAIRE OF JOHN R. BOGLE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.7	JURY QUESTIONNAIRE OF WILLIAM BOTELHO, JR. Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.9	JURY QUESTIONNAIRE OF KELLY BRANT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.10	JURY QUESTIONNAIRE OF EMIL BRAUTIGAM Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.11	JURY QUESTIONNAIRE OF GLEN P. BUDGE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.12	JURY QUESTIONNAIRE OF PAUL CANADY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.13	JURY QUESTIONNAIRE OF THOMAS CARPENTER Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.15	JURY QUESTIONNAIRE OF SUN JA CHA Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.16	JURY QUESTIONNAIRE OF LINDA K. CLARK Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.17	JURY QUESTIONNAIRE OF OLIVIA COLLINGS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.18	JURY QUESTIONNAIRE OF LAURIE COLLINS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.19	JURY QUESTIONNAIRE OF ENRIQUE P. CORDOVA Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.20	JURY QUESTIONNAIRE OF ARALYNNA M. COX Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.21	JURY QUESTIONNAIRE OF JOHN P. CULLEN Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.22	JURY QUESTIONNAIRE OF DAVID CUNNINGHAM Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.24	JURY QUESTIONNAIRE OF LISA M. ELLIS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.25	JURY QUESTIONNAIRE OF ANITA L. EMMICH Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.26	JURY QUESTIONNAIRE OF CRAIG FOUIGNER Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.27	JURY QUESTIONNAIRE OF JAMES T. FREEMAN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
E.29	JURY QUESTIONNAIRE OF CHARLOTTE GARFINKLE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.30	JURY QUESTIONNAIRE OF TRACY R. GOLDER Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.31	JURY QUESTIONNAIRE OF SHIRLEY M. GUMAGAY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.32	JURY QUESTIONNAIRE OF OLIVIA A. GURULE' Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.33	JURY QUESTIONNAIRE OF OSMIN D. GUZMAN Intro: 03/08/99 Off/Obj: STIPULATION	01	COURT	4	MT
E.34	JURY QUESTIONNAIRE OF JAMES C. HAGAN Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.35	JURY QUESTIONNAIRE OF MELODY HEADLEY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.36	JURY QUESTIONNAIRE OF SHARON K. HERBST Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.39	JURY QUESTIONNAIRE OF RODGER W. JOHNSON Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.40	JURY QUESTIONNAIRE OF JOHN J. JUDGE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.41	JURY QUESTIONNAIRE OF DOUG KEY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.42	JURY QUESTIONNAIRE OF RICHARD D. KIES Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.44	JURY QUESTIONNAIRE OF PATRICIA A. KING Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.45	JURY QUESTIONNAIRE OF ROBERT M. KINNISON Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.46	JURY QUESTIONNAIRE OF AMELIA L. LAVELLE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.47	JURY QUESTIONNAIRE OF CRAIG LEANARD Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.48	JURY QUESTIONNAIRE OF JON A. LEVINE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.49	JURY QUESTIONNAIRE OF KENNETH D. MACLAREN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.50	JURY QUESTIONNAIRE OF ANTHONY W. MAHOMET Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.51	JURY QUESTIONNAIRE OF DAWN MALLARD Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.52	JURY QUESTIONNAIRE OF LINDA M. MARION Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.53	JURY QUESTIONNAIRE OF WILLIAM H. MARTIN Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.54	JURY QUESTIONNAIRE OF JUDE MAYNE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL
Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
E.55	JURY QUESTIONNAIRE OF CYNTHIS L. MCMANMON-HICKS	01	COURT	4	MT
E.56	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF DEBORAH L. MILLER	01	COURT	4	MT
E.57	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF CYNTHIA A. MITCHELL	01	COURT	4	MT
E.59	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF BARBARA J. MURRAY	01	COURT	4	MT
E.62	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF PATRICK ODLE	01	COURT	4	MT
E.63	Intro: 03/11/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF THOMAS I. OERY	01	COURT	4	MT
E.64	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF TONIA K. OTT-PARTIN	01	COURT	4	MT
E.65	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF MICHAEL REGAN	01	COURT	4	MT
E.67	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF LAURA M. RIOS	01	COURT	4	MT
E.69	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF MOISES ROSAS	01	COURT	4	MT
E.70	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF JOHN T. RUSHING	01	COURT	4	MT
E.72	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF DIANA L. SANTOS	01	COURT	4	MT
E.73	Intro: 03/11/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF GREGORY R. SCHMIDT	01	COURT	4	MT
E.75	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF SARA SHORT	01	COURT	4	MT
E.76	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF CYNTHIA G. SIGUA	01	COURT	4	MT
E.77	Intro: 03/11/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF DAVID L. SMITH	01	COURT	4	MT
E.80	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF ANNA L. TARRANT	01	COURT	4	MT
E.81	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF JANET C. TIMMONS	01	COURT	4	MT
E.82	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF JAMES W. TOUSSAINT	01	COURT	4	MT
E.83	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF ROSS E. TRIPLETT	01	COURT	4	MT
E.84	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF MATTHEW R. WALDEN	01	COURT	4	MT
E.86	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF JOHN WEILAND	01	COURT	4	MT
E.87	Intro: 03/08/99 Off/Obj: STIPULATED JURY QUESTIONNAIRE OF PATRICIA E. WELCH	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	

9/22/99 09:22

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
FULL CASE HISTORY

PAGE: 20

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL
Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
E.88	JURY QUESTIONNAIRE OF MARY A. WILLIAMS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.89	JURY QUESTIONNAIRE OF DEVINA M. WILLINGHAM Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
					Admit: 03/08/99

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE

Full Case History
DEPT. D4
HON. CONNIE J. STEINHEIMER

Case Description: STATE VS. SHAWN HARTE ET AL (D4)

Case ID: CR98-0074A

Case Type: CRIMINAL

Initial Filing Date: 1/9/1998

Parties

PLTF	STATE OF NEVADA - STATE
DA	Thomas W. Barb, Esq. - 4523
DEFT	SHAWN RUSSELL HARTE - @80809
PD	Janet C. Schmuck, Esq. - 3906

Charges

Charge No.	Charge Code	Charge Date	Charge Description
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Plea Information

Charge No.	Plea Code	Plea Date	Plea Description
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Release Information

Custody Status

Hearings

Department	Event Description	Sched. Date & Time	Disposed Date
1	Extra Text:		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
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Docket

Docket Entry Date	Code	Code Description	Docket Text
5/7/1999	1315	** Case Closed	
12/13/1999	CMS	**See CMS Prior to 12/13/99	
5/18/2004	PAYRC	**Payment Receipted	A Payment of -\$128.24 was made on receipt DCDC123164.

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE

Full Case History
DEPT. D4
HON. CONNIE J. STEINHEIMER

Case Description: POST: SHAWN RUSSELL HARTE (D4)

Case ID: CR98P0074A

Case Type: POST CONVICTION

Initial Filing Date: 2/27/2001

Parties

PATY	Donald York Evans, Esq. - 1070
RESP	STATE OF NEVADA - STATE
APPE	SHAWN RUSSELL HARTE - @80809
PETR	SHAWN RUSSELL HARTE - @80809
DA	Richard Allen Gammick - 1510
DATY	Gary Howard Hatlestad, Esq. - 1525
DATY	Janet C. Schmuck, Esq. - 3906

Charges

Charge No.	Charge Code	Charge Date	Charge Description
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Plea Information

Charge No.	Plea Code	Plea Date	Plea Description
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Release Information

Custody Status

Hearings

	Department	Event Description	Sched. Date & Time		Disposed Date
1	D4	MOTION FOR ATTORNEY'S FEES Extra Text: EX PARTE	5/6/2002	09:30:00	5/6/2002
2	D4	STATUS HEARING Extra Text: RE: MTN FOR ENLARGEMENT OF TIME ON SUPPLEMENTAL PETITION	8/13/2002	09:00:00	8/13/2002
3	D4	MOTION ... Extra Text: EX-PARTE	5/14/2003	17:15:00	5/14/2003
4	D4	IN-CHAMBERS CONFERENCE Extra Text: MOTION TO CONTINUE POST CONVICTION HEARING	5/28/2003	13:30:00	5/28/2003
5	D4	PETITION FOR POST CONVICTION Extra Text:	6/27/2003	09:30:00	5/28/2003
6	D4	HEARING ON EX PARTE FILING Extra Text: ***SEALED***	8/27/2003	15:30:00	8/27/2003
7	D4	IN-CHAMBERS CONFERENCE Extra Text: (COURT REPORTER NEEDED)	9/10/2003	10:30:00	9/10/2003
8	D4	PETITION FOR POST CONVICTION Extra Text:	9/19/2003	09:30:00	9/19/2003
9	D4	HEARING ONGOING Extra Text: (PETITION FOR POST CONVICTION)	9/22/2003	10:00:00	9/22/2003
10	D4	Tickle Start Code Extra Text: HAVE OBJECTIONS TO ORDER BEEN FILED?	5/26/2004	07:00:00	5/26/2004
11	D4	Tickle Start Code Extra Text: HAS THE OBJECTIONS TO THE FINDINGS AND RESPONSE BEEN SUBMITTED BY COUNSEL?	7/26/2004	07:00:00	7/26/2004

Case ID: CR98P0074A

Case Type: POST CONVICTION

Initial Filing Date: 2/27/2001

Agency Cross Reference

Code

Agency Description

Case Reference I.D.

Case ID: CR98P0074A

Case Type: POST CONVICTION

Initial Filing Date: 2/27/2001

<i>Docket Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Docket</i> <i>Docket Text</i>
<u>2/27/2001</u>	1075	Affidavit ...	IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS
<u>2/27/2001</u>	2490	Motion ...	FOR ATTORNEY'S FEES
<u>2/27/2001</u>	3870	Request...	FOR APPOINTED COUNSEL
<u>2/27/2001</u>	3585	Pet Writ Habeas Corpus	
<u>3/1/2001</u>	3862	**Criminal Submit	DOCUMENT TITLE: POST CONVICTION PARTY SUBMITTING: P. MEACHAM DATE SUBMITTED: 3/1/01 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE: 3/2/01; premature submit by criminal filing office
<u>3/13/2001</u>	3860	Request for Submission	FILED DATE & TITLE OF ORDER: DOCUMENT TITLE: MTN FOR ATTORNEY'S FEES PARTY SUBMITTING: SCHMUCK DATE SUBMITTED: 3/16/01 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE: 3/16/01
<u>3/22/2001</u>	3370	Order ...	FILED DATE & TITLE OF ORDER: 3/22/01 order granting FOR COMPENSATION
<u>3/22/2001</u>	4050	Stipulation ...	FOR RELEASE OF EVIDENCE
<u>3/23/2001</u>	3860	Request for Submission	DOCUMENT TITLE: STIP FOR RELEASE OF EVIDENCE PARTY SUBMITTING: SCHMUCK DATE SUBMITTED: 4/4/01 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE: 4/6/01 FILED DATE & TITLE OF ORDER: 4/17/01; ORDER GRANTING
<u>4/17/2001</u>	3195	Ord Releasing Exhibits	
<u>4/25/2001</u>	1692	Exhibit Clerk Receipt	EXHIBIT # 44 RELEASED TO JANET SCHMUCK
<u>2/8/2002</u>	3980	Stip and Order...	STIPULATED SCHEDULING ORDER
<u>5/6/2002</u>	D425	Granted	
<u>5/6/2002</u>	1670	Ex-Parte Mtn...	FOR EXPERTWITNESS AND INVESTIGATIVE FEES ***SEALED***
<u>5/6/2002</u>	1670	Ex-Parte Mtn...	TO SEAL DEFENDANT'S EX-PARTE MOTION FOR AUTHORITY FOR EMPLOYMENT OF EXPERTS AND INVESTIGATIONS AT STATE EXPENSE ***SEALED***
<u>5/8/2002</u>	3370	Order ...	EX-PARTE ORDER AUTHORIZING EMPLOYMENT OF EXPERT WITNESSES AND INVESTIGATIVE FEES/ORDER TO SEAL ***SEALED***
<u>5/13/2002</u>	3370	Order ...	EX-PARTE ORDER TO SEAL EX-PARTE MOTIONS FOR AUTHORITY FOR EMPLOYMENT OF EXPERTS AND INVESTIGATORS AT STATE EXPENSE ***SEALED**
<u>6/4/2002</u>	4185	Transcript ...	IN CHAMBERS MOTION FOR ATTORNEY'S FEES 5-6-02 (SEALED)
<u>7/29/2002</u>	1015	Acknowledgment of Receipt	
<u>8/13/2002</u>	3370	Order ...	***SEALED***
<u>8/13/2002</u>	D435	Heard ...	EXTENSION OF TIME GRANTED

Case Description: POST: SHAWN RUSSELL HARTE (D4)

Case ID: CR98P0074A

Case Type: POST CONVICTION

Initial Filing Date: 2/27/2001

8/22/2002	3370	Order ...	OF ENLARGEMENT OF TIME
9/10/2002	4185	Transcript ...	8/13/02 IN-CHAMBERS HEARING
11/4/2002	4100	Supplemental Petition	FOR WRIT
11/6/2002	3862	**Criminal Submit	DOCUMENT TITLE: SUPPLEMENTAL PET PARTY SUBMITTING: P. MEACHAM DATE SUBMITTED: 11/6/02 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE:11/7/02 premature submit
12/30/2002	1130	Answer ...	
12/30/2002	2155	Mtn Partial Dismissal ...	PET AND SUPPLEMENTAL PET FOR WRIT
1/7/2003	3897	Return	
1/22/2003	1250	Application for Setting	post conviction 6/27/03
4/1/2003	1260	Application Produce Prisoner	
4/1/2003	3340	Ord to Produce Prisoner	
4/9/2003	1670	Ex-Parte Mtn...	FOR INTERIM PAYMENT OF ATTORNEY'S FEES AND EXPERT FEES/AND TO SEAL ****SEALED****
5/6/2003	3370	Order ...	EX PARTE ORDER FOR INTERIM PAYMENT OF ATTORNEY'S FEES AND EXPART WITNESS FEES **SEALED**
5/14/2003	D435	Heard ...	
5/28/2003	D435	Heard ...	MOTION TO CONTINUE POST CONVICTION HEARING GRANTED UPON NO OBJECTION BY THE STATE/ALL WITNESSES MUST BE SENT SUBPOENA/NO FURTHER CONTINUANCES WILL BE GRANTED
5/28/2003	D845	Vacated	
6/3/2003	2315	Mtn to Dismiss ...	MOTION TO DISMISS FOR LACK OF PROSECUTION
7/15/2003	4185	Transcript ...	5/14/03 IN CHAMBERS HEARING **SEALED**
7/16/2003	1670	Ex-Parte Mtn...	FOR INTERIM PAYMENT OF INVESTIGATIVE FEES/ AND TO SEAL **SEALED***
7/29/2003	1987	Mtn and Ord...	FOR INTERIM PAYMENT OF INVESTIGATIVE FEES AND COSTS TO PRODUCE PRISONER
8/11/2003	2490	Motion ...	
8/18/2003	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL PARTY SUBMITTING: DA DATE SUBMITTED: 8/19/03 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE: OF REQUEST FOR SUBMISSION
8/20/2003	4302	Withdrawal ...	
8/20/2003	1670	Ex-Parte Mtn...	FOR INTERIM ADVANCED PAYMENT OF EXPERT WITNESS FEES AND COSTS AND MOTION TO SEAL **SEALED**
8/25/2003	3340	Ord to Produce Prisoner	
8/27/2003	D435	Heard ...	MOTION GRANTED
9/2/2003	4055	Subpoena	
9/4/2003	1675	Ex-Parte Ord...	INTERMIN PAYMENT OF EXPERT & WITNESS FEES & COSTS

Case ID: CR98P0074A

Case Type: POST CONVICTION

Initial Filing Date: 2/27/2001

<u>9/8/2003</u>	4055	Subpoena	
<u>9/10/2003</u>	D435	Heard ...	MOTION FOR CONTINUANCE OF HEARING DENIED/ANY HOLD-OVER WITNESSES AND DR. BITTKER SHALL BE HEARD ON 9/22/03 AT 10:00 A.M.
<u>9/19/2003</u>	1695	** Exhibit(s) ...	EXHIBITS A-F MARKED AND ADMITTED DEPOSITION OF JOHN OHLSON OPENED AND PUBLISHED DEPOSITION OF JOHN SPRINGGATE OPENED AND PUBLISHED
<u>9/19/2003</u>	D498	Hearing Ongoing	
<u>9/19/2003</u>	4105	Supplemental ...	PETITIONER'S SUPPLEMENTAL POINTS AND AUTHORITIES
<u>9/22/2003</u>	1695	** Exhibit(s) ...	EXHIBITS G and H MARKED AND ADMITTED
<u>9/22/2003</u>	D840	Under Advisement	
<u>9/29/2003</u>	4185	Transcript ...	09/10/03 - HEARING
<u>10/15/2003</u>	4185	Transcript ...	IN-CHAMBERS POST CONVICTION HEARING 8-27-03 *****SEALED*****
<u>10/20/2003</u>	1675	Ex-Parte Ord...	FOR PAYMENT OF EXPERT WITNESS FEES
<u>12/5/2003</u>	4185	Transcript ...	09/29/03 - CONTINUED PETITION FOR POST CONVICTION
<u>12/11/2003</u>	4185	Transcript ...	09/18/03 - PETITION FOR POST CONFICTION
<u>12/16/2003</u>	4185	Transcript ...	09/22/03 - POST CONVICTION HEARING ONGOING
<u>2/24/2004</u>	4185	Transcript ...	09/22/03 - POST CONVICTION HEARING ONGOING
<u>3/19/2004</u>	1315	** Case Closed	
<u>3/19/2004</u>	2540	Notice of Entry of Ord	
<u>3/19/2004</u>	1750	Findings, Conclusions & Judg	
<u>3/26/2004</u>	2175	Mtn for Reconsideration	MOTION FOR RELIEF FROM ORDER / MOTION FOR RECONSIDERATION
<u>3/30/2004</u>	2645	Opposition to Mtn ...	FOR RELIEF FROM ORDER / MOTION FOR RECONSIDERATION
<u>4/13/2004</u>	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RELIEF FROM ORDER / MOTION FOR RECONSIDERATION PARTY SUBMITTING: DONALD YORK EVANS, ESQ. DATE SUBMITTED: 4-13-04 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: 4/15/04
<u>4/13/2004</u>	3880	Response...	PETITIONER'S RESPONSE TO RESPONDENT'S OPPOSITION TO MOTION FOR RELIEF FROM ORDER / MOTION FOR RECONSIDERATION
<u>4/26/2004</u>	2630	Objection to ...	FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT
<u>5/3/2004</u>	3060	Ord Granting Mtn ...	FOR RECONSIDERATION/PETITIONER HAS 20 DAYS TO FILE ANY OBJECTIONS TO THE ORDER/STATE HAS 10 DAYS THEREAFTER TO FILE A RESPONSE TO THE OBJECTIONS
<u>5/4/2004</u>	3880	Response...	TO OBJECTION TO FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT
<u>5/25/2004</u>	3880	Response...	TO ORDER GRANTING MOTION FOR RECONSIDERATION
<u>5/26/2004</u>	T200	Tickle End Code	

Case ID: CR98P0074A

Case Type: POST CONVICTION

Initial Filing Date: 2/27/2001

<u>7/20/2004</u>	3860	Request for Submission	DOCUMENT TITLE: OBJECTION TO FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT PARTY SUBMITTING: DA DATE SUBMITTED: 7-22-04 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: 7/28/04 MATTER SUBMITTED 7/20/04
<u>7/26/2004</u>	T200	Tickle End Code	
<u>8/12/2004</u>	2840	Ord Denying ...	MOTION TO MODIFY THE FINDINGS OF FACT, CONCLUSIONS OF LAW & JUDGMENT
<u>8/24/2004</u>	2540	Notice of Entry of Ord	
<u>8/25/2004</u>	2515	Notice of Appeal Supreme Cour	
<u>8/30/2004</u>	1310	Case Appeal Statement	
<u>8/30/2004</u>	1350	Certificate of Clerk	
<u>8/30/2004</u>	1365	Certificate of Transmittal	

ORIGINAL

FILED

1 CODE: 2840

2 AUG 12 2004

3 RONALD A. LONGTIN, JR., CLERK
4 By: [Signature]
5 DEPUTY

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8
9 SHAWN RUSSELL HARTE,
10 Petitioner,

11 vs.

12 E.K. McDANIEL, WARDEN,
13 Respondent.
14 _____ /

Case No. CR98P0074A
Dept. No. 4

15 ORDER

16 On March 19, 2004 a Findings of Fact, Conclusions Of Law And Judgment
17 was filed regarding above petitioner's Petition For Writ Of Habeas Corpus (Post
18 Conviction). On April 26, 2004 Petitioner filed Objections To Findings Of Fact,
19 Conclusions Of Law And Judgment. On May 4, 2004 Respondent filed a Response
20 To Objections To Findings Of Fact, Conclusions Of Law And Judgment. On July 20,
21 2004 a Request For Submission was filed asking this Court for a decision regarding
22 the above matter.

23 ///

24 ///

25 ///

26 ///

This Court having considered petitioner's request to modify the previously entered order hereby,

DENIES Motion to Modify the Finding Of Fact, Conclusions Of Law and Judgment entered May 4, 2004.

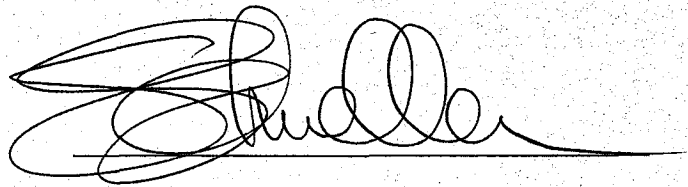
Connie I. Steinheimer
DISTRICT JUDGE

CERTIFICATE OF Mailing

I certify that I am an employee of JUDGE CONNIE STEINHEIMER; that on the
12th day of August, 2004, I deposited in the county mailing system a
true copy of the order regarding petitioners objections to finding of fact, conclusions of
law and judgment, addressed to:

Terrence McCarthy, D.D.A.
Appellate Division,
via: Interoffice Mail

Don Evans, Esq.
PO Box 864
Reno NV 89504

A handwritten signature in dark ink, appearing to read "Terrence McCarthy", is written over a horizontal line.

ORIGINAL

FILED

1 CODE: 2540

2004 AUG 24 AM 11: 28

RONALD A. LONGTIN, JR.

BY  DEPUTY

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 ***

9 SHAWN RUSSELL HARTE,

10 Petitioner,

CASE NO: CR98P0074A

11 VS.

DEPT. NO.: 4

12 STATE OF NEVADA,

13 Respondent,
14 _____/

15
16 **NOTICE OF ENTRY OF ORDER**

17 PLEASE TAKE NOTICE that on 12th day of August 2004, the Court entered a
18 decision or Order in this matter, a true and correct copy of which is attached to this notice.

19 You may appeal to the Supreme Court from the decision or order of the Court.
20 If you wish to appeal, you must file a notice of appeal with the Clerk of this Court within thirty-
21 Three (33) days, after the date this notice is mailed to you. This notice was mail on August 24,
22 2004.

23
24
25 RONALD A. LONGTIN, JR.

26 Clerk of the Court

27 By  _____

28 Deputy Clerk

ORIGINAL

FILED

1 CODE: 2840

2 AUG 12 2004

3 RONALD A. LONGTIN, JR., CLERK
4 By: [Signature]
5 DEPUTY

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8
9 SHAWN RUSSELL HARTE,

10 Petitioner,

11 vs.

12 E.K. McDANIEL, WARDEN,

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14 _____/

Case No. CR98P0074A

Dept. No. 4

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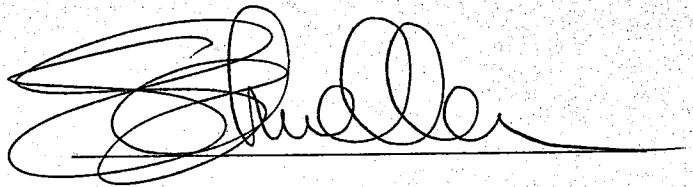
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DISTRICT JUDGE

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Don Evans, Esq.
PO Box 864
Reno NV 89504

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1
2 CERTIFICATE OF MAILING
3

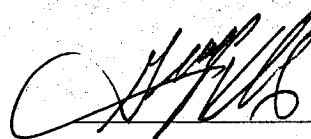
4 Pursuant to NRCP 5 (b), I hereby certify that I am an employee of The Second Judicial
5 District Court and that, on this date, I deposited for mailing through the U.S. Mail Service at Reno,
6 Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:
7

8 WASHOE COUNTY DISTRICT
9 ATTORNEY'S OFFICE
10 APPELLATE DIVISION
(Inter-office mail)

11 ATTORNEY GENERAL'S OFFICE
12 100 N. CARSON STREET
13 CARSON CITY, NV 89701-4717

14 DON EVANS, ESQ.
15 P.O. BOX 864
RENO, NV 89504

16 SHAWN RUSSELL HARTE, #61390
17 ELY STATE PRISON
18 P.O. BOX 1989
ELY, NV 89301

19
20 

21 GEORGE D. VELARDE

22 CRIMINAL CLERK

23 August 24, 2004.
24
25
26
27
28

DATE, JUDGE
OFFICERS OF

PAGE ONE

COURT PRESENTAPPEARANCES-HEARINGCONT'D TO

5/7/99

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE - AllHONORABLE Defendants

CONNIE Deputy District Attorneys Thomas Barb and Elliott Sattler represented the
STEINHEIMER State. Defendant Latisha Marie Babb present with counsel, Paul Giese
DEPT. NO.4 and Jerome Wright. Defendant Weston Edward Sirex present with
M. Stone counsel, Jack Alian and Jenny Hubach. Defendant Shawn Russell Harte
(Clerk) present with counsel, Jack Ohlson and John Springgate. Probation Officer
D. Phipps Robert Tucker also present.

(Reporter)

Court noted receipt of reports for all Defendants. Defense counsel Wright
presented argument for minimum possible penalty and concurrent time
regarding Count II. Defense counsel Hubach presented argument for
minimum possible penalty and concurrent time regarding Count II.
Defense counsel Ohlson submitted matter on the record previously
presented. State's counsel presented argument for the maximum possible
sentence and for consecutive time regarding Count II.

Defendant Babb made statement on behalf of herself.

Defendant Sirex declined to make a statement on his own behalf.

Defendant Harte declined to make a statement on his own behalf.

Probation Officer Tucker stood on recommendation.

As to Defendant Babb, COURT ORDERED JUDGMENT ENTERED and
sentenced defendant to the Nevada Department of Prisons for the term of
Life without the Possibility of Parole, for Count I, with a consecutive term of
Life without the Possibility of Parole for the use of a deadly weapon; and by
imprisonment in the Nevada Department of Prisons for the maximum term
of one hundred eighty (180) months with the minimum parole eligibility of
seventy-two (72) months with credit for five hundred forty (540) days time
served, for Count II, with a consecutive term of the maximum term of one
hundred eighty (180) months with the minimum parole eligibility of seventy-
two (72) months for the use of a deadly weapon. Count II is to be served
concurrently with sentence in Count I. Defendant is further punished by
submission to DNA analysis testing for the purpose of determining genetic
markers; and payment of attorney's fees in the amount of Seven Hundred
Fifty Dollars (\$750.00) to the Washoe County Public Defender's Office.
Defendant is further ordered to pay a Twenty-Five Dollar (\$25.00)
administrative assessment fee and a Two Hundred Fifty Dollar (\$250.00)
DNA testing fee to the Clerk of the Second Judicial District Court.

As to Defendant Sirex, COURT ORDERED JUDGMENT ENTERED and

DATE, JUDGE
OFFICERS OF

PAGE TWO

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/7/99

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE - AllHONORABLE Defendants

CONNIE sentenced defendant to the Nevada Department of Prisons for the term of
STEINHEIMER Life without the Possibility of Parole, for Count I, with a consecutive term of
DEPT. NO.4 Life without the Possibility of Parole for the use of a deadly weapon; and by
M. Stone imprisonment in the Nevada Department of Prisons for the maximum term
(Clerk) of one hundred eighty (180) months with the minimum parole eligibility of
D. Phipps seventy-two (72) months with credit for five hundred forty (540) days time
(Reporter) served, for Count II, with a consecutive term of the maximum term of one
hundred eighty (180) months with the minimum parole eligibility of seventy-
two (72) months for the use of a deadly weapon. The sentence in Count II
shall be served concurrently with the sentence in Count I. Defendant is
further punished by submission to DNA analysis testing for the purpose of
determining genetic markers; and payment of attorney's fees in the
amount of Seven Hundred Fifty Dollars (\$750.00) to the Washoe County
Public Defender's Office. Defendant is further ordered to pay a Twenty-
Five Dollar (\$25.00) administrative assessment fee and a Two Hundred
Fifty Dollar (\$250.00) DNA testing fee to the Clerk of the Second Judicial
District Court.

As to Defendant Harte, COURT ORDERED JUDGMENT ENTERED and
sentenced defendant to Death, for Count I; and by imprisonment in the
Nevada Department of Prisons for the maximum term of one hundred
eighty (180) months with the minimum parole eligibility of seventy-two (72)
months with credit for five hundred forty-one (541) days time served, for
Count II, with a consecutive term of the maximum term of one hundred
eighty (180) months with the minimum parole eligibility of seventy-two (72)
months for the use of a deadly weapon. The sentence in Count II shall be
served concurrently with the sentence in Count I. Defendant is further
punished by submission to DNA analysis testing for the purpose of
determining genetic markers; and payment of attorney's fees in the
amount of Seven Hundred Fifty Dollars (\$750.00) to the Washoe County
Public Defender's Office. Defendant is further ordered to pay a Twenty-
Five Dollar (\$25.00) administrative assessment fee and a Two Hundred
Fifty Dollar (\$250.00) DNA testing fee to the Clerk of the Second Judicial
District Court.

As to Defendant Harte, COURT FURTHER ENTERED ORDER that the
Director of the Department of Prisons shall carry out said Judgement by
executing the Defendant during the week commencing on Monday, the
16th day of August, 1999.

CASE NO. CR98-0074

TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON
EDWARD SIREX and SHAWN RUSSELL HARTE

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DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/7/99 ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE - All
HONORABLE Defendants
CONNIE Motion for release of evidence by Defense counsel Hubach; presented
STEINHEIMER argument. COURT ENTERED ORDER denying Motion pending appeal.
DEPT. NO.4
M. Stone
(Clerk)
D. Phipps
(Reporter)

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE
OFFICERS OF

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/15/99 JURY TRIAL

HONORABLE Deputy District Attorneys Thomas Barb and Elliott Sattler represented the
CONNIE State. Defendant Babb present with counsel, Paul Giese and M. Jerome
STEINHEIMER Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach.
DEPT. NO.4 Defendant Harte present with counsel, John Ohlson and John Springgate.

M. Stone 10:24 a.m. Court convened.

(Clerk) Prospective jurors present.

K. Yates/E. Upon no objection by counsel and medical excuses being provided, COURT
Nelson ENTERED ORDER excusing Juror Brant, to be recalled in 6 months; and
(Reporters) excusing Juror Ott-Partin, to be recalled at the discretion of the Jury
Commissioner.

Court personnel, respective counsel and defendants introduced to the jury panel.

Roll taken of prospective jurors; all present except Bogle and Key. Respective counsel stipulated to proceed in their absence. All prospective jurors sworn as to their qualifications to serve as trial jurors. Forty names drawn (Cunningham, Collins, Rosas, Carroll, Tarrant, Nikoley, Kies, Schmidt, Hopper, Hagan, Short, Garfinkle, Bartlett (excused upon stipulation of respective counsel), Rieger, Mayne, Bangert, Leonard, Gumagay, Triplett, Alpers, Ryan Johnson, Mitchell, Monroe, Timmons, Willingham, Scott, Cha, Cordova, Alas, Allan, Hickman, Judge, Emmich, Rogers, Oery, Mahomet, Watkins, Steele, Smith); and jurors seated.

10:45 a.m. John R. Bogle present and sworn as to his qualifications to serve as a trial juror.

11:00 a.m. Douglas R. Key present and sworn as to his qualifications to serve as a trial juror.

Prospective Jury Panel generally examined by Court.

Upon discussion at the bench and no objection by respective counsel, COURT excused juror Judge.

Another name drawn. Craig R. Fougner called, seated and generally examined by the Court.

Prospective Jury Panel further generally examined by Court.

Upon Juror Fougner's hearing disability and no objection by counsel, COURT excused Juror Fougner, to be recalled. When recalled Jury Commission must have hearing disability capability in the Courtroom.

Upon stipulation of respective counsel, COURT excused Juror Bogle due to medical reasons.

Another name drawn. Nina A. Killen called, seated and generally examined by Court.

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE
OFFICERS OF

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/15/99

CONTINUED JURY TRIAL

K. Yates/E. Nelson
(Reporters) Upon discussion at the bench and no objection by respective counsel, COURT excused Juror Garfinkle excused.

Another name drawn. Eulalia Brana called, seated and generally examined by the Court.

Prospective Jury Panel further generally examined by Court.

Upon no objection by respective counsel, COURT excused Juror Collins to be recalled in 3 months.

Another name drawn. Patricia E. Welch called, seated and generally examined by the Court.

Prospective Jury Panel further generally examined by Court.

Upon no objections by respective counsel, COURT excused Juror Gumagay to return on March 22, 1999; and excused Juror Cha due to language barrier. Two additional names drawn. Paul A. Canady and Douglas R. Key called, seated and generally examined by the Court.

12:30 p.m. Jury admonished. Court recessed.

2:00 p.m. Court reconvened with respective counsel and defendants present. Prospective Jurors present. Clerk called roll; all present.

Upon no objection by respective counsel, COURT excused Juror Hagan due to medical illness of mother.

Another name called. John T. Rushing called, seated and generally examined by Court.

Upon direction of the Court, State's counsel Barb specifically examined the prospective jury panel

Juror Oery challenged for cause by State's counsel Barb; traversed and objected by defense counsel Springgate; challenge denied.

Prospective jury panel further specifically examined by State's counsel Barb.

Upon direction of the Court, defense counsel Hubach specifically examined prospective jury panel.

3:25 p.m. Jury admonished. Court recessed.

3:40 p.m. Court reconvened with respective counsel and defendant's present. Prospective jurors present.

Upon direction of the Court, defense counsel Giese specifically examined prospective jury panel.

Juror Cunningham challenged for cause by defense counsel Giese; traversed

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE
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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/15/99

CONTINUED JURY TRIAL

K. Yates/D. and no objection by State's counsel Barb; challenge granted and juror Phipps excused.

(Reporter) Another name drawn. Dianna Santo called, seated and generally examined by the Court and State's counsel Barb.

Defense counsel Giese further specifically examined the prospective jury panel.

Juror Santos challenged for cause by defense counsel Giese; traversed and objection by State's counsel Barb; challenge denied.

Defense counsel Giese further specifically examined the prospective jury panel.

Upon direction of the Court, defense counsel Springgate specifically examined the prospective jury panel.

Respective counsel passed the prospective juror panel for cause.

Court thanked and excused un-selected jurors.

5:00 p.m. Jury admonished. Court recessed.

5:40 p.m. Court reconvened with respective counsel and defendants present.

Respective counsel stipulated to the presence of all prospective jurors.

State's first peremptory challenge was of juror Rushing.

Defense's first peremptory challenge was of juror Santos.

State's second peremptory challenge was of juror Short.

Defense's second peremptory challenge was of juror Welch.

State's third peremptory challenge was of juror Rosas.

Defense's third peremptory challenge was of juror Tarrant.

State's fourth peremptory challenge was of juror Kies.

Defense's fourth peremptory challenge was of juror Schmidt.

State's fifth peremptory challenge was of juror Collings.

Defense's fifth peremptory challenge was of juror Mayne.

State's sixth peremptory challenge was of juror Mitchell.

Defense's sixth peremptory challenge was of juror Canady.

State's seventh peremptory challenge was of juror Timmons.

Defense's seventh peremptory challenge was of juror Triplett.

State's eighth peremptory challenge was of juror Alas.

Defense's eighth peremptory challenge was of juror Alpers.

State's ninth peremptory challenge was of juror Cordova.

Defense's ninth peremptory challenge was of juror Johnson.

State's tenth peremptory challenge was of juror Leonard.

Defense's tenth peremptory challenge was of juror Willingham.

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K. Yates/D. State's eleventh peremptory challenge was of juror Oery.
Phipps Defense's eleventh peremptory challenge was of juror Allan.
(Reporter) State's twelfth peremptory challenge was of juror Key.
Defense's twelfth peremptory challenge was of juror Emmrich.

State's peremptory challenge of alternate jurors was of juror Mahomet.
Defense's peremptory challenge of alternate jurors was of juror Smith.

The following twelve persons and two alternates were sworn to try this case:

Karoline K. Carroll	Jason C. Nikoley	Joy E. Hopper
Eulalia Brama	Gary V. Rieger	Lawrence D. Bangert
Julie C. Ryan	Anthony D. Monroe	Bradford L. Scott
Timothy E. Hickman	Nina A. Killen	Timothy B. Rogers
Alternates: Veronica J. Watkins and Karen K. Steele		

5:50 p.m. Jury admonished; said admonishment administered prior to each recess throughout the trial. Jury excused.

Outside the presence of the jury, discussion ensued regarding the Motion in Limine to exclude Expert Witnesses.

Request for Offer of Proof Hearing regarding the evidence to be presented by Defense's Expert Witnesses by defense counsel Ohlson; presented argument; objection and argument by State's counsel Barb. COURT ENTERED ORDER that Defense counsel Ohlson must secure the presence of the Expert Witnesses and the Court would hear the testimony prior to a ruling on the Motion in Limine.

Defense counsel Hubach joined in defense counsel Ohlson's Objection to the Motion in Limine.

Discussion ensued regarding the potential of the jury hearing that the Defendant's were in custody.

Request for substitution of witness to authenticate news cast tape by State's counsel Barb; presented argument; no objection by respective defense counsel. COURT ENTERED ORDER allowing Steve Miller to be substituted in place of Ethan Hart.

6:25 p.m. Court recessed. Defendants remanded to the custody of the sheriff.

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HONORABLE Deputy District Attorneys Thomas Barb and Elliott Sattler represented the
CONNIE State. Defendant Babb present with counsel, Paul Giese and M. Jerome
STEINHEIMER Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach.
DEPT. NO.4 Defendant Harte present with counsel, John Ohlson and John Springgate.
M. Stone 10: 40 a.m. Court reconvened outside the presence of the jury.
(Clerk) Defense counsel Giese reserved opening statement.

K. Yates/E. Defense counsel Hubach and Springgate wished to present an opening
Nelson statement after State's counsel.

(Reporters) 10:41 a.m. Jury entered. Respective counsel stipulated to the presence of the
jury.

Court Clerk read the Indictment aloud and indicated that pleas of not guilty
had previously been entered by each of the defendants.

State's counsel Elliott presented opening statement.

Defense counsel Hubach presented opening statement.

Defense counsel Springgate presented opening statement.

Defense counsel Giese reserved opening statement.

Respective defense counsel Giese and Springgate invoked the rule of
exclusion.

Gerald Vaughn called by State's counsel Elliott, sworn and testified; cross-
examined by respective defense counsel Alian, Wright and Springgate;
redirect examined.

EXHIBIT 2A offered by State's counsel Elliott; no objection by respective
defense counsel; ordered admitted into evidence.

Witness Vaughn further redirect examined.

EXHIBIT 2B offered by State's counsel Elliott; no objection by respective
defense counsel; ordered admitted into evidence.

Witness Vaughn further redirect examined; excused.

John Lagamma called by State's counsel Elliott, sworn and testified; cross-
examined by respective defense counsel Alian, Wright and Springgate;

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K. Yates/E. excused.

Nelson

(Reporters)

12:03 p.m. Jury admonished and excused. Outside the presence of the jury, Defense counsel made statement regarding his offer of proof regarding the Motion to exclude Expert Testimony.

12:05 p.m. Court recessed.

1:43 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

Discussion ensued regarding the schedule of trial.

State's counsel Barb provided respective defense counsel with the curriculum vitae of Kevin Lattyak.

1:46 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Ron Holst called by State's counsel Sattler, sworn and testified; cross-examined by respective defense counsel Alian and Springgate; excused.

Joey Machado called by State's counsel Sattler, sworn and testified; cross-examined by defense counsel Alian and Springgate; redirect examined; excused.

Kandi Payne-Davis called by State's counsel Sattler, sworn and testified.

EXHIBIT 7A offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness further direct examined.

EXHIBIT 7C offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness further direct examined; cross-examined by respective defense counsel; redirect examined.

EXHIBIT 19A offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Payne-Davis further redirect examined; recross-examined by

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K. Yates/E. respective defense counsel Alian and Springgate; excused.

Nelson

(Reporters)

2:45 p.m. Jury admonished. Court recessed.

3:12 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present for a petrocilli hearing.

State's counsel Barb set forth offer of proof.

Jim Stewart called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Springgate.

Upon request by defense counsel Springgate; joinder by respective defense counsel Alian and Giese; objection by State's counsel Barb; denied.

Witness Stewart further cross-examined by respective defense counsel Springgate, Giese and Alian; redirect examined; excused, subject to recall.

Discussion ensued regarding schedule of witnesses.

4:00 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court excused jury panel until March 17, 1999, at 10:30 a.m.

4:01 p.m. Jury admonished and excused.

Bill Coleman called by State's counsel Barb, sworn and testified; cross-examined by respective defense counsel Springgate and Alian; excused, subject to recall.

Mark Joseph called by State's counsel Barb, sworn and testified; cross-examined by respective defense counsel Alian and Springgate.

Motion for Continuance of Petricelli hearing for disclosure of video tapes by respective defense counsel Springgate and Giese; presented argument; objection and argument by State's counsel Barb.

Upon clarification by the State, COURT ENTERED ORDER allowing testimony from Witness Joseph as set forth by State's counsel Barb and nothing more until further hearing.

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K. Yates/E. Witness Joseph excused, subject to recall.

Nelson

(Reporters)

Defense counsel Springgate made further statement.

COURT ENTERED ORDER that Churchill County Witnesses may only state they were investigating an incident and a lawful search warrant of the vehicle and home were received and complied with.

Upon discussion regarding the exhibits, State's counsel Barb indicated that Exhibits 9, 5C and 5D will not be used during the guilt phase of this trial.

5:13 Court recessed. Defendants remand to the custody of the sheriff.

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HONORABLE
CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

E. Nelson

(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Harte present with counsel, John Ohlson and John Springgate. 10:20 a.m. Court reconvened outside presence of jury.

Rev. Robert Retner called by defense counsel Ohlson, sworn and testified; cross-examined by State's counsel Barb; excused.

State's counsel Barb made statement regarding Petricelli hearing and tape produced by FBI. Respective defense counsel indicated that they had in fact received the tape with questioning by the FBI.

10:45 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Jim Woods called by State's counsel Sattler, sworn and testified; cross-examined by defense counsel Hubach; excused.

Jim Stewart called by State's counsel Barb, sworn and testified.

EXHIBIT 4A offered by State's counsel Barb; no objection by respective

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defense counsel; ordered admitted into evidence.

Witness Stewart further direct examined; cross-examined by respective defense counsel Giese and Springgate; excused.

Mark Joseph called by State's counsel Barb, sworn and testified.

EXHIBIT 4B AND 4C offered by State's counsel Barb; no objection by respective defense counsel, ordered admitted into evidence.

Witness Joseph further direct examined; cross-examined by respective defense counsel Giese and Springgate; excused.

Billy J. Coleman called by State's counsel Barb, sworn and testified.

EXHIBIT 5A offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 24 offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further direct examined; cross-examined by respective defense counsel Giese and Springgate; redirect examined; excused.

Chuck Lowe called by State's counsel Sattler, sworn and testified.

EXHIBIT 2C offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 28 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

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EXHIBIT 19B offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 16 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 17A offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

12:00 p.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the schedule of trial.

12:03 p.m. Court recessed.

1:35 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

EXHIBITS 17D AND 17E marked by State's counsel Sattler.

Motion to Redact Exhibit 24 by respective defense counsel; presented argument; objection and argument by State's counsel Barb. COURT reserved ruling.

1:44 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Lowe, heretofore sworn, resumed stand and was further direct examined.

EXHIBIT 17B offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

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EXHIBIT 17C offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 17D offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 17E offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 26 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 33 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined; cross-examined by respective defense counsel Hubach, Giese and Springgate; redirect examined; excused.

J. L. Straits called by State's counsel Sattler, sworn and testified.

EXHIBIT 18A and 18B offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 18C marked and offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

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EXHIBIT 32 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 3B offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 6A, 6B, 6C and 6D offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 27 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 3A offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined; cross-examined by respective defense counsel Hubach and Springgate; excused.

Kevin Lattyak called by State's counsel Barb, sworn and testified; cross examined by respective defense counsel Alian and Springgate; redirect examined; recross-examined by defense counsel Springgate; further examined by State's counsel Barb and respective defense counsel Springgate and Alian; excused.

Jim Beltron called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Alian.

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(Reporter)

EXHIBITS 31A - 31E offered by defense counsel Alian; no objection by State's counsel Barb or respective defense counsel; ordered admitted into evidence.

Witness Beltron cross-examined by defense counsel Springgate; redirect examined; recross-examined by defense counsel Springgate; excused.

3:27 p.m. Jury admonished. Court recessed.

4:06 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Larry Canfield called by State's counsel Elliott, sworn and testified; cross-examined by defense counsel Alian; excused.

David Palosaari called by State's counsel Barb, sworn and testified.

EXHIBIT 1A offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Palosaari further direct examined; cross-examined by respective defense counsel Alian and Springgate; redirect examined; recross-examined by defense counsel Alian; excused.

4:30 Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the schedule of witnesses and redaction to Exhibit 8.

Upon arguments regarding exhibit 8, COURT ENTERED ORDER allowing for exhibit 8 to be redacted.

EXHIBIT 8A marked by State's counsel Barb.

Defendants Sirex, Babb and Harte canvassed as to their rights against self incrimination.

Court addressed Defendants Babb and Harte regarding contact with each other.

4:52 p.m. Court recessed. Defendants remanded to the custody of the sheriff.

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HONORABLE Deputy District Attorneys Thomas Barb and Elliott Sattler represented the
CONNIE J. State. Defendant Babb present with counsel, Paul Giese and M. Jerome
STEINHEIMER Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach.
M. Stone Defendant Harte present with counsel, John Ohlson and John Springgate.
(Clerk) 8:15 a.m. Court reconvened outside the presence of the jury.
E. Nelson Defense counsel Ohlson presented offer of proof evidence against the Motion
(Reporter) to Exclude Expert Witness Testimony.

Charles Durante called by Defense counsel Ohlson, sworn and testified; cross-examined by State's counsel Barb; redirect examined; recross examined; excused.

8:35 a.m. Court recessed.

10:30 a.m. Court reconvened outside the presence of the jury, with respective counsel and defendants present.

Defense counsel Giese requested that Court remain in recess until he is able to complete a criminal hearing in another department. COURT ENTERED ORDER allowing for the delay. COURT FURTHER ORDERED Bailiff to inform jury of delay.

10:35 a.m. Court recessed.

11:13 a.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

EXHIBITS 13A AND 13B, respective counsel stipulated to the foundation of the evidence.

Jennifer Crowe called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Giese; excused.

Lanette Bagby called by State's counsel Barb, sworn and testified.

EXHIBIT 8 offered by State's counsel Barb; objection by defense counsel Springgate and Giese; offer withdrawn.

Witness Bagby further direct examined.

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EXHIBIT 8A marked and offered by State's counsel Barb; no objection by
respective defense counsel; ordered admitted into evidence.

Witness Bagby further direct examined; excused.

State's counsel rested.

Defense counsel Hubach rested.

Defense counsel Giese rested.

Defense counsel Springgate rested.

11:30 a.m. Jury admonished and excused. Outside the presence of the jury,
discussion ensued regarding Exhibit 24.

Respective Defendants invoked the right against self incrimination.

Defense counsel Ohlson set forth further offer of proof regarding the Motion
to exclude Expert Witnesses.

Myra Soifer called by defense counsel Ohlson, sworn and testified; cross-
examined by State's counsel Barb; excused.

Defense counsel Ohlson presented further objection to Motion to Exclude.

State's counsel Barb presented reply to the Objection.

COURT took matter under submission.

Defendants waived right to be present at the discussions regarding jury
instructions and exhibit 24.

11:50 a.m. Court recessed. Defendants remanded to the custody of the
sheriff.

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HONORABLE

CONNIE J.

STEINHEIMER

M. Stone-(Clerk)

E. Nelson

(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the
State. Defendant Babb present with counsel, Paul Giese and M. Jerome
Wright. Defendant Sirex present with counsel, Jack Aliam and Jenny Hubach.
Defendant Harte present with counsel, John Ohlson and John Springgate.

9:42 a.m. Court reconvened outside the presence of the jury.

Court set forth order of the jury instructions. Respective counsel had no
further

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E. Nelson
(Reporter)

instructions to offer. Respective counsel Barb, Hubach, and Giese had no further objections to the Instructions. Defense counsel Ohlson set forth objection to Instructions 17 and 23; joinder by defense counsel Alian. COURT OVERRULED objection and allowed for the instruction. Respective counsel had no objection to the verdict forms.

Respective counsel stipulated to the reading of the instructions prior to arguments.

Upon request by State's counsel Barb and stipulation by respective defense counsel, COURT ENTERED ORDER amending the Indictment to reflect Robbery in the amount of \$84.00.

EXHIBIT 24A admitted into evidence upon stipulation by respective counsel. EXHIBIT 24 to remain admitted but not delivered to the jury.

9:56 a.m. Court recessed.

10:15 a.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

Upon request by State's counsel, COURT ENTERED ORDER allowing Deputy Belton to be exempt from the Rule of Exclusion for closing arguments.

10:17 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court read Instructions aloud.

State's counsel Barb presented opening argument.

Defense counsel Hubach presented answering argument.

Defense counsel Giese presented answering argument.

11:45 a.m. Jury admonished. Court recessed.

12:05 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Defense counsel Springgate presented answering argument.

State's counsel Barb presented closing argument.

1:00 p.m. Law Clerk sworn to take charge of the Alternate Jurors. Bailiff sworn to take charge of the Jurors for deliberation.

Outside the presence of the jury, COURT ENTERED ORDER granting the

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E. Nelson Motion to Exclude Expert Witness Testimony.
(Reporter) 1:15 p.m. Court recessed.
3:04 p.m. Court reconvened with respective counsel and defendants present.
Court informed parties of Question No. 1 from the jury. Upon no objections
by respective counsel, COURT ORDERED Answer to Question No. 1 delivered
to the jury.
3:07 p.m. Court recessed.
3:58 p.m. Court reconvened with respective counsel and defendants present.
Respective counsel stipulated to the presence of the jury.
Clerk called Roll.
Jury returned the following verdicts:

VERDICT

We, the jury in the above-entitled matter, find the Defendant, WESTON EDWARD SIREX, GUILTY of COUNT II. ROBBERY.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott
FOREPERSON

If you found the Defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

X Yes No

(sgd) Bradford L. Scott
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, LATISHA MARIE BABB, GUILTY of COUNT II. ROBBERY.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott
FOREPERSON

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E. Nelson
(Reporter)

If you found the Defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

X Yes

____ No

(sgd) Bradford L. Scott
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, SHAWN RUSSELL HARTE, GUILTY of COUNT II. ROBBERY.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott
FOREPERSON

If you found the Defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

X Yes

____ No

(sgd) Bradford L. Scott
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, WESTON EDWARD SIREX, GUILTY of MURDER.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott
FOREPERSON

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E. Nelson
(Reporter)

Having found the Defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or Murder of the Second Degree?

X Murder of the First Degree
___ Murder of the Second Degree

(sgd) Bradford L. Scott
FOREPERSON

If you found the Defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the commission of this Murder as defined in these instructions?

Yes X No ___

(sgd) Bradford L. Scott
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, LATISHA MARIE BABB, GUILTY of MURDER.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott
FOREPERSON

Having found the defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or Murder of the Second Degree?

X Murder of the First Degree
___ Murder of the Second Degree

(sgd) Bradford L. Scott
FOREPERSON

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E. Nelson
(Reporter)

If you have found the Defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the commission of this Murder as defined in these instructions?

X Yes

___ No

(sgd) Bradford L. Scott
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, SHAWN RUSSELL HARTE, GUILTY of MURDER.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott

Having found the Defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or First of the Second Degree?

X Murder of the First Degree

___ Murder of the Second Degree

(sgd) Bradford L. Scott

If you have found the defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the commission of this Murder as defined in these instructions?

Yes X

No ___

(sgd) Bradford L. Scott

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CONTINUED JURY TRIAL

E. Nelson
(Reporter)

Court inquired of the jurors as a whole if this was the verdict to which they agreed and there were no negative responses.

Upon motion by defense counsel Giese, COURT ORDERED THE JURY POLLED. To the question, "Are these your verdicts as read?", posed to each of the jurors individually, as to each Defendant, each responded "Yes".

Court admonished the Jury Panel and the Alternates and Ordered them to return for the Penalty Phase of the Trial on March 22, 1999, at 10:00 a.m.

4:11 p.m. Court recessed.

3/22/99

PENALTY JURY TRIAL

HONORABLE
CONNIE J.
STEINHEIMER
DEPT. NO. 4
M. Stone
(Clerk)
E. Nelson
(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Latisha Marie Babb present with counsel, Paul Giese and M. Jerome Wright. Defendant Weston Edward Sirex present with counsel, Jenny Hubach and Jack Alian. Defendant Shawn Russell Harte present with counsel, John Ohlson and John Springgate.
8:42 a.m. Court reconvened outside the presence of the jury for prior bad acts hearing.
Abraham Lee called by State's counsel Elliott, sworn and testified.

EXHIBIT 34A - 34L marked by State's counsel Elliott.

Witness Lee further direct examined.

EXHIBIT 34A - 34L offered by State's counsel Elliott; no objection by respective defense counsel; ordered admitted into evidences for purposes of this hearing only.

Witness Lee cross-examined by defense counsel Alian; excused.

Billy J. Coleman called by State's counsel Barb, sworn and testified.

EXHIBIT 9, 5A and 5C offered by State's counsel Barb; voir dire by Defense counsel Wright; objection to 5C and 9 by defense counsel Ohlson; joinder by defense counsel Wright and Alian; reply by State's counsel Barb; ordered admitted into evidence for purposes of this hearing only.

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E. Nelson
(Reporter)

Witness Coleman further direct examined; cross-examined by respective defense counsel Alian, Wright and Ohlson; redirect examined by State's counsel Barb; recross by defense counsel Wright; excused.

Mark Joseph called by State's counsel Barb, sworn and testified; cross-examined by respective defense counsel Alian, Giese and Ohlson; excused, subject to recall.

Jim Beltron called by State's counsel Barb, sworn and testified; cross-examined by respective defense counsel Giese and Ohlson; excused, subject to recall.

State's counsel presented argument.

Respective defense counsel Alian, Wright and Ohlson presented objection to the testimony of the witnesses.

State's counsel present further argument.

COURT ENTERED ORDER that State's counsel could not bring in testimony regarding fingerprints unless Defense counsel inquires in that area first; and that the Motion in Limine to exclude prior bad act testimony is denied.

10:30 a.m. Court recessed.

10:52 a.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the Jury.

State's counsel Barb presented opening statement.

Defense counsel Hubach presented opening statement.

Defense counsel Wright presented opening statement.

Defense counsel Ohlson presented opening statement.

Abraham Lee called by State's counsel Sattler, sworn and testified.

EXHIBIT 34A - 34 L offered by State's counsel Sattler; no objection by respective defense counsel Alian and Giese; objection by defense counsel Ohlson; ordered admitted into evidence.

Witness Lee further direct examined; excused.

Billy Coleman called by State's counsel Barb, sworn and testified.

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E. Nelson

(Reporter)

EXHIBIT 35 marked by State's counsel Barb.

Witness Coleman further direct examined.

EXHIBIT 35 offered by State's counsel Barb; no objection by respective defense counsel Alian and Giese; objection by defense counsel Ohlson; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 24 offered by State's counsel Barb; objection by respective defense counsel; COURT took matter under advisement.

Witness Coleman further direct examined.

EXHIBIT 5B offered by State's counsel Barb; objection by respective defense counsel Alian and Giese; voir dire and objection by defense counsel Ohlson.

Witness Coleman further direct examined.

EXHIBIT 5C offered by State's counsel Barb; objection by respective defense counsel Alian and Giese; voir dire and objection by defense counsel Ohlson; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 9 offered by State's counsel Barb; objection by respective defense counsel Alian, Giese and Ohlson; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 5D offered by State's counsel Barb; objection by respective counsel Alian and Giese; voir dire by defense counsel Ohlson.

Witness Coleman further direct examined.

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E. Nelson
(Reporter)

EXHIBIT 5D re-offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 36 marked by State's counsel Barb.

Witness Coleman further direct examined.

EXHIBIT 36 offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further direct examined; cross-examined by defense counsel Giese and Ohlson.

EXHIBIT 37 marked by State's counsel Barb.

Witness Coleman further redirect examined.

EXHIBIT 37 offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further redirect examined; excused.

12:06 p.m. Jury admonished and excused. Outside the presence of the jury, Court clarified ruling regarding Exhibits 5C and 9.

Discussion ensued regarding exhibits admitted during the Guilt Phase of the Trial. Court canvassed Defendants regarding their right against self incrimination.

12:12 p.m. Court recessed.

1:36 Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Jim Belton called by State's counsel Barb, sworn and testified.

EXHIBIT 38 marked by State's counsel Barb.

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E. Nelson

(Reporter)

Witness Beltron further direct examined.

EXHIBIT 38 offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Beltron further direct examined.

EXHIBIT 8 offered by State's counsel Barb; objection by respective defense counsel Giese and Ohlson.

1:53 p.m. Jury admonished and excused. Outside the presence of the jury, State's counsel Barb presented argument regarding Exhibit 8. Defense counsel Giese withdrew objection. Defense counsel Ohlson present objection. State's counsel Barb presented further argument.

Upon further discussion, EXHIBIT 8B being marked and no objections, COURT ENTERED ORDER admitting Exhibit 8B into evidence.

2:17 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Beltron further direct examined.

EXHIBIT 8B offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Beltron further direct examined; cross-examined by defense counsel Wright; excused.

Jim Joseph called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Ohlson; redirect examined; excused.

2:37 p.m. Jury admonished and excused. Outside the presence of the jury, State's counsel presented respective defense counsel with a typed statement from the Victim's family.

Upon no objection, COURT ALLOWED the Victim Impact statement to be read aloud to the Jury by the Victim's brother.

2:44 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

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(Reporter)

Tony Castro called by State's counsel Sattler, sworn and testified; cross-examined by defense counsel Ohlson; excused.

State's counsel rested.

2:54 p.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the schedule of witnesses.

2:58 p.m. Court recessed.

3:08 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Jim Beltron, heretofore sworn, called by defense counsel Hubach and direct examined; excused.

3:14 p.m. Jury admonished and excused. Outside the presence of the jury, Defendants advised of their rights against self incrimination.

3:18 p.m. Court recessed.

CONTINUED PENALTY JURY TRIAL

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HONORABLE
CONNIE J.
STEINHEIMER
DEPT. NO. 4
M. Stone
(Clerk)

E. Nelson
(Reporter)

Deputy District Attorneys Thomas W. Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul C. Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack A. Alian and Jenny D. Hubach. Defendant Harte present with counsel, John Ohlson and John P. Springgate.

9:42 p.m. Court reconvened. Respective counsel stipulated to the presence of the jury.

Heidi Manson called by defense counsel Hubach, sworn and testified; excused.

Roy Parry called by defense counsel Hubach, sworn and testified; cross-examined by State's counsel Barb and Defense counsel Ohlson; excused.

Ronald Mueller called by defense counsel Hubach, sworn and testified; cross-examined by State's counsel Barb and defense counsel Ohlson; redirect

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examined; recross-examined by State's counsel Barb and defense counsel Ohlson; excused.

Stephanie Roysten called by defense counsel Alian, sworn and testified; cross-examined by State's counsel Barb; excused.

Mary Smith called by defense counsel Hubach, sworn and testified; cross-examined by State's counsel Barb; excused.

11:10 a.m. Jury admonished and excused. Outside the presence of the jury, COURT advised the defendant to stop conversing with each other.

11:15 a.m. Court recessed.

11:25 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Penelope Peer called by defense counsel Hubach, sworn and testified.

EXHIBIT 39 offered by defense counsel Hubach; no objection by State's counsel and respective defense counsel Giese and Ohlson; ordered admitted into evidence.

Witness Peer further direct examined; excused.

Jerry Howle, M.D., called by defense counsel Hubach, sworn and testified.

EXHIBIT 30 offered by defense counsel Hubach; no objection by State's counsel and respective defense counsel Giese and Ohlson; ordered admitted into evidence.

Witness Howle further direct examined.

EXHIBIT 40 marked and offered by defense counsel Hubach; no objection by State's counsel and respective defense counsel Giese and Ohlson; ordered admitted into evidence.

Witness Howle further direct examined; cross-examined by State's counsel Barb and defense counsel Ohlson; redirect examined; recross-examined by State's counsel Barb; excused.

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Defense counsel Hubach rested.

12:03 p.m. Jury admonished. Court recessed.

1:37 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

All Defendants invoked their right against self incrimination. COURT ENTERED ORDER that the Defendants may re-open prior to reading of instructions, if they wish to testify.

1:40 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Mary Beth Babb called by defense counsel Wright, sworn and testified; excused.

Martha Mahaffey, Ph.D., called by defense counsel Giese, sworn and testified.

EXHIBIT 41 marked.

Witness Mahaffey further direct examined.

2:13 p.m. Jury excused. Outside the presence of the jury, discussion ensued regarding exhibits.

EXHIBIT 42 and 43 marked by defense counsel Giese.

Discussion ensued with respective counsel. COURT ENTERED ORDER allowing exhibit 42 admitted as demonstrative only; and allowing exhibit 43 admitted, but will also allow for a continuance of the trial for further discovery if requested by the State. Defense counsel Giese withdrew offer of exhibit 43.

2:30 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Mahaffey, heretofore sworn, resumed stand and was further direct examined.

EXHIBIT 41 offered by defense counsel Giese; objection by defense counsel

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E. Nelson
(Reporter)

Ohlson; no objection by State's counsel Barb and defense counsel Hubach.
Upon redaction to Exhibit 41, EXHIBIT 41A marked and ordered admitted into evidence upon no objections by respective counsel.

Witness Mahaffey further direct examined.

3:30 p.m. Jury admonished. Court recessed.

4:19 p.m. Court reconvened with respective counsel and defendants present.
Respective counsel stipulated to the presence of the jury.

Witness Mahaffey, heretofore sworn, resumed stand and was cross-examined by State's counsel Sattler.

EXHIBIT 8C marked by State's counsel Sattler.

Witness Mahaffey further cross-examined; redirect examined; recross-examined; excused.

Defense counsel Giese rested.

Linda Solomon called by defense counsel Ohlson, sworn and testified.

EXHIBIT 44 marked by defense counsel Ohlson.

Witness Solomon further direct examined.

EXHIBIT 44 offered by defense counsel Ohlson; no objection by State's counsel and respective defense counsel; ordered admitted into evidence.

Witness Solomon further direct examined; cross-examined by State's counsel Barb; redirect examined; excused.

Defense counsel Ohlson rested.

EXHIBIT 8C re-offered by State's counsel Barb; COURT reserved ruling.

State's counsel Barb rested rebuttal.

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E. Nelson
(Reporter)

Defendant Babb made statement in allocution.

4:45 p.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the Jury Instructions.

Court set forth order of Instructions. Defense counsel Ohlson had one additional Instruction to offer; joinder by respective defense counsel Giese and Alian; objection by State's counsel Barb; COURT denied use of offered Instruction and marked it as Defendant Harte's Offered Instruction A.

Defense counsel Giese had one Special Verdict to offer; objection by State's counsel Barb; COURT denied use of Offered Special Verdict and marked it as Defendant Babb's Offered Special Verdict Form B.

Defense counsel Hubach had one Special Verdict to offer; objection by State's counsel Barb; COURT denied use of Offered Special Verdict and marked in as Defendant Sirex' Offered Special Verdict Form C.

Respective counsel had no further objections or instructions to offer.

Respective counsel stipulated to reading the Instructions prior to arguments. COURT ENTERED ORDER denying Motion to Strike Aggravating Circumstances.

Motion to exclude Exhibit 24 from the Jury by defense counsel Ohlson; objection and argument by State's counsel Barb; COURT ENTERED ORDER denying motion, upon finding that the necessity for a redaction has become moot.

Discussion ensued regarding Exhibit 8C.

5:15 p.m. Court recessed.

3/24/99

HONORABLE
CONNIE J.
STEINHEIMER
DEPT. NO. 4

M. Stone
(Clerk)

E. Nelson
(Reporter)

CONTINUED PENALTY JURY TRIAL

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul C. Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack A. Alian and Jenny D. Hubach. Defendant Harte present with counsel, John Ohlson and John P. Springgate.

11:34 a.m. Court reconvened outside the presence of the jury.

Motion for Juror Ryan to be Discharged from Service by defense counsel Ohlson; presented argument.

District Attorney Richard A. Gammick made statement to the Court.

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(Reporter)

Motion for Mistrial by defense counsel Alian; joinder by defense counsel Giese; presented argument; objection and argument by State's counsel Barb.

Respective defense counsel re-offered Defendant Harte's Offered Instruction A; presented argument; objection and argument by State's counsel Barb; COURT ENTERED ORDER denying request.

11:45 a.m. Juror Scott entered courtroom and was examined by the Court regarding Question from Jury; admonished and excused.

11:47 a.m. Juror Ryan entered courtroom and was examined by the Court; admonished and excused.

COURT ENTERED ORDER finding that neither Juror Scott nor Ryan had any improper conduct, therefore, denied the Motion to Discharge Juror Ryan and the Motion for Mistrial.

Discussion ensued regarding Jury Instructions.

11:55 a.m. Court recessed..

12:45 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

Upon request by State's counsel and no objection by respective defense counsel, COURT ENTERED ORDER allowing for a Cautionary Instruction.

12:47 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court read Cautionary Instruction aloud.

Court read Jury Instructions aloud.

State's counsel Sattler presented opening argument.

Defense counsel Hubach presented answering argument.

2:10 p.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the Cautionary Instruction.

2:15 p.m. Court recessed.

2:31 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

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E. Nelson
(Reporter)

Defense counsel Giese presented answering argument.
Defense counsel Ohlson presented answering argument.

3:49 p.m. Jury admonished and excused. Outside the presence of the jury, Discussion ensued regarding the reference in defense counsel Ohlson's argument about the Victim being Catholic.

3:51 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Defense counsel Ohlson presented further answering argument.
State's counsel Sattler presented closing argument.

4:35 p.m. Law Clerk sworn to take charge of the Alternate Jurors. Bailiff sworn to take charge of the Jurors for deliberation.

7:34 p.m. Court reconvened in chambers with respective counsel present. Court informed parties of Question No. 4 from the jury. Upon no objections by respective counsel, COURT ORDERED Answer to Question No. 4 delivered to the Jury.

7:50 p.m. Court recessed.

8:10 p.m. Court reconvened in chambers with respective counsel present. Court informed parties of Question No. 6 from the jury. Upon no objections by respective counsel, COURT ORDERED Answer to Question No. 6 delivered to the Jury.

8:15 p.m. Court recessed.

9:20 p.m. Court reconvened in chambers with respective counsel present. Court informed parties of Question No. 7 from the jury.

During discussion regarding Question No. 7, COURT informed by the Bailiff that the jury had reached a verdict.

9:25 p.m. Court recessed.

9:35 p.m. Court reconvened with respective counsel and defendants present.

Clerk called Roll.

Jury returned the following verdicts:

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E. Nelson
(Reporter)

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VERDICT

We, the jury in the above-entitled action, find beyond a reasonable doubt that the murder, as alleged in Count I, of John Castro committed by the defendant was aggravated by the following circumstance or circumstances which have been checked below:

- X 1. The murder of John Castro was committed by the defendant LATISHA MARIE BABB during the course of a robbery;
2. The murder of John Castro was committed by the defendant LATISHA MARIE BABB to avoid prosecution; or
3. No aggravating circumstance or circumstances were proven beyond a reasonable doubt.

Further, We, the jury in the above-entitled action, having previously found the defendant, LATISHA MARIE BABB, guilty of Count I. MURDER WITH THE USE OF A DEADLY WEAPON.

Set the penalty to be imposed as follows: (Check One)

- _____ A term of fifty (50) years in the Nevada
Department of Prisons.
- _____ Life in the Nevada Department of Prisons with the
possibility of parole.
- X Life in the Nevada Department of Prisons without
the possibility of parole.
- _____ Having found beyond a reasonable doubt that an
aggravating circumstance or circumstances exist
in this case and that any mitigating circumstance
or circumstances are not sufficient to outweigh the
aggravating circumstance or circumstances
and no other reason exists not to impose
therefore, by reason thereof, set the penalty
imposed upon the defendant at death.

found,
death,
to be

DATED this 24 day of March, 1999.

(sgd) Bradford L. Scott
PRESIDING JUROR

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX and SHAWN RUSSELL HARTE

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E. Nelson
(Reporter)

APPEARANCES-HEARING

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VERDICT

We, the jury in the above-entitled action, find beyond a reasonable doubt that the murder, as alleged in Count I, of John Castro committed by the defendant was aggravated by the following circumstance or circumstances which have been checked below:

- X 1. The murder of John Castro was committed by the defendant WESTON EDWARD SIREX during the course of a robbery;
2. The murder of John Castro was committed by the defendant WESTON EDWARD SIREX to avoid prosecution; or
3. No aggravating circumstance or circumstances were proven beyond a reasonable doubt.

Further, We, the jury in the above-entitled action, having previously found the defendant, WESTON EDWARD SIREX, guilty of Count I. MURDER WITH THE USE OF A DEADLY WEAPON,
Set the penalty to be imposed as follows: (Check One)

- | | |
|---------------|--|
| <u> </u> | A term of fifty (50) years in the Nevada Department of Prisons. |
| <u> </u> | Life in the Nevada Department of Prisons with the possibility of parole. |
| <u> X </u> | Life in the Nevada Department of Prisons without the possibility of parole. |
| <u> </u> | Having found beyond a reasonable doubt that an aggravating circumstance or circumstances exist in this case and that any mitigating circumstance or circumstances are not sufficient to outweigh the aggravating circumstance or circumstances and no other reason exists not to impose therefore, by reason thereof, set the penalty imposed upon the defendant at death. |
- found,
death,
to be

DATED this 24th day of March, 1999.

(sgd) Bradford L. Scott
PRESIDING JUROR

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD
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E. Nelson
(Reporter)

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VERDICT

We, the jury in the above-entitled action, find beyond a reasonable doubt that the murder, as alleged in Count I, of John Castro committed by the defendant was aggravated by the following circumstance or circumstances which have been checked below:

- X 1. The murder of John Castro was committed by the defendant SHAWN RUSSELL HARTE during the course of a robbery;
 2. The murder of John Castro was committed by the defendant SHAWN RUSSELL HARTE to avoid prosecution; or
 3. No aggravating circumstance or circumstances were proven beyond a reasonable doubt.

Further, We, the jury in the above-entitled action, having previously found the defendant, SHAWN RUSSELL HARTE, guilty of Count I. MURDER WITH THE USE OF A DEADLY WEAPON,
Set the penalty to be imposed as follows: (Check One)

- | | |
|---------------|--|
| <u> </u> | A term of fifty (50) years in the Nevada Department of Prisons. |
| <u> </u> | Life in the Nevada Department of Prisons with the possibility of parole. |
| <u> </u> | Life in the Nevada Department of Prisons without the possibility of parole. |
| <u> X </u> | Having found beyond a reasonable doubt that an aggravating circumstance or circumstances exist in this case and that any mitigating circumstance or circumstances are not sufficient to outweigh the aggravating circumstance or circumstances and no other reason exists not to impose therefore, by reason thereof, set the penalty imposed upon the defendant at death. |
- found,
death,
to be

DATED this 24th day of March, 1999.

(sgd) Bradford L. Scott
PRESIDING JUROR

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E. Nelson
(Reporter)

Court inquired of the jurors as a whole if this was the verdict to which they agreed and there were no negative responses.

5/7/99

Upon motion by defense counsel Giese, COURT ORDERED THE JURY POLLED. To the question, "Are these your verdicts as read?", posed to each of the jurors individually, as to each Defendant, each responded "Yes".

1:30 p.m.

Sentencing
(All Deft.)

COURT ORDERED Defendants referred to Probation Department for PSI on Count II and continued for entry of judgment, consideration of probation report and imposition of sentences on Counts I and II.

9:50 p.m. Court recessed. Defendants remanded to the custody of the sheriff.

4/23/99 15:48

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
FULL CASE HISTORY

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Title: STATE OF NEVADA VS. SHAWN HARTE ET AL
Dept: 4 Addl Info:

At issue: 00/00/00
Clerk: MB

Trial: 05/07/99 HEARING - SENTENCING

Restored Date: 03/25/98

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
1.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
1.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
1.C	PHOTOGRAPH Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
2.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
2.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
2.C	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
3.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
3.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.C	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
5.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
5.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
5.C	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
5.D	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
6.A	BAG Intro: 03/12/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
6.B	MAP Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
6.C	NOTEBOOK Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
6.D	CLIPBOARD Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
7.A	POLORIOD PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
7.B	POLORIOD PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

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Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

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ID	Description	Type	Relshp	Dept	Clrk
7.C	POLORIOD PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/16/99	
8	LETTER WRITTEN BY HARTE	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
8.A	REDACTED LETTER BY HARTE	01	STATE	4	MT
	Intro: 03/18/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/18/99	
8.B	REDACTED PORTION OF LETTER WRITTEN BY HARTE	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
8.C	REDACTED LETTER BY HARTE	01	STATE	4	MT
	Intro: 03/23/99 Off/Obj:		Admit:	00/00/00	
9	ENVELOPE CONTAINING 7 PAGES - HARTE MATERIAL	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
10	VIDEO TAPE INTERVIEW WITH SIREX	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
11.A	VIDEO TAPE INTERVIEW WITH HARTE	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
11.B	VIDEO TAPE INTERVIEW WITH HARTE	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
12.A	VIDEO TAPE INTERVIEW OF BABB	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
12.B	VIDEO TAPE INTERVIEW OF BABB	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
13.A	VIDEO TAPE - NEWS INTERVIEW BABB	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
13.B	VIDEO TAPE - NEWS INTERVIEW BABB	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
14	AUDIO TAPE - LANETTE BAGBY	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
15	TYPED NOTE AND HANDWRITING WITH ATTACHED NEWSPAPER CLIPPING	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj:		Admit:	00/00/00	
16	MISSILE FRAGMENTS FROM VICTIM	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
17.A	SMITH AND WESSON .22	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
17.B	BULLET FOR SMITH AND WESSON	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
17.C	MAGAZINE FOR SMITH AND WESSON	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
17.D	WILDCATE AMMUNITION	01	STATE	4	MT
	Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
17.E	STINGER AMMUNITION	01	STATE	4	MT
	Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	
18.A	LORCIN .22	01	STATE	4	MT
	Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/17/99	

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ID	Description	Type	Relshp	Dept	Clrk
18.B	MAGAZINE FOR LORCIN .22 Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18.C	BULLETTTS FROM LORCIN .22 Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19.A	PAPERS FROM TAXI CAB Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19.B	PAPERS FROM TAXI CAB Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
20	MICRO AUDIO TAPE - CONSENT TO SEARCH SIREX Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
21	MICRO AUDIO TAPE - INTERVIEW WITH BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
22	ENVELOPE WITH 6 CASSETTE TAPES Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
23	MICRO AUDIO TAPES - INTERVIEW BY SIREX Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
24	NEWSPAPER - 10/27/97 FROM BABB/HARTE RESIDENCE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
24.A	REDACTED COPY OF NEWSPAPER ARTICLE Intro: 03/19/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
25	ITEMS FROM VICTIM Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
26	RADIO SHACK WIRELESS MICRO-PHONE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
27	BOX FROM SIREX'S HOUSE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
28	.22 CALIBER CASING Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
29	MILITARY RECORDS OF HARTE Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
30	MILITARY RECORDS OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
31.A	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.B	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.C	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.D	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.E	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
32	PHOTOGRAPH Intro: 03/16/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33	PHOTOGRAPH Intro: 03/16/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

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ID	Description	Type	Relshp	Dept	Clrk
34.A	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.B	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.C	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD		Admit:	03/22/99	
34.D	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD		Admit:	03/22/99	
34.E	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.F	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.G	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.H	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD		Admit:	03/22/99	
34.I	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.J	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD		Admit:	03/22/99	
34.K	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
34.L	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD		Admit:	03/22/99	
35	FOOTPRINT ANALYSIS	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
36	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
37	PHOTOGRAPH	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
38	SIGNED MIRANDA WAIVER BY S. HARTE	01	STATE	4	MT
	Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD		Admit:	03/22/99	
39	SMALL PHOTOGRAPH OF SIREX AND UNCLE	01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
40	MEDICAL RECORDS FROM WASHOE MEDICAL	01	DEF:	4	MT
	CENTER ON SIREX				
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
41	PSYCHOLOGICAL EVALUATION OF LATISHA BABB	01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj:		Admit:	00/00/00	
41.A	PSYCHOLOGICAL EVALUATION OF LATISHA BABB	01	DEF:	4	MT
	(REDACTED)				
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
42		01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj: DEMONSTRATIVE		Admit:	03/23/99	
43	PROBABILITY OF VIOLENCE RECIDIVISM	01	DEF:	4	MT
	WITH AND WITHOUT TREATMENT				
	Intro: 03/23/99 Off/Obj: OFFER WITHDRAWN		Admit:	03/23/99	

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ID	Description	Type	Relshp	Dept	Clrk
44	PHOTO ALBUM OF SHAWN HARTE	01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
E.1	JURY QUESTIONNAIRE OF MARCOS ALAS	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.2	JURY QUESTIONNAIRE OF JEFFREY ALLAN	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.3	JURY QUESTIONNAIRE OF ALAN K. ALPERS	01	COURT	4	MT
	Intro: 03/11/99 Off/Obj: STIPULATED		Admit:	03/11/99	
E.5	JURY QUESTIONNAIRE OF ROBERT L. BARTLETT	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.6	JURY QUESTIONNAIRE OF JOHN R. BOGLE	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.7	JURY QUESTIONNAIRE OF WILLIAM BOTELHO, JR.	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.9	JURY QUESTIONNAIRE OF KELLY BRANT	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.10	JURY QUESTIONNAIRE OF EMIL BRAUTIGAM	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.11	JURY QUESTIONNAIRE OF GLEN P. BUDGE	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.12	JURY QUESTIONNAIRE OF PAUL CANADY	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.13	JURY QUESTIONNAIRE OF THOMAS CARPENTER	01	COURT	4	MT
	Intro: 03/11/99 Off/Obj: STIPULATED		Admit:	03/11/99	
E.15	JURY QUESTIONNAIRE OF SUN JA CHA	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.16	JURY QUESTIONNAIRE OF LINDA K. CLARK	01	COURT	4	MT
	Intro: 03/11/99 Off/Obj: STIPULATED		Admit:	03/11/99	
E.17	JURY QUESTIONNAIRE OF OLIVIA COLLINGS	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.18	JURY QUESTIONNAIRE OF LAURIE COLLINS	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.19	JURY QUESTIONNAIRE OF ENRIQUE P. CORDOVA	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.20	JURY QUESTIONNAIRE OF ARALYNNA M. COX	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.21	JURY QUESTIONNAIRE OF JOHN P. CULLEN	01	COURT	4	MT
	Intro: 03/11/99 Off/Obj: STIPULATED		Admit:	03/11/99	
E.22	JURY QUESTIONNAIRE OF DAVID CUNNINGHAM	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.24	JURY QUESTIONNAIRE OF LISA M. ELLIS	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.25	JURY QUESTIONNAIRE OF ANITA L. EMMICH	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.26	JURY QUESTIONNAIRE OF CRAIG FOUGNER	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	

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E.27	JURY QUESTIONNAIRE OF JAMES T. FREEMAN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.29	JURY QUESTIONNAIRE OF CHARLOTTE GARFINKLE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.30	JURY QUESTIONNAIRE OF TRACY R. GOLDER Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.31	JURY QUESTIONNAIRE OF SHIRLEY M. GUMAGAY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.32	JURY QUESTIONNAIRE OF OLIVIA A. GURULE' Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.33	JURY QUESTIONNAIRE OF OSMIN D. GUZMAN Intro: 03/08/99 Off/Obj: STIPULATION	01	COURT	4	MT
E.34	JURY QUESTIONNAIRE OF JAMES C. HAGAN Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.35	JURY QUESTIONNAIRE OF MELODY HEADLEY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.36	JURY QUESTIONNAIRE OF SHARON K. HERBST Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.39	JURY QUESTIONNAIRE OF RODGER W. JOHNSON Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.40	JURY QUESTIONNAIRE OF JOHN J. JUDGE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.41	JURY QUESTIONNAIRE OF DOUG KEY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.42	JURY QUESTIONNAIRE OF RICHARD D. KIES Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.44	JURY QUESTIONNAIRE OF PATRICIA A. KING Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.45	JURY QUESTIONNAIRE OF ROBERT M. KINNISON Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.46	JURY QUESTIONNAIRE OF AMELIA L. LAVELLE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.47	JURY QUESTIONNAIRE OF CRAIG LEANARD Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.48	JURY QUESTIONNAIRE OF JON A. LEVINE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.49	JURY QUESTIONNAIRE OF KENNETH D. MACLAREN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.50	JURY QUESTIONNAIRE OF ANTHONY W. MAHOMET Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.51	JURY QUESTIONNAIRE OF DAWN MALLARD Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.52	JURY QUESTIONNAIRE OF LINDA M. MARION Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.53	JURY QUESTIONNAIRE OF WILLIAM H. MARTIN Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
FULL CASE HISTORY

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ID	Description	Type	Relshp	Dept	Clrk
E.54	JURY QUESTIONNAIRE OF JUDE MAYNE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.55	JURY QUESTIONNAIRE OF CYNTHIS L. MCMANMON-HICKS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.56	JURY QUESTIONNAIRE OF DEBORAH L. MILLER Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.57	JURY QUESTIONNAIRE OF CYNTHIA A. MITCHELL Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.59	JURY QUESTIONNAIRE OF BARBARA J. MURRAY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.62	JURY QUESTIONNAIRE OF PATRICK ODLE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.63	JURY QUESTIONNAIRE OF THOMAS I. OERY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.64	JURY QUESTIONNAIRE OF TONIA K. OTT- PARTIN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.65	JURY QUESTIONNAIRE OF MICHAEL REGAN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.67	JURY QUESTIONNAIRE OF LAURA M. RIOS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.69	JURY QUESTIONNAIRE OF MOISES ROSAS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.70	JURY QUESTIONNAIRE OF JOHN T. RUSHING Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.72	JURY QUESTIONNAIRE OF DIANA L. SANTOS Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.73	JURY QUESTIONNAIRE OF GREGORY R. SCHMIDT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.75	JURY QUESTIONNAIRE OF SARA SHORT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.76	JURY QUESTIONNAIRE OF CYNTHIA G. SIGUA Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.77	JURY QUESTIONNAIRE OF DAVID L. SMITH Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.80	JURY QUESTIONNAIRE OF ANNA L. TARRANT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.81	JURY QUESTIONNAIRE OF JANET C. TIMMONS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.82	JURY QUESTIONNAIRE OF JAMES W. TOUSSAINT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.83	JURY QUESTIONNAIRE OF ROSS E. TRIPLETT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.84	JURY QUESTIONNAIRE OF MATTHEW R. WALDEN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT

4/23/99 15:48

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
FULL CASE HISTORY

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Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL
Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
E.86	JURY QUESTIONNAIRE OF JOHN WEILAND Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.87	JURY QUESTIONNAIRE OF PATRICIA E. WELCH Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.88	JURY QUESTIONNAIRE OF MARY A. WILLIAMS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.89	JURY QUESTIONNAIRE OF DEVINA M. WILLINGHAM Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT

Admit: 03/08/99

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/11/99

CONTINUED VOIR DIRE (JURY SELECTION)

HONORABLE

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb not present, appearance previously waived, being represented by counsel, Paul Giese and Jerome Wright. Defendant Sirex not present, appearance previously waived, being represented by counsel, Jack Alian and Jenny Hubach. Defendant Harte not present, appearance previously waived, being represented by counsel, John Ohlson and John Springgate.

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

D. Phipps

(Reporter)

3:10 p.m. Court convened with prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

Outside the presence of the jury, State's counsel provided Court with photographs to be marked in evidence.

3:20 p.m. Court recessed.

MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS

4:00 p.m. Court reconvened with respective counsel and defendants present.

Court noted receipt of Confidential Voir Dire provided by respective counsel and the Written Questionnaires from the jury.

Court notified counsel of the jurors released after exercising personal exemption, listed as follows: Jurors Elliott, Freemonth, Ogera and Witt.

EXHIBITS 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 5A, 5B, 5C and 5D

marked by State's counsel Barb; objection to 1A, 2C, 4B and 5D by respective defense counsel Hubach, Giese and Springgate.

COURT ENTERED ORDER granting the Defense's Motion in Limine to exclude photographs in part. Court did not allow Exhibits 1A and 1C.

Discussion ensued regarding Courtroom set-up and policies.

Upon discussion regarding the defense's use of their peremptory challenges and designation of counsel Giese, COURT ENTERED ORDER allowing the Defense to have counsel Giese exercise all peremptory challenges as directed by other defense counsel. If counsel Giese is not following the

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CONT'D TC

3/11/99 CONTINUED MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS
D. Phipps direction of other defense counsel, then an objection must be made
(Reporter) immediately.

Court informed respective counsel of the questions that would not be allowed in voir dire. Respective defense counsel set forth objection to any Whitherspoon question to the Jury by the State. COURT ENTERED ORDER allowing the State to ask Whitherspoon questions of the jury panel.

5:10 p.m. Court recessed until 9:00 a.m. on March 12, 1999. Defendant remanded to the custody of the sheriff.

3/12/99 CONTINUED MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS
K. Yates Deputy District Attorneys Thomas Barb and Elliott Sattler represented the
(Reporter) State. Defendant Babb present with counsel, Paul Giese and Jerome Wright.
Defendant Sirex present with counsel, Jack Alican and Jenny Hubach.
Defendant Harte present with counsel, John Ohlson and John Springgate.
9:50 a.m Court reconvened.

Court further informed respective counsel of the questions that would not be allowed in voir dire. Respective counsel Hubach and Giese made statement regarding the stricken questions.

Motion in Limine exclude Expert Witness by State's counsel; objection and argument by Defense counsel Ohlson; joinder to objection by defense counsel Giese; reply by State's counsel Barb. COURT took matter under advisement.

State's counsel Barb made statement regarding the military records of Defendant Harte and Sirex.

Request to endorse new witness by State's counsel Barb; presented argument; objection and argument by defense counsel Ohlson; no objection by defense counsel Giese; reply by State's counsel Barb. COURT ENTERED ORDER granting request to endorse witness and allowing Deputy Stoffel to be called as a witness, but defense counsel may renew objection upon the witness being called.

Upon discussion, COURT ORDERED counsel to provide the clerk with a

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/12/99 CONTINUED MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS
K. Yates witness list by 2:00 p.m. on 3/12/99.
(Reporter) Upon request by respective counsel, COURT ENTERED ORDER invoking the rule of exclusion with the exception of victim's wife, and the Defendant's mothers. Respective counsel to identify those people to the Bailiff.

11:00 a.m. Court recessed. Defendant remanded to the custody of the Sheriff.

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA M. BABB, SHAWN R. HARTE
and WESTON E. SIREX

DATE, JUDGE
OFFICERS OF

COURT PRESENT APPEARANCES-HEARING

CONT'D TO

3/9/99 JURY SELECTION - TELEPHONIC

HONORABLE Deputy District Attorney Thomas Barb represented the State. Defendant
CONNIE Babb not present, appearance previously waived, being represented by
STEINHEIMER counsel, Jerome Wright. Defendant Sirex not present, appearance
DEPT. NO.4 previously waived, being represented by counsel, Jack Alian. Defendant
M. Stone Harte not present, appearance previously waived, being represented by
(Clerk) counsel, John Ohlson and John Springgate.
E. Nelson COURT informed respective counsel of Juror Guzman's conflict with jury
(Reporter) selection.
Upon no objection by respective counsel and respective defense counsel
having authority to agree on behalf of the Defendants, COURT ENTERED
ORDER excusing Juror Guzman.

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/8/99

VOIR DIRE (JURY SELECTION)

HONORABLE
CONNIE
STEINHEIMER
DEPT. NO.4
M. Stone
(Clerk)
E. Nelson
(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb not present, appearance previously waived, being represented by counsel, Paul Giese and Jerome Wright. Defendant Sirex not present, appearance previously waived, being represented by counsel, Jack Alian and Jenny Hubach. Defendant Harte not present, appearance previously waived, being represented by counsel, John Ohlson and John Springgate.

2:07 p.m. Court convened.

Motion for Additional Questions on the Jury Questionnaire by defense counsel Ohlson; presented argument. COURT ENTERED ORDER denying request as to the questions being asked in the questionnaire, but not during actual voir dire.

Upon request by respective defense counsel, COURT ENTERED ORDER allowing counsel to file their voir dire questions on March 9, 1999, at 5:00 p.m. 2:30 p.m. First panel of prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Elliott, Freemonth, Gurule, Hagan, Headley, Martin, Mayne, Nikoley and Ryan.

Upon request, Juror MacLaren sworn by affirmation.

All prospective jurors sworn as to their qualifications to serve as trial jurors. First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

2:45 p.m. Court recessed.

2:50 p.m. Court reconvened with respective counsel present.

Second panel of prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Alpers, Carpenter, Clark, Cullen, Judge, Monroe, O'Gara, Odle, Santos, Sigua, Stanley and Witt.

All prospective jurors sworn as to their qualifications to serve as trial jurors. First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

Outside presence of jury, State's counsel requested the return of video tapes in evidence. Upon no objection, COURT ENTERED ORDER granting request. COURT FURTHER ENTERED ORDER that the Jury Commissioner must attempt

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE
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APPEARANCES-HEARING

CONTD TO

3/8/99

VOIR DIRE (JURY SELECTION)

E. Nelson
(Reporter)

to contact all absent jurors and order them to appear on March 11, 1999, at 3:00 p.m.

State's counsel gave video and audio tapes to Defense.

COURT ENTERED ORDER that respective defense counsel must review all tapes immediately and notify Court if a continuance of the trial is needed.

DATE, JUDGE
OFFICERS OF

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/22/99 PRE-TRIAL MOTIONS
HONORABLE Deputy District Attorneys Thomas Barb and Elliott Sattler represented the
CONNIE State. Defendant Latisha M. Babb present with counsel, Paul Giese and
STEINHEIMER M. Jerome Wright. Defendant Weston E. Sirex present with counsel, Jack
DEPT. NO.4 Alian and Jenny Hubach. Defendant Shawn R. Harte present with counsel,
M. Stone John Ohlson and John P. Springgate.
(Clerk) Court noted receipt of applications from all counsel regarding the New
K. Ramage Rule 250. COURT FOUND all lead counsel qualified under the New Rule
(Reporter) 250 to be counsel of record in a Death Penalty Case.

Motion to Sever by defense counsel Hubach; presented argument; joinder by defense counsel Giese; submitted on the pleadings by defense counsel Springgate; objection and argument by State's counsel Barb; reply by defense counsel Hubach and Giese; further argument by State's counsel Barb.

Motion to Suppress Statements made by Defendant Sirex.

Larry Canfield called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Alian; excused.

Objection and argument by State's counsel Barb; argument by defense counsel Hubach; reply by State's counsel Barb.

10:40 a.m. Court recessed. Defendants remanded to the custody of the sheriff.

11:00 a.m. Court reconvened with respective counsel and defendants present.

Motion to Suppress Statements made by Defendant Harte.

James Belton called by State's counsel Elliott, sworn and testified; cross-examined by defense counsel Springgate; redirect examined; excused.

Objection and argument by State's counsel Sattler; argument by defense counsel Springgate; reply by State's counsel Sattler.

Motion for a lapse of time between the guilty and penalty phases by defense counsel Hubach; presented argument. COURT ORDERED that if

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TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON
EDWARD SIREX and SHAWN RUSSELL HARTE

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/22/99

PRE-TRIAL MOTIONS

HONORABLE
CONNIE
STEINHEIMER
DEPT. NO.4

the jury returns a verdict for the Guilty Phase prior to 3:00 p.m., then the Penalty Phase shall be heard the following day at 10:00 a.m. If the Jury returns a verdict for the Guilt Phase after 3:00 p.m., then the Penalty Phase shall be held two days after the Guilt Phase at 10:00 a.m.

M. Stone
(Clerk)
K. Ramage
(Reporter)

Motion for State to divulge any information complied regarding the Jury Panel by Defense counsel Hubach; submitted on the pleadings. COURT ENTERED ORDER that any information received by the State by use of the Juror's social security number must be disclosed to the defense by Monday, March 8, 1999. All counsel will be able to pick up list of jurors from the jury commissioner by Wednesday, March 3, 1999.

COURT FURTHER ENTERED ORDER taking the Motion to Sever, Motions to Suppress, Motion to Declare Death Penalty Statutes Unconstitutional, Motion to Dismiss State's Notice of Intent to Seek the Death Penalty and Motion to Strike Aggravating Circumstances under advisement.

COURT FURTHER ENTERED ORDER holding the Motion to Preclude or Limit Photographs in abeyance pending further hearing.

Motion for Written Jury Questionnaire by defense counsel Hubach; presented argument; joinder by defense counsel Giese and Ohlson; objection and argument by State's counsel Barb. COURT took matter under advisement. Defendants waive right to be present at the Jury Questionnaire portion of the trial, if allowed.

12:00 a.m. Court recessed. Defendant remanded to the custody of the sheriff.

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and

TITLE: THE STATE OF NEVADA VS. LATISHA M. BABB, WESTON E. SIREX
SHAWN R. HARTE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/28/99

CONTINUED PRE-TRIAL MOTIONS - ALL DEFENDANTS

HONORABLE

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the

CONNIE

State. Defendant Babb present with counsel, Paul Giese and M. Jerome

STEINHEIMER

Wright. Defendant Sirex present with counsel, Jack A. Alian and Jenny D.

DEPT. NO.4

Hubach. Defendant Harte present with counsel, John Ohlson and John P.

M. Stone

Springgate.

(Clerk)

Defense counsel Ohlson apologized for his untimeliness.

D. Arnaud

Discussion ensued regarding the New Rule 250 and counsel's

(Reporter)

qualifications. COURT ENTERED FINDING that all defense counsel are

Rule 250 competent under the rule that applies at this hearing.

Upon agreement of all counsel, the Motion regarding the constitutionality of the death penalty and the aggravators held in abeyance pending supplemental motions being filed based on the New Rule 250. Court set forth the following briefing schedule: that the supplemental motions must be filed and served on all counsel and the Court by 5:00 p.m. on February 3, 1999; that the responses to those motions must be filed and served on all counsel and the Court by 5:00 p.m. on February 5, 1999; and the motions shall be submitted on the pleadings without oral argument on February 8, 1999.

Discussion ensued regarding the Notice of Intent to Seek the Death Penalty and the Discovery Statutes. Upon finding that the Discovery Statute in all aspects applies to Death Penalty cases unless exempted in the New Rule 250 and that the penalty phase of a Death Penalty Trial is not a separate trial, COURT ORDERED respective counsel to comply with all aspects of the Discovery Statutes.

Motion to Severe by defense counsel Hubach; presented argument; joinder and argument by defense counsel Giese.

Discussion ensued regarding the use of a Jury Questionnaire and Voir Dire.

COURT ORDERED this matter continued for all defense counsel to be fully prepared to argue all motions. Motions may be supplemented if deemed necessary.

Court recessed. Defendant remanded to the custody of the sheriff.

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA M. BABB, WESTON E. SIREX and SHAWN R. HARTE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/8/99	<u>PRE-TRIAL MOTIONS (ALL DEFENDANTS)</u>	1/28/99
HONORABLE	Deputy District Attorneys Thomas W. Barb and Elliott Sattler represented	2:00 a.m.
CONNIE	the State. Defendant Latisha Babb present with counsel, Jerome Wright.	Cont'd Pre-
STEINHEIMER	Defendant Weston Sirex present with counsel, Jack Alian and Jenny	Trial Mtns
DEPT. NO.4	Hubach. Defendant Shawn Harte present with counsel, John Ohlson and	
M. Stone	John Springgate.	
(Clerk)	Upon defense counsel Paul Giese not being present, COURT ENTERED	
K. Ramage	ORDER continuing matter.	
(Reporter)	Court advised counsel of the new 250 Rule regarding the Death Penalty	
	and that all counsel in this case must re-qualify as death penalty qualified.	
	COURT ORDERED all counsel to pick up a draft copy of a Rule 250	
	Questionnaire and return a completed copy to the Court by January 13,	
	1999, at 12:00 p.m.	
	COURT FURTHER ORDERED State's counsel to fulfill it's requirements by	
	January 21, 1999.	

State's counsel supplied the Defense with redacted statements and newspaper articles.

Upon no objection, COURT will review the tape and transcripts of the defendant's statements to police prior to the next pre-trial motion.

EXHIBITS A - D marked and admitted for purposes of the pre-trial motions hearing only.

CASE NO. CR98-0074 CASE NO. TITLE: THE STATE OF NEVADA VS. LATISHA M. BABB, WESTON E. SIREX and SHAWN R. HARTE

DATE, JUDGE		
OFFICERS OF		
COURT PRESENT	APPEARANCES-HEARING	CASE NO.

10/22/98	<u>STATUS CONFERENCE - ALL DEFENDANTS</u>
HONORABLE	Deputy District Attorneys Thomas Barb and Elliott Sattler represented the
CONNIE	State. Defendant Babb present with counsel, Paul Giese and M. Jerome
STEINHEIMER	Wright. Defendant Sirex present with counsel, Jack Alian and Jenny
DEPT. NO. 4	Hubach. Defendant Harte present with counsel, John Ohlson and John
M. Stone	Springgate.
(Clerk)	Discussion ensued regarding proposed voir dire. COURT ORDERED
D. Phipps	proposed voir dire submitted to the Court 1 week prior to trial.
(Reporter)	Motion for additional peremptory challenges for jury selection by
	Defendant's counsel Hubach; no objection by State's counsel Barb; no
	objection by Defendant's counsel Ohlson, as long as the Defendant's do
	not have to share peremptory challenges. COURT ENTERED ORDER
	granting motion allowing twelve challenges per side if and only if the
	Motion to Sever is not granted.
	Motion for sequestered voir dire denied with leave to renew during jury
	selection. COURT FURTHER ORDERED respective counsel to provide
	proposed written jury questionnaires thirty days prior, whether they are
	agreed upon or not.
	Respective counsel stipulated to the release of the Taxi Cab from evidence
	at the Washoe County Sheriff's Office.
	Motion to Sever to be heard January 8, 1999. Any Motions that counsel
	does not wish oral arguments may be submitted formally once fully
	briefed.
	Defendants remanded to custody.
	4:20 p.m. Court recessed.

CASE NO. CR98-0074 STATE OF NEVADA VS. LATISHA MARIE BABB
WESTON EDWARD SIREX
SHAWN RUSSELL HARTE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/4/98

MOTION TO RELEASE EVIDENCE

HONORABLE

Deputy District Attorney Elliott Sattler and Deputy District Attorney Thomas W. Barb represented the State.

CONNIE

Defendant, Latisha Marie Babb, was present with counsel, Paul C. Giese, Esq. and M. Jerome Wright, Esq.

STEINHEIMER

DEPT. NO. 4

Defendant, Weston Edward Sirex, was present with counsel, Jack Alian, Esq. and Jenny D. Hubach, Esq.

B. Walker

(Clerk)

E. Nelson

(Reporter)

Defendant, Shawn Russell Harte, was present with counsel, John Ohlson, Esq. and John P. Springgate, Esq.

Respective counsel for the Defendants stated their objection to the motion and deferred to Counsel Alian.

Roy Lee Street was called by counsel for the State, Deputy District Attorney Sattler, sworn and testified.

Deputy District Attorney Sattler assured respective counsel and the Court that the "cab" will be properly preserved until further Order of the Court.

COURT ORDERED: Motion denied. Counsel for the Defendants to secure an expert to go over the vehicle. Any further motions are to be formally submitted to the Court.

Defendants remanded to the custody of the Sheriff.

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DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

4/7/98	<u>ARRAIGNMENT ON INDICTMENT - ALL DEFENDANTS</u>	
HONORABLE	Deputy District Attorney Thomas Barb and Elliott Sattler represented the	10/22/98
CONNIE	State. Defendant Babb present with counsel, Paul Giese. Defendant Sirex	4:00 p.m.
STEINHEIMER	present with counsel, Jack Alian and Jenny Hubach. Defendant Harte present	Status Conf.
DEPT. NO.4	with counsel, John Ohlson and John Springgate.	
M. Stone	Defendants handed copy of Indictment; indicated to the Court that names as	1/8/99
(Clerk)	set forth on same was their true names; and waived reading. Defendants	10:00 a.m.
L. Clarkson	Babb and Harte entered pleas of not guilty to the charges set forth therein.	Pre-Trial Mtns
(Reporter)	Defendant Sirex stood mute and Court entered pleas of not guilty to the	
	charges set forth therein for him.	3/11/98
	Defendants did waive the 60-Day Rule.	4:00 p.m.
	COURT ORDERED counsel to met momentarily to discuss potential trial dates	Motion to
	in March of 1999, although State requested earliest possible trial date.	Confirm
	Upon agreement of counsel, COURT ORDERED this matter set for jury trial	
	on March 15, 1999, at 9:00 a.m. and further set forth the hearing briefing	3/15/99
	schedule.	10:00 a.m.
	Defendants remanded to custody.	Jury Trial

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/26/98

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

K. Bokelmann

(Reporter)

MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST (BABB AND HARTE)/REPORT ON PSYCHIATRIC EVALUATION REPORTS (SIREX)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Harte present with counsel, Public Defender Michael Specchio, and Deputy Public Defender Maizie Pusich. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Babb present with counsel, Paul Giese.

Discussion ensued regarding competency of Defendant Babb. Defense counsel Pusich indicated to the Court that Defendant Babb never showed signs of incompetency during her representation of the Defendant.

Motion to Determine Validity of Waiver of Conflict of Interest in the Public Defender representing either Defendant Babb or Defendant Harte by State's counsel Barb; presented argument; objection and argument by Defense counsel Specchio.

COURT ENTERED ORDERED granting the Motion and removing the Washoe County Public Defender's Office from representing any of the Defendants in this matter. Court shall appoint counsel for Defendant Harte.

Court noted receipt of reports from psychiatrists on Defendant Sirex; advised counsel of findings set forth therein.

COURT ENTERED ORDER finding defendant Sirex competent to stand trial and to aid counsel in preparation of that trial pursuant to statute. Motion for Remand to Justice Court by defense counsel Alian; presented argument; no objection by State's counsel.

Upon no objection by all counsel, COURT ENTERED ORDERED granting Motion for remand as to all Defendants.

All counsel set forth death penalty qualifications. COURT ORDERED counsel Giese to consult the Court, in-camera, and Defendant Babb regarding his co-counsel prior to co-counsel being accepted by the Court.

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DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
1/22/98	<u>ARRAIGNMENT - ALL DEFENDANTS</u>	
HONORABLE CONNIE STEINHEIMER DEPT. NO. 4 M. Stone (Clerk) L. Clarkson (Reporter)	Deputy District Attorney Thomas Barb and Elliott Sattler represented the State. Defendants Babb and Harte present with counsel, Deputy Public Defender, Cotter Conway, and Public Defender, Micheal Specchio. Discussion ensued regarding the potential conflict of the Public Defender's Office representing two defendants in the same case. COURT finds that the conflict is waived for this hearing only. Defendant Sirex present with counsel, Jenny Hubach and Jack Alian. Defendants handed copy of Information; and indicated to the Court that their name as set forth on same was their true names. Defendants Babb and Harte waived formal reading of the Information. Upon motion by defense counsel Hubach regarding Defendant Sirex and no objection by State's counsel, COURT ORDERED psychiatric evaluation of defendant Sirex pursuant to statute. Defendants Babb and Harte waived the 60-Day Rule as to this continuance only and COURT ORDERED this matter continued for entry of plea. Defendants remanded to the custody of the sheriff.	<u>3/4/98</u> <u>9:00 a.m.</u> <u>Rpt on Psych</u> <u>Eval. - Sirex</u> <u>3/4/98</u> <u>9:00 a.m.</u> <u>Entry of Plea</u> <u>Babb and</u> <u>Harte</u>

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

9/19/03

HONORABLE
CONNIE
STEINHEIMER
DEPT. NO. 4Y. GENTRY
(Clerk)
B. Tuttle
(Reporter)Post-Conviction Hearing

Counsel Donald Evans, Esq., present and represented Shawn Harte, who was also present. Counsel Terrance McCarthy, Esq. present and represented The State of Nevada.

Motion pending before the Court: Motion for Dismissal for Lack of Prosecution; oral objection by Petitioner's counsel; Motion denied.

Supplemental petition filed with supplemental points and authorities.

Opening Statement by counsel Evans.

Dr. Louis Mortillaro called by Petitioner's counsel, sworn and testified.

Court accepted Dr. Mortillaro as an expert in neuropsychology.

*****Exhibit A offered by Petitioner's counsel; no objection by State; Ordered Admitted*****

Witness Mortillaro further direct-examined by Petitioner's counsel; cross-examined by State's counsel; re-direct examined by Petitioner's counsel; re-cross examined by State's counsel; excused.

11:12 a.m. Court Recessed.

11:17 a.m. Court reconvened with counsel and petitioner present.

Earline Penrod called by Petitioner's counsel, sworn and testified; excused.

Pat Tashma called by Petitioner's counsel, sworn and testified; cross-examined by State's counsel; excused.

Robin Topp called by Petitioner's counsel, sworn and testified; excused.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES - HEARING****CONT'D TO**

9/19/03

HONORABLE
CONNIE
STEINHEIMER
DEPT. NO. 4Y. GENTRY
(Clerk)

B. Tuttle

(Reporter)

Post-Conviction Hearing

William Harte called by Petitioner's counsel, sworn and testified. Objection made by State's counsel; Petitioner's counsel presents argument. Objection overruled. Witness excused.

Linda Solomon called by Petitioner's counsel, sworn and testified; excused.

11:55 a.m. Court recessed.

1:20 p.m. Court reconvened with counsel and petitioner present.

Witness Solomon recalled by Petitioner's counsel, heretofore sworn.

*****Deposition of John Springgate dated June 9, 2003, opened and published*** (Exhibit D)**

*****Deposition of John Ohlson dated June 9, 2003, opened and published*** (Exhibit E)**

Witness Solomon further direct examined by Petitioner's counsel; cross-examined by State's counsel; excused.

Consuelo Harte called by Petitioner's counsel, sworn and testified; excused.

Mindy Eldridge called by Petitioner's counsel, sworn and testified; cross-examined by State's counsel; excused.

Dennis Widdis called by Petitioner's counsel, sworn and testified.

Motion by Petitioner's counsel to accept Witness Widdis as an expert in Capital cases; State inquired; Court accepted Witness Widdis as an expert in Capital cases.

Witness Widdis further direct examined by Petitioner's counsel.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES - HEARING****CONT'D TO**

9/19/03
HONORABLE
CONNIE
STEINHEIMER
DEPT. NO. 4
Y. GENTRY
(Clerk)
B. Tuttle
(Reporter)

Post-Conviction Hearing

*****Exhibit F marked by Petitioner; No objection by State; Ordered
Admitted*****

Witness Widdis further direct examined by Petitioner's counsel.

*****Exhibit B offered by Petitioner; no objection by State; Ordered
Admitted*****

Witness Widdis further direct examined by Petitioner's counsel.

Discussion ensued regarding Harte's military record.

*****Exhibit 29 (certified copy of Harte's military record) from Trial records,
shown to Court*****

2:48 p.m. Court recessed.

3:10 p.m. Court reconvened with counsel and petitioner present.

Witness Widdis further direct examined by Petitioner's counsel; cross-examined
by State's counsel.

Discussion ensued regarding Depositions of Springgate and Ohlson. Court to
review depositions.

3:50 Court recessed until Monday morning at 10:00 a.m. Witness Widdis to
return at 1:30 p.m. and Dr. Bittker to testified at 10:00 a.m. on Monday.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES – HEARING****CONT'D TO**

9/22/03

HONORABLE
CONNIE

STEINHEIMER

DEPT. NO. 4

Y. GENTRY

(Clerk)

G. WILLSEY

(Reporter)

Post-Conviction Hearing

10:10 a.m. Court Reconvened with counsel and petitioner present.

Discussion ensued regarding telephonic testimony of Mr. Ohlson; objection made by Petitioner's counsel.

10:15 Court recessed to see if Mr. Ohlson can be available to testify in person instead of via phone.

10:25 Court reconvened with counsel and petitioner present. Mr. Ohlson will be present to testify.

Dr. Tom Bittker called by Petitioner's counsel, sworn and testified.

*****Exhibit C offered by Petitioner's counsel; no objection by State; Ordered Admitted*****

Witness Bittker further direct examined by Petitioner's counsel; cross-examined by State's counsel.

*****Exhibit G marked and offered by State's counsel; no objection by Petitioner's counsel; Ordered Admitted*****

Witness Bittker further cross-examined by State's counsel.

*****Exhibit H marked*****

Witness Bittker further cross-examined by State's counsel.

*****Exhibit H offered by State's counsel; objection made by Petitioner's counsel; objection overruled; Ordered Admitted*****

Witness Bittker further cross-examined by State's counsel; re-direct examined by Petitioner's counsel; excused.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES - HEARING****CONT'D TO**

9/22/03

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO. 4

Y. GENTRY

(Clerk)

G. WILLSEY

(Reporter)

Post-Conviction Hearing

11:17 a.m. Court recessed.

1:15 p.m. Court reconvened with counsel and petitioner present.

Witness Widdis re-took stand, heretofore sworn and was further cross-examined by State's counsel.

1:25 p.m. Court recessed.

1:35 p.m. Court reconvened with counsel and petitioner present.

Witness Widdis re-took stand, heretofore sworn and was further cross-examined by State's counsel; re-direct examined by Petitioner's counsel; excused.

Petitioner rest.

2:00 p.m. Court recessed.

2:15 p.m. Court reconvened with counsel and petitioner present.

John Springgate called by State's counsel, sworn and testified; cross-examined by Petitioner's counsel; re-direct examined by State's counsel; re-cross examined by Petitioner's counsel; excused.

2:50 p.m. Court recessed.

3:00 p.m. Court reconvened with counsel and petitioner present.

John Ohlson called by State's counsel, sworn and testified.

3:10 p.m. Court recessed.

3:30 p.m. Court reconvened with counsel and petitioner present.

Witness Ohlson further direct examined by State's counsel; cross-examined by Petitioner's counsel; re-direct examined by State's counsel; excused.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES - HEARING****CONT'D TO**

9/22/03

HONORABLE
CONNIE

STEINHEIMER

DEPT. NO. 4

Y. GENTRY

(Clerk)

G. WILLSEY

(Reporter)

Post-Conviction Hearing

State rest.

Witness Widdis retook stand, heretofore sworn; direct examined by Petitioner's counsel; excused.

4:00 p.m. Petitioner's counsel presented opening argument.

4:30 p.m. State's counsel presented answering argument.

4:50 p.m. Petitioner's counsel presented closing argument.

Court took petition under advisement.

CASE NO. CR98P0074A TITLE: SHAWN RUSSELL HARTE VS. THE STATE OF NEVADA

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/10/03	<u>MOTION TO CONTINUE PETITION FOR POST CONVICTION HEARING</u>	
HONORABLE	Counsel Donald Y. Evans, Esq., present on behalf of the Petitioner. Deputy	9/19/03
CONNIE	District Attorney Terrence McCarthy, Esq., represented the State. Counsel	9:30 a.m.
STEINHEIMER	William O'Mara, represented witness, Dr. Bittker.	Petition for
DEPT. NO.4	Motion to Continue Hearing by Petitioner's counsel; presented argument;	Post
M. Stone	statement by counsel O'Mara.	Conviction
(Clerk)	Upon agreement of all parties, COURT ENTERED ORDER denying the	
Sunshine Rptg	Motion to Continue Petition for Post Conviction. Counsel shall begin the	9/22/03
(Reporter)	hearing on September 19, 2003, and complete the Hearing with Dr. Bittker	10:00 a.m.
	testifying on September 22, 2003.	Ongoing
		Petition for
		Post
		Conviction

CASE NO. CR98P0074A TITLE: SHAWN RUSSELL HARTE VS. THE STATE OF NEVADA

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/28/03 **MOTION TO CONTINUE HEARING ON POST CONVICTION**

HONORABLE Counsel Donald Y. Evans, Esq., represented the Petitioner. Deputy District

CONNIE Attorney Terrance McCarthy, Esq., represented the State.

STEINHEIMER Motion to Continue Hearing on Post Conviction by Petitioner's counsel;

DEPT. NO.4 presented argument; no objection by State's counsel.

M. Stone COURT ENTERED ORDER continuing hearing on Post Conviction; no

(Clerk) further continuance shall be granted and all witnesses must be subpoenaed

Sunshine for the hearing.

Reporting

(Reporter)

9/19/03

9:30 a.m.

Petition for

Post

Conviction

(All Day

Hearing)

STATE OF NEVADA

Case No. CR98-0074

-VS-

SHAWN RUSSELL HARTE

Trial Date: MARCH 15, 1999, through MARCH 24, 1999

Judge: CONNIE J. STEINHEIMER

Dept. No. 4

D.A.: THOMAS BARB AND ELLIOTT SATTLER

Deft's Atty: JOHN OHLSON AND JOHN SPRINGGATE

Type: APPOINTED

Clerk: M. Stone

Reporter: D. Phipps

VERDICT(S):

COUNT I: MURDER IN THE FIRST DEGREE WITH THE USE OF A
DEADLY WEAPON - GUILTY

COUNT II: ROBBERY WITH THE USE OF A DEADLY WEAPON

Sentencing Date and Time: MAY 7, 1999, 1:30 P.M. AS TO COUNT II
AND IMPOSITION OF JURY VERDICT AS TO COUNT I

PSI request sent: 3/27/99

CRIMINAL PROGRESS SHEET

Case No. CR98-0074
Shawn Russell Flarte (TN)

STATUS: Custody ☒ NIC ☐
 Bail ☐ OR ☐

Bail Amount: _____
 Date Inf/Ind filed: 3.25.98
 Amended Inf. filed: _____

Arraignment Date: 4.7.98

Dept. No: 4 Reporter: L. Clarkson

True Name: ☒ Same as above

Handed Copy ☒

Waived Reading ☒

Not Guilty ☒ By: _____

Requested Time to Plea ☐

Waived PSI ☐

Guilty ☐ Nolo ☐ To: _____

Waived 60 Day: Yes ☒

Juv. Ref. _____

P & P Ref. _____

Date 4.7.98 No ☐

Continued To: 10.22.98 4:00 For: status conf.
1.8.99 10:00 For: pretrial mtg
3.11.99 4:00 For: MTC
3.15.99 10:00 For: Jury Trial
5.7.99 1:30 For: Sentencing

Sentencing Date: 5.7.99 Dept. No. 4 Reporter: D. Phypas

Disposition: \$2500; \$750 atty fee; \$250 DNA testing fee;
Ct I - Death; Ct II - NSP, max 180 mos min parole
72 mos w/ concur like term for use of deadly
weapon; Ct II Concur w/ Ct I; DNA analysis
testing Time Served: 541 Bail Exonerated ☐

Motions: 8.4.98 mtn for release of evidence denied
10.22.99 mt for addl peremptory challenges granted if mtn
to sever is denied; parties stip to release of evidence
1.8.99^{22nd} pretrial mtg orders entered (see minutes)
3.15.99 - trial commenced, Ct I - guilty 1st degree / Ct II
guilty; sentenced by jury Ct I - Death; Ct II
sentencing set

CRIMINAL PROGRESS SHEET

Case No. CR98-0074

STATUS: Custody ☒ NIC ☐
Bail ☐ OR ☐

SHAWN RUSSELL HARTE (TN)

Bail Amount: _____

Date Inf/Ind filed: 1.15.98

Amended Inf. filed: _____

Arraignment Date: 1.22.98

Dept. No: 4 Reporter: L. Clarkson

True Name: ☒ same as above Handed Copy ☒

Waived Reading ☒

Not Guilty ☐ By: _____ Requested Time to Plea ☒

Waived PSI ☐

Guilty ☐ Nolo ☐ To: _____

Waived 60 Day: Yes ☐

Juv. Ref. _____ P & P Ref. _____ Date _____ No ☐

Continued To: 3.4.98 9:00 For: U.P.

For: _____

For: _____

For: _____

For: _____

Sentencing Date: _____ Dept. No. _____ Reporter: _____

Disposition: _____

Time Served: _____ Bail Exonerated ☐

Motions: 2.26.98 upd release from representation due to conflict; Ct shall appt new counsel. Case remanded to JC.

CASE NO. CR98P0074A

TITLE: SHAWN RUSSELL HARTE VS THE STATE OF NEVADA

DATE, JUDGE
OFFICERS OF

SEALED

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/27/03

EX-PARTE MOTION FOR FEES

HONORABLE Counsel Donald Y. Evans, Esq., represented the Petitioner. Deputy District
CONNIE Attorney Terrence McCarthy, Esq., represented the State.

STEINHEIMER Ex-Parte Motion for Fees and Costs by Petitioner's counsel; presented
DEPT. NO.4 argument.

M. Stone COURT ENTERED ORDER that advances in fees and costs shall be made
(Clerk) to Counsel Evans and used only for the services outlined in the Motion.

C. Brown Any fees not expended shall be returned to the State Public Defender's
(Reporter) Office. If any of the requested fees go over the amount allotted in this
order, Counsel Evans must file another request for fees.

CASE NO. CR98p0074A TITLE: SHAWN RUSSELL HARTE VS. THE STATE OF NEVADA

*****SEALED*****

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/13/02 EX-PARTE MOTION REGARDING CONTACT VISITS FOR

HONORABLE PSYCHIATRIC EVALUATION

CONNIE Counsel Donald Y. Evans, Esq., represented the Petitioner.

STEINHEIMER Ex-Parte Motion Regarding Contact Visits for Psychiatric Evaluation by

DEPT. NO.4 Petitioner's counsel; presented argument. COURT ENTERED ORDER

M. Stone granting Motion.

(Clerk)

Not Reported

Trial	Control	MCI	AD
1	85	75	65
2	82	72	62
3	78	68	58
4	76	66	56
5	75	65	55

CASE NO. CR98P0074A TITLE: SHAWN RUSSELL HARTE VS. THE STATE OF NEVADA

DATE, JUDGE
OFFICERS OF

SEALED

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/6/02 EX-PARTE MOTION FOR ATTORNEYS FEES, EXPERT FEES AND

HONORABLE INVESTIGATOR FEES

CONNIE Counsel Donald York Evans, Esq., present on behalf of the Defendant.

STEINHEIMER Ex-Parte Motion for Attorney's fees, Expert Fees and Investigator Fees by counsel

DEPT. NO.4 Evans; presented argument.

M. Stone COURT ENTERED ORDER allowing for the fees as set forth; vouchers to be

(Clerk) submitted upon completion of work to the State Public Defenders Fund; and

SNR allowing for interim payment.

(Reporter)

CASE NO. CR98P0074A TITLE: SHAWN RUSSELL HARTE VS. THE STATE OF NEVADA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/13/02 MOTION FOR ENLARGEMENT OF TIME

HONORABLE Counsel Donald Y. Evans, Esq., represented the Defendant. Deputy District
CONNIE Attorney Terrence McCarthy, Esq., represented the State.

STEINHEIMER Motion for 6 month Extension of Time to file Supplement Petition by

DEPT. NO.4 Petitioner's counsel; present argument; objection and argument by State's
M. Stone counsel; reply by Petitioner's counsel. COURT ENTERED ORDER allowing
(Clerk) for an extension of time, but only 90 days from August 5, 2002. The State
C. Brown will have 60 days from the filing of the supplement to file an answer.
(Reporter) Petitioner's counsel to provide order.

1 **CODE 1350**

FILED

2004 AUG 30 PM 4:30

RONALD A. LONGTIN, JR.

BY C. Kepler
DEPUTY

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4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 **SHAWN RUSSELL HARTE,**
10 **Appellant,**
11 **vs.**

12 **THE STATE OF NEVADA,**
13 **Respondent,**
14 _____

Case No. CR98P0074A

Dept. No. 4

15 **CERTIFICATE OF CLERK**

16 **I hereby certify that the enclosed documents are certified copies of the original**
17 **pleadings on file with the Second Judicial District Court, in accordance with the**
18 **Revised Rules of Appellant Procedure Rule D(1).**

19
20 **Dated: August 30, 2004**

Ronald Longtin, Jr., Court Clerk

21
22 **By:** C. Kepler

23 **Cathy Kepler, Appeals Clerk**

24 **(775) 328-3114**
25
26
27
28

1 **CODE 1365**

FILED

2004 AUG 30 PM 4:30

RONALD A. LONGTIN, JR.

BY

DEPUTY

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4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 **SHAWN RUSSELL HARTE,**
10 **Appellant,**
11 **vs.**

12 **THE STATE OF NEVADA,**
13 **Respondent,**
14 _____

Case No. CR98P0074A

Dept. No. 4

15
16 **CERTIFICATE OF TRANSMITTAL**

17 **I hereby certify that the enclosed Notice of Appeal and other required documents**
18 **(certified copies) were delivered to the Second Judicial District Court mailroom**
19 **system for transmittal to the Nevada Supreme Court.**

20
21 **Dated: August 30, 2004**

Ronald Longtin, Jr., Court Clerk

22
23 By: _____

24 **Cathy Kepler, Appeals Clerk**

25 **(775) 328-3114**
26
27
28