

1 **NOTC**
2 CHRISTOPHER R. ORAM, ESQ.
3 Nevada Bar no. 4349
4 520 South 4th Street, # 370
5 Las Vegas, Nevada 89101
6 (702) 384-5563

7 Attorney for Defendant
8 MICHAEL RIPPO

FILED

OCT 12 4 25 PM '04

Shirley S. Paragione
CLERK

FILED

DISTRICT COURT

CLARK COUNTY, NEVADA

OCT 18 2004

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

No. 44094

CASE NO. C106784
DEPT. NO. XIV

11 THE STATE OF NEVADA,
12 Plaintiff,

13 vs.

14 MICHAEL RIPPO,

15 Defendant.

16 NOTICE OF APPEAL

17 NOTICE is hereby given that Defendant, MICHAEL RIPPO, hereby appeals to the Supreme
18 Court of the State of Nevada from his denial of his Petition for Writ of Habeas Corpus (Post-
19 Conviction), the Notice of Entry of Order having not been entered as of this date.

20 DATED this 12 day of October, 2004.

21 By *CRM*
22 CHRISTOPHER R. ORAM
23 Nevada Bar #004349
24 520 South Fourth Street., #370
25 Las Vegas, Nevada 89101
26 Attorney for Defendant
27 MICHAEL RIPPO

28 **RECEIVED**
OCT 18 2004
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

CHRISTOPHER R. ORAM
520 South Fourth Street, Second Floor
Las Vegas, Nevada 89101

NÖ.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0071	08/24/93	MOT /MOTION IN LIMINE TO PROHIBIT REFERENCES TO THE FIRST PHASE AS GUILT PHASE	0001	DN	04/14/94	
0072	08/26/93	SUBP/SUBPOENA	0001	SC	09/13/93	
0073	08/30/93	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	SV	08/25/93	
0074	09/02/93	NOTC/ALIBI NOTICE	0001			
0075	09/02/93	NOTC/NOTICE OF ALIBI	0001			
0076	09/07/93	ROC /RECEIPT OF COPY	0001		09/02/93	
0077	09/09/93	MOT /MOTION TO QUASH AND FOR A PROTECTIVE ORDER	0001	GR	09/20/93	
0078	09/10/93	MOT /ALL PENDING MOTIONS 9/10/93	0001		09/10/93	
0079	09/10/93	CALC/CALENDAR CALL	0001		02/14/94	
0080	09/10/93	JURY/TRIAL BY JURY (VAC 2/14/94)	0001	VC	02/22/94	
0081	09/22/93	ORDR/ORDER	0001			
0082	09/23/93	NOTC/NOTICE OF ENTRY OF ORDER	0001			
0083	09/29/93	EXPT/EX PARTE APPLICATION AND ORDER FOR APPOINTMENT OF PSYCHIATRISTS	0001			
0084	09/15/93	TRAN/REPORTER'S TRANSCRIPT OF SEPTEMBER 10, 1993 MOTION TO CONTINUE JURY TRIAL	0001		09/10/93	
0085	10/15/93	TRAN/REPORTER'S TRANSCRIPT OF SEPTEMBER 20, 1993 MOTION TO QUASH AND FOR PROTECTIVE ORDER	0001		09/20/93	Y
0086	11/19/93	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0087	01/05/94	SUBP/SUBPOENA	0001	SC	02/14/94	
0088	01/05/94	SUBP/SUBPOENA	0001	SV	01/05/94	
0089	01/18/94	HEAR/ORAL REQUEST OF DISTRICT ATTORNEY STATUS CHECK TRIAL DATE-VC JB 1/24/94	0001	SC	02/14/94	
0090	01/24/94	HEAR/ORAL REQUEST OF DISTRICT ATTORNEY STATUS CHECK TRIAL DATE	0001	SV	01/05/94	
0091	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	VC	01/24/94	
0092	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0093	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0094	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0095	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0096	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0097	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0098	02/07/94	MOT /MOTION TO CONTINUE TRIAL	0001		02/14/94	
0099	02/07/94	MOT /MOTION TO DISQUALIFY DISTRICT ATTORNEY	0001		02/14/94	
0100	02/07/94	RSPN/RESPONSE TO DEFENDANTS MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES NECESSARY TO HIS DEFENSE	0001			Y
0101	02/07/94	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPHS	0001			Y
0102	02/07/94	ANSW/STATES ANSWER IN OPPOSITION TO MOTION TO ALLOW DEFENSE TO ARGUE LAST AT PENALTY PHASE	0001			Y
0103	02/07/94	ANSW/ANSWER IN OPPOSITION TO MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"	0001			Y

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0104	02/07/94	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF DEFENDANTS PRIOR BAD ACTS	0001 0001			Y
0105	02/08/94	WRIT/WRIT OF HABEAS CORPUS AD TESTIFICANDUM	0001			
0106	02/08/94	APPL/APPLICATION FOR PRODUCTION OF INMATE	0001			
0107	02/08/94	PET /PETITION	0001			
0108	02/08/94	ORDR/ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS AD TESTIFICANDUM FOR A PRISONER	0001 0001			
0109	02/09/94	ROC /RECEIPT OF COPY	0001		02/07/94	
0110	02/14/94	HEAR/EVIDENTIARY HEARING	0001		03/07/94	
0111	02/14/94	CALC/CALENDAR CALL (VJ 3/18/94)	0001	VC	03/25/94	
0112	02/14/94	JURY/TRIAL BY JURY (VJ 3/18/94)	0001	VC	03/28/94	
0113	02/14/94	RSPN/STATE'S RESPONSE TO MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR	0001 0001			Y
0114	02/14/94	OPPS/STATE'S OPPOSITION TO MOTION TO CONTINUE TRIAL	0001 0001			
0115	02/14/94	RSPN/STATE'S RESPONSE TO DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCE	0001 0001			Y
		NUMBERED 1 AND 2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCES			NUMBER 4	
0116	02/14/94	SUBP/SUBPOENA DUCES TECUM	0001 0001	SC SV	02/22/94 02/11/94	
0117	02/15/94	MOT /ALL PENDING MOTIONS 2/14/94	0001		02/14/94	
0118	02/24/94	EXPT/EX PARTE APPLICATION AND ORDER FOR APPOINTMENT OF PSYCHIATRIST AND NEUROPSYCHOLOGIST	0001 0001			Y
0119	02/24/94	ORDR/ORDER APPOINTING PSYCHIASTRIST AND NEUROPSYCHOLOGIST	0001 0001			
0120	02/24/94	EXPT/EX PARTE ORDER FOR AUTHORIZATION OF A CONTACT VISIT	0001 0001			
0121	02/24/94	EXPT/EX PARTE ORDER FOR AUTHORIZATION OF A CONTYACT VISIT	0001 0001			
0122	02/14/94	RSPN/STATE'S RESPONSE TO MOTION TO DISQUALFY THE DISTRICT ATTORNEY'S OFFICE AND STATE'S MOTION TO QUASH SUBPOENAS	0001 0001			Y
0123	02/14/94	AFFD/AFFIDAVIT	0001			
0126	03/08/94	MOT /ALL PENDING MOTIONS 3/7/94	0001		03/07/94	
0127	03/08/94	HEAR/HEARING JUDGE'S DECISION	0001		03/09/94	
0128	03/07/94	AFFD/AFFIDAVIT	0001			
0129	03/09/94	OCAL/STATUS CHECK RE: TRIAL DATE (VJ 3/11/94)	0001	VC	03/16/94	
0130	03/08/94	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 31, 1994 RE: ORAL REQUEST OF DISTRICT ATTORNEY	0001 0001			Y
0131	03/08/94	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 14, 1994 DEFENDANT'S MOTION TO CONTINUE TRIAL PROCEEDINGS AND DEFENDANT'S MOTION TO DISQUALIFY DISTRICT ATTORNEY'S OFFICE	0001 0001		02/14/94	Y
0132	03/10/94	HEAR/AT REQUEST OF DISTRICT ATTORNEY STATUS CHECK	0001 0001		03/11/94	
0133	03/10/94	MOT /ALL PENDING MOTIONS 3/9/94	0001		03/09/94	
0134	03/10/94	NOTC/NOTICE OF EXHIBIT(S) IN THE VAULT	0001		03/07/94	
0135	03/10/94	PET /PETITION	0001			

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NÓ.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0136	03/10/94	APPL/	APPLICATION FOR PRODUCTION OF INMATE	0001			
0137	03/10/94	ORDR/	ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS AD TESTIFICANDUM FOR A PRISONER	0001			
0138	03/10/94	WRIT/	WRIT OF HABEAS CORPUS AD TESTIFICANDUM	0001			
0139	03/17/94	MOT /	STATE'S MOTION TO SUBMIT AMENDED INDICTMENT AND NOTICE OF MOTION	0001		04/14/94	
0140	03/17/94	LIST/	WITNESS LIST	0001			
0141	03/18/94	CALC/	CALENDAR CALL	0001	OC	10/21/94	
0142	03/18/94	JURY/	TRIAL BY JURY (VJ 10/21/94)	0001	VC	10/24/94	
0143	03/21/94	MOT /	ALL PENDING MOTIONS 3/18/94	0001		03/18/94	
0144	03/23/94	NOTC/	AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY	0001			
0145	03/28/94	TRAN/	REPORTER'S TRANSCRIPT OF MARCH 7, 1994 RE: DEFENDANT'S MOTION TO DISQUALIFY	0001		03/07/94	Y
DISTRICT ATTORNEY'S OFFICE							
0146	04/01/94	OPPS/	DEFENDANT'S OPPOSITION TO STATES MOTION TO SUBMIT AMENDED INDICTMENT	0001			
0147	04/04/94	ROC /	RECEIPT OF COPY	0001		04/01/94	
0148	04/08/94	RSPN/	RESPONSE TO DEFENDANT'S OPPOSITION TO STATE'S MOTION TO SUBMIT AMENDED	0001			Y
INDICTMENT							
0149	04/13/94	MOT /	ALL PENDING MOTIONS 4/13/94	0001		04/13/94	
0150	04/14/94	HEAR/	HEARING JUDGE'S DECISION	0001	DN	04/20/94	
0151	04/14/94	MOT /	ALL PENDING MOTIONS 4/14/94	0001		04/14/94	
0152	04/26/94	ORDR/	ORDER FOR TRANSCRIPT	0001			
0153	04/28/94	TRAN/	REPORTER'S TRANSCRIPT OF FEBRUARY 25, 1994 EVIDENTIARY HEARING	0001		02/25/94	
0154	05/26/94	ORDR/	ORDER	0001			
0155	05/26/94	ORDR/	ORDER	0001			
0156	05/26/94	ORDR/	ORDER FOR TRANSCRIPT	0001			
0157	06/21/94	TRAN/	REPORTER'S TRANSCRIPT OF APRIL 13, 1994 MOTIONS HEARING	0001		04/13/93	
0158	07/11/94	TRAN/	REPORTER'S TRANSCRIPT OF MARCH 18, 1994 MOTIONS HEARING	0001		03/18/94	
0159	07/11/94	TRAN/	REPORTER'S TRANSCRIPT OF APRIL 20, 1994 JUDGE'S DECISION	0001		04/20/94	
0160	07/19/94	REQT/	MOTION FOR A WITNESS DEPOSITION	0001			
0161	07/19/94	ORDR/	ORDER FOR A WITNESS DEPOSITION	0001			
0162	07/19/94	ORDR/	ORDER FOR PRODUCTION OF INMATE	0001			
0163	08/05/94	ORDR/	ORDER FOR TRANSCRIPT	0001			
0164	08/15/94	TRAN/	REPORTER'S TRANSCRIPT OF MARCH 9, 1994 RE: MOTIONS HEARING	0001		03/09/94	
0165	09/01/94	EXPT/	EX PARTE MOTION TO CHANGE INVESTIGATOR AND FOR EXCESS FEES	0001			
0166	09/01/94	ORDR/	ORDER GRANTING MOTION FOR CHANGE OF INVESTIGATOR AND FOR EXCESS FEES	0001			
0167	09/12/94	TRAN/	REPORTER'S TRANSCRIPT OF APRIL 14, 1994 MOTIONS HEARING	0001		04/14/94	
0168	09/22/94	EXPT/	EX PARTE ORDER TO TRANSPORT	0001			
0169	10/05/94	ORDR/	ORDR FOR PRODUCTION OF INMATE MICHAEL BEAUDOIN BACK #38605	0001			
0170	10/05/94	ORDR/	ORDER FOR PRODUCTION OF INMATE DIANA LEE HUNT BACK #37664	0001			

(Continued to page 6)

NÖ.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0171	10/05/94	ORDR/ORDER	FOR PRODUCTION OF INMATE DAVID LEVINE BACK #29106	0001			
0172	10/05/94	ORDR/ORDER	FOR PRODUCTION OF INMATE DAVID MEEKER BACK #36745	0001			
0173	10/07/94	ORDR/ORDER	AUTHORIZING INTERIM PAYMENT	0001			
0174	02/03/95	TRAN/REPORTER'S	TRANSCRIPT OF OCTOBER 21, 1994 CALENDAR CALL	0001		10/21/94	
0175	02/27/95	TRAN/REPORTER'S	TRANSCRIPT OF OCTOBER 21, 1994 CALENDAR CALL	0001		10/21/94	
0176	05/23/95	TRL /STATE'S	REQUEST TO RESCHEDULE TRIAL DATE	0001		05/31/95	
0177	05/25/95	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001			
0178	05/31/95	CALC/CALENDAR	CALL	0001		01/26/96	
0179	05/31/95	JURY/TRIAL BY	JURY	0001		03/06/96	
0180	08/16/95	TRAN/REPORTER'S	TRANSCRIPT OF MAY 31, 1995 MOTIONS HEARING	0001		05/31/95	
0181	12/27/95	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001		12/27/95	
0182	12/27/95	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001			
0183	12/27/95	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001			
0184	01/02/96	HEAR/STATE'S	REQUEST FILE AMENDED INDICTMENT	0001	GR	01/03/96	
0185	01/03/96	IND /AMENDED	INDICTMENT	0001		01/03/96	
0186	01/16/96	PET /PETITION		0001			
0187	01/16/96	APPL/APPLICATION	FOR PRODUCTION OF INMATE WILLIAM BURKETT AKA DONALD ALLEN HILL	0001			
0188	01/16/96	ORDR/ORDER	FOR ISSUANCE OF WRIT OF HABEAS CORPUS AD TESTIFICANDUM FOR A PRISONER	0001			
0189	01/18/96	WRIT/WRIT OF	HABEAS CORPUS AD TESTIFICANDUM	0001			
0190	01/19/96	MOT /STATE'S	MOTION IN LIMINE	0001	GR	01/26/96	
0191	01/19/96	EXPR/EX PARTE	APPLICAITON AND ORDER FOR TRANSPORTATION OF DEFENDANT FROM THE NEVADA DEPARTMENT OF PRISONS TO THE CLARK COUNTY DETENTION CENTER	0001			
0192	01/19/96	ORDR/ORDER	GRANTING MOTION FOR CHANGE OF INVESTIGATOR AND FOR EXCESS FEES	0001			
0193	01/19/96	REQT/NOTICE OF	MOTION AND MOTION IN LIMINE	0001		01/26/96	
0194	01/23/96	SUPP/SUPPLEMENT	TO WITNESS LIST	0001			
0195	01/25/96	ORDR/ORDER	FOR PRODUCTION OF INMATE JAMES HENRY LEWIS BACK #13080	0001			
0196	01/26/96	MOT /ALL PENDING	MOTIONS 1/26/96	0001		01/26/96	
0197	01/29/96	MOT /NEVADA BOARD	OF PAROLE COMMISSIONERS MOTION TO QUASH	0001		02/02/96	
0198	01/29/96	SUBP/SUBPOENA		0001	SC	01/29/96	
0199	01/29/96	REQT/MOTION TO	QUASH SUBPOENAS DUCES TECUM	0001	SV	01/28/96	
0200	01/29/96	SUPP/SUPPLEMENT	TO MOTION TO QUASH SUBPOENAS DUCES TECUM	0001		01/30/96	
0201	01/29/96	ROC /RECEIPT OF	COPY	0001		01/29/96	
0202	02/01/96	EXPT/EX PARTE	MOTION FOR RELEASE AND DISCLOSURE OF RECORDS	0001			
0203	02/01/96	ORDR/ORDER	FOR RELEASE AND DISCLOSURE OF RECORDS	0001			
0204	02/02/96	CRJL/CRIMINAL	JURY LIST	0001		02/02/96	Y

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(Continued to page 7)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
D1001565						
0205	02/02/96	JURY/JURY	0001			
0206	02/02/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	01/29/96	
			0001	SV	01/24/96	
0207	02/02/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	01/29/96	
			0001	SV	01/24/96	
0208	02/02/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	01/29/96	
			0001	SV	01/24/96	
0209	02/02/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	01/29/96	
			0001	SV	01/24/96	
0210	02/02/96	ORDR/ORDER	0001			
0211	02/05/96	SUBP/SUBPOENA	0001	SC	02/05/96	
			0001	SV	02/02/96	
0212	02/02/96	ORDR/ORDER FOR TRANSCRIPT	0001			
0213	02/05/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	02/06/96	
			0001	SV	02/02/96	
0214	02/08/96	OPPS/ANSWER IN OPPOSITION TO DEFENDANTS MOTION FOR MISTRIAL BASED ON AN ALLEGED DISCOVERY VIOLATION	0001		02/08/96	Y
			0001			
0215	02/15/96	ORDR/ORDER	0001			
0216	02/15/96	CRTF/CERTIFICATE	0001			
0217	02/15/96	REQT/REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS ALICE STARR	0001			
			0001			
0218	02/16/96	SUBP/SUBPOENA	0001	SC	02/22/96	
			0001	SV	02/15/96	
0219	02/16/96	SUBP/SUBPOENA	0001	SC	02/22/96	
			0001	SV	02/15/96	
0220	02/26/96	ORDR/ORDER FOR CONTACT VISIT	0001			
0221	02/27/96	ORDR/ORDER FOR CONTACT VISIT	0001			
0222	02/28/96	MOT /DEFT'S MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE	0001	DN	03/01/96	
			0001			
0223	02/28/96	MOT /DEFT'S MOTION TO REQUIRE PRETRIAL JUDICIAL REVIEW	0001	DN	03/01/96	
			0001			
0224	02/28/96	MOT /DEFT'S MOTION TO BAR ADMISSION MOTION IN LIMINE	0001	GR	03/01/96	
			0001			
0225	02/28/96	MOT /DEFT'S MOTION TO PRECLUDE CONSIDERATION	0001	DN	03/01/96	
0226	02/28/96	MOT /DEFT'S MOTION TO PRECLUDE INTRODUCTION	0001	GR	03/01/96	
0227	02/28/96	REQT/MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXECUTION UPON VICTIMS FAMILY MEMBERS	0001			Y
			0001			
0228	02/28/96	REQT/MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE PERTAINING TO VICTIM FAMILY MEMBERS CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME THE DEFENDANT AND OR THE APPROPRIATE SENTENCE	0001		03/01/96	Y
			0001			
0229	02/28/96	REQT/MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE	0001		03/01/96	Y
			0001			
0230	02/28/96	REQT/MOTION TO REQUIRE A PRETRIAL JUDICIAL REVIEW OF ALL VICTIM IMPACT EVIDENCE THE STATE INTENDS TO INTRODUCE AT THE PENALTY PHASE	0001		03/01/96	Y
			0001			
0231	02/28/96	REQT/MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE PURSUANT TO NRS	0001		03/01/96	Y
			0001			

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
175.552	200.033	AND 200.035				
0232	03/01/96	MOT /ALL PENDING MOTIONS 3/1/96	0001		03/01/96	
0233	01/31/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 30, 1996 JURY TRIAL -VOLUME I			01/30/96	
0234	01/31/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 30, 1996 JURY TRIAL VOLUME II			01/30/96	
0235	01/31/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 30, 1996 JURY TRIAL - VOLUME III			01/30/96	
0236	02/01/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 31, 1996 JURY TRIAL - VOLUME I			01/31/96	
0237	02/01/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 31, 1996 JURY TRIAL VOLUME II			01/31/96	
0238	02/02/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 1, 1996 JURY TRIAL - VOLUME I			02/01/96	
0239	02/05/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 2, 1996 JURY TRIAL - VOLUME VI			02/02/96	
0240	02/06/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 5, 1996 JURY TRIAL - VOLUME I			02/05/96	
0241	02/06/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 5, 1996 VOLUME II			02/05/96	
0242	02/07/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 6, 1996 JURY TRIAL - VOLUME I			02/06/96	
0243	02/07/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 6, 1996 JURY TRIAL			02/06/96	
0244	02/08/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 7, 1996 JURY TRIAL - VOLUME I			02/07/96	
0245	02/09/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 8, 1996 JURY TRIAL VOLUME I			02/08/96	
0246	03/01/96	REQT/MEDIA REQUEST				
0247	03/01/96	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				
0248	03/01/96	ORDR/ORDER FOR PRODUCTION OF INMATE KIM KLARKE MEYERS BACK #13217	0001			
0249	03/04/96	ORDR/ORDER FOR PRODUCTION OF INMATE DANNY RAY BAILEY BACK #17933	0001			
0250	03/06/96	HEAR/PENALTY HEARING	0001		03/14/96	
0251	01/03/96	CINF/AMENDED INDICTMENT	0001		03/05/96	
0252	03/07/96	EXPR/EX PARTE ORDER UNSEALING DOCUMENTS	0001			
0253	03/06/96	INST/INSTRUCTIONS TO THE JURY	0001			
0254	03/06/96	VER /VERDICT	0001		03/06/96	
0255	03/06/96	VER /VERDICT	0001		03/06/96	
0256	03/06/96	VER /VERDICT	0001		03/06/96	
0257	03/06/96	VER /VERDICT	0001		03/06/96	
0258	03/06/96	TRAN/REPORTER'S TRANSCRIPT OF MARCH 5, 1996 JURY TRIAL	0001		03/05/96	
0259	02/29/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 28, 1996 JURY TRIAL VOL. I	0001		02/28/96	
0260	03/05/96	TRAN/REPORTER'S TRANSCRIPT OF MARCH 1, 1996 JURY TRIAL	0001		03/01/96	
0261	03/01/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 29, 1996 JURY TRIAL VOL I	0001		02/29/96	
0262	02/27/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 26, 1996 JURY TRIAL VOL 1	0001		02/26/96	

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0263	02/28/96	TRAN	REPORTER'S TRANSCRIPT OF FEBRUARY 27, 1996 JURY TRIAL VOL I	0001		02/27/96	
0264	03/08/96	ORDR	ORDER	0001			
0265	03/05/96	TRAN	REPORTER'S TRANSCRIPT OF MARCH 4, 1996	0001		03/04/96	
0266	03/11/96	NOEV	NOTICE OF TRANSCRIPT ON SHELVES				
0267	03/11/96	REQT	MOTION IN LIMINE TO PROHIBIT ANY REFERENCE TO THE DEFENDANTS POETRY	0001			
0268	03/15/96	SENT	SENTENCING	0001	GR	05/17/96	
0269	03/15/96	NOEV	NOTICE OF EXHIBIT(S) IN THE VAULT			02/02/96	
0270	03/15/96	NOEV	NOTICE OF EXHIBIT(S) IN THE VAULT			02/08/96	
0271	03/15/96	TRAN	REPORTER'S TRANSCRIPT OF MARCH 14, 1996 JURY TRIAL	0001		03/14/96	
0272	03/13/96	TRAN	REPORTER'S TRANSCRIPT OF MARCH 12, 1996 PENALTY PHASE	0001		03/12/96	
0273	03/14/96	TRAN	REPORTER'S TRANSCRIPT OF MARCH 13, 1996 JURY TRIAL	0001		03/13/96	
0274	03/15/96	ORDR	ORDER FOR CONTACT VISIT	0001			
0275	03/14/96	INST	INSTRUCTIONS TO THE JURY	0001			
0276	03/14/96	VER	SPECIAL VERDICT	0001		03/14/96	
0277	03/14/96	VER	VERDICT	0001		03/14/96	
0278	03/14/96	VER	VERDICT	0001		03/14/96	
0279	03/14/96	VER	SPECIAL VERDICT	0001		03/14/96	
0280	03/18/96	ORDR	ORDER FOR CONTACT VISIT	0001			
0281	03/27/96	NOEV	NOTICE OF TRANSCRIPT UNDER WINDOW				
0282	04/26/96	MOT	STEVEN WOLFSON'S MOTION TO WITHDRAW AS COUNSEL	0001	GR	05/17/96	
0283	04/29/96	MOT	DEFT'S MOTION FOR NEW TRIAL	0001	DN	05/17/96	
0284	04/26/96	REQT	MOTION TO WITHDRAW AS ATTORNEY OF RECORD	0001		05/01/96	
0285	04/26/96	ROC	RECEIPT OF COPY	0001		04/26/96	
0286	04/26/96	CERT	CERTIFICATE OF MAILING	0001		04/26/96	
0287	05/01/96	MOT	ALL PENDING MOTIONS 5/1/96	0001		05/01/96	
0288	05/01/96	OPPS	ANSWER IN OPPOSITION TO MOTION FOR NEW TRIAL	0001			
0289	05/02/96	MOT	STATE'S REQUEST RESET SENTENCING/MOTION FOR NEW TRIAL	0001	GR	05/06/96	
0290	05/17/96	MOT	ALL PENDING MOTIONS 5/17/96	0001		05/17/96	
0291	05/17/96	HEAR	CONFIRMATION OF COUNSEL (SCHIECK)	0001	CM	05/22/96	
0292	05/17/96	ORDR	ORDER REMOVING TRIAL COUNSEL AND APPOINTING APPELLATE COUNSEL	0001			
0293	05/17/96	EMO	ENTRY OF MINUTE ORDER	0001			
0294	05/17/96	WARR	WARRANT OF EXECUTION	0001			
0295	05/17/96	ORDR	ORDER OF EXECUTION	0001			
0296	05/23/96	NOTC	NOTICE OF APPEAL	0001	AP		
0297	05/28/96	CASO	CASE (RE)ACTIVATED ON				
0298	05/28/96	ORDR	ORDER APPOINTING COUNSEL	0001			
0299	05/30/96	TRAN	REPORTER'S TRANSCRIPT OF JANUARY 3, 1996 STATE'S REQUEST TO FILE AMENDED	0001		01/03/96	Y
INDICTMENT							
0300	05/31/96	JUDG	JUDGMENT OF CONVICTION	0001		05/31/96	
0301	05/31/96	JMNT	ADMINISTRATION/ASSESSMENT FEE	0001		06/03/96	
0302	05/31/96	JMNT	JUDGMENT OF RESTITUTION	0001		06/03/96	
0303	06/06/96	EXPT	EX PARTE APPLICATION FOR ORDER TO PREPARE TRANSCRIPTS	0001			

(Continued to page 10)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0304	06/06/96	NOAS/DESIGNATION OF RECORD ON APPEAL				0001
0305	06/07/96	EXPR/EX PARTE ORDER TO PREPARE TRANSCRIPT				0001
0306	06/13/96	AFFD/AFFIDAVIT OF STEVEN B WOLFSON AND PHILLIP DUNLEAVY				0001 0001
0307	06/13/96	AFFD/AFFIDAVIT PURSUANT TO SUPREME COURT RULE 250 D				0001 0001
0308	06/19/96	EXPT/EX PARTE MOTION FOR STAY OF EXECUTION				0001
0309	06/21/96	ORDR/ORDER TO STAY EXECUTION				0001
0310	06/24/96	CERT/CERTIFICATE OF MAILING				0001 06/21/96
0311	07/09/96	MOT /PHILIP H DUNLEAVY'S APPLICATION AND ORDER IN EXCESS OF STATUTORY AMOUNT		GR		0001 07/22/96
0312	08/11/93	TRAN/REPORTER'S TRANSCRIPT OF AUGUST 2, 1993 DEFENDANT'S MOTION TO TRANSPORT				0001 08/02/93 Y 0001
DEFENDANT TO SOUTHERN DESERT CORRECTIONAL CENTER						
0313	08/23/93	ROC /RECEIPT OF COPY				08/23/93
0314	08/23/93	ROC /RECEIPT OF COPY				08/23/93
0315	08/23/93	ROC /RECEIPT OF COPY				08/23/93
0316	08/23/93	ROC /RECEIPT OF COPY				08/23/93
0317	08/23/93	ROC /RECEIPT OF COPY				08/23/93
0318	08/30/93	ORDR/ORDER FOR PRODUCTION OF INMATE				0001
0319	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE				0001
0320	07/10/96	CASO/CASE (RE)ACTIVATED ON				
0321	07/15/96	TRAN/REPORTER'S TRANSCRIPT ARRAIGNMENT				0001 07/06/92
0322	07/15/96	TRAN/REPORTER'S TRANSCRIPT ARRAIGNMENT CONT.				0001 07/20/92
0323	07/15/96	TRAN/REPORTER'S TRANSCRIPT HEARING: WRIT OF HABEAS CORPUS				0001 11/04/92 0001
0324	06/29/92	TRAN/REPORTER'S TRANSCRIPT OF JUNE 4, 1992 BEFORE THE GRAND JURY				0001 06/04/92 0001
0325	07/18/96	NOEV/NOTICE OF TRANSCRIPTS GRAND JURY ON SHELVES				0001 0001
0326	07/26/96	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	AL			05/17/96
0327	08/01/96	ORDR/ORDER				0001
0328	09/04/96	TRAN/REPORTER'S TRANSCRIPT VERDICT				0001 03/06/96
0329	11/15/96	TRAN/REPORTER'S TRANSCRIPT CALENDAR CALL				0001 02/05/93
0330	11/15/96	TRAN/REPORTER'S TRANSCRIPT STATUS CHECK				0001 02/17/93
0331	11/15/96	TRAN/REPORTER'S TRANSCRIPT				0001 03/11/94
0332	11/15/96	TRAN/REPORTER'S TRANSCRIPT				0001 01/26/96
0333	12/03/96	MOT /PHILIP DUNLEAVY'S APPLICATION AND ORDER FOR FEE IN EXCESS OF STATUTORY AMOUNT		GR		0001 12/16/96 0001
0334	12/03/96	MOT /PHILIP DUNLEAVY'S APPLICATION AND ORDER FOR FEE IN EXCESS STATUTE(INVESTIGATOR)		GR		0001 12/16/96 0001
0335	12/03/96	REQT/APPLICATION FOR FEE IN EXCESS OF STATUTORY AMOUNT FOR INVESTIGATOR				0001 12/16/96 0001
0336	12/17/96	MOT /ALL PENDING MOTIONS 12/16/96		GR		0001 12/16/96
0337	12/16/96	ORDR/ORDER FOR AUTHORIZATION OF PAYMENT IN EXCESS OF STATUTORY AMOUNT FOR				0001 0001 Y
PSYCHIATRIST						
0338	12/16/96	ORDR/ORDER FOR AUTHORIZATION OF PAYMENT IN EXCESS OF STATUTORY AMOUNT FOR				0001 0001 Y
NEUROPSYCHOLOGIST						
0339	01/03/97	ASSG/Reassign Case From Judge BONGIOVANNI TO Judge HARDCASTLE				

(Continued to page 11)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0340	03/19/97	TRAN/REPORTER'S TRANSCRIPT OF DECEMBER 16, 1996 APPLICATION AND ORDER FOR FEES				12/16/96
0341	06/28/97	ASSG/Reassign Case From Judge HARDCASTLE to Judge MOSLEY				
0342	06/10/98	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED	0001	GR	06/10/98	
0343	10/14/98	MOT /DAVID SCHIECK'S MOTION FOR ATTORNEY'S FEES IN EXCESS OF STATUTORY ALLOWANCE	0001 0001	GR	10/29/98	
0344	10/14/98	CASO/CASE (RE)ACTIVATED ON				
0345	10/15/98	ROC /RECEIPT OF COPY	0001		10/15/98	
0346	10/29/98	ORDR/ORDER GRANTING MOTION FOR ATTORNEYS FEES IN EXCESS OF STATUTORY ALLOWANCE	0001 0001			Y
AND FOR EXPENSES						
0347	11/09/98	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED	0001	GR	11/09/98	
0348	11/09/98	JMNT/REMITTITUR AFFIRMED/REHEARING DENIED	0001		11/16/98	
0349	12/04/98	CASO/CASE (RE)ACTIVATED ON				
0350	12/04/98	PET /DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001 0001		12/21/98	
0351	12/04/98	PET /PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION AND APPOINTMENT OF	0001 0001		12/21/98	Y
COUNSEL						
0352	12/07/98	CRTF/CERTIFICATE OF SERVICE BY MAIL	0001		12/04/98	
0353	12/21/98	ARGU/ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001 0001		04/13/99	
0354	01/04/99	ORDR/ORDER OF APPOINTMENT	0001			
0355	04/13/99	HEAR/ARGUMENT AND DECISION	0001		11/10/99	
0356	11/10/99	OCAL/STATUS CHECK: CUSTODIAL VISIT	0001		11/17/99	
0357	11/10/99	OCAL/STATUS CHECK: ARGUMENT AND DECISION	0001		11/17/99	
0358	11/17/99	MOT /ALL PENDING MOTIONS 11/17/99	0001		11/17/99	
0359	11/18/99	TRAN/REPORTER'S TRANSCRIPT OF STATUS CHECK CUSTODIAL VISIT ARGUMENT AND DECISION	0001 0001		11/17/99	
0360	12/22/99	REQT/EX PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR AND FOR FEES IN EXCESS OF	0001 0001			Y
STATUTORY LIMIT						
0361	12/28/99	ORDR/ORDER GRANTING EX PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR AND FOR	0001 0001			Y
FEES IN EXCESS OF STATUTORY LIMIT						
0362	01/26/00	REQT/EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES AND EXPENSES IN	0001 0001			Y
POST CONVICTION PROCEEDINGS						
0363	02/11/00	ORDR/ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES AND EXPENSES	0001 0001			
0364	07/27/00	MOT /STATE'S MOTION TO PLACE ON CALENDAR	0001		08/08/00	
0365	08/08/00	HEAR/ARGUMENT AND DECISION (VJ 3/12/01)	0001	VC	03/29/01	
0366	12/11/00	HEAR/AT THE REQUEST OF THE COURT (VJ 3/12/01)	0001	VC	03/29/01	
0367	12/13/00	ORDR/STIPULATION AND ORDER TO VACATE HEARING ON DECEMBER 21 2000 AND RE SET BRIEFING	0001 0001		12/13/00	Y
SCHEDULE						
0368	12/14/00	NOTC/NOTICE OF ENTRY OF ORDER VACATING THE HEARING ON DECEMBER 21 2000	0001 0001		12/14/00	Y
AND RE-SETTING THE BRIEFING SCHEDULE						

(Continued to page 12)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0369	03/06/01	MOT	/STATE'S REQUEST CHANGE BRIEFING SCHEDULE	0001		03/12/01	
0370	03/12/01	OCAL	/STATUS CHECK: BRIEFING SCHEDULE	0001		05/02/01	
0371	05/02/01	HEAR	/ARGUMENT AND DECISION (VJ 8/27/01)	0001	VC	09/10/01	
0372	08/16/01	MOT	/STATE'S MOTION TO PLACE ON CALENDAR	0001	GR	08/27/01	
0373	08/27/01	HEAR	/ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001		08/07/02	
0374	05/03/02	TRAN	/REPORTER'S TRANSCRIPT OF ARGUMENT AND DECISION	0001		05/02/02	
0375	05/14/02	ORDR	/ORDER FOR TRANSCRIPT	0001			
0376	07/08/02	REQT	/EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST	0001			Y
CONVICTION PROCEEDINGS							
0377	07/11/02	ORDR	/ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES	0001		07/11/02	
0378	08/07/02	OCAL	/STATUS CHECK: BRIEFING SCHEDULE	0001		08/14/02	
0379	08/08/02	PTAT	/SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION	0001			Y
0380	08/14/02	ARGU	/ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001	VC	04/04/03	
0381	08/15/02	TRAN	/REPORTER'S TRANSCRIPT STATUS CHECK: BRIEFING SCHEDULE	0001		08/14/02	
0382	10/14/02	OPPS	/STATES OPPOSITION TO DEFENDANTS SUPPLEMENTAL POINTS & AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION	0001			Y
0383	10/15/02	ROC	/RECEIPT OF COPY	0001		10/15/02	
0384	11/27/02	OCAL	/STATUS CHECK:	0001		01/27/03	
0385	12/02/02	TRAN	/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING			11/27/02	
0386	01/03/03	AFFT	/AFFIDAVIT OF STEVEN B WOLFSON	0001			
0387	01/03/03	ROC	/RECEIPT OF COPY	0001		01/03/03	
0388	01/03/03	ROC	/RECEIPT OF COPY	0001		01/03/03	
0389	01/06/03	AFFT	/AFFIDAVIT OF TRIAL COUNSEL	0001			
0390	02/03/03	REQT	/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001		03/07/03	
0391	02/12/03	ACKN	/ACKNOWLEDGEMENT AND WAIVER	0001			
0392	01/28/03	TRAN	/REPORTER'S TRANSCRIPT OF STATUS CHECK	0001		01/27/03	
0394	02/27/03	ORDR	/STIPULATION AND ORDER CONTINUING ARGUMENT	0001	SC	04/04/03	
0395	04/01/03	OCAL	/STATUS CHECK: ARGUMENT ON WRIT OF HABEAS CORPUS	0001	OC	06/18/04	
0396	04/17/03	REQT	/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001			
0397	04/22/03	OTTE	/EX PARTE ORDER TO TRANSPORT PETITIONER	0001		06/13/03	
0398	07/09/03	REQT	/EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST	0001			Y
CONVICTION PROCEEDINGS							
0399	07/24/03	NOTC	/STATES NOTICE TO PLACE ON CALENDAR	0001	SC	08/06/03	
0400	08/07/03	HEAR	/EVIDENTIARY HEARING	0001		04/16/04	
0401	09/16/03	REQT	/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001			
0402	09/22/03	REQT	/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001			

(Continued to page 13)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0403	09/22/03	OTTE/EX PARTE ORDER TO TRANSPORT PETITIONER	0001		11/21/03	
0404	09/30/03	ORDR/ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES	0001		09/30/03	
0405	11/24/03	ORDR/ORDER FOR TRANSCRIPT	0001		11/24/03	
0406	11/24/03	TRAN/REPORTER'S TRANSCRIPT EVIDENTIARY HEARING	0001		11/21/03	
0407	01/09/04	OCAL/STATUS CHECK: DEFENSE'S REPLY	0001	MR	02/09/04	
0408	01/12/04	TRAN/REPORTER'S TRANSCRIPT CONTINUANCE OF EVIDENTIARY HEARING	0001		01/09/04	
0409	02/10/04	ROC /RECEIPT OF COPY	0001		02/10/04	
0410	02/10/04	BREF/SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			Y
0411	02/19/04	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001			
0412	02/24/04	OTTE/EX PARTE ORDER TO TRANSPORT DEFENDANT	0001	SH	03/19/04	
0413	03/12/04	ERR /ERRATA TO SUPPLEMENTAL BIEF IN SUPPORT OF DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			Y
0414	03/15/04	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001			
0415	03/23/04	EXPR/EX PARTE ORDER TO TRANSPORT DEFENDANT	0001	SH	04/16/04	
0416	04/06/04	RSPN/STATES RESPONSE TO DEFENDANTS SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			Y
0417	04/22/04	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT PETITIONER	0001			
0418	04/29/04	OTTE/EX PARTE ORDER TO TRANSPORT PETITIONER	0001	SH	06/18/04	
0419	06/18/04	HEAR/EVIDENTIARY HEARING	0001	DN	09/10/04	
0420	07/08/04	MOT /DEFT'S MTN TO PLACE ON CALENDAR/100	0001	GR	07/19/04	
0421	07/14/04	ROC /RECEIPT OF COPY	0001		07/14/04	
0422	07/16/04	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	SH	08/20/04	
0423	07/21/04	REQT/EX PARTE MOTION FOR FINAL INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS	0001			Y
0424	07/26/04	ORDR/ORDER GRANTING FINAL INTERIM PAYMENT OF EXCESS ATTORNEYS FEES AND COSTS	0001		07/26/04	
0425	08/17/04	AFFT/AFFIDAVIT OF DAVID W SCHIECK REGARDING SUPPLEMENTAL BRIEF IN SUPPORT OF WRIT OF HABEAS CORPUS	0001			Y
0426	08/18/04	ROC /RECEIPT OF COPY	0001		08/18/04	
0427	08/24/04	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		08/20/04	
0428	08/30/04	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	SH	09/10/04	
0429	09/13/04	TRAN/REPORTER'S TRANSCRIPT EVIDENTIARY HEARING	0001		09/10/04	

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

06/05/92 11:00 AM 00 GRAND JURY INDICTMENT

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: DEBRA VINSON, Court Clerk
DONNA LITTLE, Reporter/Recorder

PARTIES: STATE OF NEVADA
003901 Lowry, Teresa

Y
Y

William Hehn, DDA, also present. At the hour of 11:00 a.m, this date, court convened in this matter. Patricia Randell, Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill in this matter during deliberation, but had been excused for the presentation to the Court. State presented Grand Jury Case Number 91GJ138X to the Court. BY THE COURT ORDERED, the Indictment may be filed and is assigned Case Number C106784, Department IV. Mr. Hehn advised Deft. is in custody in Nevada Department of Prisons and requested a no bail bench warrant issue, SO ORDERED. Exhibits 1-29 lodged with Clerk of District Court.

B/W (CUSTODY-NDP)

07/01/92 09:00 AM 00 ORAL REQUEST OF DISTRICT ATTORNEY FOR
ARRAIGNMENT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: JOSEPHINE BOHN, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
003901 Lowry, Teresa
0001 D1 Rippo, Michael D
001565 Wolfson, Steven B.
000598 Dunleavy, Philip H.

Y
Y
Y
Y
Y

COURT ORDERED, matter set for arraignment in Dept. IV. Mr. Wolfson asked that the transportation order remain in effect until after his arraignment date and, COURT SO ORDERED. Defendant remanded to the custody of Court services officer at Indian Springs.

B/W (CUSTODY-NDP)

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 001

07/06/92 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001538 Hehn, William A.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Mr. Dunleavy advised that he has been appointed as associate counsel and moved to be confirmed in that capacity. There being no opposition, COURT SO ORDERED. Mr. Dunleavy stated defendant has not received a copy of the Grand Jury transcript and pursuant to NRS. 172.225 is entitled to a 10-day continuance from the time of receipt of the transcript. Mr. Wolfson moved for the continuance and, COURT SO ORDERED. Court directed Mr. Hehn to notify the reporter to provided the transcript to the defendant. FURTHER ORDERED, matter continued for status check on arraignment. Mr. Dunleavy notified the Court that a spectator caused a disruption in the courtroom earlier and asked that he be identified and barred from the courtroom at future proceedings. Mr. Hehn lodged copies of Supreme Court Rule 250 with the Clerk of the Court and defendant's counsel.

B/W (CUSTODY NDP)

07/20/92 09:00 AM 00 STATUS CHECK: ARRAIGNMENT

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003901 Lowry, Teresa	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Mr. Wolfson stated they are prepared to proceed with arraignment today. Defendant Rippo arraigned, entered pleas of not guilty to Counts I, II, III, IV, V and VI and waived the 60-day rule. COURT ORDERED matter set for trial in normal course. Mr. Wolfson Moved for a 60-day extension in which to file a Writ of Habeas Corpus. There being no opposition, COURT SO ORDERED. Mr. Wolfson moved for discovery and Ms. Lowry moved for reciprocal discovery.

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 002

COURT ORDERED, both motions granted.

B/W (CUSTODY NDP)...2/5/93 @ 9:00 A.M. - CALENDAR CALL...2/8/93 @ 10:00 A.M.
-JURY TRIAL

09/14/92 09:00 AM 00 MOTION FOR HANDWRITING EXEMPLAR

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003901 Lowry, Teresa	Y
	0001 D1 Rippo, Michael D	N
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Mr. Wolfson stated there is no opposition to the State's motion and, COURT ORDERED, motion is granted.

B/W (COC-NSP)

10/05/92 09:00 AM 00 PETITION FOR WRIT OF HABEAS CORPUS

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
JUDY NORMAN/jn, Relief Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001538 Hehn, William A.	Y
	0001 D1 Rippo, Michael D	N
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Mr. Wolfson stated the parties have stipulated to a continuance to allow the State to file their response. He moved for an additional seven (7) days to file his reply, and asked that the matter be scheduled for a hearing on the Writ. COURT ORDERED, motion granted; matter set for hearing.

BW (COC-NSP)...10/28/92 @ 9:30 A.M..-HEARING: WRIT OF HABEAS CORPUS

CONTINUED ON PAGE: 004

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 003

10/28/92 09:00 AM 00 ALL PENDING MOTIONS 10/28/92

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
JUDY NORMAN/jn, Relief Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	0001 D1 Rippo, Michael D	N
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

HEARING: WRIT OF HABEAS CORPUS
DEFENDANT'S MOTION FOR DISCOVERY AND TO INSPECT ALL EVIDENCE FAVORABLE TO HIM

Mr. Wolfson requested a one week continuance. There being no opposition, COURT ORDERED.

B/W (COC-NSP)

11/4/92 @ 9:00 AM - CONTINUED

11/04/92 09:00 AM 00 ALL PENDING MOTIONS 11/4/92

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
JUDY NORMAN/jb, Relief Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001538 Hehn, William A.	Y
	0001 D1 Rippo, Michael D	N
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

-HEARING: WRIT OF HABEAS CORPUS
-DEFENDANT'S MOTION FOR DISCOVERY AND TO INSPECT ALL EVIDENCE FAVORABLE TO HIM

As to Defendant's Motion for Discovery, Mr. Hehn stipulated to the statute and Brady and stated there is an open file discovery policy in the D.A.'s office but the information they are seeking is not covered by the statute and they are not entitled to it. Argument by Mr. Dunleavy. As to

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CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 004

Defendant's Writ of Habeas Corpus, Mr. Wolfson argued there were errors in the State's presentation of the case to the Grand Jury. Argument by Mr. Hehn. COURT ORDERED, Defendant's Motion for Discovery is granted; Defendant's Writ of Habeas Corpus is denied.

B/W (COC-NSP)

02/05/93 09:00 AM 00 CALENDAR CALL

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003901 Lowry, Teresa	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Mr. Wolfson advised the Court that Mr. Dunleavy has a conflict with the trial date and the State has agreed not to oppose their oral motion for a continuance. Ms. Lowry concurred. She further stated the Court has ordered that the defendant supply a handwriting exemplar and he has refused to do so. She asked that he be held in contempt of Court. COURT ORDERED defendant to be held in the Clark County Detention Center until he complies with this Court's order. Mr. Wolfson stated the defendant is incarcerated at Ely and asked that he be held in the Clark County Detention Center for 10 days to permit counsel to confer with him and, COURT SO ORDERED. FURTHER ORDERED, trial date vacated and reset in due course. Matter set for status check in 10 days.

CUSTODY...2/17/93 @ 9 A.M. - STATUS CHECK

11/19/93 @ 9 A.M. - CALENDAR CALL...11/22/93 @ 10 A.M. - JURY TRIAL

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 005

02/17/93 09:00 AM 00 STATUS CHECK

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/RecorderPARTIES: STATE OF NEVADA
003901 Lowry, Teresa
0001 D1 Rippo, Michael D
001565 Wolfson, Steven B.Y
Y
Y
Y

Mr. Wolfson stated the defendant has refused to comply with the Court's order to supply a handwriting exemplar although he advised the defendant to do so. State's Motion to Expedite Trial Date or in the Alternative Transfer Case to Another Department filed in open court. Mr. Wolfson asked for one week to respond to the motion. COURT ORDERED, matter continued for status check on trial setting. Mr. Wolfson asked that the defendant be held in the Clark County Detention Center until next Court date and, COURT SO ORDERED.

CUSTODY ... 2/26/93 @ 9 A.M. - STATUS CHECK: TRIAL SETTING

02/26/93 09:00 AM 00 STATUS CHECK: TRIAL SETTING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/RecorderPARTIES: STATE OF NEVADA
003901 Lowry, Teresa
0001 D1 Rippo, Michael D
001565 Wolfson, Steven B.Y
Y
Y
Y

Counsel stated they have agreed on a date for trial. COURT ORDERED, matter set for trial on agreed upon date.

CUSTODY...9/10/93 @ 9 A.M. - CALENDAR CALL...9/13/93 @ 10 A.M. - JURY TRIAL

CONTINUED ON PAGE: 007

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 006

08/02/93 09:00 AM 00 MOTION TO TRANSPORT DEFENDANT TO
SOUTHERN DESERT CORRECTIONAL CENTER

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
DOROTHY KELLY/jb, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000102 Bowman, Clinton D.	Y
	0001 D1 Rippo, Michael D	N
	001565 Wolfson, Steven B.	Y

There being no opposition, COURT ORDERED, motion GRANTED.

CUSTODY

09/10/93 09:00 AM 00 ALL PENDING MOTIONS 9/10/93

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: ALONA CANDITO, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000843 Lukens, John P.	Y
	003901 Lowry, Teresa	Y
	003820 Steckbeck, Jane A.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES
NECESSARY TO RIPPO'S DEFENSE

DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR VIDEOTAPING OF
DEFENDANT RIPPO WHILE IN THE COURTROOM

DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR

DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND 2 AND
FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR BAD
ACTS

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 007

DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE

DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPHS

DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"

DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

CALENDAR CALL

ATTORNEY GENERAL'S MOTION TO QUASH AND FOR PROTECTIVE ORDER (OST)

Statement by Mr. Wolfson regarding the Attorney General's Motion to Quash and request for continuance. Mr. Wolfson advised Court that on Tuesday, 9/7/93, he was approached by Mr. Lukens, who advised him that there will be the testimony of expert witnesses and of jail house snitches. Mr. Wolfson moved for a continuance. Statement by Mr. Lukens. Court admonished Mr. Lukens as this court set aside two weeks specifically for this case. COURT ORDERED, TRIAL DATE VACATED AND RESET. FURTHER, THE ATTORNEY GENERAL'S MOTION CONTINUED TO 9/20/93. Mr. Wolfson advised Court that counsel will meet to try to resolve the pre-trial motions and will place necessary motions on calendar prior to the trial date. COURT ORDERED, PRE-TRIAL MOTIONS, OFF CALENDAR.

9/20/93 -- ATTORNEY GENERAL'S MOTION TO QUASH AND FOR PROTECTIVE ORDER

CC 2/11/94 // JT 2/14/94

CUSTODY

09/20/93 09:00 AM 01 MOTION TO QUASH AND FOR A PROTECTIVE ORDER

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003820 Steckbeck, Jane A.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y

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CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 008

Gounsel advised the Court they have resolved this issue and defense counsel has no opposition to the motion. COURT ORDERED, granted.

CUSTODY

01/21/94 09:00 AM 00 ORAL REQUEST OF DISTRICT ATTORNEY STATUS CHECK TRIAL DATE

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004364 Quam, Les	Y
	0001 D1 Rippo, Michael D	N
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Mr. Lukens not present. Mr. Dunleavy asked that this matter be continued to Monday as there are matters defense counsel would like to address. COURT ORDERED, CONTINUED TO MONDAY.

CUSTODY

LATER: Matter recalled with Mr. Lukens present. Defense counsel not present. Mr. Lukes stated he and Teresa Lowry will be out of town next week. He asked that he be permitted to subpoena the State's witnesses for the 22nd of February in anticipation of this Court's being occupied with another matter on the 14th when this trial was scheduled. COURT ORDERED, GRANTED. Mr. Lukens stated he will advise defense counsel.

CONTINUED TO: 01/24/94 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 009

01/24/94 09:00 AM 01 ORAL REQUEST OF DISTRICT ATTORNEY STATUS
CHECK TRIAL DATE

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002741 Lucherini, Robert G.	Y
	0001 D1 Rippo, Michael D	N
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Prior to Court defense counsel were advised that the Court is continuing this matter one week.

CUSTODY

CONTINUED TO: 01/31/94 09:00 AM 02

01/31/94 09:00 AM 02 ORAL REQUEST OF DISTRICT ATTORNEY STATUS
CHECK TRIAL DATE

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000843 Lukens, John P.	Y
	0001 D1 Rippo, Michael D	N
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Mr. Lukens stated the Court permitted the State to subpoena its witnesses for the 22nd instead of the 14th of February due to the Court's congested calendar. Mr. Dunleavy stated the defense has subpoenaed both Mr. Lukens and Ms. Lowry as witnesses in this case and they should not be trying this case. He stated the Attorney General's office should be brought in to prosecute this case. He stated they obtained a search warrant and were actively involved in the search which was at their alibi witnesses home. He stated they also made statements to her regarding her testimony. Mr. Lukens stated there was nothing improper in the search and asked that the defense file a written motion so that the State may respond. Mr. Dunleavy stated if Mr. Lukens and Ms. Lowry prosecute this case the defense will move to dismiss. Court directed Mr. Dunleavy and Mr. Wolfson to file a written

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CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

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motion with supporting affidavits. Mr. Wolfson stated there will be a conflict with the date of the trial in that Mr. Dunleavy will be in Dept. XIV on 2/28, 3/1 and 3/4/94. The Court stated it will accommodate everyone's schedule. Mr. Wolfson stated that they just received additional discovery about three weeks ago and they may be moving for a continuance pursuant to the Love decision. Court directed them to put the motion in writing.

CUSTODY...2/22/94 @ 10 A.M.-JURY TRIAL

02/11/94 09:00 AM 00 CALENDAR CALL

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: THERESA ALMSTEAD, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA
000843 Lukens, John P.

Y
Y

0001 D1 Rippo, Michael D

Y

COURT ORDERED, matter passed for deft.'s attorneys. LATER, Court recalled matter, defense Counsel still not present. COURT ORDERED, Calendar Call continued to 2-14-94 at 9 am.

CUSTODY

2-14-94 AT 9 AM / CALENDAR CALL CONTINUED

CONTINUED TO: 02/14/94 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D
CONTINUED FROM PAGE: 012

02/25/94 10:00 AM 00 EVIDENTIARY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000843 Lukens, John P.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court stated it does not have time to hear this matter and, ORDERED, hearing date reset. FURTHER ORDERED, all motions to be heard continued to hearing date. Mr. Wolfson asked that subpoenas issued continued to the new hearing date and, COURT SO ORDERED.

CUSTODY-3/7/94 @ 10 A.M.-ALL PRE-TRIAL MOTIONS

CONTINUED TO: 03/07/94 10:00 AM 01

03/07/94 10:00 AM 00 ALL PENDING MOTIONS 3/7/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	003901 Lowry, Teresa	Y
	000843 Lukens, John P.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES NECESSARY TO DEFENSE

~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM

~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR

~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND 2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4

~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR BAD ACTS

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 014

~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILTY PHASE"

~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

~HEARING-JUDGE'S DECISION RE: DEFENDANT'S MOTION TO DISQUALIFY DISTRICT ATTORNEY

Court stated it is relying on Tomlin vs. State of Nevada and Sheriff vs. Davis in which the attorney has knowledge that he is subpoenaed as a witness in the case and should step out of the case if he has the opportunity to do so. Further stated that due to the evidence that Mr. Lukens and Ms. Lowry would be witnesses in this case regarding the search conducted on Ms. Starr's apartment, COURT ORDERS, DEFENSE MOTION TO DISQUALIFY THE DISTRICT ATTORNEY IS GRANTED. MR. LUKENS AND MS. LOWRY ARE REMOVED FROM THE CASE. IT IS NOT NECESSARY TO APPOINT THE ATTORNEY GENERAL. Court directed the District Attorney's office to assign other attorneys to this case. Colloquy as to a continuance of the trial date. COURT ORDERED, matter set for status check on Wednesday. Pre-trial motions off calendar.

CUSTODY...3/16/94 @ 9 A.M.-STATUS CHECK RE: TRIAL DATE

03/11/94 09:00 AM 00 AT REQUEST OF DISTRICT ATTORNEY
STATUS CHECK

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000843 Lukens, John P.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Mr. Lukens stated a status check was set by the Court for next week and the purpose of this status check is to advise the Court that the State will be prepared to proceed to trial as scheduled and that the attorney's for the State will be Mel Harmon and Dan Seaton. Mr. Dunleavy stated the District Attorney's office should be disqualified. He stated Mr. Lukens refused to tell him earlier who would be representing the State. Mr. Seaton advised the Court this was placed on calendar today instead of next week at his request so that the parties could be told who was on the case. COURT ORDERED, DISTRICT ATTORNEY PERMITTED TO REPRESENT THE STATE. THERE WILL BE AN INSTRUCTION THAT IN FINAL ARGUMENT THE STATE CANNOT COMMENT ON THE TESTIMONY OF MR. LUKENS AND MS. LOWRY. Mr. Wolfson stated they will be cross-examined. The Court stated that they cannot comment on that testimony in their arguments. Mr. Seaton stated he is prepared to respond to that today and asked that he be permitted to review the case law the Court relied

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 015

on and then respond. The Court responded in the affirmative. Mr. Wolfson addressed the issue of arguments on the pending pre-trial motions. Colloquy as to schedules. COURT ORDERED, ALL PRE-TRIAL MOTIONS SET FOR NEXT FRIDAY.

CUSTODY...3/18/94 @ 9 A.M.-PRE-TRIAL MOTIONS

03/18/94 09:00 AM 00 ALL PENDING MOTIONS 3/18/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES NECESSARY TO DEFENSE

~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM

~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR

~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND 2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4

~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR BAD ACTS

~DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE

~DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPH

~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"

~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

~STATE'S MOTION TO SUBMIT AMENDED INDICTMENT

Mr. Wolfson stated that pursuant to a meeting in chambers between Court and counsel, the District Attorney will acknowledge that they provided the defense with substantial amounts of discovery that was picked up this date. This relates to new matters and new documents. Additionally, the State filed a motion to amend the Indictment yesterday. He moved for a continuance of the trial date. Mr. Seaton stated for the record that the State is prepared to proceed to trial but does not oppose the motion in light of the circumstances. He asked for the earliest possible setting for the trial. Court stated its displeasure and directed the District Attorney to explain to the victims' families the reason for the delay in the trial.

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CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 016

Mr. Seaton stated the District Attorney's office takes full responsibility and will do as directed. COURT ORDERED, TRIAL DATE VACATED AND RESET. ALL PENDING MOTION CONTINUED.

CUSTODY...4/13/94 @ 10 A.M.-PENDING MOTIONS LISTED ABOVE
10/21/94 @ 9 A.M.-CALENDAR CALL...10/24/94 @ 10 A.M.-JURY TRIAL

04/13/94 10:00 AM 00 ALL PENDING MOTIONS 4/13/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES NECESSARY TO DEFENSE

~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM.

~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR

~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND 2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4

~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR BAD ACTS

~DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE

~DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND AND CRIME SCENE PHOTOGRAPH

~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILTY PHASE"

~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

~STATE'S MOTION TO SUBMIT AMENDED INDICTMENT

Mr. Dunleavy not present. Mr. Seaton advised the Court the State is prepared to proceed today. He stated one of the victim's parents are here from out of town for arguments today. He stated that Mr. Wolfson advised him that some of the motions are his and he asked that they go forward with those today. Court stated they should attempt to contact Mr. Dunleavy and, ORDERED, COURT IN RECESS UNTIL 1:30 P.M. TODAY.

LATER: In chambers off the record, counsel advised the Court that Mr. Dunleavy was contacted but is unavailable today. COURT ORDERED, ALL MATTERS CONTINUED UNTIL 10:00 A.M. TOMORROW.

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 017

CUSTODY

4/14/94 @ 10 A.M. MOTIONS LISTED ABOVE

04/14/94 10:00 AM 00 ALL PENDING MOTIONS 4/14/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES NECESSARY TO DEFENSE (Granted)

~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM (Denied)

~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR (Denied)

~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND 2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4 (Denied)

~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR BAD ACTS (Granted)

~DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE (Ruling reserved)

~DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPH (Ruling reserved)

~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE" (Denied)

~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE (Denied)

~STATE'S MOTION TO SUBMIT AMENDED INDICTMENT (Under advisement)

Mr. Dunleavy apologized to the Court for his absence yesterday. Court directed that the motions will be argued in the order listed on the calendar.

Mr. Dunleavy stated they have attempted to obtain evaluations of the defendant's from the prison system and the detention center and were told to get a Court order. Mr. Harmon stated their motion is very broad and the defense can subpoena the records the same as the State would and they should do so. Mr. Dunleavy stated they attempted to do so but repeated that they were told to get a Court order. COURT ORDERED, Motion for Discovery GRANTED AS TO THE STATE PRISON SYSTEM AND THE CLARK COUNTY DETENTION CENTER ONLY.

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Ripppo, Michael D

CONTINUED FROM PAGE: 018

Mr. Dunleavy to prepare the order.

Mr. Dunleavy submitted the Defendant's Motion to Prohibit Filming. Mr. Harmon stated it was the Court's discretion and, COURT ORDERED, motion DENIED.

Mr. Dunleavy argued the grounds on which the State can remove people from the jury when death qualifying. Mr. Harmon argued that the State is aware of what can and cannot be done. FURTHER ORDERED, motion DENIED, that issue will be dealt with on a juror by juror basis.

Mr. Wolfson submitted Defendant's Motion to Strike Aggravating Circumstances but stated there are post-conviction relief proceedings before the Supreme Court at this time on behalf of the defendant. He stated the issue is regarding the penalty of his plea in the other case he has in the system and a ruling should be issued before the trial date in this case. He stated if the relief is granted, the defense will ask to revisit this motion. COURT ORDERED, with the understanding that this motion may be renewed if the Supreme Court acts in defendant's favor, this motion is DENIED.

As to Defendant's Motion to Exclude Testimony of Prior Bad Acts, Mr. Wolfson stated that evidence should not be admitted at trial. He stated the State claims their are similarties of the acts but the prejudice outweighs the probative value. Mr. Seaton responded that they told the defense already that they will not and they do not oppose the motion. Mr. Harmon stated that if the defendant takes the stand they will use the facts of his prior conviction for impeachment purposes. COURT ORDERED, THE INFORMATION MAY BE USED FOR IMPEACHMENT ONLY, MOTION GRANTED.

Mr. Dunleavy stated they are preparing a shortened jury questionnaire that they have discussed with the State and they can probably agree on its use. COURT ORDERED, RULING RESERVED PENDING THE FORTHCOMING AGREEMENT.

Mr. Dunleavy advised the Court the parties are in agreement on a lot of exhibits that will be coming in and Mr. Seaton will be going over them. He stated the parties will schedule a meeting in chambers with the Court prior to trial to discuss their disagreements. FURTHER ORDERED, RULING RESERVED UNTIL THAT TIME.

Mr. Dunleavy and Mr. Seaton argued the motion regarding the term "guilty phase". COURT ORDERED, motion DENIED.

Mr. Dunleavy argued defendant's Motion to Argue Last in the penalty phase. Mr. Seaton quoted from the Statute and, COURT ORDERED, motion DENIED.

Mr. Harmon argued the State's Motion to Submit Amended Indictment and stated the State is trying to ensure that the defense has knowledge of the State's theories. Mr. Wolfson argued that the motion should be denied and the State should take the matter back to the Grand Jury. Response by Mr. Harmon. Court stated it will further review the cases cited by counsel and, ORDERED, MATTER UNDER ADVISEMENT. DECISION TO BE RENDERED NEXT WEDNESDAY.

CUSTODY

4/20/94 @ 9 A.M. JUDGE'S DECISION (State's Motion to Submit Amended Indictment)

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 023

01/31/96 10:30 AM 02 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO/GERRI LAPTHORNE, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

In chambers, OUTSIDE THE PRESENCE OF THE JURY PANEL. Jurors #487 and #151 examined by Court and counsel and excused from service. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury selection continued. Recess.

In chambers, OUTSIDE THE PRESENCE OF THE JURY PANEL. Jurors #123, #150 #101, #109 and #144 examined by Court and counsel and excused from service. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury selection continued.

In chambers, OUTSIDE THE PRESENCE OF THE JURY PANEL. Juror #124 examined by Court and counsel and excused from service. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury selection continued. Court in recess.

CONTINUED TO: 02/01/96 10:00 AM 03

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 024

02/01/96 10:00 AM 03 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury selection continued. Court in recess.

CONTINUED TO: 02/02/96 10:00 AM 04

02/02/96 09:00 AM 01 NEVADA BOARD OF PAROLE COMMISSIONERS
MOTION TO QUASH

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004910 Armstrong, Karl W.	Y
	0001 D1 Rippo, Michael D	N
	000598 Dunleavy, Philip H.	Y

Discussions as to which records will be turned over. Arguments by counsel. Court stated it will do an in-camera inspection of the records and, ORDERED, matter taken UNDER ADVISEMENT.

NDP

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 029

02/26/96 10:00 AM 10 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. COUNSEL STIPULATED TO THE PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Jury admonished and excused. In chambers, OUTSIDE THE PRESENCE OF THE JURY. Counsel advised the Court they have stipulated to Exhibits 19 and 21 being admitted and 20 and 22 being excluded. Court in recess.

CONTINUED TO: 02/27/96 10:00 AM 11

02/27/96 10:00 AM 11 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel as to proposed exhibits 53 and 54. COURT ORDERED, THEY WILL BE ADMITTED. Recess. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel as to exhibits previously admitted. COURT ORDERED, EXHIBITS ARE ADMITTED. Recess. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony presented. Jury admonished. Court in recess.

CONTINUED TO: 02/28/96 10:00 AM 12

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D
CONTINUED FROM PAGE: 030

02/28/96 10:00 AM 12 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

FILED IN OPEN COURT:

-MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM'S FAMILY MEMBERS

-MOTION TO REQUIRE A PRETRIAL JUDICIAL REVIEW OF ALL VICTIM IMPACT EVIDENCE THE STATE INTENDS TO INTRODUCE AT THE PENALTY PHASE

-MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE

-MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE PURSUANT TO NRS 175.552, 200.033 AND 200.035

-MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE PERTAINING TO VICTIM FAMILY MEMBERS CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME, THE DEFENDANT, AND/OR THE APPROPRIATE SENTENCE

Court reconvened with all present as before. Counsel stipulated to PRESENCE OF THE JURY. Testimony presented. (See worksheet.) Conference at the bench. Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. Arguments of counsel as to discovery. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. Offer of proof made by the State (witness Caipa). Mr. Wolfson moved to exclude the testimony and evidence of the credit card transaction at Sears. Opposition by Mr. Harmon. COURT ORDERED, motion DENIED. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. Jury admonished. Court in recess.

CONTINUED TO: 02/29/96 10:00 AM 13

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 034

JURY. Exhibits admitted. (See worksheet.) Defense rests. No rebuttal by the State. Jury instructed on the law. Closing argument by Mr. Seaton. Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. Mr. Wolfson moved for a mistrial based on statements made by Mr. Seaton in closing argument. Opposition by the State. COURT ORDERED, motion DENIED. Recess. Reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Closing arguments by Mr. Dunleavy and Mr. Wolfson. Rebuttal argument by Mr. Harmon. Officers sworn. Jury retired to deliberate. Alternates admonished and excused for the evening.

CONTINUED TO: 03/06/96 10:00 AM 17

03/06/96 10:00 AM 17 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before with the exception of Mr. Wolfson. Jury Foreperson Gilgardo Escalante stated the jury had reached verdicts in this matter. Thereafter the following verdicts were read and recorded by the Clerk of the Court:

- COUNT I-MURDER FO THE FIRST DEGREE (LAURI M. JACOBSON) - GUILTY
- COUNT II-MURDER OF THE FIRST DEGREE (DENISE M. LIZZI) - GUILTY
- COUNT III-ROBBERY - GUILTY
- COUNT IV-UNAUTHORIZED SIGNING OF CREDIT CARD TRANSACTION DOCUMENT - GUILTY

Conference at the bench. Court thanked the jurors and directed them of the date to return on March 11, 1996 at 10:15 am for the Penalty Hearing.

CUSTODY

3/11/96 10:15 AM PENALTY HEARING

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 035

03/11/96 10:15 AM 00 PENALTY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk

PARTIES: NO PARTIES PRESENT

No parties present. At request of counsel, COURT ORDERED, HEARING CONTINUED.

CONTINUED TO: 03/12/96 10:00 AM 01

03/12/96 10:00 AM 01 PENALTY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened OUTSIDE THE PRESENCE OF THE JURY. Mr. Dunleavy addressed the issue of Defendant's Motion in Limine to Prohibit Any Reference to the Defendant's Poetry and moved to include a letter written by the defendant on 2/14/82. Arguments by counsel. Court stated the prejudicial value outweighs any probative value and, ORDERED, motion GRANTED. FURTHER ORDERED, the letter being too illegible is EXCLUDED.

Counsel stipulated to the PRESENCE OF THE JURY. Opening statements by Mr. Seaton and Mr. Dunleavy. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Recess. Court reconvened with all present as before. Testimony and exhibits presented. Jury admonished. Court in recess.

CONTINUED TO: 03/13/96 09:00 AM 02

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 036

03/13/96 09:00 AM 02 PENALTY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Recess. Court reconvened with all present as before. Testimony and exhibits presented. (See worksheets.) State rests. Jury admonished and excused for the evening. OUTSIDE THE PRESENCE OF THE JURY. Mr. Dunleavy argued that there have been repeated Brady violations by the State. Additionally, he stated the families were permitted to bring in photo album and that is not proper. He moved to strike the Motion to Seek the Death Penalty. Response and argument by Mr. Harmon. Court stated records were made and, ORDERED, motion DENIED. Court in recess.

CONTINUED TO: 03/14/96 10:00 AM 03

03/14/96 10:00 AM 03 PENALTY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Recess. Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Court examined defendant regarding his right to make a sworn or unsworn statement. Colloquy between Court, counsel and defendant. Mr. Wolfson advised the Court the parties have stipulated that he will be reading a statement from the defendant's mother. Jury returned to the

CONTINUED ON PAGE: 038

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 037

courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Mr. Wolfson read letters from defendant's mother's doctor and from defendant's mother. Conference at the bench. Unsworn statement made by defendant Rippo. Defense rests. No rebuttal by the State. Recess.

Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Instructions of Law settled on the record. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Jury instructed on the law. Closing argument by Mr. Harmon. Closing argument by Mr. Dunleavy. Recess. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Closing argument by Mr. Wolfson. Rebuttal argument by Mr. Seaton. Officers sworn. Jury retired to deliberate. Counsel stipulated to the alternate jurors being excused unless needed.

10:10 P.M.

Court reconvened with all present as before with the exception of Mr. Harmon. Jury Foreperson Gilgardo Escalante stated verdicts have been reached. Special Verdicts read and recorded the following verdicts read and recorded by the Clerk of the Court:

"We, the Jury in the above entitled case, having found the Defendant, MICHAEL DAMON RIPPO, Guilty of COUNT I-MURDER OF THE FIRST DEGREE (Lauri M. Jacobson) and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of, Death."

"We, the Jury in the above entitled case, having found the Defendant, MICHAEL DAMON RIPPO, Guilty of COUNT II-MURDER OF THE FIRST DEGREE (Denise M. Lizzi) and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of, Death."

Jurors thanked and excused from service. COURT ORDERED, matter referred to the Division of Parole and Probation and set for sentencing.

CUSTODY

5/1/96 9:00 AM SENTENCING

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 038

05/01/96 09:00 AM 00 ALL PENDING MOTIONS 5/1/96

HEARD BY: Norman C. Robison, Senior Judge; Dept. VJ17

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004703 Mueller, Craig	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

STEVEN WOLFSON'S MOTION TO WITHDRAW AS COUNSEL...DEFENDANT'S MOTION FOR NEW TRIAL...SENTENCING

George Johnson of the Division of Parole and Probation present. Court stated the motions will be heard by the Judge doing the sentencing and, ORDERED, matters CONTINUED.

CUSTODY

5/8/96 9:00 AM ABOVE-LISTED MOTIONS

05/06/96 09:00 AM 00 STATE'S REQUEST RESET SENTENCING/MOTION FOR NEW TRIAL

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: JOSEPHINE BOHN, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	0001 D1 Rippo, Michael D	Y
	000598 Dunleavy, Philip H.	Y

George Johnson of the Division of Parole and Probation present. Mr. Harmon requested sentencing and motion be continued to 5/17/96. There being no opposition, COURT SO ORDERED.

CUSTODY

5/17/96 9:00 AM DEFENDANT'S MOTION FOR NEW TRIAL...SENTENCING...STEVEN WOLFSON'S MOTION TO WITHDRAW AS COUNSEL

CONTINUED ON PAGE: 040

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 039

05/17/96 09:00 AM 00 ALL PENDING MOTIONS 5/17/96

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

DEFENDANT'S MOTION FOR NEW TRIAL...STEVEN WOLFSON'S MOTION TO WITHDRAW AS COUNSEL...SENTENCING

Maureen Pelton of the Division of Parole and Probation present. Pursuant to Jury Verdict, DEFENDANT RIPPO ADJUDGED GUILTY of COUNTS I and II MURDER OF THE FIRST DEGREE (F), COUNT III ROBBERY (F) and COUNT IV UNAUTHORIZED SIGNING OF CREDIT CARD TRANSACTION DOCUMENT (F). Speakers Louise Lizzi and Nick Lizzi addressed the Court. Statements by counsel and Defendant. COURT ORDERED, Defendant SENTENCED as to COUNTS I and II to DEATH BY LETHAL INJECTION. COURT FURTHER ORDERED, Defendant SENTENCED to Nevada Department of Prisons, as to COUNT III for FIFTEEN (15) YEARS CONSECUTIVE to COUNTS I and III; as to COUNT IV for TEN (10) YEARS CONSECUTIVE to COUNTS I, II and III. Defendant ORDERED to pay RESTITUTION of \$7,490.00 and \$25.00 Administrative Assessment Fee. NO CREDIT for Time Served.

Mr. Dunleavy moved to withdraw as counsel and David Schieck being appointed. There being no opposition, COURT ORDERED, motion GRANTED. FURTHER ORDERED, Mr. Wolfson's motion to withdraw GRANTED; matter set for CONFIRMATION OF COUNSEL. Mr. Dunleavy moved for a non-contact family visit. No opposition by the State. COURT FURTHER ORDERED, motion GRANTED.

CUSTODY

5/22/96 9:00 AM CONFIRMATION OF COUNSEL (D. SCHIECK)

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 040

05/22/96 09:00 AM 00 CONFIRMATION OF COUNSEL (SCHIECK)

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005043 Laurent, Christopher J.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Defendant's PRESENCE WAIVED. Mr. Schieck accepted appointment and CONFIRMED AS COUNSEL OF RECORD. Mr. Schieck to prepare and submit the order to the Court.

NDP

07/22/96 09:00 AM 00 PHILIP H DUNLEAVY'S APPLICATION AND ORDER IN EXCESS OF STATUTORY AMOUNT

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004703 Mueller, Craig	Y
	0001 D1 Rippo, Michael D	N
	000598 Dunleavy, Philip H.	Y

There being no opposition, COURT ORDERED, application GRANTED.

NDP

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 041

12/16/96 09:00 AM 00 ALL PENDING MOTIONS 12/16/96

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Rippo, Michael D	N
	000598 Dunleavy, Philip H.	Y

PHILIP H. DUNLEAVY'S APPLICATION AND ORDER FOR FEE IN EXCESS OF STATUTORY AMOUNT FOR INVESTIGATOR...PHILIP H. DUNLEAVY'S APPLICATION AND ORDER FOR FEE IN EXCESS OF STATUTORY AMOUNT FOR EXPERT

There being no opposition, COURT ORDERED, motions GRANTED.

NDP

10/29/98 09:00 AM 00 DAVID SCHIECK'S MOTION FOR ATTORNEY'S FEES IN EXCESS OF STATUTORY ALLOWANCE

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006162 Waters, Steven L.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Schieck requested fees of \$11,291.97 including costs and, COURT SO ORDERED.

NDP

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 042

12/21/98 09:00 AM 00 DEFT'S PETITION FOR WRIT OF HABEAS
CORPUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: RITA LOPEZ, Court Clerk
PENNY WISNER/PW, Relief Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003801 Robinson, Lynn M.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Schieck advised the Deft.'s appeal had been denied and the Deft.'s petition needed to be supplemented. Mr. Dunleavy was previous counsel and Mr. Schieck needs to be appointed to supplement the writ. COURT ORDERED, David Schieck APPOINTED as Counsel. BRIEFING SCHEDULE SET, Mr. Schieck has until February 8th to file the supplement to the writ of habeas corpus, State has until March 8th to reply, Mr. Schieck has until March 22nd to respond to the State's reply, and argument is set for April 5th.

NDP

4-5-99 9:00 AM ARGUMENT: WRIT OF HABEAS CORPUS

04/13/99 09:00 AM 01 ARGUMENT: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000346 Mitchell, Scott S.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

COURT ORDERED, BRIEFING SCHEDULE AS FOLLOWS: Opening Brief due by 5/14; Response due 6/4; Reply due 6/18; set for argument.

NDP

6/25/99 9:00 AM ARGUMENT AND DECISION

CONTINUED ON PAGE: 044

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 043

06/25/99 09:00 AM 00 ARGUMENT AND DECISION

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004902 Adams, Danae	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

COURT ORDERED, BRIEFING SCHEDULE AS FOLLOWS: OPENING BRIEF DUE 7/23;
RESPONSE DUE 8/20; REPLY DUE 8/27; SET FOR HEARING.

NDP

CONTINUED TO: 09/02/99 09:00 AM 01

09/03/99 09:00 AM 02 ARGUMENT AND DECISION

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005144 Sweetin, James R.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Schieck requested additional time to file Supplemental Points and Authorities, as he had had trouble with the Prison allowing him to have contact with Defendant. COURT ORDERED, BRIEFING SCHEDULE AS FOLLOWS; OPENING BRIEF DUE 9/30; RESPONSE DUE 10/28; REPLY DUE 11/4; MATTER CONTINUED.

NDP

CONTINUED TO: 11/10/99 09:00 AM 03

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 044

11/10/99 09:00 AM 03 ARGUMENT AND DECISION

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006639 Fattig, John T	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Schieck advised he still had not been allowed a contact visit with Defendant and requested a Court Order to do so. The Court stated he was hesitant to issue an Order in a vacuum as there could be another perspective. COURT ORDERED, MATTER CONTINUED; ATTORNEY GENERAL'S OFFICE TO BE PRESENT TO SET OUT ANY ISSUES.

NDP

11/17/99 9:00 AM STATUS CHECK: CUSTODIAL VISIT...STATUS CHECK: ARGUMENT AND DECISION

11/17/99 09:00 AM 00 ALL PENDING MOTIONS 11/17/99

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005521 Taylor, William J.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

STATUS CHECK: CUSTODIAL VISIT...STATUS CHECK: ARGUMENT AND DECISION

Mr. Schieck stated he is having trouble arranging a contact visit with Deft. Mr. Taylor advised someone from his office has spoken with Warden McDaniel and stated there is no problem with Mr. Schieck having a contact visit with Deft. However, there is only one attorney room and that needs to be booked in advance. Colloquy between Court and counsel. Court directed Mr. Schieck to call chambers if there is a problem when he goes to visit.

NDP

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D
CONTINUED FROM PAGE: 045

08/08/00 09:00 AM 00 STATE'S MOTION TO PLACE ON CALENDAR

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004739 Rutledge, Brian S.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Counsel requested a briefing schedule. COURT ORDERED, OPENING BRIEF DUE 9/28; RESPONSE DUE 11/30; REPLY DUE 12/14; set for hearing.

NIC

12/21/00 9:00 AM ARGUMENT AND DECISION

03/12/01 09:00 AM 00 STATE'S REQUEST CHANGE BRIEFING SCHEDULE

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004739 Rutledge, Brian S.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Schieck requested a continuance to file a supplement and that matter be set for status check to set a briefing schedule. COURT SO ORDERED and future date of 3/29 is VACATED.

NDP

5/2/01 9:00 AM STATUS CHECK: BRIEFING SCHEDULE

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

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05/02/01 09:00 AM 00 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000082 Weed, Randall F.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Schieck requested Briefing Schedule. COURT ORDERED, DEFENDANT'S OPENING BRIEF DUE 6/11; STATE'S RESPONSE DUE 8/10; DEFENDANT'S REPLY DUE 8/24; set for hearing.

NDP

9/10/01 9:00 AM ARGUMENT AND DECISION

08/27/01 09:00 AM 00 STATE'S MOTION TO PLACE ON CALENDAR

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003801 Robinson, Lynn M.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Court noted a new briefing schedule was needed. Mr. Schieck concurred and advised it was his fault. COURT ORDERED, the following briefing schedule: Mr. Schieck to file Opening Brief by 10/1; Ms. Robinson to reply by 12/3; Mr. Schieck to reply by 12/19 and matter set for argument.

NDC

1/9/02 9:00 AM ARGUMENT AND DECISION

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

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01/09/02 09:00 AM 00 ARGUMENT AND DECISION: DEFT'S PETITION
FOR WRIT OF HABEAS CORPUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Connie Kalski, Relief Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003801 Robinson, Lynn M.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Counsel met in chambers prior to court commencing and Court advised continuance dates could be given.

Matter announced in open court and the dates as follows were recorded on the record:

Mr. Schieck to Respond by 2/27/02 - 5:00 PM (with a courtesy copy to be supplied to the Court)
Ms. Robinson to Reply by 4/18/02 - 5:00 PM (with a courtesy copy to be supplied to the Court)
Matter CONTINUED for argument.

NDC

CONTINUED TO: 04/25/02 09:00 AM 01

05/02/02 09:00 AM 02 ARGUMENT AND DECISION: DEFT'S PETITION
FOR WRIT OF HABEAS CORPUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005734 Pandukht, Taleen R.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Court noted that several briefing schedules have been set. Mr. Schieck concurred and apologized; he advised he had 95% of the work completed, however, has misplaced the disk. He will now need to recreate 40 hours worth of work. There being no objection, COURT ORDERED, the following briefing schedule: Opening brief due by 6/3; Answer due by 7/15; Reply due

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CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 048

by 7/29 and matter set for argument.

NDC

CONTINUED TO: 08/07/02 09:00 AM 03

08/07/02 09:00 AM 03 ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000370 Ponticello, Frank M.	Y
	0001 D1 Rippo, Michael D	N
	004349 Oram, Christopher R.	Y

Mr. Oram appeared for Mr. Schieck and advised Mr. Schieck is up at Ely prison with Defendant signing the document. Mr. Ponticello requested a briefing schedule. Court noted the petition has not yet been filed and ORDERED, matter set for status check with a briefing schedule being set next date.

NDC

8/14/02 9:00 AM STATUS CHECK: BRIEFING SCHEDULE

08/14/02 09:00 AM 00 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005734 Pandukht, Taleen R.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

At request of counsel, COURT ORDERED, the following briefing schedule: State's Answer due by 10/14/02. Mr. Schieck's reply due by 10/29/02 and

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

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11/14/02 9:00 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

11/27/02 09:00 AM 01 ARGUMENT: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Connie Kalski, Relief Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006088 Peterson, Clark A.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Upon request, COURT ORDERED, Defendant's presence WAIVED. Following discussion, COURT ORDERED, matter set for status check and the writ CONTINUED.

NDC

1/15/03 9:00 AM STATUS CHECK

CONTINUED TO: 01/31/03 10:00 AM 02

01/27/03 09:00 AM 01 STATUS CHECK:

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006088 Peterson, Clark A.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Peterson advised this was set to make sure all the affidavits have been submitted and they have. Court concurred. Mr. Schieck stated Defendant is in Ely and it will take two weeks to have the order done and have him present and also Mr. Dunleavy from Pioche will need to be noticed. COURT ORDERED, argument set for 1/31/03 will be CONTINUED.

NDC

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 050

3/7/03 9:00 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

04/16/03 09:00 AM 00 STATUS CHECK: ARGUMENT ON WRIT OF HABEAS CORPUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Carole D'Aloia, Relief Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006088 Peterson, Clark A.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Court noted the absence of the Defendant as he is currently serving his sentence in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED. Upon inquiry of the Court, Mr. Schieck advised he met with Defendnt last Wednesday and Defendant does not want to waive rights to alleged ineffective assistance of counsel. Counsel advised they have discussed possibilities of out to deal with the situation and suggested Court appoint an independent, appellant counsel to look at the issue of ineffective assistance of counsel. Mr. Peterson advised he spoke to Mr. Oram and he would not object to Court appointing him to file a supplemental petition. COURT ORDERED, Mr. Oram APPOINTED to investigate the challenge of Mr. Schiek's ineffectiveness and instructed counsel to get with Mr. Wolfson and Mr. Dunlevy to get the Evidentiary Hearing scheduled for early summer.

CUSTODY

CONTINUED TO: 06/18/04 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

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11/21/03 09:00 AM 00 EVIDENTIARY HEARING

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000370 Ponticello, Frank M.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Court noted Mr. Schieck and Mr. Ponticello were in chambers before calendar.
COURT ORDERED, matter CONTINUED for all parties to be present.

NDC

CONTINUED TO: 01/09/04 09:00 AM 01

01/09/04 09:00 AM 01 EVIDENTIARY HEARING

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Melissa Swinn, Relief Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006088 Peterson, Clark A.	Y
	0001 D1 Rippo, Michael D	Y
	000824 Schieck, David M.	Y
	004349 Oram, Christopher R.	Y

Court noted a briefing schedule needs to be set. Mr. Oram to respond by
2/9/04; State to reply by 3/9/04 and matter set for hearing one week
thereafter. COURT ORDERED, matter set for a status check on the date the
Defense's response is due.

NDC

CONTINUED TO: 03/19/04 09:00 AM 02

CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

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02/09/04 09:00 AM 00 STATUS CHECK: DEFENSE'S REPLY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007135 Pesci, Giancarlo	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y
	004349 Oram, Christopher R.	Y

Mr. Oram advised his supplemental Points and Authorities would be filed by the end of tomorrow. Court so noted and advised the State has requested 30 days to file their response. COURT ORDERED, date of 3/19/04 for Evidentiary Hearing stands.

NDC

06/18/04 09:00 AM 01 STATUS CHECK: ARGUMENT ON WRIT OF HABEAS
CORPUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	Y
	000824 Schieck, David M.	Y
	004349 Oram, Christopher R.	Y

Court noted Mr. Schieck needs to prepare and affidavit and ORDERED, matter set or hearing.

NDC

7/23/04 9:00 AM EVIDENTIARY HEARING

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CRIMINAL COURT MINUTES

92-C-106784-C

STATE OF NEVADA

vs Rippo, Michael D

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07/19/04 09:00 AM 00 DEFT'S MTN TO PLACE ON CALENDAR/100

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	N
	004349 Oram, Christopher R.	Y

Mr. Oram requested Defendant's presence be waived. Court noted Mr. Schieck is a potential witness in this matter and because of that, Mr. Oram will handle the hearing. Mr. Oram concurred. COURT ORDERED, Mr. Schieck is WITHDRAWN as to this case.

NDC

09/10/04 09:00 AM 02 EVIDENTIARY HEARING

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	Y
	004349 Oram, Christopher R.	Y

Court advised this is a continuation from a previous hearing regarding ineffectiveness of counsel. Mr. Oram concurred and stated he feels Defendant should receive a new penalty phase. Arguments by Mr. Owens. Mr. Schieck sworn and testified and stated some issues were not raised to the Supreme Court as they were not preserved during trial. Closing arguments by Mr. Oram and Mr. Owens. Court stated it cannot conclude that Mr. Schieck was remiss in anything that he did, that he has a different style and different philosophy than that of Mr. Oram. Therefore, COURT ORDERED, Deft's Writ is DENIED. Mr. Oram requested to be appointed for the appeal. COURT SO ORDERED.

NDC