

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 DAMON CAMPBELL

9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA

11 \* \* \* \* \*

12 THE STATE OF NEVADA

13 Plaintiff,

14 vs.

15 DAMON CAMPBELL,

16 Defendant.

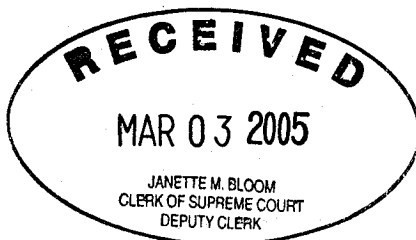
17 No. 44799  
18 CASE NO. C169550  
19 DEPT. NO. XV

20 NOTICE OF APPEAL

21 NOTICE is hereby given that Defendant, DAMON CAMPBELL, hereby appeals to the  
22 Supreme Court of the State of Nevada from his denial of his Petition for Writ of Habeas Corpus  
23 (Post-Conviction), the Notice of Entry of Order entered on January 27, 2005.

24 DATED this 25 day of February, 2005.

25 By [Signature] for  
26 CHRISTOPHER R. ORAM  
27 Nevada Bar #004349  
28 520 South Fourth Street., #370  
Las Vegas, Nevada 89101  
Attorney for Defendant  
DAMON CAMPBELL



FILED

FEB 28 3 57 PM '05

[Signature]  
CLERK

FILED

MAR 03 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

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

0504042

**CERTIFICATE OF MAILING**

I hereby certify that I am an employee of CHRISTOPHER R ORAM and that on the 28 day of February, 2005, I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing **NOTICE OF APPEAL**, addressed to:

Supreme Court Clerk  
Supreme Court Building  
201 S. Carson Street  
Carson City, NV 89170

David Roger  
District Attorney  
200 South Third Street, 7th floor  
Las Vegas, Nevada 89155

Brian Sandoval  
Attorney General  
555 E. Washington Ave., 3rd Floor  
Las Vegas, NV 89101

Aurora Miyamoto  
An employee of Christopher R. Oram Esq.

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

CASA  
CHRISTOPHER R. ORAM, ESQ.  
Nevada State Bar #004349  
520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada 89101  
(702) 384-5563

Attorney for Defendant  
DAMON CAMPBELL

FILED

FEB 28 3 58 PM '05

*Sally B. Loehrer*  
CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*\*

THE STATE OF NEVADA

Plaintiff,

vs.

DAMON CAMPBELL,

Defendant.

CASE NO. C169550  
DEPT. NO. XV

CASE APPEAL STATEMENT

1. Appellant : DAMON CAMPBELL
2. Judge : Hon. Sally Loehrer
3. Parties in District Court : State of Nevada v. DAMON CAMPBELL
4. Parties in Appeal : DAMON CAMPBELL v. State of Nevada
5. Counsel on Appeal : Christopher R. Oram, Esq.  
520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada 89101  
(702) 384-5563

DAVID J. ROGER  
District Attorney

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

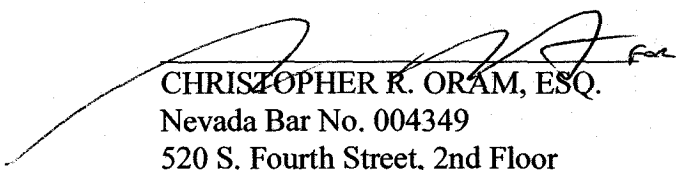
200 South Third Street  
Las Vegas, NV 89155  
(702) 455-4711

BRIAN SANDOVAL  
Attorney General  
Attention: Criminal Division  
Capitol Complex  
Carson City, Nevada 89710  
(702) 687-4170

6. Appellant was represented by court appointed counsel in the district court.
7. Appellant is currently represented by retained counsel on appeal.
8. Appellant has not been granted leave to proceed in form pauperis as of this date.
9. On January 26, 2005, the Honorable Sally Loehrer denied Mr. Campbell's Petition for Writ of Habeas Corpus (Post-Conviction), and the Notice of Entry of Order having been entered on January 27, 2005.

DATED this 25 day of February, 2005.

Respectfully submitted by:

  
CHRISTOPHER R. ORAM, ESQ.  
Nevada Bar No. 004349  
520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada 89101  
(702) 384-5563  
Attorney for Defendant  
DAMON CAMPBELL

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and  
that on the 28 day of February, 2005, I did deposit in the United States Postal Service  
office at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a  
true and correct copy of the above foregoing **CASE APPEAL STATEMENT**, addressed  
to:

Supreme Court Clerk  
Supreme Court Building  
201 S. Carson Street  
Carson City, Nevada 89701

David Roger  
District Attorney  
200 S. Third Street, 7th Floor  
Las Vegas, Nevada 89155

Brian Sandoval  
Attorney General  
555 E. Washington Ave., 3rd Floor  
Las Vegas, Nevada 89101

  
An employee of Christopher R. Oram, Esq.

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

DATE: 02/28/05  
CASE NO. 00-C-169550-C

I N D E X

TIME 4:41 PM  
JUDGE:Loehrer, Sally

STATE OF NEVADA

[ ] vs Campbell, Damon O

[ ]

0001 D1 Damon O Campbell  
P O Box 1989  
Ely, NV 89301

004349 Oram, Christopher R.  
NO. 1 520 S Fourth St., 2nd Floor  
Las Vegas, NV 89101

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	08/24/00	INFO/INFORMATION	Fee \$0.00			08/24/00	
0002	08/24/00	ARRN/INITIAL ARRAIGNMENT		0001		09/07/00	
0003	08/25/00	CBO /CRIMINAL BINDOVER		0001			
0004	08/25/00	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT				08/25/00	
0005	09/07/00	HEAR/TRIAL SETTING		0001		09/21/00	
0006	09/06/00	NISD/NOTICE OF INTENT TO SEEK DEATH PENALTY		0001			
0007	09/21/00	ARRN/ARRAIGNMENT CONTINUED (VJ 9/27/00)		0001	VC	09/28/00	
0008	09/20/00	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING		0001		08/23/00	
0009	09/21/00	INFO/AMENDED INFORMATION		0001		09/21/00	
0010	09/21/00	SUBT/SUBSTITUTION OF ATTORNEY		0001			
0011	09/27/00	HEAR/TRIAL SETTING		0001	GR	10/17/00	
0012	10/03/00	MOT /STATE'S MOTION TO JOIN DEFTS' WITH C170186		0001	GR	10/17/00	
0013	10/10/00	TRAN/REPORTER'S TRANSCRIPT OF TRIAL SETTING		0001		09/21/00	
0014	10/17/00	MOT /ALL PENDING MOTIONS (10/17/00)		0001		10/17/00	
0015	10/17/00	CALC/CALENDAR CALL (VJ 5/2/01)		0001	VC	05/16/01	
0016	10/17/00	JURY/TRIAL BY JURY (VJ 5/2/01)		0001	VC	05/21/01	
0017	10/18/00	ORDR/ORDER APPOINTING COUNSEL		0001			
0018	10/25/00	ORDR/ORDER GRANTING STATES MOTION TO CONSOLIDATE CASE		0001	HG	10/17/00	
0019	11/09/00	PET /DEFT'S PETITION FOR WRIT OF HABEAS CORPUS		0001	DN	11/28/00	
0020	11/06/00	TRAN/REPORTER'S TRANSCRIPT OF STATES MOTION TO CONSOLIDATE		0001		10/17/00	
0021	11/09/00	ORDR/ORDER - C170186					
0022	11/13/00	ROC /RECEIPT OF COPY - C170186				11/09/00	
0023	11/13/00	WRIT/WRIT OF HABEAS CORPUS - C170186					
0024	11/20/00	WRIT/RETURN TO WRIT OF HABEAS CORPUS C170186					
0025	11/13/00	ROC /RECEIPT OF COPY - C170186				11/09/00	
0026	12/12/00	REQT/EX PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR AND FOR EXCESS FEES		0001			
0027	12/13/00	EXPR/EX PARTE ORDER APPOINTING INVESTIGATOR AND FOR EXCESS FEES		0001			
0028	01/19/01	OTTE/ORDER TO TRANSPORT - C170186				01/19/01	
0029	04/26/01	HEAR/STATE'S REQUEST STATUS CHECK: TRIAL DATE		0001	GR	05/02/01	
0030	04/30/01	MOT /STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES (CONS W/C170186)		0001	DN	10/25/01	
0031	05/02/01	HEAR/TRIAL SETTING		0001	GR	05/07/01	
0032	04/30/01	NOTC/NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES		0001			
0033	04/30/01	LIST/NOTICE OF WITNESSES		0001			

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0034	04/30/01	LIST/NOTICE OF EXPERT WITNESSES	0001			
0035	05/08/01	CALC/CALENDAR CALL	0001		10/24/01	
0036	05/08/01	JURY/TRIAL BY JURY (VJ 10/1/01)	0001	VC	10/29/01	
0037	05/25/01	TRAN/REPORTER'S TRANSCRIPT OF TRIAL SETTING	0001		05/07/01	
0038	08/03/01	EXPR/EX PARTE ORDER FOR APPOINTMENT OF COUNSEL	0001			
0039	08/03/01	REQT/EX PARTE MOTION FOR APPOINTMENT OF COUNSEL	0001			
0040	08/28/01	MOT /DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/15	0001	GR	10/01/01	
0041	08/28/01	MOT /DEFT'S MTN TO STRIKE NOTICE OF AGGRAVATING CIRCUMSTANCES/16	0001	DN	10/01/01	
0042	08/28/01	MOT /DEFT'S MTN IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR/17	0001	DN	10/01/01	
0043	08/28/01	MOT /DEFT'S MTN FOR INDIVIDUAL SEQUESTERED VOIR DIRE/18	0001	DN	10/01/01	
0044	08/28/01	MOT /DEFT'S MTN TO ALLOW ADDITIONAL PEREMPTORY CHALLENGES/19	0001	DN	10/01/01	
0045	08/28/01	MOT /DEFT'S MTN FOR DISCOVERY/20	0001	DN	10/01/01	
0046	08/28/01	MOT /DEFT'S MTN TO SEVER TRIALS/21	0001	DN	10/01/01	
0047	08/28/01	MOT /DEFT'S MTN TO EXCLUDE STATEMENT OF CO DEFT /22	0001	GR	10/01/01	
0048	08/28/01	MOT /DEFT'S MTN TO COMPEL DISCLOSURE OF EXPECTATIONS OR BENEFITS FOR COOP/23	0001	GR	10/01/01	
0049	08/29/01	ROC /RECEIPT OF COPY	0001		08/29/01	
0050	09/05/01	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY	0001			
0051	09/05/01	OPPS/OPPOSITION TO DEFENDANTS MOTION TO ALLOW ADDITIONAL PEREMPTORY CHALLENGES	0001			
0052	09/05/01	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE	0001			
0053	09/05/01	OPPS/OPPOSITION TO DEFENDANTS MOTION TO ALLOW JURY QUESTIONNAIRE	0001			
0054	09/06/01	OPPS/OPPOSITION TO DEFENDANTS MOTION TO COMPEL DISCLOSURE OF EXPECTATIONS OR EXPECTATIONS OR BENEFITS	0001			Y
		BENEFITS FOR COOPERATION				
0055	09/10/01	MOT /ALL PENDING MOTIONS (9/10/01)	0001		09/10/01	
0056	09/11/01	OPPS/OPPOSITION TO DEFENDANTS MOTION TO STRIKE NOTICE OF AGGRAVATING CIRCUMSTANCES	0001			Y
0057	09/11/01	OPPS/OPPOSITION TO DEFENDANTS MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR	0001			Y
0058	09/11/01	OPPS/OPPOSITION TO DEFENDANTS MOTION TO SEVER TRIALS	0001			
0059	09/11/01	OPPS/OPPOSITION TO DEFENDANTS MOTION TO EXCLUDE STATEMENT OF CO DEFENDANT	0001			
0060	09/12/01	REQT/EX PARTE MOTION FOR APPOINTMENT OF EXPERT WITNESS AND EX PARTE MOTION FOR EXCESS FEES	0001			Y
0061	09/13/01	ROC /RECEIPT OF COPY	0001		09/13/01	

(Continued to page 3)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0062	09/14/01	ORDR/ORDER APPOINTING EXPERT FIREARM AND TOOLMARK EXAMINER AND FORENSIC CRIME SCENE RECONSTRUCTIONIST AND FOR EXCESS FEES	0001 0001			Y
0063	09/14/01	NOTC/RENOTICE OF MOTION AND MOTION TO ADMIT EVIDENCE OF OTHER CRIMES	0001 0001		10/01/01	
0064	09/17/01	NOTC/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0065	09/17/01	LIST/SUPPLEMENTAL NOTICE OF EXPERT WITNESSES	0001			
0066	09/14/01	TRAN/REPORTER'S TRANSCRIPT OF SEPT 10 2001			09/10/01	
0067	09/18/01	TRAN/REPORTER'S TRANSCRIPT OF MAY 2 2001			05/21/01	
0068	09/21/01	TRAN/REPORTER'S TRANSCRIPT OF MAY 16 2001			05/16/01	
0069	09/25/01	EXPT/EX PARTE MOTION FOR ADDITIONAL INVESTIGATIVE FEES IN EXCESS OF THE STATUTORY LIMIT	0001 0001			Y
0070	09/25/01	ROC /RECEIPT OF COPY	0001		09/25/01	
0071	09/25/01	OPPS/OPPOSITION TO MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR BAD ACTS IN STATES CASE IN CHIEF	0001 0001			Y
0074	10/01/01	MOT /ALL PENDING MOTIONS (10/1/01)	0001		10/01/01	
0075	10/01/01	HEAR/PETROCELLI HEARING	0001		10/25/01	
0076	10/04/01	ORDR/ORDER GRANTING EX PARTE MOTION FOR ADDITIONAL INVESTIGATIVE FEES IN EXCESS OF THE STATUTORY LIMIT	0001 0001		10/04/01	Y
0077	10/25/01	MOT /ALL PENDING MOTIONS 10-25-01	AL		10/25/01	
0078	10/30/01	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			10/25/01	
0079	10/30/01	TRAN/REPORTER'S TRANSCRIPT OF PRE TRIAL MOTIONS	0001 0001		10/01/01	
0080	10/30/01	LIST/SECOND SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0081	10/31/01	LIST/NOTICE OF WITNESSES	0001			
0082	11/05/01	TRB /TRIAL BEGINS				
0083	11/05/01	TRAN/REPORTER'S TRANSCRIPT OF CALENDAR CALL	0001		10/24/01	
0084	11/05/01	TRAN/REPORTER'S TRANSCRIPT PETROCELLI HEARING	0001		10/25/01	
0085	11/06/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL (11/5/01)	0001 0001		11/05/01	
0086	11/06/01	SUBP/SUBPOENA DUCES TECUM	0001	SC	11/08/01	
			0001	SV	11/03/01	
0087	11/06/01	SUBP/SUBPOENA	0001	SC	11/08/01	
			0001	SV	11/03/01	
0088	11/06/01	ORDR/ORDER	0001			
0089	11/07/01	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS			11/07/01	
0090	11/07/01	CRJL/CRIMINAL JURY LIST	0001			
0091	11/08/01	SUBP/SUBPOENA	0001	SV	11/03/01	
0092	11/06/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL	0001		11/05/01	
0093	11/08/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME I	0001 0001		11/07/01	
0094	11/07/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL	0001		11/06/01	
0095	11/08/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL AFTERNOON SESSION	0001 0001		11/07/01	
0096	11/09/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL	0001		11/08/01	
0097	11/09/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME II	0001 0001		11/08/01	
0098	11/05/01	JURY/TRIAL BY JURY	0001		11/13/01	

(Continued to page 4)



NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0099	11/13/01	HEAR/PENALTY HEARING		0001		11/15/01	
0100	11/14/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL		0001		11/13/01	
0101	11/15/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL 11/14/01 1:30 P.M.)		0001		11/14/01	
0102	11/15/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL (11/14/01 3:15 P.M.)		0001		11/14/01	
0103	11/15/01	SENT/SENTENCING		0001	GR	01/14/02	
0104	11/13/01	INST/INSTRUCTIONS TO THE JURY		0001			
0105	11/16/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL		0001		11/13/01	
0106	11/16/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL		0001		11/16/01	
0107	11/15/01	TRE /TRIAL ENDS					
0108	11/16/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL AFTERNOON SESSION		0001		11/13/01	
0109	11/15/01	VER /SPECIAL VERDICT		0001		11/15/01	
0110	11/15/01	INST/INSTRUCTIONS TO THE JURY		0001			
0111	11/15/01	VER /VERDICT		0001		11/15/01	
0112	11/15/01	VER /SPECIAL VERDICT		0001		11/15/01	
0113	11/13/01	VER /VERDICT		0001		11/13/01	
0114	11/13/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL		0001		11/09/01	
0116	11/27/01	NOTC/NOTICE OF JURY QUESTIONNAIRES IN THE VAULT					
0117	11/27/01	EXPR/EX PARTE ORDER FOR CONTACT VISITATION		0001			
0118	01/08/02	EXPR/EX PARTE ORDER FOR CONTACT VISITATION		0001			
0119	01/09/02	REQT/EX PARTE MOTION FOR ADDITIONAL EXPERT FEES IN EXCESS OF THE STATUTORY LIMIT		0001			
0120	01/18/02	ORDR/ORDER APPOINTING COUNSEL		0001			
0121	01/22/02	JMNT/ADMINISTRATION/ASSESSMENT FEE		0001		01/23/02	
0122	01/22/02	JMNT/GENETIC TESTING FEE		0001		01/23/02	
0123	01/22/02	JMNT/JUDGMENT OF RESTITUTION		0001		01/23/02	
0124	01/22/02	JUDG/JUDGMENT OF CONVICTION (JURY TRIAL)		0001		01/22/02	
0125	01/24/02	STAT/CASE APPEAL STATEMENT		0001			
0126	01/23/02	NOAS/NOTICE OF APPEAL		0001	AP	01/23/02	
0127	01/25/02	STAT/CASE APPEAL STATEMENT		0001			
0128	01/25/02	NOAS/NOTICE OF APPEAL		0001	AP	01/25/02	
0129	01/28/02	TRAN/REPORTER'S TRANSCRIPT OF SENTENCING		0001		01/14/02	
0130	01/30/02	REQT/EX PARTE MOTION FOR ADDITIONAL INVESTIGATIVE FEES IN EXCESS OF THE STATUTORY LIMIT		0001			Y
0131	02/05/02	ORDR/ORDER GRANTING EX PARTE MOTION FOR ADDITIONAL INVESTIGATIVE FEES IN EXCESS OF THE STATUTORY LIMIT		0001		02/05/02	Y
0132	02/05/02	ORDR/STIPULATION AND ORDER FOR PAYMENT OF EXCESS ATTORNEY FEES AND EXPENSES		0001		02/05/02	
0133	02/07/02	REQT/EX PRATE MOTION FOR ADDITIONAL EXPERT FEES IN EXCESS OF THE STATUTORY LIMIT		0001			
0134	02/14/02	ORDR/ORDER GRANTING EX PARTE MOTION FOR ADDITIONAL EXPERT FEES IN EXCESS OF THE STATUTORY LIMIT		0001		02/14/02	Y
0135	02/22/02	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL		0001		11/15/02	
0136	03/15/02	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT				11/05/01	
0137	11/15/01	VJRU/VERDICT(S) SUBMITTED TO JURY BUT RETURNED UNSIGNED		0001			

(Continued to page 5)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0138	11/15/01	PFNU/PROPOSED VERDICT FORMS NOT USED AT TRIAL	0001				
0139	03/15/02	REQT/EX-PARTE MOTION FOR EXTENSION OF TIME	0001				Y
		TO FILE MOTION FOR PAYMENT OF ATTORNEYS	0001				
FEES							
0140	03/18/02	ORDR/ORDER	0001			03/18/02	
0141	04/11/02	REQT/EX PARTE MOTION FOR ATTORNEYS FEES IN	0001				
		EXCESS OF THE STATUTORY LIMIT	0001				
0142	04/15/02	ORDR/ORDER GRANTING ATTORNEYS FEES IN EXCESS	0001			04/15/02	
		OF THE STATUTORY LIMIT	0001				
0143	07/16/03	APCL/APPEAL TO SUPREME COURT: CLOSED 39127	0001	GR		07/14/03	
0144	08/15/03	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001			08/18/03	
0145	08/15/03	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/	0001			08/15/03	
		JUDGMENT - AFFIRMED	0001				
0146	09/03/03	PET /PETITION FOR WRIT OF HABEAS CORPUS (POST	0001				
		CONVICTION) AND APPOINTMENT OF COUNSEL	0001				
0147	09/03/03	REQT/EX PARTE MOTION FOR ATTORNEYS FEES IN	0001				
		EXCESS OF STATUTORY ALLOWANCE & COSTS	0001				
0148	09/04/03	EXPR/EX PARTE ORDER GRANTING MOTION FOR	0001			09/04/03	Y
		ATTORNEYS FEES IN EXCESS OF STATUTORY	0001				
ALLOWANCE AND FOR COSTS							
0149	09/05/03	CASO/CASE (RE)OPENED				09/05/03	
0150	09/05/03	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS /32	0001	DN		01/05/05	
0151	09/05/03	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS	0001			11/05/03	
		CORPUS	0001				
0152	09/16/03	CERT/CERTIFICATE OF SERVICE BY MAIL	0001			09/16/03	
0153	10/29/03	OPPS/STATES OPPOSITION TO DEFENDANTS	0001				Y
		PETITION FOR WRIT OF HABEAS CORPUS	0001				
POST CONVICTION AND MOTION FOR APPOINTMENT OF COUNSEL							
0154	11/13/03	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW	0001	GR		11/13/03	
		AND ORDER	0001				
0155	12/15/03	WOA /NOTICE OF WITHDRAWAL AS ATTORNEY OF	0001			12/15/03	
		RECORD	0001				
0156	12/26/03	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001			11/13/03	
0157	07/23/04	ROC /RECEIPT OF COPY	0001			07/23/04	
0158	07/23/04	PET /PETITION FOR WRIT OF HABEAS CORPUS POST	0001				
		CONVICTION	0001				
0159	08/10/04	CASO/CASE (RE)OPENED				08/10/04	
0160	08/10/04	MOT /DEFT'S MTN TO PLACE ON CALENDAR/33	0001	GR		08/23/04	
0161	08/23/04	ARGU/ARGUMENT & DECISION	0001			01/05/05	
0162	10/27/04	BREF/SUPPLEMENTAL BRIEF IN SUPPORT OF	0001				Y
		DEFENDANTS WRIT OF HABEAS CORPUS POST	0001				
CONVICTION EVIDENTIARY HEARING REQUESTED							
0163	10/25/04	ROC /RECEIPT OF COPY	0001			10/25/04	
0164	11/17/04	RSPN/RESPONSE TO DEFENDANTS PETITION FOR	0001				Y
		WRIT OF HABEAS CORPUS POST	0001				
CONVICTION							
0165	11/22/04	OTTE/ORDER TO TRANSPORT	0001	SH		12/20/04	
0166	12/20/04	MOT /ALL PENDING MOTIONS (12/20/04)	0001			12/20/04	
0167	01/13/05	MOT /ALL PENDING MOTIONS (1/5/05)	0001			01/05/05	
0168	01/26/05	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW	0001	GR		01/26/05	
		AND ORDER	0001				
0169	01/27/05	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001			01/26/05	

ORIGINAL

FILED

JAN 26 2 21 PM '05

*Shirley B. Rasmussen*  
CLERK

1 **ORDR**  
2 **DAVID ROGER**  
3 **Clark County District Attorney**  
4 **Nevada Bar #002781**  
5 **PAMELA WECKERLY**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #006163**  
8 **200 South Third Street**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 455-4711**  
11 **Attorney for Plaintiff**

12 **DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

14 **THE STATE OF NEVADA,**

15 **Plaintiff,**

16 **-vs-**

17 **DAMON LAMAR CAMPBELL,**  
18 **#1196647**

19 **Defendant.**

**CASE NO: C169550**

**DEPT NO: XV**

20 **FINDINGS OF FACT, CONCLUSIONS OF**  
21 **LAW AND ORDER**

22 **DATE OF HEARING: 01/05/05**  
23 **TIME OF HEARING: 10:30 A.M.**

24 **THIS CAUSE** having come on for hearing before the Honorable SALLY LOEHRER,  
25 **District Judge,** on the 5th day of January, 2004, the Petitioner being present, represented by  
26 **CHRISTOHER R. ORAM, ESQ.,** the Respondent being represented by DAVID ROGER,  
27 **District Attorney,** by and through PAMELA WECKERLY, Chief Deputy District Attorney,  
28 **and the Court** having considered the matter, including briefs, transcripts, arguments of  
counsel, and documents on file herein, now therefore, the Court makes the following  
findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. **Damon Lamar Campbell, defendant,** was charged via information with murder with use of a deadly weapon and two counts of attempt murder with use of a deadly weapon.
2. **A jury found defendant guilty of murder with use of a deadly weapon and one count**

COMPUTER FILED

JAN 26 2005

RECEIVED

1 of attempt murder with use of a deadly weapon. The jury found defendant not guilty of  
2 count III, attempt murder with use of a deadly weapon.

3 3. A Judgment of Conviction was filed on January 22, 2002.

4 4. Defendant filed a Notice of Appeal on January 25, 2002.

5 5. On July 14, 2003, the Nevada Supreme Court affirmed defendant's convictions, with  
6 the observation that "overwhelming evidence was adduced to support Campbell's  
7 convictions."

8 6. On September 3, 2003, defendant filed his first Petition for Writ of Habeas Corpus  
9 and Motion for Appointment of Counsel.

10 7. On November 13, 2003, this Court denied defendant's Motion for Appointment of  
11 Counsel and the Petition for Writ of Habeas Corpus.

12 8. On July 23, 2004, defendant filed the instant second Petition for Writ of Habeas  
13 Corpus.

14 9. On October 25, 2004, with the assistance of counsel, defendant filed a supplemental  
15 brief on the petition.

16 10. In his petition, defendant argues that he received ineffective assistance of trial counsel  
17 because trial counsel failed to listen to the second caller on a 911 tape recording entered into  
18 evidence at trial by the State. The second caller on the tape was not called as a witness at  
19 trial. Had they listened to the entire tape, defendant maintains, they would have objected to its  
20 admissibility as hearsay because the second caller did not testify. Defendant further claims  
21 that the second call on the tape was inadmissible evidence under Crawford v. Washington,  
22 124 S. Ct. 1354, 158 L.Ed2d 177 (2004).

23 11. On January 5, 2005, the Court heard argument on that issue.

24 12. Defendant did not demonstrate to the Court that the second call on the 911 tape  
25 constituted inadmissible evidence.

26 13. The second call on the 911 tape would have been admitted into evidence at trial  
27 regardless of whether defense counsel objected.

28 14. The information or description of events contained in the second call on the 911 tape

1 also was testified to by trial witnesses, Noe Villanueva and Wilfredo Villanueva.

2 15. Therefore, even if the second call had been excluded as evidence, there is no  
3 indication that the result of the proceeding would have been different because the jury heard  
4 the same information from another source—testifying witnesses.

5 16. Defendant has provided this Court with no evidence that there was any deficient  
6 performance of defense counsel which resulted in prejudice to the defendant or which  
7 establishes that the result of the trial proceeding would have been different.

### 8 CONCLUSIONS OF LAW

9 1. In order to assert a claim of ineffective assistance of counsel the defendant must prove  
10 that he was denied reasonably effective assistance of counsel by satisfying the two-prong test  
11 of Strickland v. Washington, 466 U.S. 668, 686-87, 104 S. Ct. 2052, 2063-64 (1984).

12 2. Under the Strickland test, the defendant must show first that his counsel's  
13 representation fell below an objective standard of reasonableness, and second, that but for  
14 counsel's errors, there is a reasonable probability that the result of the proceeding would  
15 have been different. Strickland, 466 U.S. at 687-88, 104 S. Ct. at 2068; Warden v. Lyons,  
16 100 Nev. 430, 432, 683 P.2d 504, 505 (1984).

17 3. The second call placed to the 911 operator falls under the exception to the hearsay  
18 rules as qualifies as an excited utterance and/or a present sense impression. NRS 51.095;  
19 NRS 51.085.

20 4. The Crawford decision does not affect the admissibility of the second 911 call as an  
21 excited utterance or present sense impression. City of Las Vegas v. Walsh, 120 Nev. Adv.  
22 Op. 44, 91 P.3d 591 (2004).

23 5. The Crawford case indicated that, in some circumstances, certain hearsay exceptions  
24 would be admissible evidence only if the declarant also was a testifying witness or the  
25 defense had the opportunity to cross-examine the declarant on the statement on a prior  
26 occasion. The United States Supreme Court reasoned that the Confrontation Clause imposed  
27 a bar to testimonial statements absent a prior opportunity to cross-examine. See Crawford,  
28 124 S. Ct. at 1370.

1 6. Thus, Crawford held that where testimonial evidence is at issue and the declarant is  
2 unavailable, the statements are only admissible if the defendant previously had the  
3 opportunity to cross-examine the declarant upon the evidence. Id. at 1374.

4 7. The Crawford case defines testimonial statements as those which the declarant would  
5 reasonably expect to be used prosecutorially or at a later trial. Id. at 1364.

6 8. The Nevada Supreme Court has specifically held that a 911 call is not testimonial.  
7 Walsh, 120 Nev. Adv. Op. 44 (2004).

8 9. The reason why a 911 call is not testimonial is because the call is not initiated by  
9 police, the call would not be generated by the desire of the prosecution but, rather, by the  
10 caller's desire to be rescued from peril, and because a testimonial statement is one in which  
11 the government summons a citizen to be a witness and in the case of a 911 call, it is the  
12 citizen who summons the government. Id.

13 10. Based on this legal precedent, the second 911 call in the instant case would not be  
14 testimonial.

15 11. In light of Crawford, the instant call would have been properly admitted into evidence  
16 as an excited utterance and/or present sense impression without the declarant being a  
17 testifying witness.

18 12. Therefore, even if defense counsel in the instant case had listen to the second call and  
19 objected to its admission, the objection would have been properly overruled by the Court and  
20 the second call would have come into evidence.

21 13. Thus, defendant Campbell fails to demonstrate that but for defense counsels' error in  
22 not listening to the entire 911 tape, the result of the trial proceeding would have been  
23 different.

24 ///

25 ///

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

## ORDER

THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief shall be, and it is, hereby denied.

DATED this 26<sup>th</sup> day of January, 2005.

Barry Wehr  
DISTRICT JUDGE

DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

BY Pamela Weckerly  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163

ORIGINAL

FILED

1 NOED

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

2005 JAN 27 P 3:21

4  
5 DAMON LAMAR CAMPBELL,

6 Petitioner,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

*Shirley B. Parraguirre*  
CLERK

Case No: C169550

Dept No: XV

NOTICE OF ENTRY OF  
DECISION AND ORDER

11 PLEASE TAKE NOTICE that on January 26, 2005, the court entered a decision or order in this matter, a  
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you  
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is  
15 mailed to you. This notice was mailed on January 27, 2005.

16 SHIRLEY B. PARRAGUIRRE, CLERK OF COURT

17 By: *Robin J. Mills*

18 Robin J. Mills, Deputy Clerk

19 CERTIFICATE OF MAILING

20 I hereby certify that on this 27 day of January 2005, I placed a copy of this Notice of Entry of Decision and  
21 Order in:

22 The bin(s) located in the Office of the County Clerk of:  
23 Clark County District Attorney's Office  
Attorney General's Office - Appellate Division

24 ☒ The United States mail addressed as follows:

25 Damon Lamar Campbell # 71683  
26 P.O. Box 1989  
Ely, NV 89301

Christopher Oram, Esq.  
520 S. Fourth St., 2<sup>nd</sup> fl.  
Las Vegas, NV 89101

27 *Robin J. Mills*  
28 Robin J. Mills, Deputy Clerk



1 **ORDR**  
2 **DAVID ROGER**  
3 **Clark County District Attorney**  
4 **Nevada Bar #002781**  
5 **PAMELA WECKERLY**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #006163**  
8 **200 South Third Street**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 455-4711**  
11 **Attorney for Plaintiff**

**FILED**

**JAN 26 2 21 PM '05**

*Sally B. Loehrer*  
**CLERK**

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

**THE STATE OF NEVADA,**

**Plaintiff,**

**-vs-**

**DAMON LAMAR CAMPBELL,**  
**#1196647**

**Defendant.**

**CASE NO: C169550**

**DEPT NO: XV**

**FINDINGS OF FACT, CONCLUSIONS OF**  
**LAW AND ORDER**

**DATE OF HEARING: 01/05/05**  
**TIME OF HEARING: 10:30 A.M.**

**THIS CAUSE** having come on for hearing before the Honorable SALLY LOEHRER, District Judge, on the 5th day of January, 2004, the Petitioner being present, represented by CHRISTOHER R. ORAM, ESQ., the Respondent being represented by DAVID ROGER, District Attorney, by and through PAMELA WECKERLY, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. **Damon Lamar Campbell, defendant, was charged via information with murder with use of a deadly weapon and two counts of attempt murder with use of a deadly weapon.**
2. **A jury found defendant guilty of murder with use of a deadly weapon and one count**

**RECEIVED**

**JAN 26 2005**

**CLERK**

1 of attempt murder with use of a deadly weapon. The jury found defendant not guilty of  
2 count III, attempt murder with use of a deadly weapon.

3 3. A Judgment of Conviction was filed on January 22, 2002.

4 4. Defendant filed a Notice of Appeal on January 25, 2002.

5 5. On July 14, 2003, the Nevada Supreme Court affirmed defendant's convictions, with  
6 the observation that "overwhelming evidence was adduced to support Campbell's  
7 convictions."

8 6. On September 3, 2003, defendant filed his first Petition for Writ of Habeas Corpus  
9 and Motion for Appointment of Counsel.

10 7. On November 13, 2003, this Court denied defendant's Motion for Appointment of  
11 Counsel and the Petition for Writ of Habeas Corpus.

12 8. On July 23, 2004, defendant filed the instant second Petition for Writ of Habeas  
13 Corpus.

14 9. On October 25, 2004, with the assistance of counsel, defendant filed a supplemental  
15 brief on the petition.

16 10. In his petition, defendant argues that he received ineffective assistance of trial counsel  
17 because trial counsel failed to listen to the second caller on a 911 tape recording entered into  
18 evidence at trial by the State. The second caller on the tape was not called as a witness at  
19 trial. Had they listened to the entire tape, defendant maintains, they would have objected to its  
20 admissibility as hearsay because the second caller did not testify. Defendant further claims  
21 that the second call on the tape was inadmissible evidence under Crawford v. Washington,  
22 124 S. Ct. 1354, 158 L.Ed2d 177 (2004).

23 11. On January 5, 2005, the Court heard argument on that issue.

24 12. Defendant did not demonstrate to the Court that the second call on the 911 tape  
25 constituted inadmissible evidence.

26 13. The second call on the 911 tape would have been admitted into evidence at trial  
27 regardless of whether defense counsel objected.

28 14. The information or description of events contained in the second call on the 911 tape

1 also was testified to by trial witnesses, Noe Villanueva and Wilfredo Villanueva.

2 15. Therefore, even if the second call had been excluded as evidence, there is no  
3 indication that the result of the proceeding would have been different because the jury heard  
4 the same information from another source—testifying witnesses.

5 16. Defendant has provided this Court with no evidence that there was any deficient  
6 performance of defense counsel which resulted in prejudice to the defendant or which  
7 establishes that the result of the trial proceeding would have been different.

### 8 CONCLUSIONS OF LAW

9 1. In order to assert a claim of ineffective assistance of counsel the defendant must prove  
10 that he was denied reasonably effective assistance of counsel by satisfying the two-prong test  
11 of Strickland v. Washington, 466 U.S. 668, 686-87, 104 S. Ct. 2052, 2063-64 (1984).

12 2. Under the Strickland test, the defendant must show first that his counsel's  
13 representation fell below an objective standard of reasonableness, and second, that but for  
14 counsel's errors, there is a reasonable probability that the result of the proceeding would  
15 have been different. Strickland, 466 U.S. at 687-88, 104 S. Ct. at 2068; Warden v. Lyons,  
16 100 Nev. 430, 432, 683 P.2d 504, 505 (1984).

17 3. The second call placed to the 911 operator falls under the exception to the hearsay  
18 rules as qualifies as an excited utterance and/or a present sense impression. NRS 51.095;  
19 NRS 51.085.

20 4. The Crawford decision does not affect the admissibility of the second 911 call as an  
21 excited utterance or present sense impression. City of Las Vegas v. Walsh, 120 Nev. Adv.  
22 Op. 44, 91 P.3d 591 (2004).

23 5. The Crawford case indicated that, in some circumstances, certain hearsay exceptions  
24 would be admissible evidence only if the declarant also was a testifying witness or the  
25 defense had the opportunity to cross-examine the declarant on the statement on a prior  
26 occasion. The United States Supreme Court reasoned that the Confrontation Clause imposed  
27 a bar to testimonial statements absent a prior opportunity to cross-examine. See Crawford,  
28 124 S. Ct. at 1370.

1 6. Thus, Crawford held that where testimonial evidence is at issue and the declarant is  
2 unavailable, the statements are only admissible if the defendant previously had the  
3 opportunity to cross-examine the declarant upon the evidence. Id. at 1374.

4 7. The Crawford case defines testimonial statements as those which the declarant would  
5 reasonably expect to be used prosecutorially or at a later trial. Id. at 1364.

6 8. The Nevada Supreme Court has specifically held that a 911 call is not testimonial.  
7 Walsh, 120 Nev. Adv. Op. 44 (2004).

8 9. The reason why a 911 call is not testimonial is because the call is not initiated by  
9 police, the call would not be generated by the desire of the prosecution but, rather, by the  
10 caller's desire to be rescued from peril, and because a testimonial statement is one in which  
11 the government summons a citizen to be a witness and in the case of a 911 call, it is the  
12 citizen who summons the government. Id.

13 10. Based on this legal precedent, the second 911 call in the instant case would not be  
14 testimonial.

15 11. In light of Crawford, the instant call would have been properly admitted into evidence  
16 as an excited utterance and/or present sense impression without the declarant being a  
17 testifying witness.

18 12. Therefore, even if defense counsel in the instant case had listen to the second call and  
19 objected to its admission, the objection would have been properly overruled by the Court and  
20 the second call would have come into evidence.

21 13. Thus, defendant Campbell fails to demonstrate that but for defense counsels' error in  
22 not listening to the entire 911 tape, the result of the trial proceeding would have been  
23 different.

24 ///

25 ///

26 ///

27 ///

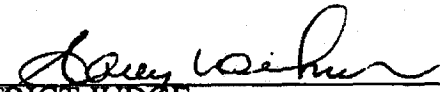
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


ORDER

THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief shall be, and it is, hereby denied.

DATED this 26<sup>th</sup> day of January, 2005.

  
DISTRICT JUDGE

DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

BY   
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163

## CRIMINAL COURT MINUTES

00-C-169550-C      STATE OF NEVADA      vs Campbell, Damon 0

---

09/07/00 08:30 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
GEORGETTE BYRD/GB, Relief Clerk  
LISA MAKOWSKI, Reporter/Recorder

PARTIES:                      STATE OF NEVADA  
002781 Roger, David J.  
  
0001 D1 Campbell, Damon 0  
006649 Fritz, Andrew

Y

Y

Y

Y

DEFENDANT CAMPBELL ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. State filed their Motion to Seek the Death Penalty. Court's inquiry as to if Mr. Fritz is state board certified to try a death penalty case. Mr. Fritz advised he is not and will be associated with Mr. Laporta during the trial. COURT ORDERED, matter continued two weeks for trial setting.

CUSTODY

09/21/00 8:30 AM TRIAL SETTING

---

09/21/00 08:30 AM 00 TRIAL SETTING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
MARY BETH COOK, Reporter/Recorder

PARTIES:                      STATE OF NEVADA  
000981 Noxon, Arthur G.  
  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.  
006649 Fritz, Andrew

Y

Y

Y

Y

Y

Mr. Fritz present. Mr. Walton submitted and FILED SUBSTITUTION OF ATTORNEY IN OPEN COURT. Mr. Walton requested one week to see if another attorney will need to be retained to assist in defending attorney. AMENDED INFORMATION FILED IN OPEN COURT; same charges, different language. COURT ORDERED, matter CONTINUED.

CUSTODY

9/28/00 8:30 AM TRIAL SETTING

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 001

09/28/00 08:30 AM 00 TRIAL SETTING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: THERESA LEE, Court Clerk  
LISA MAKOWSKI, Reporter/RecorderPARTIES: STATE OF NEVADA  
002781 Roger, David J.  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.Y  
Y  
Y  
Y

Mr. Walton stated he discussed this matter with Mr. Roger, and requested matter CONTINUED to 10/12/00, SO ORDERED. Upon inquiry of Mr. Walton, Court stated the Preliminary Hearing transcript was filed either 9/20/00 or 9/28/00.

CUSTODY

CONTINUED TO: 10/12/00 08:30 AM 01

10/12/00 08:30 AM 01 TRIAL SETTING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: THERESA LEE, Court Clerk  
MARY BETH COOK, Reporter/RecorderPARTIES: STATE OF NEVADA  
006503 Skupa, Kristy L.  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.Y  
Y  
Y  
Y

Ms. Skupa advised Court Mr. Walton was present earlier and requested this matter CONTINUED to the same day as the Motion to Consolidate, SO ORDERED.

CUSTODY

LATER, Mr. Walton present and was advised of the continuance.

CONTINUED TO: 10/17/00 08:30 AM 02

CONTINUED ON PAGE: 003

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 002

10/17/00 08:30 AM 00 ALL PENDING MOTIONS (10/17/00)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
MARY BETH COOK, Reporter/RecorderPARTIES: STATE OF NEVADA  
006503 Skupa, Kristy L.  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.Y  
Y  
Y  
Y

TRIAL SETTING...STATE'S MOTION TO JOIN DEFENDANTS (CAMPBELL &amp; HOLLIMON)

Upon Court's inquiry counsel advised that the State has filed a Notice of Intent to Seek the Death Penalty against this defendant. COURT ORDERED, defendant having waived the 60 day rule, matter set for trial. Ms. Walton requested Mr. Schieck be appointed to assist in representing defendant and COURT SO ORDERED. COURT ORDERED, motion to join in GRANTED and matter set for trial.

CUSTODY

5/16/01 8:30 AM CALENDAR CALL

5/21/01 1:30 PM JURY TRIAL

11/28/00 08:30 AM 00 DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
LISA MAKOWSKI, Reporter/RecorderPARTIES: STATE OF NEVADA  
001802 Jorgenson, Eric G.  
0001 D1 Campbell, Damon 0  
002255 Jackson, Alzora B.Y  
Y  
N  
Y

Defendant not present. Court noted this case is consolidated with C170186m with defendant Hollimon. Upon Court's inquiry, this petition applies to Defendant Hollimon ONLY. COURT ORDERED, petition is DENIED without argument.

CUSTODY



## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 003

05/02/01 08:30 AM 00 STATE'S REQUEST STATUS CHECK: TRIAL DATE

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
LISA MAKOWSKI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005691 Kochevar, Brian J.	Y
	0001 D1 Campbell, Damon 0	Y
	004784 Walton, Stanley A.	Y

COURT ORDERED, motion GRANTED. Mr. Walton stated he will obtain the Court's schedule on trial dates and all counsel will meet to discuss a date that is acceptable to all parties and requested a brief continuance.

CUSTODY

5/7/01 8:30 AM TRIAL SETTING

05/07/01 08:30 AM 00 TRIAL SETTING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: THERESA LEE, Court Clerk  
MARY BETH COOK, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	0001 D1 Campbell, Damon 0	Y
	004784 Walton, Stanley A.	Y
	000824 Schieck, David M.	Y

Colloquy between Court and Counsel re possible trial dates. Court advised counsel the trial will commence 10/29/01 which is a short week for this Court. The Court will be here 10/29/01 and 10/30/01 and possibly 11/1/01, and the Court will pick the trial back up on 11/5/01. All counsel concurred. Upon Court's inquiry, Mr. Schieck stated pre-trial motions will be filed soon. COURT ORDERED, ALL pre-trial motions will be heard no later than 10/10/01. The Court WILL NOT sign any Order Shortening Time orders, the motions need to be filed before then. Counsel concurred.

CUSTODY

10/24/01 8:30 A.M. CALENDAR CALL

10/29/01 10:30 A.M. TRIAL BY JURY

CONTINUED ON PAGE: 005

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 004

05/16/01 08:30 AM 00 STATE'S MOTION TO ADMIT EVIDENCE OF  
OTHER CRIMES (CONS W/C170186)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
LISA MAKOWSKI, Reporter/RecorderPARTIES: STATE OF NEVADA  
006503 Skupa, Kristy L.  
0001 D1 Campbell, Damon 0  
000824 Schieck, David M.Y  
Y  
Y  
Y

Ms. Jackson noted that this case being consolidated with C170186, she was not notified of this motion and should have been. Ms. Jackson requested she be notified on all motions in the future. Mr. Schieck stated that counsel are stipulating to take this motion off calendar and to be re-noticed at the time defenses' motions are set. COURT ORDERED, matter OFF CALENDAR. Court directed the State to courtesy copy Ms. Jackson on future motions.

CUSTODY (CAMPBELL) ... CUSTODY (COC-NDP) HOLLIMON

CONTINUED TO: 10/01/01 08:30 AM 01

09/10/01 08:30 AM 00 ALL PENDING MOTIONS (9/10/01)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Mary Beth Cook, Reporter/RecorderPARTIES: STATE OF NEVADA  
004353 Pace, Barter G.  
0001 D1 Campbell, Damon 0  
002255 Jackson, Alzora B.Y  
Y  
Y  
Y

DEFT CAMPBELL'S MOTION TO ALLOW JURY QUESTIONNAIRE . . . DEFT CAMPBELL'S  
MOTION TO STRIKE NOTICE OF AGGRAVATING CIRCUMSTANCES . . . DEFT CAMPBELL'S  
MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR . . . DEFT  
CAMPBELL'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE . . . DEFT CAMPBELL'S  
MOTION TO ALLOW ADDITIONAL PEREMPTORY CHALLENGES . . . DEFT CAMPBELL'S  
MOTION FOR DISCOVERY . . . DEFT CAMPBELL'S MOTION TO SEVER TRIALS . . . DEFT  
CAMPBELL'S MOTION TO EXCLUDE STATEMENT OF CO-DEFENDANT . . . DEFT CAMPBELL'S  
MOTION TO COMPEL DISCLOSURE OF EXPECTATIONS OR BENEFITS FOR COOPERATION

Court advised Ms. Jackson that matters have been continued 3 weeks. Ms. Jackson requested she be permitted to join in the motions and COURT SO

CONTINUED ON PAGE: 006

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA

vs Campbell, Damon 0

CONTINUED FROM PAGE: 005

ORDERED.

CUSTODY (CAMPBELL)

CONTINUED TO: 10/1/01 @ 8:30 AM

10/01/01 08:30 AM 00 ALL PENDING MOTIONS (10/1/01)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Lisa Makowski, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002781 Roger, David J.  
  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.  
000824 Schieck, David M.  
002255 Jackson, Alzora B.

Y  
Y  
  
Y  
Y  
Y  
Y

DEFT CAMPBELL'S MOTION TO ALLOW QUESTIONNAIRE . . . DEFT CAMPBELL'S MOTION  
TO STRIKE NOTICE OF AGGRAVATING CIRCUMSTANCES . . . DEFT CAMPBELL'S MOTION  
IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR . . . DEFT CAMPBELL'S  
MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE . . . DEFT CAMPBELL'S MOTION TO  
ALLOW ADDITIONAL PEREMPTORY CHALLENGES . . . DEFT CAMPBELL'S MOTION FOR  
DISCOVERY . . . DEFT CAMPBELL'S MOTION TO SEVER TRIALS . . . DEFT CAMPBELL'S  
MOTION TO EXCLUDE STATEMENT OF CO-DEFENDANT . . . DEFT CAMPBELL'S MOTION TO  
COMPEL DISCLOSURE OF EXPECTATIONS OR BENEFITS FOR COOPERATION . . . STATE'S  
MOTION TO ADMIT EVIDENCE OF OTHER CRIMES

Ms. Jackson present, representing co-defendant Hollimon. Defendant Hollimon  
not present as he is currently housed at the Nevada Department of  
Corrections. Ms. Jackson requested to join in Motion for Discovery and  
Motion to Compel Disclosure of Expectations or Benefits for Cooperation.  
There being no objection, COURT SO ORDERED.

As to Motion to Allow Jury Questionnaire: COURT ORDERED, motion GRANTED.  
Court directed counsel to put trial date in the questionnaire an to refer to  
both defendants as being presumed innocent.

As to Motion to Strike Notice of Aggravating Circumstances: Court advised it  
is constrained by the law as the statutes do not provide a narrow group of  
people that are death qualified and therefore, ORDERED, motion DENIED.

As to Motion in Limine Limiting Removal of Jurors by Prosecutor: Court  
advised that all prospective jurors must be able to consider all punishments  
and can be removed for cause if a prospective juror advises they cannot  
consider all forms of punishment, therefore, COURT ORDERED, motion DENIED.

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA

vs Campbell, Damon 0

CONTINUED FROM PAGE: 006

As to Motion for Individual Sequestered Voir Dire: COURT ORDERED, motion DENIED.

As to Motion to Allow Additional Peremptory Challenges: Court finds that 9 challenges per side is sufficient and ORDERED, motion DENIED.

As to Motion for Discovery (Deft Hollimon joined in this motion): COURT ORDERED, motion GRANTED.

As to Motion to Sever Trials: Court noted that statements given can be redacted where needed and does not find a there is a Bruton problem. Response by Mr. Schieck. COURT ORDERED, motion DENIED.

As to Motion to Exclude Statement of Co-Defendant: COURT ORDERED, motion GRANTED.

As to Motion to Compel Disclosure of Expectations or Benefits for Cooperation (Deft Hollimon joined in this motion): COURT ORDERED, motion GRANTED.

As to State's Motion to Admit Evidence of Other Crimes: Mr. Roger argued that it is an act rather than a crime that will be sought to be introduced. Arguments by counsel. Upon Court's inquiry, counsel concurred that a Petrocelli Hearing will be necessary and COURT SO ORDERED. Mr. Roger to have person that stole the car as well as people inside the apartment at the time of the killing for hearing.

CUSTODY (CAMPBELL)...CUSTODY (COC-NDC) HOLLIMON

10/25/01 1:30 PM STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES/  
PETROCELLI HEARING

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 007

10/24/01 08:30 AM 00 CALENDAR CALL

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Tina Hurd/th, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001802	Jorgenson, Eric G.	Y
002781	Roger, David J.	Y
0001 D1	Campbell, Damon 0	Y
000824	Schieck, David M.	Y

Alzora Jackson, DSPD, present for Deft. Sheldon Hollimon from companion case C170186. David Roger, DDA, not present. Mr. Schieck announced ready for trial and stated he believes Mr. Roger is ready also. Court advised the jury questionnaires were delivered upstairs and the jury will be brought in sometime this week and counsel will be called when the questionnaires are ready. Ms. Jackson advised she is ready for trial. Mr. Schieck stated he believes this is a 2-3 week trial and there are several civilian witnesses who will need a Spanish interpreter. Court directed the State to advise the Interpreter's Office they will need people here for extended periods of time and the Court requests they use the headphone system so there is not a court interpreter speaking out loud. Ms. Jackson advised they have a Petrocelli Hearing tomorrow and requested Deft. Hollimon remain here from the High Desert facility as she would like to have him here for the Petrocelli Hearing and for trial preparation; she would like to have him here all next week. Court Services advised Deft. Hollimon can be booked into jail today and he will stay there for the duration of the trial. COURT SO ORDERED. Mr. Schieck advised the only witness problem he is aware of is several witnesses that were deported. Mr. Roger appeared at this time and indicated he has no witness problems for trial; he may have for the hearing tomorrow, but he will take care of that. COURT ORDERED, this matter will proceed to trial on Monday, November 5 at 1:30 p.m.

CUSTODY

11-5-01 1:30 PM JURY TRIAL

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 008

10/25/01 01:30 PM 00 ALL PENDING MOTIONS 10-25-01

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Rebecca Foster, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007480 Pate, Susan  
002781 Roger, David J.  
  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.  
000824 Schieck, David M.

N  
Y  
Y  
  
N  
Y  
Y

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES...PETROCELLI HEARING

Witnesses sworn/testified per worksheet.

(3:10 P.M. - Melissa Davis, Court Clerk present.) After testimony.  
Arguments by counsel. COURT ORDERED, matters will not be allowed in opening  
statements and Court will reserve ruling until hearing testimony from  
eyewitnesses. Therefore, COURT ORDERED, motion DENIED WITHOUT PREJUDICE.

CUSTODY (CAMPBELL) . . . CUSTODY (COC-NDC) HOLLIMON

11/05/01 01:30 PM 00 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002781 Roger, David J.  
007480 Pate, Susan  
  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.  
000824 Schieck, David M.

Y  
Y  
Y  
  
Y  
Y  
Y

1:55 p.m. Prospective jury panel present. Clerk administered Voir Dire  
oath. Court and counsel gave introduction to case. Jury selection began.  
Court excused those jurors that are qualified and ADMONISHED them and  
ORDERED them to return tomorrow. 5:00 p.m. COURT ORDERED, matter CONTINUED,  
jury selection to resume tomorrow.

CUSTODY

CONTINUED TO: 11/06/01 10:00 AM 01

CONTINUED ON PAGE: 010

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 009

11/06/01 10:00 AM 01 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Keith Reed, Relief Clerk  
Lisa Makowski/Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002781 Roger, David J.  
007480 Pate, Susan  
  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.  
000824 Schieck, David M.

Y  
Y  
Y  
  
Y  
Y  
Y

OUTSIDE THE PRESENCE OF THE JURY: Court noted in exercising the peremptory challenges defense counsel objected to the State's challenges to prospective jurors # 593 & # 625 as they have stricken all of the African American males from the panel. Mr. Roger advised the Court of his reasons for the challenges. Mr. Walton stated there is a pattern of dismissing African American males from jury panels. COURT ORDERED, objection OVERRULED as the race and gender neutral reasons are sufficient. OUTSIDE THE PRESENCE OF THE JURY: Mr. Roger noted a Batson challenge to the peremptory challenges of defense counsel in regards to prospective Hispanic jurors # 612 & #579. Mr. Walton and Mr. Schieck advised the Court of the reason for the challenges. Court stated the race and gender neutral reasons are sufficient and ORDERED, challenge OVERRULED. Jury selected and sworn. EXCLUSIONARY RULE INVOKED. Opening statements by Mr. Roger and Mr. Walton. Testimony and exhibits presented. (See worksheets.) Jury Released @ 4:00 p.m. to return November 7 @ 10:30 a.m. OUTSIDE PRESENCE OF THE JURY: Mr. Roger stated defense counsel earlier made a Batson challenge and wanted to reflect the presence of one African American remaining on the panel. Mr. Schieck noted for the record there also appears to be two Hispanics on the panel.

CUSTODY

CONTINUED TO: 11/07/01 10:30 AM 02

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 010

11/07/01 10:30 AM 02 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Lisa Makowski/Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
007480	Pate, Susan	Y
0001 D1	Campbell, Damon 0	Y
004784	Walton, Stanley A.	Y
000824	Schieck, David M.	Y

10:45 a.m. All parties present. Testimony and exhibits per worksheet. 5:13 p.m. COURT ADMONISHED JURORS AND ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 11/08/01 10:00 AM 03

11/08/01 10:00 AM 03 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Mary Beth Cook/Lisa Makowski, Reporter/Recorder  
LAURA VILLAR, Court Interpreter

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
007480	Pate, Susan	Y
0001 D1	Campbell, Damon 0	Y
004784	Walton, Stanley A.	Y
000824	Schieck, David M.	Y

German Santilla, Court Spanish Interpreter also present. 10:00 a.m. All parties present. Testimony and exhibits per worksheet. 5:00 p.m. COURT ADMONISHED JURORS AND ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 11/09/01 08:30 AM 04



## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 011

11/09/01 08:30 AM 04 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Lisa Makowski, Reporter/Recorder  
LAURA VILLAR, Court Interpreter

PARTIES: STATE OF NEVADA  
002781 Roger, David J.  
007480 Pate, Susan  
  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.  
000824 Schieck, David M.

Y  
Y  
Y  
  
Y  
Y  
Y

German Santilla, Court Spanish Interpreter also present. Continued testimony per worksheets. Judge McGroarty presiding from 9:15 a.m. to 10:46 a.m. Continued testimony per worksheets. 11:44 a.m. OUTSIDE THE PRESENCE OF THE JURY: Mr. Roger renewed the Bad Acts motion. Arguments by counsel. COURT ORDERED, matter is too close to call and will rule on the side of caution and feels prior acts are not necessary to prove this case and therefore ORDERED, motion DENIED. 1:30 p.m. JURY PRESENT. State RESTED. Defense presented its case in chief and testimony per worksheet. 2:48 p.m. COURT ADMONISHED JURY PANEL AND ORDERED, matter CONTINUED. OUTSIDE PRESENCE OF JURY: Court advised Defendant of his right to testify or not to testify. Defendant stated he understands his rights. Court directed counsel to exchange Jury Instructions by Tuesday morning.

CUSTODY

CONTINUED TO: 11/13/01 10:00 AM 05

## CRIMINAL COURT MINUTES

00-C-169550-C

STATE OF NEVADA

vs Campbell, Damon 0

CONTINUED FROM PAGE: 012

11/13/01 10:00 AM 05 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Lisa Makowski/Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA

002781 Roger, David J.

007480 Pate, Susan

0001 D1 Campbell, Damon 0

004784 Walton, Stanley A.

000824 Schieck, David M.

Y

Y

Y

Y

Y

Y

10:15 a.m. All parties present. Continued testimony and exhibits per worksheet. 10:38 a.m. DEFENSE RESTED. 10:40 a.m. OUTSIDE PRESENCE OF JURY: Court and counsel settled Jury Instructions. 11:30 a.m. Court ready Jury Instructions. 1:21 p.m. to 2:47 p.m. Closing arguments. Bailiff and Matron sworn to take charge of the jury. Jury began deliberations. 5:00 p.m. JURY PRESENT. Upon Court's inquiry, Jury announced they have reached a verdict. JURY FOUND DEFENDANT GUILTY OF COUNT I - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT II - ATTEMPT MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT III - NOT GUILTY. Mr. Schieck requested Jury be polled and COURT SO ORDERED. Jury having found the Defendant guilty of First Degree Murder, matter CONTINUED for Penalty Hearing, tomorrow, November 14, 2001 at 1:30 p.m. COURT ADMONISHED JURY PANEL.

CUSTODY

11/14/01 1:30 PM PENALTY HEARING

CONTINUED ON PAGE: 014

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 013

11/15/01 09:30 AM 01 PENALTY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Relief Clerk  
Lisa Makowski, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002781 Roger, David J.  
007480 Pate, Susan  
  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.  
000824 Schieck, David M.

Y  
Y  
Y  
  
Y  
Y  
Y

JURY PRESENT. Testimony and exhibits presented. (See worksheets.) Mr. Schieck read a STIPULATION into the record, "that the records of Clark County District Court with regard to the Gross Misdemeanor conviction suffered by Damon Campbell. He received an Honorable Discharge from Probation, filed on 1/11/99." STATEMENT OF ALLOCUTION by Damon Campbell. Court advised the Jury they will be instructed in the law of the case at this time. The Court will recess for the lunch break and return for closing arguments of counsel. Court INSTRUCTED the Jury. Following the lunch recess, Counsel presented their CLOSING ARGUMENTS to the Jury. At the hour of 1:07 P.M. the Jury RETIRED to DELIBERATE.

At the hour of 3:57 P.M., the Jury returned with a VERDICT of LIFE WITHOUT THE POSSIBILITY OF PAROLE. Court thanked and excused the Jury. COURT ORDERED, matter set for sentencing.

CUSTODY

1/7/02 8:30 A.M. SENTENCING

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA vs Campbell, Damon 0

CONTINUED FROM PAGE: 014

01/07/02 08:30 AM 00 SENTENCING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Keith Reed, Relief Clerk  
Lisa Makowski, Reporter/RecorderPARTIES: STATE OF NEVADA  
006204 Digiacomo, Sandra  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.Y  
Y  
Y  
Y

CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED for Mr. Walton to go over documentation with the Deft. and for the appearance of Mr. Schieck.

CUSTODY

CONTINUED TO: 01/14/02 08:30 AM 01

01/14/02 08:30 AM 01 SENTENCING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Mary Beth Cook, Reporter/RecorderPARTIES: STATE OF NEVADA  
006204 Digiacomo, Sandra  
0001 D1 Campbell, Damon 0  
004784 Walton, Stanley A.Y  
Y  
Y  
Y

Cleveland Avery from the Division of Parole and Probation present. COURT ADJUDGED DEFENDANT GUILTY OF COUNT I - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F) and COUNT II - ATTEMPT MURDER OF THE FIRST DEGREE WITH USE OF DEADLY WEAPON (F). Parties argued and submitted. Colloquy between Court and counsel regarding enhancements with a life sentence. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$250.00 DNA Fee and \$2500.00 RESTITUTION (jointly and severally with co-defendant), Defendant SENTENCED on COUNT I to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC) plus an EQUAL and CONSECUTIVE term of LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC) for use of a deadly weapon; Count II Deft. SENTENCED to a MINIMUM of FORTY THREE (43) MONTHS and a MAXIMUM of ONE HUNDRED NINETY TWO (192) MONTHS in the Nevada Department of Corrections (NDC) plus an EQUAL and CONSECUTIVE term of a MINIMUM of FORTY THREE (43) MONTHS and a MAXIMUM of ONE HUNDRED NINETY TWO (192) MONTHS in the Nevada Department of Corrections (NDC) for use of a deadly weapon. Count II CONCURRENT with Count I and

CONTINUED ON PAGE: 016

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA

vs Campbell, Damon 0

CONTINUED FROM PAGE: 015

Defendant to receive 541 days Credit for Time Served. FURTHER, Defendant to submit to a test for the purpose of determining genetic markers.

LATER: COURT ORDERED, Mr. Schieck APPOINTED to represent Defendant for the purpose of Direct Appeal.

NDC

11/05/03 08:30 AM 00 DEFT'S PTN FOR WRIT OF HABEAS CORPUS /32

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Carole D'Aloia, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
003231 Chrysanthis, Alexandra C. Y  
0001 D1 Campbell, Damon 0 N  
000824 Schieck, David M. Y

Court inquired if Mr. Schieck represented Defendant at time of trial and Mr. Schieck responded yes. Mr. Schieck moved to withdraw as attorney of records, noting Defendant is requesting appointment of counsel. COURT ORDERED, Mr. Schieck's Motion to Withdraw GRANTED. Court advised this is a bare bones petition and, ORDERED, Defendant's Petition DENIED as it has no merit.

CUSTODY

CONTINUED TO: 12/20/04 08:30 AM 01

08/23/04 08:30 AM 00 DEFT'S MTN TO PLACE ON CALENDAR/33

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Angela Lee, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
002415 Moreo, Thomas J. Y  
0001 D1 Campbell, Damon 0 N  
004349 Oram, Christopher R. Y

Mr. Oram requested two months to have an opportunity to file an opening brief, the State can respond and calendar the matter for argument. COURT ORDERED, request GRANTED, Mr. Oram will have 60 days until 10/25/04 in which

CONTINUED ON PAGE: 017

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA

vs Campbell, Damon 0

CONTINUED FROM PAGE: 016

to file his opening brief, State to file their response in 30 days, by 11/29/04, and Mr. Oram will have until 12/13/04 to file his reply, and the matter is CONTINUED for Argument and Decision. Court advised Mr. Oram if he wants his client present for argument he is to prepare an Order to Transport Deft in a timely fashion. FURTHER ORDERED, argument date 11/22/04 is VACATED.

NDC

12/20/04 8:30 A.M. ARGUMENT AND DECISION...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

12/20/04 08:30 AM 00 ALL PENDING MOTIONS (12/20/04)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006381 Knapp, Gregory D.  
0001 D1 Campbell, Damon 0  
004349 Oram, Christopher R.

Y  
Y  
Y  
Y

Court stated Ms. Weckerly and Mr. Oram agreed to pass this matter until 1/5/05 at 8:30 A.M. Court advised Mr. Oram the Court cannot have an evidentiary hearing on the 8:30 A.M. calendar. COURT ORDERED, the Court will set the Evidentiary Hearing on 1/5/05 at 10:30 A.M. to accommodate Court's calendar. Mr. Oram stated this is for argument only, he has not been given permission to call any witnesses at this time.

NDC

1/5/05 10:30 A.M. EVIDENTIARY HEARING

CLERK'S NOTE: Minute Order MODIFIED changing the hearing time from 1/7/05 to 1/5/05, counsel notified by Court staff. (tl)

CONTINUED ON PAGE: 018

## CRIMINAL COURT MINUTES

00-C-169550-C STATE OF NEVADA

vs Campbell, Damon 0

CONTINUED FROM PAGE: 017

01/05/05 08:30 AM 00 ALL PENDING MOTIONS (1/5/05)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook, Reporter/RecorderPARTIES: STATE OF NEVADA  
006163 Weckerly, Pamela C.  
0001 D1 Campbell, Damon 0  
004349 Oram, Christopher R.Y  
Y  
Y  
Y

## DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...ARGUMENT AND DECISION

Mr. Oram stated he will be asking for an evidentiary hearing and argued in support thereof. Mr. Oram stated David Roger prosecuted the case, and there was a 911 tape played for the jury. There was a second caller on the tape which was a male voice. He spoke to Mr. Schieck and he had not listened to the tape prior to it being introduced to the jury. This is a violation of the Confrontation clause. The State needs to bring that person forward. This is a very narrow issue, and the question is why counsel for the deft, David Schieck and Stan Walton did not hear the tape prior to the jury hearing the tape. Neither counsel listened to the tape as to the second caller. They heard the first caller, Ms. Sandalin (phonetic). This is a violation of the confrontation clause to establish ineffective assistance of counsel. Ms. Weckerly stated there is no doubt defense did not hear the second part of the tape, but argued the Strickland case. Further arguments by counsel. COURT ORDERED, the Court does not believe an Evidentiary Hearing is necessary, request DENIED. The facts are clear from a legal standpoint the Crawford case does apply. The Supreme Court determined in the case of City of North Las Vegas Vs. Walsh, the tape is not testimonial and does not trigger the confrontation clause. Whether counsel for deft listened to the tape, new about it or not, the fact will remain the person that made the second call will remain unidentified. Supreme Court ruled the 911 caller is not testimonial, is admissible and resgestae, therefore, IT IS HEREBY ORDERED, the Writ is DENIED. Ms. Weckerly to prepare the order and findings.

NDC

02/28/05  
CASE NO. 00-C-169550-C

E X H I B I T S

4:41 PM  
CASE STATUS: CLOSED

STATE OF NEVADA

[ ] vs Campbell, Damon O

[ ]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	P	/JUSTICE COURT EXHIBITS	S	/	08/25/00	V
0002	P-1	/EXH 1 THROUGH 3 (PHOTOS)	S	AD/	10/25/01	V
0003	P/	/JURY QUESTIONNAIRES		/	99/99/99	V
0004	P1	/AERIAL PHOTO - CHART	S	AD/NO	11/07/01	V
0005	P2	/DIAGRAM - CHART	S	AD/NO	11/07/01	V
0006	P/3	/3-21 PHOTOS	S	/	99/99/99	V
0007	P22	/EVIDENCE BAG	S	AD/NO	11/07/01	V
0008	P22/1	/1-10 EXPENDED CARTGRIDGE CASE .45ACP	0001	AD/NO	11/07/01	V
0009	P23	/EVIDENCE BAG	0001	AD/NO	11/07/01	V
0010	P23A	/RUGER P90C	S	AD/NO	11/07/01	V
0011	P23B	/CARTRIDGE & MAGAZINE	S	AD/NO	11/07/01	V
0012	P24	/24-28 PHOTOS	S	AD/NO	11/07/01	V
0013	P29	/AUDIO CASSETTE TAPE	S	AD/NO	11/07/01	V
0014	P30	/GUILTY PLES OF HOLLIMON	S	AD/NO	11/13/01	V
0015	P..	/****PENALTY PHASE	S	/	99/99/99	
0016	P31	/PSI	S	AD/NO	11/14/01	V
0017	P32	/JOC	S	AD/NO	11/14/01	V
0018	D/A	/A-S PHOTOS	0001	/	99/99/99	V



\_\_\_\_\_

# County of Clark

**SS:**

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF  
ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

Defendant(s),

Dept N<sup>o</sup>: XV

)
)
)
)
)
)
)
)
)
)

Shirley B. Parraguirre, Clark County Clerk

Robin J. Mills  
Robin J. Mills, Deputy Clerk

Robin J. Mills, Deputy Clerk