

1 NOAS

DAVID M. SCHIECK

2 SPECIAL PUBLIC DEFENDER

Nevada Bar #0824

3 LEE-ELIZABETH McMAHON

DEPUTY SPECIAL PUBLIC DEFENDER

4 Nevada Bar #1765

333 S. Third St., 2nd Floor

5 Las Vegas, Nevada 89155-2316

(702) 455-6265

6 Attorney for Defendant

FILED

JUN 30 2 36 PM '05

Shirley B. Ruggins
CLERK

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

45456

10 * * *

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

14 DONTE JOHNSON,

15 Defendant.

Case No. C153154
Department No. VIII

NOTICE OF APPEAL

Date: N/A
Time: N/A

FILED

JUL 06 2005

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

16 TO: THE STATE OF NEVADA, Plaintiff;

17 TO: DAVID ROGER, DISTRICT ATTORNEY; and

18 TO: DEPARTMENT VIII OF THE EIGHTH JUDICIAL DISTRICT COURT
19 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK

20 NOTICE is hereby given Defendant DONTE JOHNSON, presently
21 incarcerated in the Nevada State Prison, appeals to the Supreme Court
22 of the State of Nevada from the sentence entered on June 6, 2005
23 against said Defendant, whereby the Defendant DONTE JOHNSON having
24 previously been adjudicated guilty by reason of trial and verdict, the
25 above-entitled Court did sentence Defendant, by virtue of the jury's
26 determination to Death for Count XI - Murder with use of a Deadly
27 Weapon; and to Death for Count XII - Murder with use of a Deadly
28 Weapon; and to Death for Count XIII - Murder with use of a Deadly

RECEIVED

JUL 05 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

65-12746

1 Weapon; and to Death for Count XIV - Murder with use of a Deadly
2 Weapon.

3 DATED this 30th day of June, 2005.

4 DAVID M. SCHIECK
5 CLARK COUNTY SPECIAL PUBLIC DEFENDER

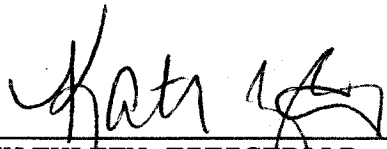
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7 By _____

LEE-ELIZABETH McMAHON
DEPUTY SPECIAL PUBLIC DEFENDER
NEVADA BAR #1765
333 S. THIRD ST., 2ND FLOOR
LAS VEGAS, NEVADA 89155-2316
(702) 455-6265

11 **CERTIFICATE OF MAILING**

12 The undersigned employee with the Clark County Special Public
13 Defender's Office, hereby certifies that on 6/30/05,
14 a copy of the Notice of Appeal was deposited in the United States mail
15 at Las Vegas, Nevada, enclosed in a sealed envelope upon which first
16 class postage was fully prepaid, addressed to Donte Johnson, #66858,
17 Ely State Prison, P.O. Box 1989, Ely, Nevada 89301, District
18 Attorney's Office, 200 S. Third Street, 2nd Floor, Las Vegas NV
19 89155; and the Nevada Attorney General's Office, 100 N. Carson, Carson
20 City, NV 89701; that there is a regular communication by mail between
21 the place of mailing and the place so addressed.

22 DATED: JUNE 30, 2005.

23
24 
25 KATHLEEN FITZGERALD
26 An employee of The Special Public Defender
27
28

1 **CAS**

2 DAVID M. SCHIECK
3 SPECIAL PUBLIC DEFENDER
4 Nevada Bar #0824
5 LEE-ELIZABETH McMAHON
6 DEPUTY SPECIAL PUBLIC DEFENDER
7 Nevada Bar #1765
8 333 S. Third St., 2nd Floor
9 Las Vegas, Nevada 89155-2316
10 (702) 455-6265
11 Attorney for Defendant

FILED

JUN 30 2 36 PM '05

Shirley S. Ruggine
CLERK

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 * * *

11 THE STATE OF NEVADA,
12 Plaintiff,

13 vs.

14 DONTÉ JOHNSON,
15 Defendant.

) Case No. C153154
)
) Dept. No. VIII

) CASE APPEAL STATEMENT
)
)
)
)
)

16
17 1. Appellant filing this case appeal statement: Donte
18 Johnson.

19 2. Judge issuing the decision, judgment, or order appealed
20 from: Lee Gates.

21 3. All parties to the proceedings in the district court (the
22 use of et al. To denote parties is prohibited): The State of Nevada
23 vs. Donte Johnson.

24 4. All parties involved in this appeal (the use of et al. To
25 denote parties is prohibited): Donte Johnson, Appellant; The State
26 of Nevada, Respondent.

27 . . .
28

1 5. Name, law firm, address, and telephone number of all
2 counsel on appeal and party or parties whom they represent:

3 DAVID M. SCHIECK
4 Special Public Defender
5 333 S. Third St., 2nd Floor
6 Las Vegas, Nevada 89155

7 Attorney for Appellant

DAVID ROGER
District Attorney
200 South Third Street
Las Vegas, Nevada 89155

BRIAN SANDOVAL
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

10 6. Whether appellant was represented by appointed or retained
11 counsel in the district court: Appointed.

12 7. Whether appellant is represented by appointed or retained
13 counsel on appeal: Appointed.

14 8. Whether appellant was granted leave to proceed in forma
15 pauperis, and the date of entry of the district court order granting
16 such leave: N/A

17 9. Date proceedings commenced in the district court (e.g.,
18 date complaint, indictment, information, or petition was filed):
19 Grand Jury Indictment filed September 3, 1998.

20 DATED this 25 day of June, 2005.

21 DAVID M. SCHIECK
22 CLARK COUNTY SPECIAL PUBLIC DEFENDER

23
24 By _____

LEE ELIZABETH McMAHON
DEPUTY SPECIAL PUBLIC DEFENDER
NEVADA BAR #1765
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DATED: JUNE 30, 2005.

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DATE: 06/30/05
CASE NO. 98-C-153154-C

I N D E X

TIME 3:01 PM
JUDGE: Gates, Lee A

STATE OF NEVADA

[] vs Johnson, Donte

[]

0001 D1 Donte Johnson
330 S Casino Center
Las Vegas, NV 89101

000824 Schieck, David M.
NO. 1 302 E Carson #600
Las Vegas, NV 89101

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	09/02/98	IND / (GRAND JURY) INDICTMENT Fee \$0.00				
0002	09/02/98	ARRN/INITIAL ARRAIGNMENT	0001		09/08/98	
0003	09/03/98	HEAR/GRAND JURY INDICTMENT	0001		09/02/98	
0004	09/03/98	BNCH/NO BAIL BENCH WARRANT ISSUED	0001	QU	09/02/98	
0005	09/03/98	ORDR/ORDER OF INTENT TO FORFEIT	0001		09/02/98	
0006	09/02/98	NOTC/NOTICE GRAND JURY EXHIBITS IN THE VAULT			09/02/98	
0007	09/08/98	ARRN/ARRAIGNMENT CONTINUED	0001		09/17/98	
0008	09/14/98	TRAN/REPORTER'S TRANSCRIPT GRAND JURY, SEPTEMBER 1, 1998	0001		09/01/98	
0009	09/14/98	TRAN/REPORTER'S TRANSCRIPT ARRAIGNMENT	0001		09/08/98	
0010	09/15/98	NISD/NOTICE OF INTENT TO SEEK DEATH PENALTY	0001			
0011	09/15/98	REQT/MEDIA REQUEST				
0012	09/15/98	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				
0013	09/15/98	REQT/MEDIA REQUEST				
0014	09/15/98	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				
0015	09/16/98	HEAR/SUPERSEDING GRAND JURY INDICTMENT	0001	BW	09/16/98	
0016	09/16/98	BNCH/NO BAIL BENCH WARRANT ISSUED	0001	QU	09/16/98	
0017	09/16/98	ORDR/ORDER OF INTENT TO FORFEIT	0001		09/16/98	
0018	09/16/98	IND /SUPERSEDING INDICTMENT	0001		09/16/98	
0019	09/17/98	CALC/CALENDAR CALL	0001		06/29/99	
0020	09/17/98	JURY/TRIAL BY JURY (VJ 6/29/99)	0001	VC	07/06/99	
0021	09/16/98	NOTC/NOTICE SUPERSEDING GRAND JURY EXHIBITS IN THE VAULT			09/16/98	
0022	09/28/98	REQT/MEDIA REQUEST				
0023	09/28/98	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				
0024	10/05/98	MOT /DEFT'S MOTION TO SET BAIL	0001	DN	10/08/98	
0025	10/06/98	TRAN/REPORTER'S TRANSCRIPT RE: GRAND JURY INDICTMENTS RETURNED IN OPEN COURT	0001		09/02/98	
0026	10/05/98	ROC /RECEIPT OF COPY	0001		10/05/98	
0027	10/07/98	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO SET BAIL	0001			
0028	10/20/98	TRAN/REPORTER'S TRANSCRIPT GRAND JURY, SEPTEMBER 15, 1998	0001		09/15/98	
0029	10/20/98	ORDR/ORDER DENYING DEFENDANTS MOTION TO SET BAIL	0001		10/20/98	
0031	02/10/99	MOT /DEFT'S PRO PER MOTION WITHDRAW COUNSEL AND APPOINT OUTSIDE COUNSEL	0001	DN	02/25/99	
0032	02/19/99	OPPS/STATES OPPOSITION TO DEFENDANTS PRO PER MOTION TO WITHDRAW COUNSEL AND APPOINT OUTSIDE COUNSEL	0001			Y
0033	02/26/99	NISD/SUPPLEMENTAL NOTICE OF INTENT TO SEEK DEATH PENALTY PURSUANT TO AMENDED SUPREME COURT RULE 250	0001			Y
0034	03/16/99	OTTE/ORDER TO TRANSPORT	0001		03/16/99	
0035	03/23/99	MEMO/MEMORANDUM TO THE COURT	0001			

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0036	03/25/99	OTTE/ORDER TO TRANSPORT	0001		03/25/99	
0037	03/29/99	ROC /RECEIPT OF COPY	0001		03/26/99	
0038	04/01/99	MOT /DEFT'S PRO PER MTN TO DISMISS COUNSEL AND APPOINTMENT OF ALTERNATE COUNSEL	0001	DN	04/15/99	
0041	04/22/99	TRAN/REPORTER'S TRANSCRIPT DEFT'S PRO PER MOTION TO DISMISS COUNSELAND	0001		04/15/99	Y
APPOINTMENT OF ALTERNATE COUNSEL(SEALED)						
0042	04/30/99	APPL/EX PARTE APPLICATION FOR ORDER REQUIRING MATERIAL WITNESS TO POST BAIL	0001			
0043	04/30/99	ORDR/ORDER REQUIRING MATERIAL WITNESS TO POST BAIL OR BE COMMITTED TO CUSTODY	0001			
0044	05/06/99	MOT /DEFT'S PRO PER MOTION TO PROCEED PRO PER WITH CO-COUNSEL AND INVESTIGATOR	0001	WD	05/17/99	
0046	05/03/99	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		04/12/99	
0047	05/13/99	MOT /DEFT'S PRO PER MOTION FOR DISCOVERY	0001	WD	05/17/99	
0048	05/12/99	MEMO/MEMORANDUM FOR PRODUCTION OF EXCULPATORY EVIDENCE	0001			
0049	05/14/99	ORDR/EX-PARTE APPLICATION AND ORDER TO PRODUCE JUVENILE RECORDS	0001			
0050	05/19/99	MOT /ALL PENDING MOTIONS 5/17/99	0001		05/17/99	
0051	05/21/99	EXPT/EX PARTE APPLICATION AND ORDER TO PRODUCE JUVENILE RECORDS	0001			
0052	05/21/99	EXPT/EX PARTE APPLICATION AND ORDER TO PRODUCE EVIDENCE	0001			
0053	06/03/99	HEAR/AT THE REQUEST OF THE COURT	0001	OC	06/08/99	
0055	06/08/99	ORDR/STIPULATION AND ORDER	AL		06/08/99	
0056	06/11/99	NOTC/NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001			
0057	06/14/99	MOT /STATE'S MOTION IN LIMINE TO PERMIT THE STATE TO PRESENT THE COMPLETE STORY OF	0001		07/08/99	
0058	06/16/99	MOT /DEFT'S MOTION TO CONTINUE TRIAL	0001	GR	06/29/99	
0059	06/17/99	ORDR/STIPULATION AND ORDER	0001		06/17/99	
0060	06/16/99	ROC /RECEIPT OF COPY	0001		06/16/99	
0061	06/16/99	ORDR/ORDER FOR TRANSCRIPTS	0001		06/16/99	
0062	06/18/99	APPL/EX PARTE APPLICATION TO APPOINT DR JAMES JOHNSON AS EXPERT AND FOR FEES IN	0001			Y
EXCESS OF STATUTORY MAXIMUM						
0063	06/17/99	TRAN/REPORTER'S TRANSCRIPT JUNE 8 1999	0001			
0064	06/29/99	MOT /DEFT'S MOTION TO REVEAL IDENTITY OF INFORMANTS	0001		11/18/99	
0065	06/29/99	MOT /DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE/SUBSTANCE	0001		11/18/99	
0066	06/29/99	MOT /DEFT'S MOTION TO COMPEL PRODUCTION OF ANY/ALL STATEMENTS	0001		10/21/99	
0067	06/28/99	MEMO/MEMORANDUM TO THE COURT	0001			
0068	06/29/99	MOT /ALL PENDING MOTIONS 6/29/99	0001		06/29/99	
0069	06/29/99	CALC/CALENDAR CALL VJ 12/20/99	0001	VC	01/04/00	
0070	06/29/99	JURY/TRIAL BY JURY VJ 12/20/99	0001	VC	01/10/00	
0071	06/29/99	OCAL/STATUS CHECK: TRIAL DATE	0001		07/08/99	
0072	06/29/99	OCAL/STATUS CHECK: FILING OF ALL MOTIONS	0001		10/21/99	
0073	06/29/99	ROC /RECEIPT OF COPY	0001		06/29/99	
0074	06/29/99	ROC /RECEIPT OF COPY	0001		06/29/99	

(Continued to page 3)

NO. FILED/REC CODE

REASON/DESCRIPTION

FOR

OC

SCH/PER C

0075	06/29/99	ROC /RECEIPT OF COPY	0001	06/29/99	
0076	07/02/99	OPPS/OPPOSITION TO MOTION IN LIMINE TO	0001		Y
		PERMIT THE STATE TO PRESENT THE	0001		
		COMPLETE STORY OF THE CRIME			
0077	07/02/99	ROC /RECEIPT OF COPY	0001	06/02/99	
0078	07/15/99	TRAN/REPORTER'S TRANSCRIPT STATE'S MOTION IN	0001	06/29/99	Y
		LIMINE TO PERMIT THE STATE TO PRESENT	0001		
		THE COMPLETE STORY OF THE CRIME DEFENDANTS MOTION TO CONTINUE TRIAL			
0079	07/15/99	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS MOTION	0001	07/13/99	Y
		TO COMEL DISCLOSURE OF EXISTENCE AND	0001		
		SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL			
		TREATMENT FOR COOPERATION WITH PROSECUTION DEFENDANTS MOTION TO COMPEL THE			
		PRODUCTION OF ANY AND ALL STATEMENTS OF THE DEFENDANT DEFENDANTS MOTION TO			
		REVEAL THE IDENTITY OF INFORMANTS AND REVEAL ANY BENEFITS DEALS PROMISES OR			
		INDUCEMENTS			
0080	07/15/99	TRAN/REPORTER'S TRANSCRIPT STATE'S MOTION IN	0001	07/08/99	Y
		LIMINE TO PERMIT THE STATE TO PRESENT	0001		
		THE COMPLETE STORY OF THE CRIME STATUS CHECK TRIAL DATE			
0081	07/27/99	OTTE/ORDER TO TRANSPORT	0001	07/27/99	
0082	07/28/99	ROC /RECEIPT OF COPY	0001	07/27/99	
0083	08/13/99	MOT /ALL PENDING MOTIONS 7/13/99	0001	07/13/99	
0084	08/13/99	MOT /ALL PENDING MOTIONS 7/8/99	0001	07/08/99	
0085	08/19/99	MOT /STATE'S MOTION TO PERMIT DNA TESTING	0001	OC 09/02/99	
0086	08/19/99	REQT/NOTICE OF MOTION AND MOTION TO PERMIT	0001	08/30/99	Y
		DNA TESTING OF THE CIGARETTE BUTT	0001		
		FOUND AT THE CRIME SCENE BY THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT			
		FORENSIC LABORATORY OR BY AN INDEPENDENT LABORATORY WITH THE RESULTS OF THE			
		TEST TO BE SUPPLIED TO BOTH THE DEFENSE AND THE PROSECUTION			
0087	08/24/99	LIST/NOTICE OF WITNESSES	0001		
0088	08/31/99	TRAN/REPORTER'S TRANSCRIPT STATE'S MOTION TO	0001	08/30/99	
		PERMIT DNA TESTING	0001		
0089	08/31/99	OTTE/ORDER TO TRANSPORT	0001	08/31/99	
0090	09/01/99	ROC /RECEIPT OF COPY	0001	09/01/99	
0091	09/07/99	MEMO/MEMORANDUM IN PURSUANT FOR A CHANGE	0001		
		OF VENUE	0001		
0092	09/09/99	ORDR/ORDER FOR TRANSCRIPT	0001		
0093	09/20/99	MEMO/MEMORANDUM FOR PRODUCTION OF	0001		
		EXCULPATORY EVIDENCE	0001		
0094	09/21/99	CRTF/CERTIFICATE FOR ATTENDANCE OF	0001		Y
		OUT-OF-STATE WITNESS	0001		
		CHARLA CHENIQUA SEVERS AKA KASHAWN HIVES			
0095	09/21/99	REQT/REQUEST FOR ATTENDANCE OF OUT-OF-STATE	0001		Y
		WITNESS CHARLA CHENIQUA SEVERS	0001		
		AKA KASHAWN HIVES			
0096	09/23/99	HEAR/STATE'S REQUEST FOR HEARING RE: MATERIAL	0001	OC 09/30/99	
		WITNESS CHARLA SEVERS	0001		
0097	09/29/99	MOT /STATE'S MOTION TO VIDEOTAPE THE	0001	GR 10/21/99	
		DEPOSITION OF CHARLA SEVERS	0001		
0098	10/01/99	TRAN/REPORTER'S TRANSCRIPT OF STATE'S REQUEST	0001	09/30/99	
		FOR MATERIAL WITNESS: CHARLA SEVERS	0001		
0099	10/01/99	TRAN/REPORTER'S TRANSCRIPT OF STATE'S MOTION	0001	09/02/99	
		TO PERMIT DNA TESTING	0001		

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0100	10/06/99	OPPS/DEFENDANTS OPPOSITION TO STATES MOTION TO VIDEOTAPE THE DEPOSITION OF	0001 0001			Y
CHARLA SEVERA						
0101	10/11/99	HEAR/CONFIRMATION OF COUNSEL (SIEGEL, JAY)		CM	10/14/99	
0102	10/11/99	NOTC/NOTICE OF MOTION AND MOTION TO VIDEOTAPE THE DEPOSITION OF MYSELF	0001 0001			Y
CHARLA SEVERA						
0103	10/08/99	REQT/AMENDED NOTICE OF MOTION AND MOTION TO VIDEOTAPE THE DEPOSITION OF	0001 0001		10/11/99	Y
CHARLA SEVERA						
0104	10/14/99	HEAR/DEPOSITION HEARING	0001		10/26/99	
0105	10/14/99	MOT /ALL PENDING MOTIONS 10/14/99	0001		10/14/99	
0106	10/12/99	OPPS/DEFENDANTS OPPOSITION TO WITNESS SEVERA MOTION TO VIDEOTAPE THE DEPOSITION OF	0001 0001			Y
CHARLA SEVERA						
0107	10/14/99	ORDR/STIPULATION AND ORDER	0001		10/14/99	
0108	10/18/99	MOT /DEFT'S MOTION IN LIMINE PRECLUDE EVIDENCE OF OTHER CRIMES	0001 0001	GR	10/21/99	
0109	10/19/99	MOT /DEFT'S MOTION TO COMPEL THE PRODUCTION OF ANY AND ALL STATEMENTS OF THE DEFT	0001 0001	GR	11/18/99	
0110	10/19/99	MOT /DEFT'S MOTION TO REVEAL THE IDENTITY OF INFORMANTS AND REVEAL ANY BENEFITS, DEALS	0001 0001		11/18/99	
0111	10/19/99	MOT /DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE/SUBSTANCE OF EXPECTATIONS, OR	0001 0001	GP	11/18/99	
0112	10/19/99	MOT /DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS WEAPONS/AMMUNITIO	0001 0001		05/23/00	
0113	10/18/99	SUPP/SUPPLEMENT MOTION TO VIDEOTAPE DEPOSITION OF CHARLA SEVERA	AL AL			
0114	10/18/99	OTTE/ORDER TO TRANSPORT	0001		10/18/99	
0115	10/18/99	ROC /RECEIPT OF COPY	AL		10/18/99	
0116	10/18/99	ROC /RECEIPT OF COPY	0001		10/18/99	
0117	10/19/99	ROC /RECEIPT OF COPY	0001		10/19/99	
0118	10/19/99	ROC /RECEIPT OF COPY	0001		10/19/99	
0119	10/19/99	ROC /RECEIPT OF COPY	0001		10/19/99	
0120	10/19/99	ROC /RECEIPT OF COPY	0001		10/19/99	
0121	10/18/99	TRAN/REPORTER'S TRANSCRIPT STATE'S MOTION TO VIDEOTAPE THE DEPOSITION OF	0001 0001		10/11/99	Y
CHARLA SEVERA						
0122	10/18/99	TRAN/REPORTER'S TRANSCRIPT STATE'S MOTION TO VIDEOTAPE THE DEPOSITION OF	0001 0001		10/14/99	Y
CHARL SEVERA						
0123	10/19/99	ROC /RECEIPT OF COPY	0001		10/19/99	
0124	10/19/99	RSPN/STATE'S RESPONSE TO DEFENDANT'S OPPOSITION TO STATE'S MOTION TO VIDEOTAPE THE DEPOSITION OF CHARLA SEVERA	AL AL			Y
0125	10/21/99	MOT /ALL PENDING MOTIONS 10/21/99	0001		10/21/99	
0126	10/26/99	HEAR/DECISION: WITNESS RELEASE	0001		10/28/99	
0127	10/27/99	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			10/26/99	
0128	10/27/99	MOT /DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS INTIMIDATION	0001 0001	GR	03/02/00	
0129	10/26/99	REQT/MOTION AND NOTICE OF MOTION IN LIMINE TO PRECLUDE ANY MEDIA COVERAGE OF	0001 0001			Y

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
VIDEO DEPOSITION OF CHARLA SEVERS						
0130	10/28/99	OCAL/STATUS CHECK: WITNESS CHARLA SEVERS	0001		02/17/00	
0131	10/27/99	ROC /RECEIPT OF COPY	0001		10/27/99	
0132	10/29/99	ORDR/SEALED ORDER FOR RELEASE TO HOUSE ARREST	0001			
		OF MATERIAL WITNESS CHARLA SEVERS	0001			
0133	11/02/99	MEMO/MEMORANDUM IN PURSUANT FOR A MOTION	0001			
		TO DISMISS INDICTMENT	0001			
0134	11/04/99	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION	0001			Y
		TO COMPEL THE PRODUCTION OF ANY AND	0001			
ALL STATEMENTS OF THE DEFENDANT						
0135	11/04/99	OPPS/OPPOSITION TO MOTION IN LIMINE TO	0001			Y
		PRECLUDE EVIDENCE OF OTHER GUNS	0001			
WEAPONS AND AMMUNITION NOT USED IN THE CRIME						
0136	11/04/99	RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO	0001			Y
		COMPEL DISCLOSURE OF EXISTENCE AND	0001			
SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION						
0137	11/04/99	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION	0001			Y
		TO REVEAL THE IDENTITY OF INFORMANTS	0001			
AND REVEAL ANY DEALS PROMISES OR INDUCEMENTS						
0138	11/09/99	TRAN/REPORTER'S TRANSCRIPT STATUS CHECK:	0001		10/21/99	
		FILING OF ALL MOTIONS	0001			
0139	11/09/99	TRAN/REPORTER'S TRANSCRIPT DESISION: WITNESS	0001		10/28/99	
		RELEASE	0001			
0140	11/09/99	TRAN/REPORTER'S TRANSCRIPT DEFENDANT'S MOTION	0001		11/08/99	Y
		IN LIMINE TO PRECLUDE EVIDENCE OF	0001			
WITNESS INTIMIDATION						
0141	11/09/99	LIST/NOTICE OF WITNESSES AND OF EXPERT	0001			
		WITNESSES PURSUANT TO NRS 174.234	0001			
0142	11/15/99	MOT /DEFT'S REPLY TO OPPOSITION TO MOTION IN	0001		11/18/99	
		LIMINE TO PRECLUDE EVIDENCE OF OTHER	0001			
0143	11/15/99	RPLY/REPLY TO OPPOSITION TO MOTION IN	0001			Y
		LIMINE TO PRECLUDE EVIDENCE OF OTHER	0001			
GUNS WEAPONS AND AMMUNITION NOT USED IN THE CRIME						
0144	11/15/99	MEMO/MEMORANDUM TO THE COURT FOR REQUESTED	0001			
		MOTION TO BE FILED BY COUNSELS	0001			
0145	11/17/99	LIST/NOTICE OF EXPERT WITNESSES	0001			
0146	11/18/99	MOT /ALL PENDING MOTIONS 11/18/99	0001		11/18/99	
0147	11/18/99	MOT /ADDITIONAL TRIAL MOTIONS VJ 12/20/99	0001	VC	12/27/99	
0148	11/29/99	MOT /DEFT'S MOTION IN LIMINE RE: CO-DEFT'S	0001	OC	05/23/00	
		SENTENCES	0001			
0149	11/29/99	MOT /DEFT'S MOTION IN LIMINE FOR ORDER	0001	DN	03/02/00	
		PROHIBITING PROSECUTION MISCONDUCT IN	0001			
0150	11/29/99	MOT /DEFT'S MOTION TO APPLY HEIGHTENED	0001	DN	03/02/00	
		STANDARD OF REVIEW/CARE IN THIS CASE	0001			
0151	11/29/99	MOT /DEFT'S MOTION TO ALLOW THE DEFENSE TO	0001	DN	03/02/00	
		ARGUE LAST AT THE PENALTY PHASE	0001			
0152	11/29/99	MOT /DEFT'S MOTION IN LIMINE TO PROHIBIT ANY	0001	DN	03/02/00	
		REFERENCES TO THE FIRST PHASE AS THE	0001			
0153	11/29/99	MOT /DEFT'S MOTION FOR PERMISSION TO FILE	0001	MH	03/02/00	
		OTHER MOTIONS	0001			
0154	11/29/99	MOT /DEFT'S MOTION FOR INSPECTION OF POLICE	0001	DN	03/02/00	
		OFFICERS' PERSONNEL FILES	0001			

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0155	11/29/99	MOT /DEFT'S MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS	0001	DN	03/02/00	
0156	11/29/99	MOT /DEFT'S MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING MANNER	0001	GR	03/02/00	
0157	11/29/99	MOT /DEFT'S MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO	0001	DN	03/02/00	
0158	11/29/99	MOT /DEFT'S MOTION TO AUTHENTICATE AND FEDERALIZE ALL MOTIONS/OBJECTIONS	0001	OC	03/02/00	
0159	11/29/99	MOT /DEFT'S MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE	0001	DN	03/02/00	
0160	11/29/99	MOT /DEFT'S MOTION TO PRECLUDE EVIDENCE OF ALLEGED CO-CONSPIRATORS STATEMENTS	0001	DN	06/01/00	
0161	11/29/99	MOT /DEFT'S MOTION TO EXCLUDE AUTOPSY PHOTOGRAPHS	0001	DN	03/02/00	
0162	11/29/99	MOT /DEFT'S MOTION FOR DISCLOSURE OF ANY DISQUALIFICATION OF DISTRICT ATTORNEY	0001	DN	03/02/00	
0163	11/29/99	MOT /DEFT'S MOTION IN LIMINE TO PRECLUDE INTRODUCTION OF VICTIM IMPACT EVIDENCE	0001	DN	03/02/00	
0164	11/29/99	MOT /DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY	0001	DN	03/02/00	
0165	11/29/99	MOT /DEFT'S MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY	0001	DN	03/02/00	
0166	11/29/99	MOT /DEFT'S MOTION TO BIFURCATE PENALTY PHASE	0001	DN	03/02/00	
0167	11/29/99	MOT /DEFT'S MOTION FOR JURY QUESTIONNAIRE	0001	GR	03/02/00	
0168	11/29/99	REQT/MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS CASE	0001		12/27/99	Y
		BECAUSE THE STATE IS SEEKING THE DEATH PENALTY				
0169	11/29/99	REQT/MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE	0001		12/27/99	Y
		GUILT PHASE				
0170	11/29/99	REQT/MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS	0001		12/27/99	Y
		WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND MR JOHNSON GUILTY OF CAPITAL MURDER	0001			
0171	11/29/99	REQT/MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND	0001		11/29/99	Y
		METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT				
0172	11/29/99	REQT/MOTION TO AUTHENTICATE AND FEDERALIZE ALL MOTIONS OBJECTIONS REQUESTS AND	0001		12/27/99	Y
		OTHER APPLICATIONS AND ISSUES RAISED IN THE PROCEEDINGS IN THE ABOVE ENTITLED CASE				
0173	11/29/99	REQT/MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE	0001		12/27/99	Y
		JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT				
0174	11/29/99	REQT/DEFENDANTS MOTION TO DISMISS STATES NOTICE OF INTENT TO SEEK DEATH PENALTY	0001		12/27/99	Y
		BECAUSE NEVADAS DEATH PENALTY STATUTE IS UNCONSTITUTIONAL				
0175	11/29/99	REQT/MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF	0001		12/27/99	Y
		THE DEFENDANTS EXECUTION UPON VICTIMS FAMILY MEMBERS				
0176	11/29/99	MOT /DEFT'S MOTION FOR CHANGE OF VENUE	0001	DN	03/02/00	

(Continued to page 7)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0177	11/30/99	ROC /RECEIPT OF COPY	0001		11/29/99	
0178	12/02/99	OPPS/SUPPLEMENTAL OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVIDENCE	0001 0001			Y
0179	12/03/99	OF OTHER FUNS WEAPONS AND AMMUNITION NOT USED IN THE CRIME MOT /DEFT'S MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED VO 4/18/00	0001 0001	VC	05/23/00	
0180	12/06/99	TRAN/REPORTER'S TRANSCRIPT	0001		11/18/99	
0181	12/02/99	ORDR/ORDER APPOINTING COUNSEL FOR MATERIAL WITNESS CHARLA SEVERS	0001 0001		12/02/99	
0182	12/02/99	ORDR/ORDER	0001			
0183	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR PERMISSION TO FILE OTHER MOTIONS	0001 0001			
0184	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO BIFURCATE PENALTY PHASE	0001 0001			
0185	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR INSPECTION OF POLICE OFFICERS	0001 0001			Y
PERSONNEL FILES						
0186	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR DISCLOSURE OF ANY POSSIBLE BASIS FOR	0001 0001			Y
DISQUALIFICATION OF DISTRICT ATTORNEY						
0187	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW	0001 0001			Y
AND CARE IN THIS CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY						
0188	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO PRECLUDE EVIDENCE OF ALLEGED	0001 0001			Y
CO-CONSPIRATORS STATEMENTS						
0189	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO EXCLUDE AUTOPSY PHOTOGRAPHS	0001 0001			
0190	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE	0001 0001			Y
OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND MR JOHNSON GUILTY OF CAPITAL MURDER						
0191	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY AND EVIDENTIARY HEARING	0001 0001			Y
REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT						
0192	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE	0001 0001			Y
PENALTY PHASE						
0193	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO PROHIBIT THE USE OF PEREMPTORY	0001 0001			Y
CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT						
0194	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO	0001 0001			Y
THE FIRST PHASE AS THE GUILT PHASE						
0195	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO AUTHENTICATE AND FEDERALIZE ALL MOTIONS	0001 0001			Y
OBJECTIONS REQUESTS AND OTHER APPLICATIONS AND ISSUES RAISED IN THE PROCEEDINGS IN THE ABOVE ENTITLED CASE						
0196	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION IN LIMINE FOR ORDER PROHIBITING	0001 0001			Y
PROSECUTION MISCONDUCT IN ARGUMENT						

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0197	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE	0001 0001			Y
0198	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO DISMISS STATES NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE NEVADAS DEATH PENALTY STATUTE IS UNCONSTITUTIONAL	0001 0001			Y
0199	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXECUTION UPON VICTIMS FAMILY MEMBERS	0001 0001			Y
0200	12/06/99	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE REGARDING CO-DEFENDANTS SENTENCES	0001 0001			Y
0201	12/06/99	OPPS/OPPOSITION TO DEFENDANTS MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY CHALLENGES	0001 0001			Y
0202	12/06/99	ROC /RECEIPT OF COPY	0001		12/06/99	
0203	12/07/99	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR CHANGE OF VENUE	0001 0001			
0204	12/09/99	HEAR/AT THE REQUEST OF THE COURT	0001		12/20/99	
0205	12/08/99	LIST/NOTICE OF WITNESSES	0001			
0206	12/14/99	AFFD/AFFIDAVIT OF JOSEPH S SCISCENTO IN SUPPORT OF THE MOTION TO CONTINUE	0001 0001			
0208	12/20/99	TRAN/REPORTER'S TRANSCRIPT OF DECEMBER 16, 1999 AT REQUEST OF COURT RE: MOTIONS			12/16/99	
0209	12/16/99	OPPS/OPPOSITION TO MOTION TO CONTINUE TRIAL	0001 0001			
0210	12/16/99	REQT/MOTION TO CONTINUE TRIAL	0001			
0211	12/22/99	ORDR/STIPULATION AND ORDER	0001		12/22/99	
0212	12/22/99	MEMO/MEMORANDUM TO THE COURT	0001			
0213	12/20/99	CALC/CALENDAR CALL	0001		05/23/00	
0214	12/20/99	JURY/TRIAL BY JURY	0001		06/09/00	
0215	12/29/99	TRAN/REPORTER'S TRANSCRIPT	0001		12/20/99	
0216	12/29/99	MEMO/MEMORANDUM TO THE COURT	0001			
0217	01/06/00	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			01/06/00	
0218	01/11/00	MOT /MATERIAL WITNESS CHARLA SEVERS' MOTION FOR OWN RECOGNIZANCE RELEASE	0001 0001	GR	01/18/00	
0219	01/11/00	ROC /RECEIPT OF COPY	0001		01/11/00	
0220	01/13/00	TRAN/REPORTER'S TRANSCRIPT RE: DEFENDANT'S MOTIONS	0001 0001		01/06/00	
0221	01/12/00	ROC /RECEIPT OF COPY	0001		01/12/00	
0222	01/13/00	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY	0001			
0223	01/18/00	OCAL/STATUS CHECK: MATERIAL WITNESS CHARLA SEVERS	0001 0001	OC	05/23/00	
0224	01/21/00	OPPS/STATES OPPOSITION TO MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED	0001 0001			
0225	01/14/00	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0001			
0226	01/25/00	TRAN/REPORTER'S TRANSCRIPT MATERIAL WITNESS CHARLA SEVERS MOTION FOR OWN RECOGNIZANCE RELEASE	0001 0001		01/18/00	Y
0227	02/02/00	MEMO/MEMORANDUM TO THE COURT	0001			
0228	02/16/00	RPLY/REPLY TO STATES OPPOSITION TO MOTION TO SUPPRESS	0001 0001			

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0229	02/17/00	MOT /ALL PENDING MOTIONS 02/17/00	0001		02/17/00	
0230	02/24/00	MEMO/MEMORANDUM TO THE COURT FOR REQUEST OF MOTION TO BE FILED	0001 0001			
0231	03/02/00	MOT /ALL PENDING MOTIONS 3/2/00	0001		03/02/00	
0232	03/06/00	TRAN/REPORTER'S TRANSCRIPT ALL DEFENDANTS PENDING MOTIONS STATUS CHECK	0001 0001		02/17/00	Y
WITNESS CHARLA SEVERS						
0233	03/09/00	MOT /DEFENDANT'S MOTION IN LIMINE TO PREVENT MOTION	0001 0001	DN	03/02/00	
0234	03/02/00	MOT /DEFENDANT'S PRO PER MOTION TO DISQUALIFY MOTION	0001 0001	DN	03/02/00	
0235	03/16/00	PTAT/SUPPLEMENTAL POINTS AND AUTHORITIES IN OPPOSITION TO MOTION TO SUPPRESS	0001 0001			
0236	03/16/00	TRAN/REPORTER'S TRANSCRIPT ALL DEFENDANT'S PENDING MOTIONS	0001 0001		03/02/00	
0237	03/30/00	RPLY/REPLY TO STATES SUPPLEMENTAL OPPOSITION TO MOTION TO SUPPRESS	0001 0001			
0238	03/31/00	ROC /RECEIPT OF COPY	0001		03/31/00	
0239	04/04/00	MEMO/MEMORANDUM TO THE COURT	0001			
0240	04/10/00	ORDR/STIPULATION AND ORDER	0001		04/10/00	
0241	04/11/00	MEMO/MEMORANDUM TO THE COURT	0001			
0242	04/18/00	DECN/DECISION AND ORDER	0001			
0243	04/17/00	CRTF/CERTIFICATE OF MAILING OF EXHIBITS	0001		04/20/00	
0244	04/26/00	MOT /DEFT'S MOTION FOR DISCOVERY OF PROSECUTION FILES/RECORDS/INFORMATION	0001 0001	OC	05/18/00	
0245	04/18/00	OCAL/MINUTE ORDER RE: DECISION: MOTION TO SUPPRESS	0001 0001	DN	04/18/00	
0246	04/26/00	REQT/MOTION AND NOTICE OF MOTION FOR DISCOVERY OF PROSECUTION FILES RECORDS AND INFORMATION NECESSARY TO A FAIR TRIAL	0001 0001		05/08/00	Y
0247	04/26/00	ADDM/ADDENDUM TO NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001 0001			
0248	04/27/00	ROC /RECEIPT OF COPY	0001		04/26/00	
0249	05/02/00	OPPS/SUPPLEMENTAL OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS WEAPONS AND AMMUNITION NOT USED IN THE CRIME	0001 0001			Y
0250	05/09/00	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATUS CHECK: MATERIAL WITNESS CHARLA SEVERS	0001 0001		04/24/00	Y
0251	05/09/00	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFENDANT'S MOTION FOR DISCOVERY OF PROSECUTION FILES, RECORDS, AND INFORMATION NECESSARY FOR A FAIR TRIAL	0001 0001		05/08/00	Y
0252	05/08/00	ORDR/ORDER FOR PRODUCTION OF INMATE SIKIA SMITH BAC #63405	0001 0001		05/08/00	
0253	05/12/00	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	HG	06/05/00	
0254	05/15/00	NOTC/NOTICE OF DEFENDANTS EXPERT WITNESSES	0001			
0255	05/17/00	SUPP/SUPPLEMENTAL NOTICE OF EXPERT WITNESSES	0001			
0256	05/23/00	MOT /ALL PENDING MOTIONS 5/23/00	0001		05/23/00	
0257	05/19/00	ORDR/STIPULATION AND ORDER	0001		05/19/00	
0258	05/19/00	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	HG	06/05/00	
0259	05/30/00	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFENDANT'S MOTION FOR DISCOVERY OF	0001 0001		05/18/00	Y

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
PRESECUTION FILES, RECORDS, AND INFORMATION NECESSARY FOR A FAIR TRIAL						
0260	06/01/00	TRAN/REPORTER'S TRANSCRIPT OF MAY 23, 2000			05/23/00	
0261	06/05/00	TRB /TRIAL BEGINS	0001			
0262	05/31/00	ORDR/ORDER TO PRODUCE JUVENILE RECORDS	0001			
0263	06/05/00	CRJL/CRIMINAL JURY LIST			06/05/00	Y
D1						
0264	06/02/00	TRAN/REPORTER'S TRANSCRIPT DEFENDANT'S MOTION	0001		06/01/00	Y
		IN LIMINE TO PRECLUDE EVIDENCE OF	0001			
OTHER GUNS AND AMMUNITION NOT USED IN THE CRIME						
0265	06/07/00	ACJL/AMENDED CRIMINAL JURY LIST			06/07/00	Y
D1						
0266	06/06/00	LIST/JURY LIST	0001			
0267	06/06/00	ACJL/AMENDED CRIMINAL JURY LIST	0001			
0268	06/08/00	ACJL/AMENDED CRIMINAL JURY LIST	0001			
0270	06/09/00	HEAR/PENALTY HEARING	0001	HJ	06/16/00	
0271	06/12/00	ORDR/ORDER FOR CONTACT VISIT	0001			
0272	06/09/00	INST/INSTRUCTIONS TO THE JURY	0001			
0273	06/09/00	VER /VERDICT	0001		06/09/00	
0274	06/14/00	ROC /RECEIPT OF COPY	0001		06/12/00	
0275	06/16/00	OCAL/STATUS CHECK: THREE JUDGE PANEL	0001	MH	06/20/00	
0276	06/19/00	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			06/05/00	
0277	06/16/00	INST/INSTRUCTIONS TO THE JURY	0001			
0278	06/20/00	HEAR/THREE JUDGE PANEL / PENALTY HEARING	0001		07/26/00	
0279	06/20/00	REQT/EX PARTE MOTION TO WITHDRAWAL AS	0001			Y
		ATTORNEY OF RECORD FOR MATERIAL	0001			
WITNESS CHARLA SEVERS						
0280	06/20/00	EXPR/EX PARTE ORDER ALLOWING WITHDRAWAL OF	0001			Y
		ATTORNEY OF RECORD FOR MATERIAL	0001			
WITNESS CHARLA SEVERS						
0281	06/21/00	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS -	0001		06/20/00	
		STATUS CHECK: THREE JUDGE PANEL	0001			
0282	06/22/00	ORDR/ORDER	0001			
0283	06/22/00	VERF/PAGE VERIFICATION SHEET	0001			
0284	06/23/00	MOT /DEFT'S MOTION FOR NEW TRIAL	0001	DN	07/13/00	
0285	06/23/00	ROC /RECEIPT OF COPY	0001		06/23/00	
0286	06/28/00	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			06/20/00	
0287	06/28/00	EXPT/EX PARTE MOTION TO ALLOW FEES IN EXCESS	0001			Y
		OF STATUTORY MAXIMUM FOR ATTORNEY ON	0001			
COURT APPOINTED CASE FOR MATERIAL WITNESS CHARLA SEVERS						
0288	06/28/00	EXPR/EX PARTE ORDER ALLOWING FEES IN EXCESS	0001			Y
		OF STATUTORY MAXIMUM FOR ATTORNEY ON	0001			
COURT APPOINTED CASE FOR MATERIAL WITNESS CHARLA SEVERS						
0289	06/30/00	RSPN/STATES RESPONSE TO MOTION FOR NEW TRIAL	0001			
0290	06/12/00	TRAN/REPORTER'S TRANSCRIPT OF JUNE 5, 2000			06/05/00	
		JURY TRIAL-DAY 1; VOLUME 1				
0291	06/07/00	TRAN/REPORTER'S TRANSCRIPT OF JUNE 6, 2000			06/06/00	
		JURY TRIAL-DAY 2; VOLUME II				
0292	06/08/00	TRAN/REPORTER'S TRANSCRIPT OF JUNE 7, 2000			06/07/00	
		JURY TRIAL-DAY 3; VOLUME III				
0293	06/12/00	TRAN/REPORTER'S TRANSCRIPT OF JUNE 8, 2000			06/08/00	
		JURY TRIAL- DAY 4; VOLUME IV				

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0294	06/12/00	TRAN/REPORTER'S TRANSCRIPT OF JUNE 9, 2000 JURY TRIAL- DAY 5 (VERDICT); VOLUME V			06/09/00	
0295	06/14/00	TRAN/REPORTER'S TRANSCRIPT OF JUNE 13, 2000 JURY TRIAL-PENALTY PHASE- DAY 1- A.M. SE			06/13/00	
0296	06/14/00	TRAN/REPORTER'S TRANSCRIPT OF JUNE 13, 2000 JURY TRIAL- PENALTY PHASE- DAY 1- P.M. S			06/13/00	
0297	06/19/00	TRAN/REPORTER'S TRANSCRIPT 06/14/00 VOLUME III			06/14/00	
0298	06/20/00	TRAN/REPORTER'S TRANSCRIPT 06/16/00 VOLUME IV			06/16/00	
0299	07/10/00	MOT /DEFT'S MTN FOR IMPOSITION (VJ 7/13/00) WITHOUT THE POSSIBILITY OF PAROLE	0001	VC	07/24/00	
0300	07/10/00	REQT/MOTION FOR IMPOSITION OF LIFE WITHOUT THE POSSIBILITY OF PAROLE SENTENCE	0001		07/24/00	Y
OR IN THE ALTERNATIVE MOTION TO EMPANEL JURY FOR SENTENCING HEARING AND OR FOR DISCLOSURE OF EVIDENCE MATERIAL TO CONSTITUTIONALITY OF THREE JUDGE PANEL PROCEDURE						
0301	07/10/00	RPLY/REPLY TO RESPONSE TO MOTION FOR NEW TRIAL	0001			
0302	07/10/00	ROC /RECEIPT OF COPY	0001		07/10/00	
0303	07/13/00	MOT /DECISION: DEFT'S MTN FOR IMPOSITION OF MOTION	0001	DN	07/20/00	
0304	07/12/00	MEMO/MEMORANDUM REGARDING THE THREE JUDGE PANEL	0001			
0305	07/14/00	MOT /STATE'S MOTION IN LIMINE SUMMARIZING THE FACTS ESTABLISHED DURING THE GUILT PHASE	0001	OC	07/20/00	
0306	07/17/00	OPPS/STATES OPPOSITION FOR IMPOSITION OF LIFE WITHOUT AND OPPOSITION TO EMPANEL	0001			Y
JURY AND OR DISCLOSURE OF EVIDENCE MATERIAL TO CONSTITUTIONALITY OF THE THREE JUDGE PANEL PROCEDURE						
0307	07/14/00	REQT/NOTICE OF MOTION AND STATES MOTION IN LIMINE SUMMARIZING THE FACTS	0001		07/20/00	Y
ESTABLISHED DURING THE GUILT PHASE OF THE DONTÉ JOHNSON TRIAL						
0308	07/19/00	MEMO/MEMORANDUM REGARDING A STAY OF THE PENALTY PROCEEDINGS	0001			
0309	07/18/00	MEMO/MEMORANDUM IN SUPPORT OF GRANTING STAY	0001			
0310	07/18/00	RPLY/REPLY TO STATES OPPOSITION REGARDING THREE-JUDGE PANEL	0001			
0311	07/21/00	MOT /ALL PENDING MOTIONS 7/20/00	0001		07/20/00	
0312	07/20/00	ORDR/ORDER	0001			
0313	07/20/00	ROC /RECEIPT OF COPY	0001		07/20/00	
0314	07/20/00	ROC /RECEIPT OF COPY	0001		07/20/00	
0315	07/20/00	ORDR/ORDER FOR CONTACT VISIT	0001			
0316	07/21/00	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFENDANT'S MOTION FOR A NEW TRIAL	0001		07/13/00	
0317	07/21/00	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS - DECISION DEFENDANT'S MOTION FOR	0001		07/20/00	Y
IMPOSITION OF LIFE WITHOUT THE POSSIBILITY OF PAROLE SENTENCE OR IN THE ALTERNATIVE MOTION TO EMPANEL JURY FOR SENTENCING HEARING AND OR FOR DISCLOSURE OF EVIDENCE MATERIAL TO CONSTITUTIONALITY OF THREE-JUDGE PANEL PROCEDURE - STATE'S MOTION IN LIMINE SUMMARIZING THE FACTS ESTABLISHED DURING THE GUILTY PLEA						

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0318	07/25/00	TRAN/REPORTER'S TRANSCRIPT OF JULY 24, 2000 THREE JUDGE PANEL- PENALTY PHASE- DAY 1;			07/24/00	
0319	07/26/00	TRE /TRIAL ENDS				
0320	07/26/00	SENT/SENTENCING VR 9/26	0001	VC	10/10/00	
0321	07/27/00	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			07/24/00	
0322	07/26/00	VER /VERDICT (COUNT XI)	0001		07/26/00	
0323	07/26/00	VER /VERDICT (COUNT XII)	0001		07/26/00	
0324	07/26/00	VER /VERDICT (COUNT XIII)	0001		07/26/00	
0325	07/26/00	VER /VERDICT (COUNT XIV)	0001		07/26/00	
0326	07/26/00	VER /SPECIAL VERDICT (COUNT XI)	0001		07/26/00	
0327	07/26/00	VER /SPECIAL VERDICT (COUNT XII)	0001		07/26/00	
0328	07/26/00	VER /SPECIAL VERDICT (COUNT XIII)	0001		07/26/00	
0329	07/26/00	VER /SPECIAL VERDICT (COUNT XIV)	0001		07/26/00	
0330	07/26/00	VER /SPECIAL VERDICT (COUNT XI)	0001		07/26/00	
0331	07/26/00	VER /SPECIAL VERDICT (COUNT XII)	0001		07/26/00	
0332	07/26/00	VER /SPECIAL VERDICT (COUNT XIII)	0001		07/26/00	
0333	07/26/00	VER /SPECIAL VERDICT (COUNT XIV)	0001		07/26/00	
0334	07/28/00	TRAN/REPORTER'S TRANSCRIPT OF JULY 26, 2000 THREE JUDGE PANEL- PENALTY PHASE- DAY 2	0001		07/26/00	
0335	08/24/00	EXPR/AMENDED EX PARTE ORDER ALLOWING WITHDRAWAL OF ATTORNEY OF RECORD FOR	0001			Y
		MATERIAL WITNESS CHARLA SEVERS				
0336	09/05/00	MSAD/DEFT'S MOTION TO SET ASIDE DEATH SENTENCE OR MOTION TO SETTLE VJ 10/03/00	0001	VC	10/12/00	
0337	09/05/00	REQT/MOTION TO SET ASIDE DEATH SENTENCE OR IN THE ALTERNATIVE MOTION TO SETTLE	0001			Y
		RECORD				
0338	09/06/00	ROC /RECEIPT OF COPY	0001		09/05/00	
0339	09/07/00	MOT /ALL PENDING MOTIONS 9/7/00	0001		09/07/00	
0340	09/12/00	NOEV/NOTICE OF TRANSCRIPTS			06/05/00	
0341	09/15/00	RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO SET ASIDE DEATH SENTENCE OR IN THE	0001			Y
		THE ALTERNATIVE MOTION TO SETTLE RECORD				
0342	09/26/00	SENT/SENTENCING	0001	GR	10/03/00	
0343	09/29/00	TRAN/REPORTER'S TRANSCRIPT	0001		09/07/00	
0344	10/02/00	RPLY/REPLY TO STATES RESPONSE TO MOTION TO SET ASIDE DEATH SENTENCE OR IN THE	0001			Y
		ALTERNATIVE MOTION TO SETTLE RECORD				
0345	10/03/00	JUDG/JUDGMENT OF CONVICTION	0001	GR	10/03/00	
0346	10/03/00	WARR/WARRANT OF EXECUTION	0001			
0347	10/03/00	ORDR/ORDER OF EXECUTION	0001			
0348	10/03/00	NTFE/NOTICE TO TRANSPORT FOR EXECUTION	0001			
0349	10/05/00	EXPT/EX PARTE MOTION FOR RELEASE OF EVIDENCE	0001			
0350	10/05/00	ORDR/ORDER FOR RELEASE OF EVIDENCE	0001		09/29/00	
0351	10/03/00	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		10/06/00	
0352	10/03/00	JMNT/JUDGMENT OF RESTITUTION (XI)	0001		10/06/00	
0353	10/09/00	JUDG/JUDGMENT OF CONVICTION	0001		10/09/00	
0354	10/13/00	TRAN/REPORTER'S TRANSCRIPT OF SENTENCING	0001		10/03/00	
0355	10/18/00	ROP /RECEIPT OF EXHIBITS	0001			
0356	10/26/00	ORDR/ORDER FOR STAY OF EXECUTION	0001			
0357	11/08/00	NOAS/NOTICE OF APPEAL	0001	AP		
0358	11/08/00	STAT/CASE APPEAL STATEMENT	0001			

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0359	11/09/00	CASO/CASE (RE)ACTIVATED ON				
0363	11/09/99	TRAN/REPORTER'S TRANSCRIPT OF OCTOBER 26, 1999 VIDEO DEPOSITION OF CHARLA SEVERS	0001 0001		10/26/99	Y
(FILED UNDER SEAL)						
0364	12/02/00	ASSG/Reassign Case From Judge Sobel To Judge Gates				
0365	10/08/01	CSCL/CASE CLOSED			10/08/01	
0366	12/23/02	APCL/APPEAL TO SUPREME COURT: CLOSED 36991			12/18/02	
0367	01/17/03	JMNT/CLERK'S CERT (AFFIRMED/VACATED/REMANDED	S		01/21/03	
0368	01/17/03	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED IN PART/VACATED IN	0001 0001		01/17/03	Y
PART AND REMANDED						
0369	01/27/03	HEAR/STATE'S REQUEST PER SUPREME COURT ORDER	0001	GR	02/21/03	
0370	01/29/03	ORDR/ORDER FOR PRODUCTION OF INMATE	0001		02/19/03	
0371	02/21/03	CALC/CALENDAR CALL	0001	VC	09/17/03	
0372	02/21/03	HEAR/PENALTY HEARING	0001	VC	09/23/03	
0373	04/21/03	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS AND ORDER GRANTING	0001 0001		04/21/03	
0374	06/17/03	ORDR/ORDER FOR TRANSCRIPT	0001		06/17/03	
0375	06/18/03	ROC /RECEIPT OF COPY	0001		06/18/03	
0376	06/20/03	TRAN/REPORTER'S TRANSCRIPT STATES REQUEST PER SUPREME COURT ORDER ORDER OF REMAND	0001 0001		02/21/03	
0377	07/03/03	OCAL/STATUS CHECK:	0001	MH	07/07/03	
0378	07/07/03	ORDR/ORDER TO TRANSPORT	0001		07/07/03	
0379	08/08/03	MOT /DEFT'S MTN FOR AUTOMATIC IMPOSITION OF LIFE W/OUT POSSIBILITY OF PAROLE/100	0001 0001	DN	09/03/03	
0380	08/12/03	ROC /RECEIPT OF COPY	0001		08/08/03	
0381	08/15/03	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR THE AUTOMATIC IMPOSITION OF LIFE	0001 0001			Y
WITHOUT THE POSSIBILITY OF PAROLE OR IN THE ALTERNATIVE FOR EXERCISE OF JUDICIAL DISCRETION						
0382	08/25/03	ROC /RECEIPT OF COPY	0001		08/25/03	
0383	08/25/03	RPLY/REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION FOR AUTOMATIC	0001 0001			Y
IMPOSITION OF LIFE WITHOUT POSSIBILITY OF PAROLE						
0384	09/04/03	CALC/CALENDAR CALL	0001	VC	04/19/04	
0385	09/04/03	JURY/TRIAL BY JURY (PENALTY HEARING)	0001	VC	04/27/04	
0386	09/03/03	REQT/MOTION TO CONTINUE PENALTY HEARING	0001			
0387	09/19/03	TRAN/REPORTER'S TRANSCRIPT DEFT'S MOTION FOR THE AUTOMATIC IMPOSITION OF LIFE	0001 0001		09/03/03	Y
WITHOUT THE POSSIBILITY OF PAROLE OR IN THE ALTERNATIVE MOTION FOR EXERCISE OF JUDICIAL DISCRETION						
0388	03/19/04	MOT /STATE'S MTN ADMIT FORMER TESTIMONY/103	0001	GR	04/12/04	
0389	03/18/04	NOTC/AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001 0001			
0390	03/18/04	NISD/AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY	0001 0001			
0391	03/24/04	OTTE/ORDER TO TRANSPORT	0001	SH	04/27/04	
0392	03/26/04	LIST/NOTICE OF WITNESSES	0001			
0393	03/30/04	OCAL/STATUS CHECK: TRIAL	0001	OC	04/12/04	
0394	04/01/04	MOT /DEFT'S MTN TO CONTINUE PENALTY HEARING/105	0001 0001	GR	04/12/04	

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0395	04/02/04	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0396	04/05/04	ROC /RECEIPT OF COPY	0001		04/05/04	
0397	04/07/04	NOTC/SECOND AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001 0001			
0398	04/08/04	REQT/NOTICE OF MOTION AND MOTION TO AMEND JUDGMENT OF CONVICTION	0001 0001	SH	04/12/04	
0399	04/08/04	REQT/NOTICE OF MOTION AND MOTION FOR PROCEDURAL DIRECTION FROM THE COURT	0001 0001	SH	04/12/04	
0400	04/12/04	CALC/CALENDAR CALL (VJ 5/3/04)	0001	VC	05/10/04	
0401	04/12/04	JURY/TRIAL BY JURY (PENALTY PHASE)	0001	VC	05/18/04	
0402	04/12/04	ARGU/ARGUMENT: TO ADMIT EVIDENCE OF AGGRAVATING CIRCUMSTANCES	0001 0001		05/03/04	
0403	04/12/04	MOT /ALL PENDING MOTIONS 4-12-04	0001		04/12/04	
0404	04/20/04	JMNT/AMENDED JUDGMENT	0001		04/21/04	
0405	04/20/04	OPPS/DEFENDANTS OPPOSITION TO THE STATES SECOND AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001 0001			Y
0406	04/20/04	AJOC/AMENDED JUDGMENT OF CONVICTION	0001		04/20/04	
0407	04/27/04	MOT /DEFT'S MTN ALLOW THE DEFENSE TO ARGUE LAST/110 (SEE MINUTES FROM 5/3/04)	0001 0001	VC	05/10/04	
0408	04/27/04	MOT /DEFT'S MTN TO BIFURCATE /111 (SEE MINUTES FROM 5/3/04)	0001 0001	VC	05/10/04	
0409	04/28/04	MOT /DEFT'S MTN FOR JURY QUESTIONNAIRE/112 (SEE MINUTES FROM 5/3/04)	0001 0001	VC	05/10/04	
0410	04/28/04	MOT /DEFT'S MTN IN LIMINE RE: REFERRING TO VICTIMS/113 (SEE MINUTES FROM 5/3/04)	0001 0001	VC	05/10/04	
0411	04/26/04	RPLY/STATES REPLY TO DEFENDANTS OPPOSITION TO THE STATES NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001 0001			Y
0412	04/29/04	MOT /DEFT'S AMENDED MTN FOR JURY QUESTION/114 (SEE MINUTES FROM 5/3/04)	0001 0001	VC	05/10/04	
0413	04/27/04	OTTE/ORDER TO TRANSPORT	0001	SH	05/18/04	
0414	04/27/04	OTTE/ORDER TO TRANSPORT	0001	SH	05/18/04	
0415	04/27/04	ROC /RECEIPT OF COPY	0001		04/27/04	
0416	04/27/04	ROC /RECEIPT OF COPY	0001		04/27/04	
0417	04/28/04	ROC /RECEIPT OF COPY	0001		04/28/04	
0418	05/03/04	HEAR/EVIDENTIARY HEARING	0001	MH	05/17/04	
0419	05/03/04	HEAR/PENALTY HEARING SETTING	0001		05/17/04	
0420	05/03/04	HEAR/DECISION: UNDER ADVISEMENT MOTIONS	0001		05/17/04	
0421	04/28/04	ROC /RECEIPT OF COPY	0001		04/28/04	
0422	04/29/04	OPPS/OPPOSITION TO DEFENDANTS MOTION TO BIFURCATE PENALTY PHASE	0001 0001			
0423	04/29/04	ROC /RECEIPT OF COPY	0001		04/29/04	
0424	04/29/04	OPPS/OPPOSITION TO DEFENDANTS MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE	0001 0001			Y
0425	04/29/04	LIST/NOTICE OF EXPERT WITNESSES	0001			
0426	04/30/04	ORDR/STIPULATION AND ORDER FOR RELEASE OF EXHIBITS	0001 0001		04/30/04	
0427	05/03/04	ROP /RECEIPT	0001		05/03/04	
0428	05/03/04	ORDR/ORDER FOR PRODUCTION OF RECORDS	0001		05/03/04	
0429	05/04/04	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	0001			

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0430	05/04/04	RSPN/STATES RESPONSE TO DEFENDANT MOTION IN LIMINE REGARDING REFERRING TO VICTIMS	0001			Y
A BOYS						
0431	05/04/04	RSPN/STATES RESPONSE TO DEFENDANTS AMENDED MOTION FOR JURY QUESTIONNAIRE	0001			
0432	05/04/04	LIST/NOTICE OF WITNESSES	0001			
0433	05/07/04	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			05/03/04	
0434	05/05/04	OTTE/ORDER TO TRANSPORT	0001	SH	05/17/04	
0435	05/05/04	OTTE/ORDER TO TRANSPORT	0001	SH	05/17/04	
0436	05/05/04	OTTE/ORDER TO TRANSPORT	0001	SH	05/17/04	
0437	05/05/04	OTTE/ORDER TO TRANSPORT	0001	SH	05/17/04	
0438	05/05/04	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0439	05/05/04	OTTE/ORDER TO TRANSPORT	0001	SH	05/17/04	
0440	05/05/04	TRAN/REPORTER'S TRANSCRIPT ARGUMENT TO ADMIT EVIDENCE OF AGGRAVATING CIRCUMSTANCES	0001		05/03/04	
0441	05/07/04	TRAN/REPORTER'S TRANSCRIPT OF ARGUMENTS	0001		04/28/04	
0442	05/12/04	ORDR/ORDER FOR TRANSCRIPT	0001		05/12/04	
0443	05/19/04	CALC/CALENDAR CALL	0001	VC	10/11/04	
0444	05/19/04	JURY/TRIAL BY JURY	0001	VC	10/19/04	
0445	05/19/04	HEAR/HEARING: MOTION TO EXCLUDE PRIOR BAD ACTS	0001	DN	04/15/05	
0446	05/17/04	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0447	05/20/04	MOT /ALL PENDING MOTIONS	0001		05/17/04	
0448	05/21/04	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			05/17/04	
0449	05/18/04	TRAN/REPORTER'S TRANSCRIPT OF EVIDENTIARY HEARING	0001		05/17/04	
0450	05/19/04	TRAN/REPORTER'S TRANSCRIPT PRELIMINARY HEARING	0001		10/12/99	
0451	05/20/04	ORDR/ORDER FOR TRANSCRIPT OF PROCEEDINGS	0001		05/20/04	
0452	06/09/04	ORDR/ORDER	0001		06/09/04	
0453	07/08/04	TRAN/REPORTER'S EXCERPTED TRANSCRIPT TESTIMONY OF TERMAINE ANTHONY LYTTLE	0001		05/17/04	
0454	08/05/04	OTTE/ORDER TO TRANSPORT	0001	SH	08/09/04	
0455	08/10/04	CALC/CALENDAR CALL	0001	MH	04/12/05	
0456	08/10/04	JURY/TRIAL BY JURY	0001		05/05/05	
0457	10/11/04	ORDR/ORDER FOR TRANSCRIPT OF PROCEEDINGS	0001		10/11/04	
0458	10/11/04	TRAN/REPORTER'S TRANSCRIPT DEFTS MOTION FOR AUTOMATIC IMPOSITION OF LIFE WITHOUT POSSIBILITY OF PAROLE	0001		08/18/04	Y
0459	10/11/04	TRAN/REPORTER'S TRANSCRIPT STATUS CHECK	0001		07/07/04	
0460	02/10/05	ORDR/ORDER OF APPOINTMENT	0001		02/10/05	
0461	02/11/05	EIE /ENTRY IN ERROR	0001		02/11/05	
0462	03/08/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/04/05	
0463	03/18/05	MOT /DEFT'S MTN TO STRIKE AGGRAVATOR FOUR OF NTC OF INTENT TO SEEK DEATH PENALTY /124	0001	VC	04/15/05	
0464	03/18/05	MOT /DEFT'S MTN TO DISMISS RULE 250, NTC OF INTENT TO SEEK DEATH PENALTY /125	0001	VC	04/15/05	
0465	03/18/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/13/05	
0466	03/18/05	ROC /RECEIPT OF COPY	0001		03/18/05	
0467	03/18/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/13/05	
0468	03/18/05	ROC /RECEIPT OF COPY	0001		03/18/05	
0469	03/21/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/06/05	

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0470	03/21/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/06/05	
0471	03/21/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/06/05	
0472	03/22/05	TRAN/REPORTER'S TRANSCRIPT OF STATUS CHECK	0001		07/07/03	
0473	03/22/05	TRAN/REPORTER'S TRANSCRIPT OF HEARING MOTION TO EXCLUDE PRIOR BAD ACTS	0001		08/09/04	
0474	03/23/05	ORDR/ORDER FOR TRANSCRIPTS	0001		03/23/05	
0475	03/24/05	LIST/NOTICE OF DEFENDANTS EXPERT WITNESSES	0001			
0476	03/31/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/13/05	
0477	03/31/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/13/05	
0478	03/31/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS RULE 250 NOTICE OF INTENT	0001			Y
TO SEEK THE DEATH PENALTY						
0479	04/06/05	MOT /ALL PENDING MOTIONS	0001		04/04/05	
0480	04/07/05	OCAL/MINUTE ORD RE: STATE'S MTN TO DISQUALIFY DEFT'S MTN TO STRIKE/DEFT'S MTN TO DISM	0001		04/07/05	
0481	04/04/05	REQT/STATES MOTION TO DISQUALIFY THE HONORABLE LEE GATES	0001			
0482	04/05/05	AFFT/AFFIDAVIT	0001			
0483	04/06/05	TRAN/REPORTER'S TRANSCRIPT DEFTS MOTION TO STRIKE AGGRAVATOR FOR NOTICE OF INTENT	0001		04/04/05	Y
TO SEEK DEATH PENALTY DEFTS MOTION TO DISMISS RULE 250 NOTICE OF INTENT TO SEEK DEATH PENALTY HEARING MOTION TO EXCLUDE PRIOR BAD ACTS						
0484	04/07/05	ORDR/ORDER FOR TRANSCRIPTS	0001		04/07/05	
0485	04/08/05	ORDR/ORDER STRIKING AFFIDAVIT AND DENYING STATES MOTION TO DISQUALIFY THE	0001		04/08/05	Y
HONORABLE LEE GATES						
0486	04/11/05	AFFT/AMENDED AFFIDAVIT	0001			
0487	04/11/05	TRAN/REPORTER'S AMENDED TRANSCRIPT DEFTS MOTI ON TO STRIKE AGGRAVATOR FOR NOTICE OF	0001		04/04/05	Y
INTENT TO SEEK DEATH PENALTY DEFTS MOTION TO DISMISS RULE 250 NOTICE OF INTENT TO SEEK DEATH PENALTY HEARING MOTION TO EXCLUDE PRIOR BAD ACTS						
0488	04/12/05	LIST/NOTICE OF WITNESSES	0001			
0489	04/12/05	TRAN/REPORTER'S TRANSCRIPT CALENDAR CALL	0001		04/12/05	
0490	04/19/05	HEAR/DECISION: MOTION TO BIFURCATE PENALTY PHASE...MOTION TO SUPPRESS EVIDENCE RE	0001		04/18/05	
0491	04/19/05	TRB /TRIAL BEGINS	0001		04/19/05	
0492	04/13/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/21/05	
0493	04/13/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/21/05	
0494	04/13/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/21/05	
0495	04/13/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/21/05	
0496	04/12/05	ORDR/NUNC PRO TUNC ORDER	0001		04/12/05	
0497	04/13/05	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0498	04/13/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/21/05	
0499	04/13/05	OTTE/ORDER TO TRANSPORT	0001	SH	04/21/05	
0500	04/12/05	REQT/MOTION TO RECONSIDER REQUEST TO BIFURCATE PENALTY PHASE				
0501	04/20/05	TRAN/REPORTER'S TRANSCRIPT TRANSCRIPT OF JURY TRIAL - VOL I A.M. APRIL 19, 2005			04/19/05	
0502	04/14/05	ORDR/ORDER FOR TRANSCRIPTS	0001		04/14/05	
0503	04/15/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER REQUEST TO BIFURCATE	0001			Y
PANALTY PHASE						

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0504	04/15/05		LIST/SECOND SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0505	04/15/05		NISD/AMENDED SUPPLEMENTAL NOTICE OF INTENT TO SEEK DEATH PENALTY	0001			
0506	04/18/05		TRAN/REPORTER'S TRANSCRIPT HEARING MOTION TO EXCLUDE PRIOR BAD ACTS	0001		04/15/05	
0507	04/18/05		ORDR/ORDER FOR TRANSCRIPT OF PROCEEDINGS	0001		04/15/05	
0508	04/20/05		TRAN/REPORTER'S TRANSCRIPT COVER PAGE OF TRANSCRIPT OF HEARING MOTION TO EXCLUDE PRIOR BAD ACTS (ATTACHED TRANSCRIPT IS TRIAL BY JURY VOLUME I PM ON 04-19-05)	0001		04/15/05	Y
0509	04/19/05		LIST/THIRD SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0510	04/21/05		TRAN/REPORTER'S TRANSCRIPT JURY TRIAL VOLUME I AM	0001		04/20/05	
0511	04/21/05		ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/21/05	
0512	04/21/05		TRAN/REPORTER'S TRANSCRIPT TRANIAL BY JURY VOLUME II PM	0001		04/15/05	
0513	04/21/05		TRAN/REPORTER'S AMENDED COVER PAGE OF TRANSCRIPT HEARING	0001		04/15/05	
0514	04/21/05		ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/21/05	
0515	04/22/05		TRAN/REPORTER'S TRANSCRIPT TRAIL BY JURY VOLUME III PM	0001		04/21/05	
0516	04/22/05		TRAN/REPORTER'S TRANSCRIPT PENALTY PAHSE VOLUME III-A	0001			
0517	04/25/05		JLST/DISTRICT COURT JURY LIST	0001			
0518	04/25/05		TRAN/REPORTER'S TRANSCRIPT OF TRIAL BY JURY VOLUME IV - PM	0001		04/22/05	
0519	04/25/05		ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/25/05	
0520	04/25/05		TRAN/REPORTER'S TRANSCRIPT VOLUME IV-B PENALTY PHASE	0001		04/22/05	
0521	04/25/04		NOEV/NOTICE OF TRANSCRIPT ON THE SHELVES	0001			
0522	04/26/05		TRAN/REPORTER'S TRANSCRIPT OF TRIAL BY JURY VOLUME V PM	0001		04/25/05	
0523	04/26/05		TRAN/REPORTER'S AMENDED COVER PAGE TRANSCRIPT OF TRIAL BY JURY VOLUME IV-A.M.	0001		04/22/05	
0524	04/26/05		TRAN/REPORTER'S TRANSCRIPT VOLUME V-A PENALTY PHASE	0001		04/25/05	
0525	04/26/05		ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/21/05	
0526	04/27/05		ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/22/05	
0527	04/27/05		TRAN/REPORTER'S TRANSCRIPT OF TRIAL BY JURY VOLUME VI PM	0001		04/25/05	
0528	04/27/05		ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/26/05	
0529	04/27/05		ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/27/05	
0530	04/27/05		ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/27/05	
0531	05/05/05		SENT/SENTENCING	0001	GR	06/06/05	
0532	04/28/05		TRAN/REPORTER'S TRANSCRIPT OF TRIAL BY JURY VOLUME VII - PM	0001		04/27/05	
0533	04/28/05		TRAN/REPORTER'S TRANSCRIPT OF VOLUME VI-A PENALTY PHASE	0001		04/26/05	
0534	04/28/05		NEDV/NOTICE OF EXHIBIT(S)/DEPOSITION(S) IN THE VAULT	0001		04/28/05	

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0535	04/28/05	TRAN/REPORTER'S TRANSCRIPT VOLUME VII-A	0001		04/27/05		
		PENALTY PHASE	0001				
0536	04/28/05	NOEV/NOTICE OF TRANSCRIPTS ON THE SHELVES			04/25/05		
					04/26/05		
0537	04/29/05	TRAN/REPORTER'S TRANSCRIPT PENALTY PHASE	0001		04/28/05		
		VOLUME VIII-C	0001				
0538	04/29/05	ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/28/05		
0539	04/29/05	ORDR/ORDER TO PREPARE TRANSCRIPT	0001		04/29/05		
0540	05/02/05	TRAN/REPORTER'S TRANSCRIPT OF TRIAL BY JURY	0001		04/29/05		
		VOLUME IX	0001				
0541	05/02/05	ORDR/ORDER TO PREPARE TRANSCRIPT	0001		05/02/05		
0542	05/02/05	NOEV/NOTICE OF TRANSCRIPTS ON THE SHELVES			04/28/05		
0543	05/05/05	TRE /TRIAL ENDS	0001		05/05/05		
0544	05/02/05	NEDV/NOTICE OF TRANSCRIPTS ON THE SHELVES			04/29/05		
0545	05/03/05	TRAN/REPORTER'S TRANSCRIPT OF TRIAL BY JURY	0001		05/02/05		
		VOLUME X	0001				
0546	05/04/05	TRAN/REPORTER'S TRANSCRIPT OF TRIAL BY JURY	0001		05/03/05		
		VOLUME XI	0001				
0547	05/04/05	NEDV/NOTICE OF TRANSCRIPTS ON THE SHELVES	0001				
0548	05/06/05	TRAN/REPORTER'S TRANSCRIPT TRIAL BY JURY	0001		05/02/05		
		EXHIBITS VOLUME X	0001				
0549	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05		
0550	05/05/05	VER /VERDICT	0001		05/05/05		
0551	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05		
0552	05/06/05	ORDR/ORDER TO PREPARE TRANSCRIPT	0001		05/06/05		
0553	05/09/05	ORDR/ORDER TO PREPARE TRANSCRIPT	0001		05/09/05		
0554	05/05/05	TRAN/REPORTER'S TRANSCRIPT TRIAL BY JURY	0001		05/04/05		
		VOLUME XII	0001				
0555	05/06/05	TRAN/REPORTER'S AMENDED TRANSCRIPT TRIAL BY	0001		05/06/05		
		JURY DELIBERATIONS VOLUME XII	0001				
0556	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05		
0557	05/05/05	INST/INSTRUCTIONS TO THE JURY	0001				
0558	05/06/05	TRAN/REPORTER'S TRANSCRIPT TRIAL BY JURY	0001		05/05/05		
		VOLUME XIII	0001				
0559	05/09/05	ORDR/ORDER TO PREPARE TRANSCRIPT	0001		05/09/05		
0560	04/28/05	INST/INSTRUCTIONS TO THE JURY	0001				
0561	05/13/05	TRAN/REPORTER'S TRANSCRIPT SENTENCING	0001		05/12/05		
0562	05/13/05	ORDR/ORDER TO PREPARE TRANSCRIPT	0001		05/13/05		
0563	04/28/05	JMNT/VERDICT	0001		05/24/05		
0564	05/24/05	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			04/19/05		
0565	05/03/05	NCA /INCIDENT REPORT	0001				
0566	06/06/05	HEAR/EVIDENTIARY HEARING		DN	06/14/05		
0567	06/06/05	ORDR/ORDER OF EXECUTION	0001		06/06/05		
0568	06/06/05	WARR/WARRANT OF EXECUTION	0001				
0569	06/06/05	JUDG/JUDGMENT OF CONVICTION	0001		06/06/05		
0570	06/07/05	NOTC/NOTICE	0001				
0571	06/06/05	ORDR/ORDER TO STAY EXECUTION	0001		06/06/05		
0572	06/08/05	ROC /RECEIPT OF COPY	0001		06/08/05		
0573	06/08/05	FUS /FILED UNDER SEAL ORDER	0001				
0574	06/08/05	ORDR/ORDER TO FILE UNDER SEAL	0001		06/08/05		
0575	06/08/05	ORDR/ORDER TO FILE UNDER SEAL	0001		06/08/05		
0576	06/08/05	FUS /FILED UNDER SEAL MOTION	0001				

(Continued to page 19)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0577	06/10/05	ORDR/ORDER FOR TRANSCRIPT OF PROCEEDINGS	0001		06/10/05	
0578	06/13/05	TRAN/REPORTER'S TRANSCRIPT SENTENCING	0001		06/06/05	
0579	06/15/05	TRAN/REPORTER'S TRANSCRIPT OF EVIDENTIARY HEARING	0001		06/14/05	
0580	06/06/05	JMNT/JUDGMENT	0001		06/18/05	
0581	05/05/05	VER /VERDICT	0001		05/05/05	
0582	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0583	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0584	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0585	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0586	05/05/05	VER /VERDICT	0001		05/05/05	
0587	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0588	05/05/05	VER /VERDICT	0001		05/05/05	
0589	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0590	04/28/05	EIE /ENTRY IN ERROR	0001			
0591	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0592	06/17/05	ORDR/ORDER TO PREPARE TRANSCRIPT	0001		06/17/05	
0593	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0594	04/28/05	VER /SPECIAL VERDICT	0001		04/28/05	
0595	06/21/05	OCAL/MINUTE ORDER RE: NON-APPEARING JURORS	NP		06/20/05	
0596	06/22/05	SUPP/POST EVIDENTIARY HEARING SUPPLEMENTAL POINTS AND AUTHORITIES	0001			
0597	06/23/05	ORDR/ORDER FOR EXCESS FEES	0001		06/23/05	
0598	06/23/05	EXPR/EX PARTE ORDER GRANTING EX PARTE APPLICATION FOR FINAL COMPENSATION	0001		06/23/05	
0599	06/29/05	NOEV/NOTICE OF EXHIBITS IN THE VAULT			06/14/05	

ORIGINAL

JOC
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
ROBERT J. DASKAS
Chief Deputy District Attorney
Nevada Bar #004963
200 South Third Street
Las Vegas, Nevada 89155-2212
(702) 455-4711
State of Nevada

FILED IN OPEN COURT
JUN 06 2005

SHIRLEY J. PARRAGUIRE, CLERK
BY Sharon Coffman
DEPUTY
SHARON COFFMAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

DONTE JOHNSON,
#1586283

Defendant.

Case No. C153154
Dept No. VIII

JUDGMENT OF CONVICTION

WHEREAS, on the 17th day of September, 1998, Defendant, DONTE JOHNSON, entered a plea of Not Guilty to the crimes of COUNT XI – MURDER WITH USE OF A DEADLY WEAPON (Felony); COUNT XII – MURDER WITH USE OF A DEADLY WEAPON (Felony); COUNT XIII – MURDER WITH USE OF A DEADLY WEAPON (Felony); and COUNT XIV – MURDER WITH USE OF A DEADLY WEAPON (Felony), NRS 200.010, 200.030, 193.165; and

WHEREAS, the Defendant DONTE JOHNSON, was tried before a Jury and the Defendant was found guilty of the crimes of COUNT XI – MURDER WITH USE OF A DEADLY WEAPON (Felony); COUNT XII – MURDER WITH USE OF A DEADLY WEAPON (Felony); COUNT XIII – MURDER WITH USE OF A DEADLY WEAPON (Felony); and COUNT XIV – MURDER WITH USE OF A DEADLY WEAPON (Felony),

RECEIVED
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CLERK

1 in violation of NRS 200.010, 200.030, and 193.165, and the Jury verdict was returned on or
2 about the 9th day of June, 2000.

3 Thereafter, another trial jury, deliberating in the penalty phase of said trial, in
4 accordance with the provisions of NRS 175.552 and 175.554, found, as to COUNT XI, that
5 there was one (1) aggravating circumstance in connection with the commission of said
6 crime, to-wit:

7 1. The defendant has, in the immediate proceeding, been convicted of more than one
8 offense of murder in the first or second degree.

9 That on or about the 5th day of May, 2005, the Jury unanimously found, beyond a
10 reasonable doubt, that there were no mitigating circumstances sufficient to outweigh the
11 aggravating circumstance, and determined that the Defendant's punishment should be Death
12 as to COUNT XI - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY
13 WEAPON in the Nevada State Prison located at or near Carson City, State of Nevada.

14 That the same jury, deliberating in the penalty phase of said trial, in accordance with
15 the provisions of NRS 175.552 and 175.554, found, as to COUNT XII, that there was one (1)
16 aggravating circumstance in connection with the commission of said crime, to-wit:

17 1. The defendant has, in the immediate proceeding, been convicted of more than one
18 offense of murder in the first or second degree.

19 That on or about the 5th day of May, 2005, the Jury unanimously found, beyond a
20 reasonable doubt, that there were no mitigating circumstances sufficient to outweigh the
21 aggravating circumstance, and determined that the Defendant's punishment should be Death
22 as to COUNT XII - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY
23 WEAPON in the Nevada State Prison located at or near Carson City, State of Nevada.

24 That the same jury, deliberating in the penalty phase of said trial, in accordance with
25 the provisions of NRS 175.552 and 175.554, found, as to COUNT XIII, that there was one
26 (1) aggravating circumstance in connection with the commission of said crime, to-wit:

27 1. The defendant has, in the immediate proceeding, been convicted of more than one
28 offense of murder in the first or second degree.

1 That on or about the 5th day of May, 2005, the Jury unanimously found, beyond a
2 reasonable doubt, that there were no mitigating circumstances sufficient to outweigh the
3 aggravating circumstance, and determined that the Defendant's punishment should be Death
4 as to COUNT XIII - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY
5 WEAPON in the Nevada State Prison located at or near Carson City, State of Nevada.

6 That the same jury, deliberating in the penalty phase of said trial, in accordance with
7 the provisions of NRS 175.552 and 175.554, found, as to COUNT XIV, that there was one
8 (1) aggravating circumstance in connection with the commission of said crime, to-wit:

9 1. The defendant has, in the immediate proceeding, been convicted of more than one
10 offense of murder in the first or second degree.

11 That on or about the 5th day of May, 2005, the Jury unanimously found, beyond a
12 reasonable doubt, that there were no mitigating circumstances sufficient to outweigh the
13 aggravating circumstance, and determined that the Defendant's punishment should be Death
14 as to COUNT XIV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY
15 WEAPON in the Nevada State Prison located at or near Carson City, State of Nevada.

16 WHEREAS, thereafter, on the ^{6th}~~12th~~ day of ^{JUNE}~~May~~, 2005, the Defendant being present in
17 court with his counsel, ALZORA JACKSON, Deputy Special Public Defender, and BRETT
18 WHIPPLE, Esq., and ROBERT J. DASKAS, Chief Deputy District Attorney, and DAVID
19 STANTON, Deputy District Attorney, also being present; the Defendant having previously
20 been adjudicated guilty by reason of said trial and verdict, the above-entitled Court did
21 sentence Defendant, by virtue of the Jury's determination to DEATH for COUNT XI -
22 MURDER WITH USE OF A DEADLY WEAPON; and to DEATH for COUNT XII -
23 MURDER WITH USE OF A DEADLY WEAPON; and to DEATH for COUNT XIII -
24 MURDER WITH USE OF A DEADLY WEAPON; and to DEATH for COUNT XIV -
25 MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON.

26 ///

27 ///

28 ///

1 THEREFORE, the Clerk of the above-entitled Court is hereby directed to enter this
2 Judgment of Conviction as part of the record in the above entitled matter.

3 DATED this 6 day of ~~May~~^{June}, 2005, in the City of Las Vegas, County of Clark,
4 State of Nevada.

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7 DISTRICT JUDGE
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27 DA#98F11830X/ddm
28 LVMPD EV# 9808141600
1° MURDER W/WPN - F

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA vs Johnson, Donte

09/02/98 11:30 AM 00 GRAND JURY INDICTMENT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: LINDA VIGIL, Court Clerk
DEBBIE VINSON/dv, Relief Clerk
CATHY NELSON, Reporter/Recorder

PARTIES: 0998
004088 Adair, Valerie

Y
Y

Keith Yoerger, Foreperson stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 97BGJ184X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C153154, Department V. Ms. Adair advised deft. JOHNSON is in custody at Clark County Detention Center and requested a NO BAIL BENCH WARRANT ISSUE, SO ORDERED. Exhibits 1-31 lodged with Clerk of the Court, exhibits 32,33,34 returned to LVMPD E. Guenther. COURT ORDERED ARRAIGNMENT DATE SET.

B/W (CUSTODY)

9/8/98 9:00 AM INITIAL ARRAIGNMENT

09/08/98 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: JANICE HAMPTON, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: 0998
003726 Guymon, Gary L.

Y
Y

0001 D1 Johnson, Donte
001765 McMahon, Lee E.

Y
Y

Ms. McMahon advised the Court she is representing the Deft. Upon Court's inquiry, Mr. Guymon advised the State will file a notice of intent to seek the death penalty. Before the canvassing Ms. McMahon stated this is a grand jury indictment and requested a continuance to receive the transcript. Mr. Guymon advised the transcript should be ready next Tuesday. COURT ORDERED, matter CONTINUED to Thursday.

CUSTODY

9-17-98 9:00 AM ARRAIGNMENT CONTINUED

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 001

09/16/98 11:30 AM 00 SUPERSEDING GRAND JURY INDICTMENT

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

OFFICERS: SUE DEATON, Court Clerk
JENNIFER CHURCH, Reporter/RecorderPARTIES: 0998
003726 Guymon, Gary L.N
Y

Keith Yoerger, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 97BGJ184X to the Court. COURT ORDERED, the SUPERSEDING Indictment may be filed and is assigned Case Number C153154, which was previously tracked to Department V. State requested a NO BAIL BENCH WARRANT ISSUE; COURT SO ORDERED. Exhibit(s) 1 through 30 were previously lodged with the Clerk of District Court. Exhibit(s) 31 through 34 were returned to Las Vegas Metropolitan Police Department, E. Guenther. Exhibit(s) 35 through 41 are to be lodged with Clerk of District Court. State advised Deft has an Arraignment Continued scheduled in Department V tomorrow, September 16, 1998, at 9:00 A.M. and they would ask that the date stand; COURT SO ORDERED.

B.W. (CUSTODY)

9-17-98, 9:00 A.M., ARRAIGNMENT CONTINUED (DEPT. V)

09/17/98 09:00 AM 00 ARRAIGNMENT CONTINUED

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: JANICE HAMPTON/AC, Relief Clerk
ARLENE BLAZI, Reporter/RecorderPARTIES: 0998
003726 Guymon, Gary L.Y
Y0001 D1 Johnson, Donte
SPD Special Public Defender
001765 McMahon, Lee E.Y
Y
Y

Ms. McMahon advised Court Mr. LaPorta will be co-counsel on this case. Ms. McMahon stated that it is her understanding the transcript with the exception of one witness will be available today. Ms. McMahon requested 21 days from the file stamp date for the filing of a writ. SO ORDERED. Mr. Guymon advised Court and counsel that the State will be seeking the death penalty and the Notice to Seek Death Penalty will be filed within one week. DEFENDANT JOHNSON ARRAIGNED, PLED NOT GUILTY AND WAIVED THE SIXTY DAY RULE.

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 002

COURT ORDERED, MATTER SET FOR TRIAL.

CUSTODY

6/29/99 9:00 AM CALENDAR CALL

7/5/99 10:00 AM JURY TRIAL

10/08/98 09:00 AM 00 DEFT'S MOTION TO SET BAIL

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: 0998

003726 Guymon, Gary L.

Y

Y

0001 D1 Johnson, Donte

Y

SPD Special Public Defender

Y

003754 Laporta, Peter R.

Y

Court stated it has read the Motion. COURT ORDERED, MOTION FOR BAIL IS DENIED.

CUSTODY

02/23/99 09:00 AM 00 DEFT'S PRO PER MOTION WITHDRAW COUNSEL
AND APPOINT OUTSIDE COUNSEL

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: 0998

004963 Daskas, Robert J.

Y

Y

0001 D1 Johnson, Donte

Y

Court advised Mr. Kohn was out sick and requested a continuance. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 02/25/99 09:00 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 003

02/25/99 09:00 AM 01 DEFT'S PRO PER MOTION WITHDRAW COUNSEL
AND APPOINT OUTSIDE COUNSEL

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: 0998 Y
004963 Daskas, Robert J. Y

0001 D1 Johnson, Donte Y
000556 Kohn, Philip J. Y

Mr. Kohn appeared on behalf of Mr. LaPorta. Upon Court's inquiry, Defendant stated he is no longer asking for another attorney. COURT ORDERED, motion DENIED calendar call and trial dates STAND.

CUSTODY

04/12/99 09:00 AM 00 DEFT'S PRO PER MTN TO DISMISS COUNSEL
AND APPOINTMENT OF ALTERNATE COUNSEL

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: 0998 Y
003726 Guymon, Gary L. Y
004963 Daskas, Robert J. Y

0001 D1 Johnson, Donte Y
SPD Special Public Defender Y
003754 Laporta, Peter R. Y

Court advised parties that if the State does not have an objection, the Court will hear this matter without the D.A. in a closed courtroom. Court stated that it does not see a great harm in this. CONFERENCE AT BENCH. Mr. Guymon requested that all pre-trial motions be filed three weeks prior to trial. Court directed counsel to file pre-trial motions no later than three weeks prior to the trial date. COURT ORDERED, MATTER CONTINUED.

CUSTODY

CONTINUED TO: 04/15/99 09:00 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 004

05/17/99 09:00 AM 00 ALL PENDING MOTIONS 5/17/99

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	0998		Y
	003726	Guymon, Gary L.	Y
	004963	Daskas, Robert J.	Y
	0001 D1	Johnson, Donte	Y
	SPD	Special Public Defender	Y
	003754	Laporta, Peter R.	Y

DEFENDANT'S MOTION TO PROCEED PRO PER WITH CO-COUNSEL AND INVESTIGATOR...
DEFENDANT'S PRO PER MOTION FOR DISCOVERY

Court asked Defendant if he wanted to withdraw his motion to discharge Mr. LaPorta and Defendant stated yes. Court stated it did read Defendant's motion and Defendant does have a right to represent himself when certain questions are answered and also with the condition that the request is made in a timely manner so as not to upset the trial setting. COURT ORDERED, matters OFF CALENDAR and trial date STANDS.

CUSTODY

06/07/99 09:00 AM 00 AT THE REQUEST OF THE COURT

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	0998		Y
	000981	Noxon, Arthur G.	Y
	0001 D1	Johnson, Donte	Y
	SPD	Special Public Defender	Y
	004264	Figler, Dayvid J.	Y

JUDGE SOBEL NOT PRESENT THIS DATE; MATTER CONTINUED.

CUSTODY

CONTINUED TO: 06/08/99 09:00 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 005

06/08/99 09:00 AM 01 AT THE REQUEST OF THE COURT

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: 0998
003726 Guymon, Gary L.
0001 D1 Johnson, Donte
SPD Special Public Defender
004264 Figler, Dayvid J.Y
Y
Y
Y
YSTIPULATION AND ORDER FILED IN OPEN COURT WHICH TAKES CARE OF THIS MATTER.
COURT ORDERED, MATTER TAKEN OFF CALENDAR.

CUSTODY

06/29/99 09:00 AM 00 ALL PENDING MOTIONS 6/29/99

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: 0998
004963 Daskas, Robert J.
0001 D1 Johnson, Donte
SPD Special Public Defender
003754 Laporta, Peter R.
004264 Figler, Dayvid J.Y
Y
Y
Y
Y
YSTATE'S MOTION IN LIMINE TO PERMIT THE STATE TO PRESENT "THE COMPLETE STORY
OF THE CRIME"...DEFENDANT'S MOTION TO CONTINUE TRIAL...CALENDAR CALLMr. Daskas stated he is ready for trial. Statements by Court and counsel
regarding confidential informant, new murder allegation and physical
evidence in vehicle. Mr. Figler advised Court they cannot give effective
assistance of counsel with the current trial date. COURT ORDERED, MOTION TO
CONTINUE TRIAL GRANTED, TRIAL DATE VACATED AND RESET and matter set for
STATUS CHECK.COURT ORDERED, ANY AND ALL MOTIONS ARE TO BE FILED NO LATER THAN 10/18/99
and set matter for STATUS CHECK and instructed counsel to get courtesy
copies to court prior to 10/21/99 date.

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 006

Statements by Court and counsel regarding State's Motion in Limine and
MATTER CONTINUED TO STATUS CHECK DATE.

CUSTODY

7/8/99 9:00 AM STATUS CHECK: TRIAL DATE/STATE'S MOTION IN LIMINE TO PERMIT
THE STATE TO PRESENT "THE COMPLETE STORY OF THE CRIME"

10/21/99 9:00 AM STATUS CHECK: FILING OF ALL MOTIONS PRIOR TO TRIAL

1/4/00 9:00 AM CALENDAR CALL

1/10/99 10:00 AM JURY TRIAL

07/08/99 09:00 AM 00 ALL PENDING MOTIONS 7/8/99

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: 0998

004963 Daskas, Robert J.

003726 Guymon, Gary L.

0001 D1 Johnson, Donte

SPD Special Public Defender

003754 Laporta, Peter R.

Y
Y
Y

Y
Y
Y

STATE'S MOTION IN LIMINE TO PERMIT THE STATE TO PRESENT "THE COMPLETE STORY
OF THE CRIME"...STATUS CHECK: TRIAL DATE

Court stated one reason matter is on calendar today is to see if trial date
works and Mr. Figler advised Court previously he moved his other trial.
COURT ORDERED, CALENDAR CALL AND TRIAL DATE STANDS.

Regarding State's motion, Mr. LaPorta advised they have already filed an
opposition. Upon Court's inquiry, Mr. Guymon stated they would like 10 days
to reply, and COURT SO ORDERED. COURT FURTHER ORDERED, STATE'S MOTION IN
LIMINE AND MOTIONS SET FOR 7/13/99 CONTINUED TO 10/21/99 STATUS CHECK DATE.
Lengthy discussion between Court and Mr. Guymon regarding the firmness of
the trial date set.

CUSTODY

10/21/99 9:00 AM ALL PENDING MOTIONS

CLERK'S NOTE: STATE'S MOTION IN LIMINE TO PERMIT THE STATE TO PRESENT "THE
COMPLETE STORY OF THE CRIME" WAS CONTINUED TO 10/21/99. 8/13/99 CD

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 007

07/13/99 09:00 AM 00 DEFT'S MOTION TO COMPEL PRODUCTION OF
ANY/ALL STATEMENTS

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ROSA ARDESCH/ra, Court Clerk
CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	0998		Y
	000981	Noxon, Arthur G.	Y
	0001 D1	Johnson, Donte	Y
	SPD	Special Public Defender	Y
	003754	Laporta, Peter R.	Y

DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATION
OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH
PROSECUTION....DEFT'S MOTION TO COMPEL THE PRODUCTION OF ANY AND ALL
STATEMENTS OF THE DEFT.....DEFT'S MOTION TO REVEAL THE IDENTITY OF
INFORMANTS AND REVEAL ANY BENEFITS, DEALS PROMISES OR INDUCEMENTS

Matter on in error. COURT ORDERED all motions CONTINUED to the Status Check
date.

CUSTODY

10/21/99 9:00 AM STATUS CHECK: FILING OF ALL MOTIONS

CONTINUED TO: 10/21/99 09:00 AM 01

07/13/99 09:00 AM 00 ALL PENDING MOTIONS 7/13/99

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	0998		Y
	000981	Noxon, Arthur G.	Y
	0001 D1	Johnson, Donte	Y
	SPD	Special Public Defender	Y
	003754	Laporta, Peter R.	Y

DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF
EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR
COOPERATION WITH PROSECUTION...DEFENDANT'S MOTION TO COMPEL THE PRODUCTION

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 008

OF ANY AND ALL STATEMENTS OF THE DEFENDANT...DEFENDANT'S MOTION TO REVEAL THE IDENTITY OF INFORMANTS AND REVEAL ANY BENEFITS, DEALS, PROMISES OR INDUCEMENTS

Court stated that on 7/8/99 this date was to have been vacated and, ORDERED, MATTER OFF CALENDAR. Court advised Mr. LaPorta if a problem should arise before the 10/21/99 date, matter can be placed back on calendar.

CUSTODY

CLERK'S NOTE: CONTINUANCE DATES FOR ALL ABOVE MOTIONS WERE ENTERED ON 7/13/99. 8/13/99 CD

08/30/99 09:00 AM 00 STATE'S MOTION TO PERMIT DNA TESTING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: 0998
003726 Guymon, Gary L.

Y

Y

0001 D1 Johnson, Donte
SPD Special Public Defender
000556 Kohn, Philip J.

Y

Y

Y

Mr. Kohn advised Court he thinks there will be an objection to the State's motion and requested this matter be put over a few days. Mr. Guymon advised Court he spoke with Mr. Figler. COURT ORDERED, MATTER CONTINUED.

CUSTODY

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

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA vs Johnson, Donte

CONTINUED FROM PAGE: 009

09/02/99 09:00 AM 01 STATE'S MOTION TO PERMIT DNA TESTING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	0998		Y
	003726	Guymon, Gary L.	Y
	0001 D1	Johnson, Donte	Y
	SPD	Special Public Defender	Y
	004264	Figler, Dayvid J.	Y

Upon Court's inquiry, Mr. Figler advised Court he discussed this matter with Mr. Kohn and at issue is an item of evidence retrieved from the scene, but the sample is not enough to have multiple testing done. Mr. Figler advised Court the name of the lab needs to be worked out. COURT ORDERED, MATTER TAKEN OFF CALENDAR; IF THERE IS A PROBLEM, COUNSEL CAN PLACE THIS BACK ON CALENDAR.

CUSTODY

09/30/99 09:00 AM 00 STATE'S REQUEST FOR HEARING RE: MATERIAL
WITNESS CHARLA SEVERS

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	0998		Y
	003726	Guymon, Gary L.	Y
	004380	Sciscento, Joseph S.	Y
	0001 D1	Johnson, Donte	Y
	SPD	Special Public Defender	Y
	004380	Sciscento, Joseph S.	Y

Witness, Charla Severs present, in custody. COURT ORDERED, MATTER TAKEN OFF CALENDAR until bail is posted.

CUSTODY

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 010

10/11/99 09:00 AM 00 STATE'S MOTION TO VIDEOTAPE THE
DEPOSITION OF CHARLA SEVERS

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003726 Guymon, Gary L.	Y
	004963 Daskas, Robert J.	Y
	0001 D1 Johnson, Donte	N
	SPD Special Public Defender	Y
	004380 Sciscento, Joseph S.	Y

MOTION TO VIDEOTAPE CHARLA SEVERS FILED IN OPEN COURT. Statements by Court and counsel regarding the Motion. Mr. Guymon advised Court there is a material witness warrant. Court directed counsel to have pleadings submitted prior to 10/21/99. Mr. Sciscento requested this witness be appointed counsel to advise her of her rights. COURT ORDERED, CHIP SIEGEL APPOINTED to discuss with the witness her rights, the deposition and the witness' request to be released from custody. FURTHER, MATTER CONTINUED..

CUSTODY

10/14/99 8:00 AM CONFIRMATION OF COUNSEL (SIEGEL)

CONTINUED TO: 10/14/99 09:00 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 011

10/14/99 09:00 AM 00 ALL PENDING MOTIONS 10/14/99

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
004963 Daskas, Robert J.

Y
Y
Y

0001 D1 Johnson, Donte
SPD Special Public Defender
004264 Figler, Dayvid J.
004380 Sciscento, Joseph S.
004748 Siegel, Jay L.

Y
Y
Y
Y
Y

STATE'S MOTION TO VIDEOTAPE THE DEPOSITION OF CHARLA SEVERS . . .
CONFIRMATION OF COUNSEL (SIEGEL)

Upon Court's inquiry, Mr. Siegel advised Court he can confirm as counsel for the witness, SEVERS. Mr. Siegel advised Court he has reviewed the pleadings and requested a videotape deposition be taken. Mr. Sciscento advised Court this witness may be an accomplice to the murder. Mr. Guymon advised Court this witness is not an accomplice. Mr. Siegel requested the witness, SEVERS be given immunity. Court directed the State to file a reply that addresses the issues. Mr. Guymon stated this witness will not be prosecuted as an accomplice and will not be prosecuted for perjury; but the State cannot give immunity if there is no criminal conduct. Court directed the State to prepare something in writing for Mr. Siegel. Court directed pleadings be filed by 10/19/99 by close of business with a courtesy copy to the Court. Court advised parties that it is inclined to allow the deposition. Upon Court's inquiry, Mr. Guymon advised Court the State would like the deposition as soon as possible. COURT ORDERED, MATTER CONTINUED FOR A DECISION AND DEPOSITION DATE SET.

CUSTODY

10/21/99 9:00 A.M. DECISION

10/26/99 9:30 A.M. DEPOSITION OF CHARLA SEVERS

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 012

10/21/99 09:00 AM 00 ALL PENDING MOTIONS 10/21/99

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
004963 Daskas, Robert J.0001 D1 Johnson, Donte
SPD Special Public Defender
004380 Sciscento, Joseph S.
004748 Siegel, Jay L.Y
Y
Y
Y
Y
Y
Y

STATUS CHECK: FILING OF ALL MOTIONS...DEFENDANT'S MOTION TO REVEAL THE IDENTITY OF INFORMANTS AND REVEAL ANY BENEFITS, DEALS, PROMISES, OR INDUCEMENTS...DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION...DEFENDANT'S MOTION TO COMPEL THE PRODUCTION OF ANY AND ALL STATEMENTS OF DEFENDANT...STATE'S MOTION TO VIDEOTAPE THE DEPOSITION OF CHARLA SEVERS...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER CRIMES...DEFENDANT'S MOTION TO REVEAL THE IDENTITY OF INFORMANTS AND REVEAL ANY BENEFITS, DEALS...DEFENDANT'S MOTION TO COMPEL THE PRODUCTION OF ANY AND ALL STATEMENTS OF THE DEFENDANT... DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE/SUBSTANCE OF EXPECTATIONS...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS, WEAPONS, AMMUNITION

COURT ORDERED, STATE'S MOTION TO VIDEOTAPE THE DEPOSITION OF CHARLA SEVERS AND DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHERS CRIMES GRANTED. COURT FURTHER ORDERED, DEPOSITION SET FOR 10/26/99 AT 9:30 AM. Discussion between Court and counsel regarding the deposition.

AS TO ALL OTHER MOTIONS, Court stated they have not hit the file yet and, asked counsel if they would like a briefing schedule set, advising them that they will not be based on argument, but the written Points and Authorities. COURT ORDERED, STATE TO ANSWER BY 11/4/99; MR. SCISCENTO TO REPLY BY 11/12/99 and motions CONTINUED FOR DECISION ON 11/18/99 AT 9:30 AM. Mr. Sciscento requested additional time to file motions as he has just recently been assigned to this case and COURT GRANTED THIS REQUEST STATING MOTIONS NEED TO BE FILED BY 11/18/99 and a hearing date will be set at that time.

FOLLOWING CONFERENCE AT BENCH, Court instructed counsel to have Defendant here on 10/26/99 at 9:30 AM, DRESSED.

CUSTODY

10/26/99 9:30 AM DEPOSITION OF CHARLA SEVERS

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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11/18/99 9:30 AM ALL PENDING MOTIONS

10/26/99 09:30 AM 00 DEPOSITION HEARING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004264	Figler, Dayvid J.	Y
004380	Sciscento, Joseph S.	Y
004748	Siegel, Jay L.	Y

Statements by Court regarding the deposition. Counsel stipulated that there is no objection to videotaping this, as long as the Defendant is not shown in jail clothes. Mr. Sciscento advised Court he just finished a Motion to Exclude Media Coverage From this Deposition. Mr. Sciscento renewed Motion Against Deposition. COURT ORDERED, MOTION DENIED. Mr. Figler requested to reserve the right to strike any testimony from today's deposition. CONFERENCE AT BENCH. COURT ORDERED, MOTION IN LIMINE TO PRECLUDE MEDIA COVERAGE OF VIDEO DEPOSITION OF CHARLA SEVERS IS DENIED. Mr. Figler requested the Court put a freeze on the transcript and videotape. SO ORDERED. Mr. Guymon advised Court he will not show this videotape to any of the witnesses. Statement by Mr. Siegel regarding the custody status of Charla Severs. Court invoked the exclusionary rule.

Witness, Charla Severs sworn and testified and evidence marked and admitted, per worksheet. Mr. Figler moved to renew his Motion to Strike the Videotape and for the testimony be stricken. COURT ORDERED, MOTION DENIED.

Court does not find that there is sufficient reason to believe that the witness, Charla Severs is an accomplice and the issue now becomes what is the State going to do with this witness. Court admonished witness that it is important that she is present at trial. Upon Court's inquiry, witness advised Court she will be present for trial. Court directed Mr. Siegel to put in writing his best plan and include the witnesses safety and the Court will make a decision. Mr. Gardner requested that ten days prior to trial the witness be available. COURT ORDERED, MATTER CONTINUED.

CUSTODY

10/28/99 9:00 A.M. DECISION: WITNESS RELEASE

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 014

10/28/99 09:00 AM 00 DECISION: WITNESS RELEASE

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: STATE OF NEVADA
004963 Daskas, Robert J.0001 D1 Johnson, Donte
SPD Special Public Defender
004748 Siegel, Jay L.Y
Y
Y
Y
Y

CONFERENCE AT BENCH. Statements by Court regarding the release of witness, Charla Severs. Court noted that the conditions of the release were discussed at the bench. Court directed Mr. Siegel to prepare an order. FURTHER, TRIAL DATE STANDS.

CUSTODY

11/08/99 09:00 AM 00 DEFT'S MOTION IN LIMINE TO PRECLUDE
EVIDENCE OF WITNESS INTIMIDATION

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: STATE OF NEVADA
006841 Sweikert, Steven0001 D1 Johnson, Donte
SPD Special Public Defender
004380 Sciscento, Joseph S.
004264 Figler, Dayvid J.Y
Y
Y
Y
Y
Y

Mr. Sciscento requested this Motion be continued to 11/18/99. Mr. Sciscento advised Court he may need more time to file motions. COURT ORDERED, MATTER CONTINUED.

CUSTODY

CONTINUED TO: 11/18/99 09:00 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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11/18/99 09:00 AM 00 ALL PENDING MOTIONS 11/18/99

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO/ac, Court Clerk
CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.

0001 D1 Johnson, Donte
SPD Special Public Defender
004380 Sciscento, Joseph S.
004264 Figler, Dayvid J.

Y
Y
Y
Y
Y

DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS INTIMIDATION .
. . . DEFENDANT'S MOTION TO REVEAL THE IDENTITY OF INFORMATION OF INFORMANTS
AND REVEAL ANY BENEFITS, DEALS, PROMISES OR INDUCEMENTS . . . DEFENDANT'S
MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR
ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH
PROSECUTION . . . DEFENDANT'S MOTION TO COMPEL THE PRODUCTION OF ANY AND ALL
STATEMENTS OF THE DEFENDANT . . . DEFENDANT'S MOTION IN LIMINE TO PRECLUDE
EVIDENCE OF OTHER GUNS WEAPONS AND AMMUNITION NOT USED IN THE CRIME . . .
DEFENDANT'S MOTION TO REVEAL THE IDENTITY OF INFORMANTS AND REVEAL ANY
BENEFITS, DEALS, PROMISES OR INDUCEMENTS . . . DEFENDANT'S MOTION TO COMPEL
DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF
BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION . . .
DEFENDANT'S REPLY TO OPPOSITON TO MOTION IN LIMINE TO PRECLUDE EVIDENCE OF
OTHER WEAPONS

COURT ORDERED, AS TO THE DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE
OF WITNESS INTIMIDATION, IS DENIED IN PART AND GRANTED IN PART. Court noted
that this is granted only in the sense that there is a continuing obligation
to provide new evidence.

AS TO THE MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OR
PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION, The State has
agreed to provide and attach the transcript which reveals aducements of four
or five witnesses and has a continued duty to disclose anything new; Motion
is Denied if the State has given all that exists up to this point.

AS TO THE MOTION TO COMPEL THE PRODUCTION OF ANY AND ALL STATEMENTS OF THE
DEFENDANT: The State has given Defense counse full access of their file.
Upon Court's inquiry, Mr. Daskas advised Court he has copied the detectives
file. COURT ORDERED, MOTION GRANTED; Mr. Sciscento advised Court he will
set up a time to meet with Mr. Daskas.

AS TO THE MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS, WEAPONS AND
AMMUNITION NOT USED IN THE CRIME: Statements by Court and counsel regarding

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 016

Motion and foundation. Court directed the supplemental opposition be filed by 12/2/99; reply to be filed by 12/16/99 and matter CONTINUED. Mr. Sciscento requested an Evidentiary Hearing be set. COURT ORDERED, MATTER CONTINUED; Court noted the the issue of a Evidentiary Hearing will be decided on the Calendar Call and the hearing will be heard prior to the trial, if necessary.

Mr. Sciscento requested one week to file a motion that might be dispositive of this case. Court directed Mr. Sciscento to file motion by 11/25/99; State to reply by 12/9/99; Mr. Sciscento to respond by 12/23/99 and matter CONTINUED. Mr. Daskas advised Court the State will have a Motion to Allow Evidence also. COURT ORDERED, MATTER CONTINUED.

CUSTODY

12/27/99 9:00 A.M. ADDITIONAL TRIAL MOTIONS

1/4/00 9:00 A.M. DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS, WEAPONS AND AMMUNITION NOT USED IN THE CRIME

12/16/99 08:00 AM 00 AT THE REQUEST OF THE COURT

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO/ac, Court Clerk
CAROLE D'ALOIA, Relief Clerk
DEBRA VAN BLARICOM, Reporter/Recorder

PARTIES: STATE OF NEVADA
006526 Turner, Robert B.

0001 D1 Johnson, Donte
SPD Special Public Defender
004380 Sciscento, Joseph S.

Y
Y

N
Y
Y

COURT ORDERED, MOTION TO CONTINUE IS CONTINUED TO 12/20/99.

CUSTODY

CONTINUED TO: 12/20/99 08:30 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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12/20/99 08:30 AM 01 AT THE REQUEST OF THE COURT

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
JERI ANDERSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004264	Figler, Dayvid J.	Y
004380	Sciscento, Joseph S.	Y

Statements by Court and Counsel regarding the Defendant's Motion for a Continuance. Mr. Figler advised Court he cannot give effective assistance of counsel with the current trial date. Statements by Court and counsel. Mr. Figler advised Court the defense would like to retest the ballistics, the D.N.A. and the fingerprint results. Statements by Mr. Sciscento regarding Dr. Mortellaro as Defendant JOHNSON may have lost confidence in the doctor. Mr. Sciscento advised Court there is another doctor who does extensive testing and it could take about three months for a report. Statements by Court. Court directed the Defense to contact the lab and secure an affidavit from the new expert. COURT ORDERED, THE DEFENSE'S MOTION TO CONTINUE IS GRANTED; TRIAL DATE VACATED AND RESET. Statements by Court and counsel regarding the Motions currently set for 12/27/99. Mr. Daskas advised Court the State has filed responses in 22 of the 23 motions. Court directed the Defense file a reply to the motions by 1/31/00. FURTHER, MATTER CONTINUED FOR A STATUS CHECK AND DECISION ON THE MOTIONS. Court noted that the final date for motions to be filed will be 2/17/00. Mr. Daskas advised Court there is a Motion to Suppress which might require an evidentiary hearing. COURT ORDERED, MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED IS SET FOR 1/6/00 at 10:45 A.M.

1/6/00 10:45 A.M. DEFENDANT'S MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED

2/17/00 9:00 A.M. ALL PRE-TRIAL MOTIONS

5/30/00 9:00 A.M. CALENDAR CALL

6/8/00 10:00 A.M. JURY TRIAL

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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01/06/00 10:45 AM 01 DEFT'S MOTION TO SUPPRESS EVIDENCE
ILLEGALLY SEIZED VO 4/18/00

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
DEBRA VAN BLARICOM, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003726 Guymon, Gary L.	Y
	004963 Daskas, Robert J.	Y
	0001 D1 Johnson, Donte	Y
	SPD Special Public Defender	Y
	004380 Sciscento, Joseph S.	Y
	004264 Figler, Dayvid J.	Y
	004748 Siegel, Jay L.	Y

EVIDENTIARY HEARING

Mr. Sciscento invoked the exclusionary rule. SO ORDERED. Witnesses sworn and testified and evidence marked and admitted, per worksheet. Court further ORDERED, CHARLA SEVERS to be present at the Calendar Call. Mr. Sciscento moved to suppress the Defendant's statement. Court directed Mr. Sciscento to include this request in his reply to the District Attorney's Points and Authorities. CONFERENCE AT BENCH. Court directed the State to file their response by 1/18/00; Defense to reply by 2/1/00 and MATTER CONTINUED.

CUSTODY

CONTINUED TO: 02/17/00 09:00 AM 02

01/18/00 09:00 AM 00 MATERIAL WITNESS CHARLA SEVERS' MOTION
FOR OWN RECOGNIZANCE RELEASE

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004963 Daskas, Robert J.	Y
	0001 D1 Johnson, Donte	Y
	004748 Siegel, Jay L.	Y

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 019

Witness, Charla Severs present. Mr. Daskas requested if the witness is released from house arrest, that she be directed to check in weekly and requested a Status Check be set thirty days prior to trial. COURT ORDERED, MOTION GRANTED, conditioned upon Charla Severs stay in contact with the District Attorney and report in at least once a week. FURTHER, MATTER CONTINUED FOR A STATUS CHECK.

4/24/00 9:00 A.M. STATUS CHECK: MATERIAL WITNESS CHARLA SEVERS

02/17/00 09:00 AM 00 ALL PENDING MOTIONS 02/17/00

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
DEBRA VAN BLARICOM, Reporter/Recorder

PARTIES: STATE OF NEVADA
004031 Porterfield Jr, Owen W.
0001 D1 Johnson, Donte
004748 Siegel, Jay L.

Y
Y
Y
Y

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED . . . DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE . . . DEFENDANT'S MOTION FOR PERMISSION TO FILE OTHER MOTIONS. . . DEFENDANT'S MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND MR. JOHNSON GUILTY OF CAPITAL MURDER . . . DEFENDANT'S MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM'S FAMILY MEMBERS . . . DEFENDANT'S MOTION TO AUTHENTICATE AND FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATION AND ISSUES RAISED IN THE PROCEEDINGS IN THE ABOVE ENTITLED CASE . . . DEFENDANT'S MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT . . . DEFENDANT'S MOTION TO PRECLUDE EVIDENCE OF ALLEGED CO-CONSPIRATORS STATEMENTS . . . DEFENDANT'S MOTION FOR DISCLOSURE OF ANY DISQUALIFICATION OF DISTRICT ATTORNEY . . . DEFENDANT'S MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY CHALLENGES . . . DEFENDANT'S MOTION FOR JURY QUESTIONNAIRE . . . DEFENDANT'S MOTION FOR CHANGE OF VENUE . . . DEFENDANT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE NEVADA'S DEATH PENALTY STATUTE IS UNCONSTITUTIONAL . . . DEFENDANT'S MOTION FOR INSPECTION OF POLICE OFFICERS' PERSONNEL FILES . . . DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS, WEAPONS AND AMMUNITION NOT USED IN THE CRIME . . . DEFENDANT'S MOTION IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN ARGUMENT . . . DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE" . . . DEFENDANT'S MOTION IN LIMINE REGARDING CO-DEFENDANTS' SENTENCES . . . DEFENDANT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS

CONTINUED ON PAGE: 021

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY . . . DEFENDANT'S MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT . . . DEFENDANT'S MOTION TO EXCLUDE AUTOPSY PHOTOGRAPHS . . . DEFENDANT'S MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE . . . DEFENDANT'S MOTION TO BIFURCATE PENALTY PHASE . . . DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS INTIMIDATION . . . DEFENDANT'S MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED. . . STATUS CHECK: WITNESS CHARLA SEVERS

Court advised parties it will need additional time to study this matter. COURT ORDERED, MATTER CONTINUED.

CONTINUED TO: 3/2/00 9:00 A.M.

03/02/00 09:00 AM 00 ALL PENDING MOTIONS 3/2/00

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004264	Figler, Dayvid J.	Y

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED . . . DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE . . . DEFENDANT'S MOTION FOR PERMISSION TO FILE OTHER MOTIONS . . . DEFENDANT'S MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND MR. JOHNSON GUILTY OF CAPITAL MURDER . . . DEFENDANT'S MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM'S FAMILY MEMBERS . . . DEFENDANT'S MOTION TO AUTHENTICATE AND FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS AND ISSUES RAISED IN THE PROCEEDINGS IN THE ABOVE ENTITLED CASE . . . DEFENDANT'S MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT . . . DEFENDANT'S MOTION TO PRECLUDE EVIDENCE OF ALLEGED CO-CONSPIRATORS STATEMENTS . . . DEFENDANT'S MOTION FOR DISCLOSURE OF ANY DISQUALIFICATION OF DISTRICT ATTORNEY . . . DEFENDANT'S MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY CHALLENGES . . . DEFENDANT'S MOTION FOR JURY QUESTIONNAIRE . . . DEFENDANT'S MOTION FOR CHANGE OF VENUE . . . DEFENDANT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE NEVADA'S DEATH PENALTY STATUTE IS UNCONSTITUTIONAL . . . DEFENDANT'S MOTION FOR INSPECTION

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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OF POLICE OFFICERS' PERSONNEL FILES . . . DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS, WEAPONS AND AMMUNITION NOT USED IN THE CRIME . . . DEFENDANT'S MOTION IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN ARGUMENT . . . DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE" . . . DEFENDANT'S MOTION IN LIMINE REGARDING CO-DEFENDANT SENTENCES . . . DEFENDANT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY . . . DEFENDANT'S MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT . . . DEFENDANT'S MOTION TO EXCLUDE AUTOPSY PHOTOGRAPHS . . . DEFENDANT'S MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE . . . DEFENDANT'S MOTION TO BIFURCATE PENALTY PHASE . . . DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS INTIMIDATION . . . DEFENDANT'S MOTION IN LIMINE TO PREVENT THE STATE FROM TELLING COMPLETE STORY . . . DEFENDANT'S PRO PER MOTION TO DISQUALIFY THIS COURT

Court directed the State to file their answers to the Motions continued to 5/23/00 by 3/16/00.

COURT ORDERED, THE MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED IS CONTINUED TO 5/23/00.

COURT ORDERED, DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE IS DENIED.

AS TO THE DEFENDANT'S MOTION TO FILE OTHER MOTIONS, COURT STATED THAT IT WILL CONSIDER OTHER MOTIONS ON THE MERTIS.

AS TO THE DEFENDANT'S MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND MR. JOHNSON GUILTY OF CAPITAL MURDER, COURT ORDERED, MOTION DENIED; Court stated that it will handle this according to established law and Court directed counsel to file a memorandum of law at the time of trial.

AS TO DEFENDANT'S MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM'S FAMILY MEMBERS, COURT ORDERED, MOTION DENIED.

AS TO DEFENDANT'S MOTION TO AUTHENTICATE AND FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS AND ISSUES RAISED IN THE PROCEEDINGS IN THE ABOVE ENTITLED CASE: Statements by Court and Mr. Figler. Court directed Mr. Figler to do what he thinks he has to to protect the record. Court stated that it will not rule on this motion and motion is taken OFF CALENDAR.

AS TO THE MOTION TO PROHIBIT THE USE OF PREEMPTORY CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT, COURT ORDERED, MOTION DENIED.

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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AS TO THE MOTION TO PRECLUDE EVIDENCE OF ALLEGED CO-CONSPIRATORS STATEMENTS, Court directed Mr. Daskas to file a supplement indicating what statement he expects to get in by 3/30/00; Mr. Figler to file an answer by 4/13/00; State to reply by 4/20/00 and matter continued to the Calendar Call.

AS TO THE DEFENDANT'S MOTION FOR DISCLOSURE OF ANY DISQUALIFICATION OF DISTRICT ATTORNEY, COURT ORDERED, MOTION IS DENIED.

AS TO THE DEFENDANT'S MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY CHALLENGES, COURT ORDERED, MOTION DENIED.

AS TO THE DEFENDANT'S MOTION FOR JURY QUESTIONNAIRE, COURT ORDERED, MOTION FOR JURY QUESTIONNAIRE IS GRANTED with the understanding this Court will strictly limit anything in addition to the questionnaire. Court directed counsel to submit an agreed upon questionnaire to the Court by 5/17/00.

AS TO THE DEFENDANT'S MOTION FOR CHANGE OF VENUE, COURT ORDERED, MOTION DENIED.

AS TO THE DEFENDANT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE NEVADA'S DEATH PENALTY STATUTE IS UNCONSTITUTIONAL, COURT ORDERED, MOTION IS DENIED.

AS TO DEFENDANT'S MOTION FOR INSPECTION OF POLICE OFFICERS' PERSONNEL FILES, COURT ORDERED, MOTION IS DENIED.

AS TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS, WEAPONS AND AMMUNITION NOT USED IN THE CRIME, Court directed the State to file brief supplemental points and authorities and matter CONTINUED to 5/23/00.

AS TO DEFENDANT'S MOTION IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN ARGUMENT, COURT ORDERED, MOTION DENIED.

AS TO DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE", COURT ORDERED, MOTION DENIED.

AS TO DEFENDANT'S MOTION IN LIMINE REGARDING CO-DEFENDANTS' SENTENCES, Court directed Mr. Figler file a reply with federal authority by 3/30/00 and matter continued to 5/23/00 for Decision.

AS TO DEFENDANT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY, COURT ORDERED, MOTION DENIED.

AS TO DEFENDANT'S MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT, Court directed the State to provide this information to Defense counsel, if it exists.

CRIMINAL COURT MINUTES

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AS TO DEFENDANT'S MOTION TO EXCLUDE AUTOPSY PHOTOGRAPHS, COURT ORDERED, MOTION IS DENIED AT THIS TIME; Court will consider photographs individually at trial.

AS TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE, COURT ORDERED, MOTION IS DENIED.

AS TO DEFENDANT'S MOTION TO BIFURCATE PENALTY PHASE, MOTION IS DENIED.

AS TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS INTIMIDATION, COURT ORDERED, MOTION GRANTED.

AS TO DEFENDANT'S MOTION IN LIMINE TO PREVENT THE STATE FROM TELLING COMPLETE STORY IS DENIED.

AS TO DEFENDANT'S PRO PER MOTION TO DISQUALIFY THIS COURT, COURT ORDERED, MOTION IS DENIED WITHOUT PREJUDICE to the Special Public Defender's Office refile, if they wish to pursue this matter pursuant to the District Court rules.

Mr. Guymon requested all exhibits from the co-offender's cases be brought into this case number. SO ORDERED.

Court directed counsel to physically meet and agree upon jury instructions prior to trial. Court advised parties the trial schedule.

CUSTODY

04/18/00 09:00 AM 00 MINUTE ORDER RE: DECISION: MOTION TO SUPPRESS

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk

PARTIES: NO PARTIES PRESENT

MINUTE ORDER:

Pursuant to the Decision and Order filed 4/18/00, the Defendant's Motion to Suppress Evidence Seized by Police in a Warrantless Search is DENIED.

Therefore, the 5/23/00 date is VACATED.

CRIMINAL COURT MINUTES

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vs Johnson, Donte

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04/24/00 09:00 AM 00 STATUS CHECK: MATERIAL WITNESS CHARLA SEVERS

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
004748 Siegel, Jay L.

Y
Y
Y

Mr. Daskas advised Court Charla Severs is present in Court and has been checking in. Court directed Mr. Daskas to submit a copy of the jury questionnaire on 5/19/00 by noon to the Court. FURTHER, Matter continued.

CUSTODY

CONTINUED TO: 05/23/00 09:00 AM 01

05/08/00 09:00 AM 00 DEFT'S MOTION FOR DISCOVERY OF PROSECUTION FILES/RECORDS/INFORMATION

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
0001 D1 Johnson, Donte
SPD Special Public Defender
004380 Sciscento, Joseph S.

Y
Y
Y
Y
Y

Ms. Daskas advised Court he spoke with Mr. Sciscento and the State does not oppose items 1,2,3 or 5, but is concerned with item 4. Statements by counsel. Mr. Sciscento requested Las Vegas and federal agency records regarding drug sales involving the victims. Statements regarding possible Brady material. Court directed the State to file an opposition addressing the Brady issue by 5/15/00 and MATTER CONTINUED.

CUSTODY

CONTINUED TO: 05/18/00 09:00 AM 01

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98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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05/18/00 09:00 AM 01 DEFT'S MOTION FOR DISCOVERY OF
PROSECUTION FILES/RECORDS/INFORMATION

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
DEBRA VAN BLAIRICOM, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004380	Sciscento, Joseph S.	Y

Upon Court's inquiry, Mr. Daskas advised he spoke to Mr. Sciscento and matter has been resolved, therefore, motion is moot. COURT ORDERED, matter OFF CALENDAR; FUTURE DATES STAND.

CUSTODY

05/23/00 09:00 AM 00 ALL PENDING MOTIONS 5/23/00

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004380	Sciscento, Joseph S.	Y

.TATUS CHECK: MATERIA0010000000000000000000S . . . DEFENDANT'S MOTION TO PRECLUDE EVIDENCE OF ALLEGED CO-CONSPIRATORS' STATEMENTS . . . DEFENDANT'S MOTION IN LIMINE REGARDING CO-DEFENDANTS' SENTENCES . . . DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS, WEAPONS AND AMMUNITION NOT USED IN THE CRIME . . . CALENDAR CALL

Mr. Guymon advised Court the witness, Charla Severs has been checking in with his office. Ms. Sciscento advised Court counsel have agreed that they will not use the co-conspirators' statements or co-defendant's sentences. COURT ORDERED, MOTIONS OFF CALENDAR.

Statements by Court and counsel regarding regarding the guns. Mr. Sciscento advised Court an evidentiary hearing may be necessary. COURT ORDERED, MATTER CONTINUED.

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Statements by Court and counsel regarding the jury questionnaire.

CUSTODY

6/1/00 9:00 A.M. DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS, WEAPONS AND AMMUNITION NOT USED IN THE CRIME

06/01/00 09:00 AM 04 DEFT'S MOTION TO PRECLUDE EVIDENCE OF ALLEGED CO-CONSPIRATORS STATEMENTS

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
JUDY NORMAN/jn, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004963	Daskas, Robert J.	Y
003726	Guymon, Gary L.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004380	Sciscento, Joseph S.	Y

The Court stated he had read the pleadings, had the same concerns as earlier and inquired as to how this played out in the co-defendants trials. Following arguments by counsel, COURT ORDERED, MOTION DENIED; counsel to meet in chambers 6/5 at 9:15. Mr. Guyman advised most of the evidence given to the defense had not been returned. The Court stated he wanted it Friday so the Clerks could begin marking the evidence. Mr. Sciscento advised he should be receiving the evidence back today.

CUSTODY

CRIMINAL COURT MINUTES

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vs Johnson, Donte

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06/05/00 10:00 AM 00 TRIAL BY JURY

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004380	Sciscento, Joseph S.	Y
004264	Figler, Dayvid J.	Y

Jury panel assembled. Introductions by counsel. Jury panel sworn and twelve jurors seated for voir dire. Court admonished jury and took morning recess from 10:50 AM to 11:00 AM. Jury panel reassembled, voir dire continues. Court admonished jury and took lunch recess from 11:55 AM to 1:05 PM. Jury panel reassembled and voir dire continues. Court admonished jury and took afternoon recess with jurors being told to report back at 3:00 PM. OUTSIDE THE PRESENCE OF THE JURY, Court stated Mr. Sciscento and Mr. Figler indicated, at the bench, that they have a challenge for cause, which Court indicated it would overrule. Mr. Figler and Mr. Sciscento stated their objections for the record. Jury panel reassembled, voir dire continues. Jury of 12 and 2 alternates selected and sworn. Jury admonished and recessed for the evening.

CUSTODY

CONTINUED TO: 06/06/00 09:15 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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06/06/00 09:15 AM 01 TRIAL BY JURY

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA/CD, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
004963 Daskas, Robert J.

Y
Y
Y

0001 D1 Johnson, Donte
SPD Special Public Defender
004380 Sciscento, Joseph S.
004264 Figler, Dayvid J.

Y
Y
Y
Y

OUTSIDE THE PRESENCE OF THE JURY, Mr. Figler and Mr. Sciscento stated their contemporaneous objections for the record. Statements by Court and Mr. Figler regarding Morgan. Upon Court's inquiry, Mr. Daskas stated his contemporaneous Batson challenge for the record. COURT OVERRULED THIS CHALLENGE. Court recessed from 9:35 to 9:45 A.M. Jury reassembled and Court reconvened. Reading of indictment by Clerk. Opening statement by Mr. Guymon. Jury admonished and recessed from 11:10 AM to 11:25 AM. Jury reassembled. Opening statement by Mr. Sciscento. Testimony and exhibits per worksheet. Jury admonished and recessed for lunch from 1:05 PM to 2:05 PM. Jury reassembled and testimony and exhibits continued per worksheet. Jury admonished and recessed from 4:00 PM to 4:15 PM. Jury reassembled and testimony and exhibits continued per worksheet. Jury admonished and recessed for the evening. OUTSIDE THE PRESENCE OF THE JURY, COURT DENIED STATE'S MOTION FOR DISCOVERY as it relates to Defense witnesses for the penalty hearing. FURTHER, COURT ORDERED, STATE'S MOTION FOR CONTINUANCE DENIED.

CUSTODY

CONTINUED TO: 06/07/00 08:00 AM 02

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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06/07/00 08:00 AM 02 TRIAL BY JURY

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004380	Sciscento, Joseph S.	Y
004264	Figler, Dayvid J.	Y

Jury reassembled and testimony and exhibits continue per worksheet. Jury admonished and recessed from 10:35 AM to 10:40 AM. Jury reassembled and testimony and exhibits continue per worksheet. Jury admonished and recessed for lunch from 11:55 AM to 1:05 PM. Jury reassembled and testimony and exhibits continue per worksheet. Jury admonished and recessed for afternoon break from 2:50 PM to 3:00 PM. Jury reassembled and testimony and exhibits continue per worksheet. Jury admonished and rescess for another afternoon break from 4:20 PM to 4:30 PM. Jury reassembled and testimony and exhibits continue per worksheet. Jury admonished and recessed for the evening at 5:25 PM.

CUSTODY

CONTINUED TO: 06/08/00 09:15 AM 03

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98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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06/08/00 09:15 AM 03 TRIAL BY JURY

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
004963 Daskas, Robert J.

0001 D1 Johnson, Donte
SPD Special Public Defender
004380 Sciscento, Joseph S.
004264 Figler, Dayvid J.

Y
Y
Y
Y
Y
Y

Jury reassembled and testimony and exhibits continue per worksheet. Jury admonished and recessed from 11:25 AM to 11:40 AM. Jury reassembled and testimony and exhibits continue per worksheet. Jury admonished and recessed for lunch from 1:00 PM to 2:10 PM. OUTSIDE THE PRESENCE OF THE JURY, Court stated for the record that there were contemporaneous objections to several of the exhibits that came in yesterday and Court has OVERRULED THOSE OBJECTIONS. COURT FURTHER STATED THERE WAS A MOTION FOR CHANGE OF VENUE WHICH IS DENIED, AS COURT FINDS NO BASIS WHATSOEVER FOR A CHANGE OF VENUE. Mr. Sciscento stated for the record Defendant's concerns that this case was rushed along. Court advised Defendant of his constitutional right to testify. Jury instructions settled on the record. State rests. Upon Court's inquiry, Mr. Sciscento advised they would not be calling any witnesses and the Defense rests. Jury instructions read. Closing argument by Mr. Daskas. Jury admonished and recessed from 4:00 PM to 4:15 PM. OUTSIDE THE PRESENCE OF THE JURY, Mr. Figler stated his objections in regard to State using two 42 inch screens during their closing argument. Mr. Figler also made a motion for mistrial and COURT DENIED HIS MOTION. Jury reassembled. Closing argument by Mr. Sciscento. Rebuttal argument by Mr. Guymon. Bailiff sworn and Court instructed jury to deliberate, giving them the option to deliberate into the evening or come back at 8:00 AM in the morning. Jury advised they will come back tomorrow at 8:00 AM.

CUSTODY

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

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vs Johnson, Donte

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06/09/00 09:00 AM 04 TRIAL BY JURY

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003726 Guymon, Gary L.	Y
	004963 Daskas, Robert J.	Y
	0001 D1 Johnson, Donte	Y
	SPD Special Public Defender	Y
	004380 Sciscento, Joseph S.	Y
	004264 Figler, Dayvid J.	Y

Jury reassembled at 8:00 AM to begin deliberations. Jury returned to Court at 4:10 PM with verdicts as follows:

COUNT I - BURGLARY WHILE IN POSSESSION OF A FIREARM (F) - GUILTY
COUNT II - CONSPIRACY TO COMMIT ROBBERY AND/OR KIDNAPPING AND/OR MURDER (F) - GUILTY
COUNTS III, IV, V & VI - ROBBERY WITH USE OF A DEADLY WEAPON (F) - GUILTY
VII, VIII, IX, X - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F) - GUILTY
XI, XII, XIII, XIV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F) - GUILTY

Jury polled. COURT ORDERED, matter set for PENALTY HEARING and INSTRUCTED JURY TO REPORT BACK TO COURT ON TUESDAY, JUNE 13 AT 9:15 AM. Jury admonished and recessed.

CUSTODY

6/13/00 9:30 AM PENALTY HEARING

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vs Johnson, Donte

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06/13/00 09:15 AM 00 PENALTY HEARING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: GEORGETTE BYRD/GB, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
004963 Daskas, Robert J.0001 D1 Johnson, Donte
SPD Special Public Defender
004264 Figler, Dayvid J.
004380 Sciscento, Joseph S.Y
Y
Y
N
Y
Y
Y

Outside the presence of the jury, COURT ORDERED, Motion to Sever or Bifurcate the Penalty Hearing is DENIED. Court noted it does not think it is accord with current Nevada case law. Colloquy regarding Mr. Figler's fax of Supreme Court case Washington, Bartholomew. COURT ORDERED, all those things that are listed under 1, 4, 5 and 6 that relate to prior acts will come in. Colloquy regarding victim impact. COURT ORDERED, it will limit it to four parents, one for each victim. Colloquy regarding letters being presented by the State. Mr. Sciscento stated he does not see anything that goes with the aggravation or prior harm to the community. Further Mr. Sciscento requested the State to make an offer of proof as to what section he will be focusing on and the difference between the language and understanding. Court noted it has read the letters and does not see any probative value that could outweigh the possible prejudice. Objections by Mr. Guymon advising the letters address violence and thinks the violence clearly is a character trait that the jury can know about. COURT ORDERED, the letters, except for the possibility of rebuttal, will not come in. Colloquy regarding gang references. Mr. Sciscento advised it is his understanding that information will be brought by the State through PSI reports and any reports of probation. Mr. Sciscento further advised he has not objection. Mr. Figler stated his objections as to Aggravator number 3 and Aggravator number 12. Mr. Daskas advised in the statute the aggravator makes no distinction between whether it's a victim or whether it's a co-defendant who was also present in that home when the bullets are shot. COURT ORDERED, Aggravator 3 is stricken. Colloquy regarding courts emotions during penalty hearing. With agreement by all Counsel, COURT ORDERED, the Clerk will read the admonition.

10:06 AM Jury present, followed by opening statments by Counsel. Witnesses sworn and testified. Exhibits marked per the worksheet. 12:20 PM Jury excused for lunch break. 1:25 PM Jury present followed by continued testimony. 5:21 PM State rests. COURT ORDERED, Jury excused and to return at 8:00 AM tomorrow.

CUSTODY

CONTINUED TO: 06/14/00 08:00 AM 01

PRINT DATE: 06/30/05

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CONTINUED ON PAGE: 034
MINUTES DATE: 06/13/00

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vs Johnson, Donte

CONTINUED FROM PAGE: 033

06/14/00 08:00 AM 01 PENALTY HEARING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
DEBRA VAN BLAIRICOM, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003726 Guymon, Gary L.	Y
	004963 Daskas, Robert J.	Y
	0001 D1 Johnson, Donte	Y
	SPD Special Public Defender	Y
	004380 Sciscento, Joseph S.	Y
	004264 Figler, Dayvid J.	Y

Jury reassembled at 8:13 AM. Mr. Figler requested a five minute recess and Court admonished and recessed jury. OUTSIDE THE PRESENCE OF THE JURY, Mr. Figler requested a short continuance to work on his closing. COURT ADMONISHED MR. FIGLER AND GRANTED HIS REQUEST FOR THE CONTINUANCE. Court instructed bailiff to advise jury that court will be back in session at 9:30 AM. Jury reassembled and Court apologized for the delay. Testimony and exhibits per worksheet. Jury admonished and recessed from 11:30 to 11:45 AM for morning break. Jury reassembled and testimony and exhibits continued per worksheet. Jury recessed at 12:40 PM for lunch. OUTSIDE THE PRESENCE OF THE JURY parties stipulate to the reading of the jury instructions before closing arguments. Jury instructions settled on the record. Court advised Defendant of his right to make an allocution statement. Jury panel reassembled and testimony and exhibits continued per worksheet. Jury recessed from 3:30 to 3:45 PM. Jury reassembled. Testimony and exhibits continued per worksheet. Defense rests. Jury instructions read. Closing arguments. 5:20 PM jury given short recess. Closing arguments continued. Jury recessed at 6:10 PM and ordered to come back at 8:00 AM in the morning for deliberations.

CONTINUED TO: 06/15/00 09:00 AM 02

CRIMINAL COURT MINUTES

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vs Johnson, Donte

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06/15/00 09:00 AM 02 PENALTY HEARING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
DEBRA VAN BLARICOM, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004380	Sciscento, Joseph S.	Y
004264	Figler, Dayvid J.	Y

Outside the presence of the Jury, Statements by Court and counsel regarding two notes from the jury yesterday afternoon.

CONTINUED TO: 06/16/00 08:00 AM 03

06/16/00 08:00 AM 03 PENALTY HEARING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
DEBRA VAN BLARICOM, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004380	Sciscento, Joseph S.	Y
004264	Figler, Dayvid J.	Y
000556	Kohn, Philip J.	Y
002437	Pescetta, Michael L.	Y
000556	Kohn, Philip J.	Y

Outside the presence of the jury, Statements by Court and counsel regarding the two notes from the jury yesterday afternoon. Notes marked Court's Exhibits VII and VIII. Arguments by counsel. (Matter trailed)

RECALLED: Court stated that it has reviewed the authority. Court advised parties the jury foreperson will be brought in and questioned. Mr. Figler requested the jury foreperson be questioned without the media and court observers present. SO ORDERED. Jury foreperson brought into the courtroom and questioned. Juror #7 brought into the courtroom and questioned regarding

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 035

Court's Exhibit #VII and his feeling on the death penalty. Outside the presence of Juror #7, statements by Court and counsel. Juror #7 brought back into the courtroom and questioned and returned to the jury room. COURT ORDERED, Juror #7 stays on the jury. Mr. Sciscento requested the Court impose a gag order as there was something on the news last night.

Jury panel assembled. Court questioned as to Court's Exhibit #VIII regarding a deadlock. Upon Court's inquiry, the jury requested to be allowed to continue deliberations. Court directed the jury to continue deliberations.

Outside the presence of the jury, statements by Court and counsel regarding an Allen charge. Both counsel advised Court they oppose an Allen charge. Court stated there is also another issue, which may be a non-issue as at some point yesterday, late in the day, a member of the victim's family was in the jury lounge and there was a Newsweek magazine, which had the death penalty on the cover (marked Court's Exhibit IX). Upon Court's inquiry, neither counsel requested to pursue this matter.

Time: 11:35 a.m.

Court noted the jury has two notes, (Marked Court's Exhibits X & XI). Court's Exhibit X, indicates the jury is at a stalemate; Court's Exhibit XI, from Juror #1, indicates there was an incident that occurred last week that she needs to bring to the Court's attention as soon as possible. (Courtroom cleared) Juror #1 brought into the courtroom and advised Court of an incident which occurred in the parking garage and returned to the jury. Jury assembled. Jury questioned regarding the jury note, Exhibit X indicating a stalemate. Outside the presence of the jury, statements by Court and counsel regarding the jury not being able to make a final decision. Mr. Sciscento moved for a mistrial. Statements by Court and counsel. Mr. Figler requested to withdraw the Motion for a Mistrial. Statements by Court and counsel regarding the scheduling of the three-judge panel.

Courtroom opened to the public and jury re-assembled. COURT ORDERED, JURY RELEASED AND HUNG JURY DECLARED. Jury thanked and excused. Court advised parties it can schedule the three-judge panel during the weeks of 7/24, 8/7 or 8/14. Court directed counsel to review their schedules and COURT ORDERED, MATTER CONTINUED FOR A STATUS CHECK.

CUSTODY

6/20/00 9:00 A.M. STATUS CHECK: THREE-JUDGE PANEL

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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06/20/00 09:00 AM 00 STATUS CHECK: THREE JUDGE PANEL

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
004963 Daskas, Robert J.0001 D1 Johnson, Donte
SPD Special Public Defender
004380 Sciscento, Joseph S.
004264 Figler, Dayvid J.Y
Y
Y
Y
Y
Y
Y

Transcript of 6/16/00 Penalty Phase FILED IN OPEN COURT. Upon Court's inquiry, all counsel advised they will be available during July 24, 25 and 26, 2000. Mr. Figler advised Court motions may need to be filed and requested a date after September. Court advised counsel it will notify the Supreme Court and request two other judges be designated as quickly as possible. Court directed counsel to file motion to challenge the three-judge panel by 7/10/00; Oppositions to be filed by 7/14/00.

Court further directed counsel to file a memorandum on this Court's duty along with the other judges' duty in a three-judge panel. Court submitted a copy of the oath that a judge takes and the jury oath to counsel. Court requested counsel submit their best analysis of the duty of a judge on a three-judge panel and if it is the same duty as a juror.

Statements by Court and Mr. Figler regarding the selection process of the three-judge panel.

Mr. Figler requested the verdict forms and special verdict forms be made court's exhibits. COURT ORDERED, VERDICTS AND SPECIAL VERDICTS MADE COURT'S EXHIBITS.

CUSTODY

7/24/00 9:30 A.M. THREE-JUDGE PANEL PENALTY HEARING

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 037

07/06/00 09:00 AM 00 DEFT'S MOTION FOR NEW TRIAL

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA/CD, Court Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
0001 D1 Johnson, Donte
003845 Williams, Kevin V.Y
Y
Y
Y

COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 07/13/00 08:30 AM 01

07/13/00 08:30 AM 01 DEFT'S MOTION FOR NEW TRIAL

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CONNIE KALSKI/CK, Court Clerk
CAROLE D'ALOIA, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/RecorderPARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
0001 D1 Johnson, Donte
SPD Special Public Defender
004264 Figler, Dayvid J.Y
Y
Y
Y
Y

Mr. Figler presented a photograph depicting the jury room door to the Court. COURT ORDERED, photograph to be marked next in order. Upon Court's inquiry, Mr. Figler advised he would have his reply ready by Wednesday, July 19, 2000, A.M. Mr. Figler inquired if the Court has an inclination to grant the STAY. Court advised the Court would need to read the corresponding pleadings and would be ready to give its disposition next court date. The Court further stated, all the pleadings as the Defendant's Motion for new trial have been reviewed and ORDERED, Motion DENIED. FURTHER ORDERED, 7/24/00 hearing date VACATED and reset. The Court further noted there will be no oral argument as to the upcoming Defendant's motion.

CUSTODY

7/20/00 9:00 AM DEFT'S MOTION FOR IMPOSITION OF LIFE WITHOUT THE POSSIBILITY
OF PAROLE SENTENCE; OR, IN THE ALTERNATIVE, MOTION TO EMPANEL JURY FOR

CONTINUED ON PAGE: 039

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 038

SENTENCING HEARING AND/OR FOR DISCLOSURE OF EVIDENCE MATERIAL TO
CONSTITUTIONALITY OF THREE JUDGE PANEL PROCEDURE

07/20/00 09:00 AM 00 ALL PENDING MOTIONS 7/20/00

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: STATE OF NEVADA

003726 Guymon, Gary L.

0001 D1 Johnson, Donte

SPD Special Public Defender

004264 Figler, Dayvid J.

Y

Y

Y

Y

Y

DECISION: DEFENDANT'S MOTION FOR IMPOSITION OF LIFE WITHOUT THE POSSIBILITY OF PAROLE SENTENCE; OR, IN THE ALTERNATIVE, MOTION TO EMPANEL JURY FOR SENTENCING HEARING AND/OR FOR DISCLOSURE OF EVIDENCE MATERIAL TO CONSTITUTIONALITY OF THREE JUDGE PANEL . . . STATE'S MOTION IN LIMINE SUMMARIZING THE FACTS ESTABLISHED DURING THE GUILTY PHASE

COURT ORDERED, MOTION FOR IMPOSITION OF LIFE WITHOUT THE POSSIBILITY OF PAROLE IS DENIED IN ITS ENTIRETY. Court advised parties it will not order a stay. Court stated that it will sign an order denying relief today. Court stated its findings.

FURTHER, AS TO THE MOTION IN LIMINE SUMMARIZING THE FACTS ESTABLISHED DURING THE GUILTY PHASE: Statements by Court and counsel. Mr. Figler requested the other two judges read the trial transcript of the guilt phase. Court advised it will make the transcripts available to the other judges. Mr. Figler advised Court he objects to a summary. Court directed all counsel to get together and work out a summary both sides think is fair prior to the three judge panel, otherwise Mr. Guyman to call his lead detective. Statements by Court and Mr. Figler regarding a stay from the Nevada Supreme Court. Mr. Figler further requested a statistical analysis on how the two other judges were picked. COURT ORDERED, MOTION DENIED. Mr. Figler advised Court he will be preparing an Order by this morning.

CUSTODY

7/24/00 9:00 A.M. THREE JUDGE PANEL / PENALTY HEARING

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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07/24/00 08:00 AM 00 THREE JUDGE PANEL / PENALTY HEARING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
CARRIE HANSEN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003726 Guymon, Gary L.	Y
	004963 Daskas, Robert J.	Y
	0001 D1 Johnson, Donte	Y
	SPD Special Public Defender	Y
	004380 Sciscento, Joseph S.	Y
	004264 Figler, Dayvid J.	Y

Three Judge Panel assembled consisting of the Judge Jeffrey D. Sobel, Judge Michael R. Griffin and Judge Steve Elliott. Mr. Guymon disclosed the inducement regarding Sharla Severs for the record. Mr. Figler stated his objection regarding the constitutionality of the three judge panel for the record. Opening statement by Mr. Guymon. Opening statement by Mr. Figler. Sciscento. Morning recess from 10:30 to 10:45 AM. Witness testimony and exhibits per worksheet. Court recessed for lunch from 11:30 AM to 1:00 PM. Witness testimony and exhibits continued per worksheet. Court took afternoon recess from 3:25 to 3:40 PM. Witness testimony and exhibits per continued per worksheet. State rested. Court recessed and, ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 07/26/00 08:00 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 040

07/26/00 08:00 AM 01 THREE JUDGE PANEL / PENALTY HEARING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
CARRIE HANSEN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004380	Sciscento, Joseph S.	Y
004264	Figler, Dayvid J.	Y

Three Judge panel reassembled and witness testimony and exhibits continued per worksheet. Court recessed from 9:40 to 9:52 AM. Closing argument by Mr. Daskas. Closing argument by Mr. Figler and Mr. Sciscento. Rebuttal argument by Mr. Guymon. Judges retire to deliberate at 11:25 AM. Judges return with their verdicts at 1:21 PM as follows: THE THREE JUDGE PANEL, HAVING FOUND THAT THE AGGRAVATING CIRCUMSTANCE OR CIRCUMSTANCES OUTWEIGHT ANY MITIGATING CIRCUMSTANCE OR CIRCUMSTANCES IMPOSE A SENTENCE OF DEATH AS TO COUNTS XI-XIV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Panel polled.

CUSTODY

09/07/00 09:00 AM 00 ALL PENDING MOTIONS 9/7/00

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA/CD, Court Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000738	Berrett, Bill A.	Y
005691	Kochevar, Brian J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
004264	Figler, Dayvid J.	Y

DEFENDANT'S MOTION TO SET ASIDE DEATH SENTENCE OR MOTION TO SETTLE RECORD...
SENTENCING

REGARDING DEFENDANT'S MOTION, COURT ORDERED, State to file Opposition by 9/21/00; Mr. Figler to reply by 9/28/00 and MOTION AND SENTENCING CONTINUED.

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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CUSTODY

10/12/00 9:00 AM ALL PENDING MOTIONS

10/03/00 09:00 AM 00 SENTENCING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: CAROLE D'ALOIA, Court Clerk
GEORGETTE BYRD/GB, Relief Clerk
SHIRLEE PRAWALSKY, Reporter/Recorder

PARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
004963 Daskas, Robert J.

0001 D1 Johnson, Donte
SPD Special Public Defender
004264 Figler, Dayvid J.
004380 Sciscento, Joseph S.

Y
Y
Y

Y
Y
Y
Y

Officer Williams of P&P present. COURT ORDERED, Deft's Motion to Set Aside Death Sentence or Motion to Settle Record is denied. Objections by Mr. Figler and Mr. Sciscento. COURT ORDERED, the record will stand the way it is, and Mr. Sciscento can assess his concerns in Supreme Court. DEFENDANT JOHNSON ADJUDGED GUILTY of:

I-Burglary While In Possession Of a Firearm (F)

II-Conspiracy To Commit Robbery And/Or Kidnapping And/Or Murder (F)

III-VI-Robbery With Use of a Deadly Weapon (F)

VII-X-First Degree Kidnapping With Use of a Deadly Weapon (F)

XI-XIV-Murder Of The First Degree With Use Of A Deadly Weapon (F)

COURT FURTHER ORDERED, the terms of incarceration will be to the maximum, and counts will run consecutive to each other. In addition to the \$25.00 Administrative Assessment fee, COURT ORDERED, Defendant is SENTENCED as follows and ORDERED to pay restitution in the amount of \$33,605.95 jointly and severally with Sikia Lafayette Smith and Terrell Cochise Young:

CT I-Burglary While In Possession of a Firearm: To a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons.

CT II-Conspiracy to Commit Robbery and/or Kidnapping and/or Murder: To a MAXIMUM term of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of

CONTINUED ON PAGE: 043

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 042

SIXTEEN (16) MONTHS in the Nevada Department of Prisons consecutive to Count I.

CT III-Robbery With Use of a Deadly Weapon (F): To a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons, plus an equal and consecutive MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons for Use of a Deadly Weapon, consecutive to Count II.

CT IV-Robbery With Use of a Deadly Weapon (F): To a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons, plus an equal and consecutive MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons for the Use of a Deadly Weapon, consecutive to Count III.

V-Robbery With Use of a Deadly Weapon (F): To a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons, plus an equal and consecutive MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons for the Use of a Deadly Weapon, consecutive to Count IV.

VI-Robbery With Use of a Deadly Weapon: To a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons, plus an equal and consecutive MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons for the Use of a Deadly Weapon, consecutive to count V.

VII-First Degree Kidnapping With Use Of a Deadly Weapon: To a term of LIFE in the Nevada Department of Prisons, without the possibility of parole, plus an equal and consecutive term of LIFE without the possibility of parole for the Use of a Deadly Weapon, for each count, consecutive to VI.

VIII-First Degree Kidnapping With use of a Deadly Weapon: To a term of LIFE in the Nevada Department of Prisons without the possibility of parole, plus an equal and consecutive term of LIFE without the possibility of parole for the Use of a Deadly Weapon, for each count, consecutive to VII.

IX-First Degree Kidnapping With use of a Deadly Weapon: To a term of LIFE in the Nevada Department of Prisons without the possibility of parole, plus an equal and consecutive term of LIFE without the possibility of parole for the Use of a Deadly Weapon, for each count, consecutive VIII.

X-First Degree Kidnapping With Use of a Deadly Weapon; To a term of LIFE in the Nevada Department of Prisons without the possibility of parole, plus an equal and consecutive term of LIFE without the possibility of parole for the Use of a Deadly Weapon, for each count, consecutive IX.

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CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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XI-First Degree Murder With Use of a Deadly Weapon: DEATH, plus \$33,605.95 restitution jointly and severally with co-offenders Sikia Lafayette Smith and Terrell Cochise Young.

XII-First Degree Murder With Use of a Deadly Weapon: DEATH.

XIII-First Degree Murder With Use of a Deadly Weapon: DEATH.

XIV-First Degree Murder With Use of a Deadly Weapon: DEATH.

Defendant is entitled to (776) DAYS credit for time served.

Order of Execution and Warrant of Execution signed and filed in open court. Further, defendant's motion set on 10/12/00 is vacated.

CLERK'S NOTE: Minutes to reflect, Court noted automatic stay of execution.

02/19/03 09:00 AM 00 STATE'S REQUEST PER SUPREME COURT ORDER

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley-Bennett, Reporter/Recorder

PARTIES: STATE OF NEVADA

003726 Guymon, Gary L.

0001 D1 Johnson, Donte

SPD Special Public Defender

001765 McMahon, Lee E.

Y

Y

N

Y

Y

Parties advised the Defendant has not been transported but they understand he will be here tomorrow. COURT ORDERED, matter continued.

NDC

CONTINUED TO: 02/21/03 09:00 AM 01

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 044

02/21/03 09:00 AM 01 STATE'S REQUEST PER SUPREME COURT ORDER

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Alan Castle, Relief Clerk
Sonia Riley-Bennett, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
001765	McMahon, Lee E.	Y

Pursuant to Supreme Court Order, COURT ORDERED, matter set for Penalty Hearing. At the request of Deft, FURTHER ORDERED, DEFT. JOHNSON REMANDED TO CUSTODY OF THE SHERIFF and to remain at the Clark County Detention Center UNTIL FURTHER ORDER OF THE COURT.

CUSTODY

9/17/03 9:00 AM CALENDAR CALL

9/23/03 10:00 AM PENALTY HEARING

07/07/03 09:00 AM 00 STATUS CHECK:

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
005825	Wildeveld, Kristina M.	Y

Upon Court's inquiry, the Defendant advised he wants to return to Ely until calendar call. COURT SO ORDERED.

CUSTODY

CONTINUED ON PAGE: 046

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 045

08/18/03 09:00 AM 00 DEFT'S MTN FOR AUTOMATIC IMPOSITION OF
LIFE W/OUT POSSIBILITY OF PAROLE/100

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
0001 D1 Johnson, Donte
SPD Special Public Defender
002255 Jackson, Alzora B.

Y
Y
Y
Y
Y

Ms. Jackson requested a continuance to allow her to file a reply to the
opposition. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 09/03/03 09:00 AM 01

09/03/03 09:00 AM 01 DEFT'S MTN FOR AUTOMATIC IMPOSITION OF
LIFE W/OUT POSSIBILITY OF PAROLE/100

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
0001 D1 Johnson, Donte
SPD Special Public Defender
002255 Jackson, Alzora B.
004264 Figler, Dayvid J.

Y
Y
Y
Y
Y
Y

Motion to Continue Penalty Hearing FILED IN OPEN COURT. Argument by Mr.
Figler that under new legislature, because there was a hung jury, Court
should have the discretion of imposing Life Without the Possibility of
Parole.

Argument by Mr. Guyman that the Supreme Court ordered the matter back for a
new penalty hearing, not to let Court make a decision.

Further argument by Mr. Figler.

COURT ORDERED, motion is DENIED.

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CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 046

Argument by Ms. Jackson to continue the penalty hearing. COURT ORDERED,
TRIAL DATE RESET.

CUSTODY

4-19-04 9:00 A.M. CALENDAR CALL

4-27-04 10:00 A.M. TRIAL BY JURY

04/12/04 09:00 AM 00 ALL PENDING MOTIONS 4-12-04

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Stacy Briggs, Reporter/Recorder

PARTIES: STATE OF NEVADA
003726 Guymon, Gary L.
0001 D1 Johnson, Donte
SPD Special Public Defender
002255 Jackson, Alzora B.

Y

Y

N

Y

Y

STATE'S MOTION TO ADMIT FORMER TESTIMONY...DEFTS MOTION TO CONTINUE PENALTY
HEARING...STATUS CHECK: TRIAL

Following statements of parties, COURT ORDERED, Motion to Admit Former
Testimony is GRANTED.

Colloquy as to Motion to Amend the Judgment of Conviction. There being no
objection, COURT ORDERED, Motion is GRANTED.

Colloquy as to Motion re Evidence of Aggravating Circumstances. Ms. Jackson
advised she has an objection to certain of those items. COURT ORDERED,
matter set.

There being no opposition, COURT ORDERED, Motion for Procedural Direction
from the Court is GRANTED.

Ms. Jackson stated for the record that an Order to Transport has been filed;
Defendant is aware of the motion to continue and is in agreement. COURT
ORDERED, TRIAL DATE RESET.

CUSTODY

4-21-04 9:00 A.M. Argument: State's Motion to Admit Evidence of Aggravating
Circumstances

CONTINUED ON PAGE: 048

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 047

5-10-04 9:00 A.M. CALENDAR CALL

5-18-04 10:00 A.M. TRIAL BY JURY (PENALTY HEARING)

04/21/04 09:00 AM 00 ARGUMENT: TO ADMIT EVIDENCE OF
AGGRAVATING CIRCUMSTANCES

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Shawna Craig, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003726	Guymon, Gary L.	Y
003202	Stanton, David L.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
002255	Jackson, Alzora B.	Y

Pursuant to request of parties, COURT ORDERED, matter continued.

CUSTODY

CONTINUED TO: 04/28/04 09:00 AM 01

04/28/04 09:00 AM 01 ARGUMENT: TO ADMIT EVIDENCE OF
AGGRAVATING CIRCUMSTANCES

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Cheryl Gardner, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003202	Stanton, David L.	Y
003726	Guymon, Gary L.	Y
0001 D1	Johnson, Donte	N
SPD	Special Public Defender	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

Mr. Stanton advised State will withdraw their motion to admit statements of Terrell Young or Sikia Smith; Further advised the State will not seek to use prior statements of Smith and Young to argue that the Defendants created a great risk of death to more than one person. COURT ORDERED, motion to exclude #3 as to great risk of death is GRANTED.

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 048

As to points #4, #5, and #6, Testimony of Shawn Fletcher, Sheree Norman, and David Horn, Crime Scene Analysts, Mr. Stanton advised State will not proceed on their testimony to prove greater risk of harm to other people but plan to use their testimony as to other things. COURT ORDERED, it will reserve ruling on this until trial.

As to point #7, victim impact statements, arguments of counsel as to how wide a range of people can give these statements. COURT ORDERED, it will allow statements from the two parents per victim; if one of the parents does not give a statement, a sibling may speak.

As to point #8 and #9, argument by Ms. Jackson that if the jury has the entire transcript of the trial and then technicians, etc. come in and also testify, it becomes cumulative. Argument by Mr. Stanton that State should not be handcuffed as to how it presents its case to the Jury. COURT ORDERED, if the evidence become cumulative, objections should be made at the time of trial.

As to point #10, verdict forms, Ms. Jackson advised she has no position on this. Court made no ruling.

As to point #11, Donte Johnson's Juvenile Records, argument by Ms. Jackson that these are sealed and should not be used. Argument by Mr. Stanton that the Supreme Court has approved facts and circumstances of juvenile records. COURT ORDERED, the Juvenile Records shall be excluded; COURT FINDS, they are more prejudicial than probative.

As to point #12, evidence of case #98F02775X, Mr. Stanton advised State will exclude this.

As to point #13, Evidence of Super 8 Motel incident, Ms. Jackson objected to use of this as the case wasn't prosecuted. Argument by Mr. Stanton that there were several eye witnesses at the motel, and, although they may not be able to positively identify the Defendant, he made implicating statements to friends and associates. Further argument that this was three days before the quadruple shooting. COURT ORDERED, this testimony is to be excluded.

As to point #14, the alleged homicide of Darnell Lamont Johnson, following arguments of counsel, COURT ORDERED, it will reserve ruling on this in order to review the materials further. Ms. Jackson requested an evidentiary hearing.

As to point #15, evidence of the Defendant's incarceration records; i.e., conduct of the defendant while at CCDC and NDOC, Mr. Stanton advised he wants to introduce evidence of an incident that occurred wherein the Defendant and another person, threw another inmate over the banister. Argument by Mr. Stanton that the charges were dismissed through a plea bargain but there was no agreement that they couldn't use the incident in future cases.

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 049

Due to Court's congested calendar, COURT ORDERED, matter continued.

CONTINUED TO: 05/03/04 01:00 PM 02

05/03/04 01:00 PM 02 ARGUMENT: TO ADMIT EVIDENCE OF
AGGRAVATING CIRCUMSTANCES

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Relief Clerk
Jane Michaels, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003202	Stanton, David L.	Y
003726	Guymon, Gary L.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

Mr. Stanton advised at the time of the last hearing the Court and counsel ended at motion #13. Next was motion #14 which is the affidavit of Detective Chandler for offer of proof which the Court has taken under advisement. Next motion is #15 which are the records from the Clark County Detention Center and the prison which Deft's counsel has argued they should be precluded. Ms. Jackson requested direction from the Court as to motion #14. Mr. Stanton argued the affidavit sets forth the State's offer of proof for capital murder. Additionally, the State is offering it for other relevant acts which are permissible. Ms. Jackson argued Dr. Green did autopsy which stated death was undetermined. Further, Ms. Jackson argued information is not clear as to the confidential informant. Also, the Co-Deft. in affidavit gives a competing statement. Detective Chandler then goes back to Coroner who does another examination and the second opinion death was undetermined (possible strangulation) and states probable homicide. Mr. Guymon advised Judge Sobel ruled it was admissible. Further arguments by counsel. COURT ORDERED, affidavit is UNDER ADVISEMENT. Court stated as to the juvenile records, Court and trial counsel generally look at records at time of sentencing and the Supreme Court says they can be used. FURTHER ORDERED, prior ruling on the juvenile records is REVERSED and this Court will ALLOW juvenile records to be used.

Ms. Jackson argued Oscar Irris was attacked by the Deft. and the Deputy District Attorney Bill Kephart argued he became a victim of the Deft. which there seems to be some confusion as to the correct name given by the Court Service Officer who stated "Reginald Johnson". Further, Ms. Jackson argued there is only one incident that the State can say that the Deft. cannot be housed. Mr. Stanton argued there are eye witnesses to the murder of Mr.

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Irris. Ms. Jackson stated she wants to have a hearing regarding this matter. Additionally, Gloria Navarro, Esq. was prepared at that time to argue the court officers did not actually see incident. Court stated he wants to hear evidence on this issue and ORDERED, matter set for Evidentiary Hearing.

Ms. Jackson stated the State wants to bring in gang officers from Los Angeles to tell about Deft's gang relationship and argued this was not a gang killing. Mr. Stanton argued that this was not addressed in the prior penalty hearing and Deft's counsel has argued this Deft. had no choice when he was growing up but to join a gang. Additionally, Mr. Stanton argued Deft's counsel is also claiming it was also for his personal safety. As a result of investigation with Los Angeles, Deft. claims affiliation and this is being offered to specifically rebutt all assertions by the defense. Further, Mr. Stanton stated testimony would be giving a lay person the translation of gang language and conduct to the jury. Further arguments by counsel. Exhibits presented. (See worksheets.) Mr. Stanton argued the letters which have been marked as State's exhibits show Deft. directing Co-Deft. Young as to what to do to get off and beat this case. Second page of letter Deft. wrote don't have to worry about those three little white boys, I will take care of them. Mr. Stanton argued letter's are from the Deft's own hand and words. Ms. Jackson stated this is a blatant attempt from the State to mislead this Court and argued the Deft. was referring to the three white boys who were witnesses and testified. Further, Ms. Jackson argued letters contain young men bragging. Court stated letters are not bragging, they are Deft's words and language. Further arguments by counsel. Mr. Stanton stated letters are being offered because Deft. signs these "General Deko" a person who is a known gang member who becomes general for committing criminal acts. Ms. Jackson argued in letter to Co-Deft., Deft. states they are all generals. Mr. Stanton stated Deft. in at least two letters directly asked Co- Deft's to fall on the sword for him and argued this is direct evidence and the jury needs to know what roles all three played. Court FINDS letters are very inflammatory and ORDERED, letters will not be admitted. Mr. Stanton stated gang evidence is being offered to address Deft. had a lot of other options other then joining a gang. Court believes the State can offer and bring in gang officers. Opposition by Ms. Jackson. FURTHER ORDERED, if brought up by Deft's counsel, State can bring in gang officers.

Ms. Jackson stated the State wants to tell the jury Derrick Simpson who was shot by the Deft. and testified prior is deceased. Mr. Stanton argued cause of death was homicide related to prior gun shot by the Deft. Ms. Jackson argued Mr. Simpson had several infections and requested a chance for a expert to look at autopsy report. Further arguments by counsel. COURT ORDERED, this will be ALLOWED in. Ms. Jackson requested two weeks and advised she wants to have testing done on Mr. Simpson body. FURTHER ORDERED, Ms. Jackson has two weeks as requested.

All motions set for May 10, 2004, were addressed by this Court at this hearing.

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DEFT'S MOTION IN LIMINE REGARDING REFERRING TO VICTIMS AS BOYS:

Mr. Guymon stated the State is not opposing this motion. COURT ORDERED, motion GRANTED.

DEFT'S MOTION FOR JURY QUESTIONNAIRE...DEFT'S AMENDED MOTION FOR JURY QUESTIONNAIRE:

Mr. Guymon stated counsel have met and made corrections as to the questionnaire but there is one objection by the state as to the synopsis referring to the race of the victim's and Deft. Ms. Jackson argued race of Deft. and victims needs to be known by the jury and often. Mr. Guymon argued questions 33 through 36 address race. Court FINDS race does not need to be in the synopsis and ORDERED, STRICKEN. FURTHER ORDERED, Amended Motion GRANTED and Deft's Original Motion WITHDRAWN.

DEFT'S MOTION TO BIFURCATE:

Mr. Guymon stated Deft. requested character evidence not be addressed and argued rule does not require bifurcation. Further, four deaths meet aggravators. Ms. Jackson argued jury not permitted to determine death eligible until aggravators are met. Jury can only consider evidence until Deft. is death eligible. Mr. Guymon argued the jury instructions will tell jury the way they consider character evidence. COURT ORDERED, motion DENIED.

DEFT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST:

Ms. Jackson stated this Court has discretion regarding this issue and argued higher standard in death cases. Mr. Guymon stated the Deft's counsel made this argument last time and argued the State must open and conclude per the statute. Colloquy between Court and counsel. Court FINDS Supreme Court states in all cases, the State must be allowed to close last and ORDERED, motion DENIED.

CUSTODY

5/17/04 1:30 PM EVIDENTIARY HEARING...PENALTY HEARING SETTING...DECISION ON UNDER ADVISEMENT MOTIONS

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05/17/04 01:30 PM 00 ALL PENDING MOTIONS

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003202	Stanton, David L.	Y
0001 D1	Johnson, Donte	Y
SPD	Special Public Defender	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

Court convened with all present. Witnesses sworn and testified as to what they saw during the incident in which a Clark County Detention Center inmate was thrown over a second floor railing. Objection by Mr. Stanton to the calling of so many witnesses by the defense. Argument by Ms. Jackson that each witness brings something different. Testimony continued with continuing objection of Mr. Stanton.

Argument by Mr. Stanton to admit evidence of the incident for the jury to hear and let them decide what weight and importance to give it. Argument by Ms. Jackson that if the State wanted to use this incident against the Defendant at trial, they should have proceeded on the charges. Further argument that they didn't bring the victim and that Reginald Johnson has been saying from day one that the Defendant had nothing to do with it. Mr. Jackson argued bringing this in would be more prejudicial than probative.

Court read portions of the testimony of Irias given during examination in which he stated both Reginald Johnson and Donte Johnson attacked him and threw him over the railing. Court noted the question is whether there is clear and convincing evidence that a crime was committed and whether the Defendant committed the crime. COURT FINDS, State has proven a crime was committed and that the Defendant acted in it. COURT ORDERED, this will be admitted.

Arguments as to admitting the death of Derrick Simpson. Parties requested a trial continuance in order to have an evidentiary hearing as to allowing evidence of this matter in at trial. Conference at the Bench. COURT ORDERED, TRIAL DATE RESET and matter set for further evidentiary hearing. COURT FURTHER ORDERED, Defendant to be transported back to Ely State prison pending trial.

NDC

8-9-04 1:00 P.M. EVIDENTIARY HEARING: PRIOR BAD ACTS

10-11-04 9:00 A.M. CALENDAR CALL

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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10-19-04 10:00 A.M. TRIAL BY JURY

08/09/04 01:00 PM 00 HEARING: MOTION TO EXCLUDE PRIOR BAD
ACTS

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
003202 Stanton, David L.

Y
Y

0001 D1 Johnson, Donte
SPD Special Public Defender
002255 Jackson, Alzora B.

Y
Y
Y

Mr. Stanton advised their department has lost Gary Guyman who has worked this case since its inception. Mr. Stanton further advised that the D.A.'s office will be appointing someone familiar with the case, perhaps Mr. Daskas; however, he will be involved in the Binion case, which is set for trial the same date as this case. Furthermore, there is medical evidence regarding the death of someone which State wants to admit at the penalty hearing, and Ms. Jackson wants time for her expert to examine this. Parties requested this hearing be continued and the trial date be reset. COURT SO ORDERED.

Hearing date continued to 2/15/04 at 10:00.

NDC

4/12/05 9:00 A.M. CALENDAR CALL

4/19/05 10:00 A.M. TRIAL BY JURY (PENALTY PHASE)

CONTINUED TO: 02/15/05 10:00 AM 01

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04/04/05 09:00 AM 00 ALL PENDING MOTIONS

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
003202 Stanton, David L.

0001 D1 Johnson, Donte
002255 Jackson, Alzora B.
006168 Whipple, Bret O.

Y
Y
Y

Y
Y
Y

DEFT'S MOTION TO STRIKE AGGRAVATOR FOUR OF NOTICE OF INTENT TO SEEK DEATH PENALTY...DEFT'S MOTION TO DISMISS RULE 250, NOTICE OF INTENT TO SEEK DEATH PENALTY...HEARING: MOTION TO EXCLUDE PRIOR BAD ACTS...STATE'S MOTION TO DISQUALIFY THE HONORABLE LEE GATES

State's Motion to Disqualify the Honorable Lee Gates FILED IN OPEN COURT. Argument by Mr. Daskas that the Court's Law Clerk worked on this case when she was in the District Attorney's office and had conversations to do with the file. Objection by Ms. Jackson as to the timeliness of this motion. Argument that she had a doctor scheduled to appear this afternoon and is ready to argue the motions. Further argument that the "Turner v State" case cited by State is without merit.

Court noted that in the Turner case the Defendant objected. Court advised the Law Clerk just came in on the case and has not briefed anything, and she will not be allowed to have anything to do with this case. Court noted there when there is a situation such as this, the Clerk is excluded from the case and precluded from doing anything on it.

Ms. Jackson and Defendant Johnson both advised they waive any conflict on this case, and that they do not mind this Court hearing the case.

Further argument by Mr. Daskas that in the Turner case, the Supreme Court said Court should not have accepted that case. Court noted there is no conflict in this matter because the Law Clerk has not worked on the case.

COURT ORDERED, it will take the matter UNDER ADVISEMENT.

Further argument by Mr. Daskas as to implied bias.

COURT FURTHER ORDERED, other motions shall be continued to 4-14.

NDC

CLERK'S NOTE: Judicial Executive Assistant advised 4-15 is a better date

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for counsel; accordingly, matter continued to that date instead./sc

04/07/05 09:00 AM 00 MINUTE ORD RE: STATE'S MTN TO DISQUALIFY
DEFT'S MTN TO STRIKE/DEFT'S MTN TO DISM

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Relief Clerk

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
003202 Stanton, David L.

0001 D1 Johnson, Donte
002255 Jackson, Alzora B.
001765 McMahon, Lee E.

Y
Y
Y

N
Y
Y

Court of the opinion, the State's Motion to Disqualify is untimely and ORDERED, motion DENIED and affidavit STRICKEN. Moreover, Ms. Bernstein was never employed by the District Attorney's Office, she is not working on the case as a law clerk and motion has no merit. Mr. Daskas advised when he became aware of Ms. Bernstein being this Court's law clerk, counsel was contacted and matter was discussed. Further, Mr. Daskas stated out of abundance of caution and to protect the case, motion was filed. Further statements by counsel. Colloquy.

Mr. Daskas advised there is no issue as to Deft's Motion to Strike Aggravator #4. COURT ORDERED, motion GRANTED. FURTHER ORDERED, Deft's Motion to Dismiss Rule 250 DENIED.

Colloquy between Court and counsel regarding order from previous hearing. Court advised to file order Nunc Pro Tunc.

Ms. Jackson advised there are two issues left, Derrick Simpson and Darnell Johnson. Mr. Simpson has subsequently passed away and counsel has submitted this matter to an expert to see if the gunshot wounds he received contributed to his death. Court will ALLOW this information in. As to Darnell Johnson his homicide was never prosecuted and will dispute every aspect of case. Mr. Stanton stated this Court reserved ruling as autopsy did not prove homicide as to Mr. Johnson.

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04/12/05 09:00 AM 00 CALENDAR CALL

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/RecorderPARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
0001 D1 Johnson, Donte
000824 Schieck, David M.
002255 Jackson, Alzora B.Y
Y
Y
Y
Y

Ms. Jackson advised they have received nothing from the Supreme Court. Mr. Daskas announced ready to go on April 19. As to the Jury Questionnaire, Ms. Jackson advised they decided to have a questionnaire over a year ago, the case got continued, and the questionnaire slipped through the cracks. A copy of the proposed questionnaire was submitted. Court noted Ms. Jackson will have to confer with the Jury Commissioner to see whether they can get them out in time.

As a housekeeping matter, Ms. Jackson submitted a Nunc Pro Tunc Order, which was reviewed by Court, signed, and FILED IN OPEN COURT. Defendant's Motion to Reconsider Request to Bifurcate Penalty Phase FILED IN OPEN COURT.

NDC

04/15/05 09:30 AM 03 HEARING: MOTION TO EXCLUDE PRIOR BAD ACTS

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Tina Hurd, Relief Clerk
Sonia Riley, Reporter/RecorderPARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
003202 Stanton, David L.
0001 D1 Johnson, Donte
000824 Schieck, David M.
002255 Jackson, Alzora B.Y
Y
Y
Y
Y
Y

State's Opposition to Defendant's Motion to Reconsider Request to Bifurcate Penalty Phase, State's Amended Supplemental Notice of Intent to Seek Death Penalty and Deft's Second Supplemental Notice of Witnesses FILED IN OPEN COURT.

Mr. Daskas advised Ms. Jackson had filed a motion to withdraw an

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aggravating circumstance and advised he has withdrawn that aggravator and filed an amended notice to seek the death penalty. Ms. Jackson advised, in April of last year, they had extensive argument and this Court ordered, on #16 of the aggravators, that evidence of Deft's gang activity is excluded unless it becomes relevant. Ms. Jackson argued she believes for that order to be effective, the penalty phase needs to be bifurcated. Mr. Daskas advised the Supreme Court mandates that, in capital cases, the Court must give an instruction for what the Jury must do before they determine a Deft. is death eligible. If the penalty hearing is bifurcated, they have to alter these instructions and a Supreme Court mandate. Mr. Daskas stated he believes the remedy is, any time they introduce evidence that mentions gang activity, they can instruct the Jury it is other bad acts and not an aggravator. Further arguments by counsel. COURT ORDERED, issue UNDER ADVISEMENT.

Ms. Jackson advised she also filed a motion to dismiss the notice of intent to seek death and advised, in the Davis case, the Supreme Court declined to rule on the issue of whether or not aggravators are subject to probable cause scrutiny. Ms. Jackson stated she believes the motion is moot. Mr. Daskas advised the Supreme Court lifted the stay and he agrees the motion is moot. Court stated, on April 7, 2005, he granted the motion to strike aggravator #4 and believes he denied the motion to dismiss, though it is not in the minutes. For the record, COURT ORDERED, motion to dismiss the notice is DENIED. Ms. Jackson advised, as to #17-evidence of the death of Derrick Simpson, she wanted an expert to evaluate the evidence. Court stated he believes he denied that motion, however, in case it is not in the record, COURT ORDERED, motion DENIED.

Ms. Jackson requested the State call their expert first. Mr. Daskas argued this evidence was admitted in previous cases against Deft. Johnson and the co-Defts. and advised Deft. Johnson has made admissions to others regarding killing Darnell Johnson, the victim the defense wishes to exclude, and he believes it is the defense's burden. Colloquy. Court directed the State to call their witness. Testimony and exhibits presented. (See worksheets.) Arguments by counsel. COURT ORDERED, UNDER ADVISEMENT.

Ms. Jackson advised this Jury did not hear the first phase of the trial and advised Mr. Daskas has provided a list of witnesses. Ms. Jackson advised she is concerned with the length of time of the victim impact statements and would request they be limited to 15 minutes. Mr. Daskas argued that is an unfair request. COURT ORDERED, time limits will NOT be imposed, however, if counsel go overboard, he will stop it and that applies to both sides.

Mr. Daskas advised the State intends to submit some of the evidence and photographs admitted in the first trial, however, they intend to abide by the Court's rulings. Mr. Schieck requested the defense be allowed to review the evidence from the trial. Ms. Jackson advised she has evidence from the prior penalty phase as the Court released it to her. Court stated he believes counsel want to review the State's evidence. Colloquy. COURT ORDERED, counsel to meet with the Clerk in this courtroom at 1:30 p.m. Monday afternoon.

NDC

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04/18/05 09:00 AM 00 DECISION: MOTION TO BIFURCATE PENALTY
PHASE...MOTION TO SUPPRESS EVIDENCE RE

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk

PARTIES: NO PARTIES PRESENT

COURT HEREBY ORDERS, Defendant's Motion to Bifurcate Penalty Phase of trial
is GRANTED; FURTHER ORDERS, Defendant's Motion to Suppress Evidence re
Darnell Johnson is GRANTED.

04/19/05 10:00 AM 00 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Lisa Makowski (A.M.), Reporter/Recorder

PARTIES: STATE OF NEVADA
003202 Stanton, David L.
004963 Daskas, Robert J.

0001 D1 Johnson, Donte
002255 Jackson, Alzora B.
006168 Whipple, Bret O.

Y
Y
Y

Y
Y
Y

Court convened at 10:30 A.M. OUTSIDE THE PRESENCE OF THE JURY, argument by
Mr. Daskas that Ms. Jackson wishes to show certain photos that are in
evidence during jury selection. Following arguments of counsel, COURT
ORDERED, use of evidence during jury selection is DENIED. Arguments as to
the Defendant having to wear restraints during the trial as the Jury already
knows he has been found guilty. Counsel came to an arrangement whereby
visible restraints removed. Mr. Whipple advised of possible occasions
during which he may have to be absent from trial for a short period of time.
Court so noted. Parties noted they had been informed by the Clerk that the
hearing will be bifurcated and that evidence of the Darnell Johnston
incident will be excluded. Defendant's Third Supplemental Notice of
Witnesses FILED IN OPEN COURT. Jury selection commenced. COURT ORDERED,
matter continued and recessed at 5:30 p.m.

CONTINUED TO: 04/20/05 11:00 AM 01

CRIMINAL COURT MINUTES

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04/20/05 11:00 AM 01 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Lisa Makowski A.M., Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003202	Stanton, David L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

Court reconvened at 11:30 a.m. OUTSIDE THE PRESENCE OF THE JURY arguments of counsel as to the extent of hypothetical situations to be allowed in voir dire. Jury selection continued. COURT ORDERED, matter continued and recessed at 5:10 p.m.

CONTINUED TO: 04/21/05 10:00 AM 02

04/21/05 10:00 AM 02 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Kristine Johnson A.M., Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003202	Stanton, David L.	Y
004963	Daskas, Robert J.	Y
0001 D1	Johnson, Donte	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

Court reconvened at 10:00 a.m. Jury selection continued. OUTSIDE THE PRESENCE OF THE JURY, parties stipulated that they consent to Juror 249 and Juror 203, who are aunt and nephew. Jury selection continued. COURT ORDERED, matter continued and recessed at 8:15 p.m.

CONTINUED TO: 04/22/05 09:30 AM 03

CRIMINAL COURT MINUTES

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04/22/05 09:30 AM 03 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley A.M./Kristine Moore P.M., Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004963	Daskas, Robert J.	Y
003202	Stanton, David L.	Y
0001 D1	Johnson, Donte	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

Court reconvened at 10:00 with all present as before. Juror #320 excused as he has the Defendant in shackles. Jury selection completed at 2:05 p.m.; however, not sworn, as one of the juror was missing. OUTSIDE THE PRESENCE OF THE JURY, scheduling discussed. COURT ORDERED, matter continued and recessed at 2:30 p.m.

CONTINUED TO: 04/25/05 10:30 AM 04

04/25/05 10:30 AM 04 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Kristine Moore A.M./ Sonia Riley P.M., Reporter/Record

PARTIES:	STATE OF NEVADA	Y
004963	Daskas, Robert J.	Y
003202	Stanton, David L.	Y
0001 D1	Johnson, Donte	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

Court reconvened at 11:15 with all present. Roll call of Jurors. Jury sworn in. Opening statements. Testimony and exhibits. Sonia Riley, Court reporter in at 1:30 p.m. Testimony and exhibits continued. Jury excused for the evening at 4:40 p.m. OUTSIDE THE PRESENCE OF THE JURY arguments of counsel regarding Ms. Jackson's objection to the inclusion of details of a traffic stop two days before the homicide, as it is a prior bad act.

CONTINUED TO: 04/26/05 10:00 AM 05

CRIMINAL COURT MINUTES

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04/26/05 10:00 AM 05 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Kristine Moore A.M./ Sonia Riley P.M., Reporter/Record

PARTIES:	STATE OF NEVADA	Y
004963	Daskas, Robert J.	Y
003202	Stanton, David L.	Y
0001 D1	Johnson, Donte	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

Court reconvened at 9:40 with all present as before. Testimony and exhibits continued. State rested. Defense proceeded with mitigation portion of trial. Testimony and exhibits. Court recessed at 5:00 p.m. OUTSIDE THE PRESENCE OF THE JURY, instructions discussed.

CONTINUED TO: 04/27/05 11:00 AM 06

04/27/05 11:00 AM 06 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Kristine Moore A.M./Sonia Riley P.M., Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004963	Daskas, Robert J.	Y
003202	Stanton, David L.	Y
0001 D1	Johnson, Donte	Y
002255	Jackson, Alzora B.	Y
000797	Whipple, Melvin R.	Y

Court reconvened at 11:20 a.m. with all present as before. Defense rested at 12:40 p.m. OUTSIDE THE PRESENCE OF THE JURY, instructions settled on the record. JURY PRESENT. Court inquired of the Jurors whether anyone had heard any comments from the gallery. Each Jury member replied in the negative. During Mr. Daskas' closing arguments a family member of one of the victim's fainted and was assisted out of the courtroom. OUTSIDE THE PRESENCE OF THE JURY Mr. Daskas advised that during closing a photo of the crime scene was being shown, he heard a commotion and the family member fainted. Mr. Daskas further advised the family member did not say anything, the jury doesn't know who he is, and he will not be asked to testify as to victim impact. Argument by Ms. Jackson that the courtroom is clearly divided as to the Defendant's family and the victims' families and anyone

CONTINUED ON PAGE: 063

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

CONTINUED FROM PAGE: 062

can tell which side he was on. Argument by Mr. Daskas that this is the first time that person has been here. Argument by Ms. Jackson that he was crying and was visibly upset by the photos of the crime scene. Court took note of the objection.

JURY PRESENT. Court advised there was a commotion and ORDERED, the Jury is to disregard it.

Closing arguments. Jury sworn at 5:05 p.m.

OUTSIDE THE PRESENCE OF THE JURY, argument by Ms. Jackson that the Prosecutors keep referring to the victim's as "boys". Argument by State that Ms. Jackson is using reference that personalize things. Parties agreed to refrain from these types of references.

CONTINUED TO: 04/28/05 10:30 AM 07

04/28/05 10:30 AM 07 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley A.M./Kristine Moore P.M., Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004963	Daskas, Robert J.	Y
003202	Stanton, David L.	Y
0001 D1	Johnson, Donte	Y
002255	Jackson, Alzora B.	Y
006168	Whipple, Bret O.	Y

At 2;30 p.m. the Jury returned with the following verdicts:

Aggravating circumstance or circumstances have been established unanimously and beyond a reasonable doubt as to COUNTS XI, XII, XIII, and XIV (4 verdict forms):

That the Defendant has been convicted of more than one offense of murder in the first or second degree.

Mitigating circumstance or circumstances which have been established as to COUNTS XI, XII, XIII and XIV (4 verdict forms):

The youth of the Defendant at the time of crime;
Instruction #10: Mitigators #3, #5, #6, #7, #8, and #10.

As to COUNTS XI, XII, XIII, and XIV (4 verdict forms):

CRIMINAL COURT MINUTES

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The aggravating circumstance outweighs any mitigating circumstance or circumstances.

Opening arguments as to sentencing. OUTSIDE THE PRESENCE OF THE JURY, arguments as to Ms. Jackson's objection to use of the incident at Clark County Detention Center involving a phone call to have a contract put out. Argument by Mr. Daskas that the original notice references the introduction of infractions while at Clark County Detention Center. Copy of notice submitted. Following further arguments and a further incident, Mr. Daskas and Mr. Stanton advised that, out of an abundance of caution, they will not introduce evidence as to threats to another individual, Scale. Argument by Ms. Jackson that she had worked extensively with Mr. Guyman and Mr. Daskas and sent a letter stating they need to set guidelines. She was told they would use the information in the Amended Information.

Court notes it has read the notice and thinks that once an Amended Notice is filed, it replaces the original and it speaks to getting records and speaks to the Orias incident. However, in looking at it, Court does not see mention of putting a hit out on someone. COURT FINDS, that needs to be specifically put on the notice and if she couldn't defend against it would jeopardize the proceedings. Court agrees with the agreement the parties have come to that they will not use this evidence.

CONTINUED TO: 04/29/05 09:30 AM 08

04/29/05 09:30 AM 08 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA

004963 Daskas, Robert J.

003202 Stanton, David L.

0001 D1 Johnson, Donte

002255 Jackson, Alzora B.

006168 Whipple, Bret O.

Y

Y

Y

Y

Y

Y

OUTSIDE THE PRESENCE OF THE JURY: Ms. Jackson stated counsel is objecting to the use of photo during victim impact. Opposition by the State. Further, Ms. Jackson argued Payne vs. Tennessee allows the State to present brief picture of decedent and impact on family. This photo leaves an impression a two year old child was shot. Mr. Daskas argued the picture is of Matthew Mullen with his sister at a young age. Further, sister will be called and will tell what impact she has suffered. Further arguments by counsel. COURT ORDERED, objection SUSTAINED. Mr. Daskas requested a short recess before calling witnesses as to victim impact to confer with the family members.

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vs Johnson, Donte

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Further, Mr. Daskas requested the victim's brother be allowed back in the courtroom today after fainting the previous day. Court stated he has a duty to protect the integrity of the trial and if the brother returns to the courtroom he will have to maintain his composure. JURY PRESENT: Further testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Daskas stated he has agreed to redact certain information from the disciplinary reports that were a concern to Deft's counsel. Ms. Jackson stated she has reviewed the records and wants the record to reflect her objection to the entire packet. Further arguments by counsel. Court FINDS hearsay is allowable in a penalty hearing and there is no case law to support argument by Ms. Jackson, therefore, objection is OVERRULED. JURY PRESENT: Further testimony and exhibits. Court recessed.

CONTINUED TO: 05/02/05 09:00 AM 09

05/02/05 09:00 AM 09 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
003202 Stanton, David L.

0001 D1 Johnson, Donte
002255 Jackson, Alzora B.
006168 Whipple, Bret O.

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JURY PRESENT: Further testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: The Court advised counsel, the Bailiff advised the Court he found what appears to be a crack pipe in the jury box. Officer Burrell, Bailiff for Department VIII advised this was brought to his attention by one of the jurors. Further, Officer Burrell stated it appears to be a glass tube with residue which appeared to be drugs or narcotic residue. Next to the glass tube what appeared to be a screw which is used to push drugs closer to ends for smoking. Ms. Jackson advised she was at the bench with counsel when Officer Burrell brought this to the Court's attention and it appeared to be a crack pipe and pusher. Mr. Daskas advised in the morning the in custody prisoners are seated in the jury box for this Court's morning calendar. Additionally, there were in custody prisoners in the jury box on Friday, April 29, 2005. Mr. Whipple asked Officer Burrell if jury box was checked? Officer Burrell advised he looks in the box every morning. The prisoners came in on Friday and nothing was there. Did not check in the evening and did not check this morning. The juror indicated she had not seen it prior to today. Court noted for the record there are in custody prisoners in this courtroom seated in the jury box on Mondays, Wednesdays and sometimes on Fridays. Mr. Daskas stated for the record the

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vs Johnson, Donte

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pipe was about 2 and one half to three inches long and eighth of an inch in diameter. Officer Burrell stated he will make a report and book into evidence. Further statements by counsel. JURY PRESENT: Further testimony and exhibits. Court recessed.

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05/03/05 09:00 AM 10 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
003202 Stanton, David L.

0001 D1 Johnson, Donte
002255 Jackson, Alzora B.
006168 Whipple, Bret O.

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Court convened at 9:30 a.m. OUTSIDE THE PRESENCE OF THE JURY, Mr. Daskas advised the Ms. Jackson's next witness, has a slide presentation which includes information relating to gang activity, child soldiers, statements allegedly made by the Defendant that has not been included in any testimony or evidence presented to the Jury, etc., all of which is beyond the scope of a neuro-psychologist. Argument by Ms. Jackson that the witness has had years of experience working in counseling and a lot of the things were told to him by the Defendant. Further argument that the witness had a duty to look at all the data available and form an opinion. Further argued the Statute permits that. Thomas Kinsora sworn and testified. Copy of report from mitigation expert submitted by Ms. Jackson. COURT ORDERED, objection is OVERRULED; Dr. Kinsora will be allowed to testify and to use his slide presentation. Parties noted Dr. Kinsora was retained at the last moment in the Sikia Smith trial and testified as to the detrimental effect of PCP on the brain. Parties concurred there was no conflict in his testifying in this case.

JURY PRESENT at 9:55 a.m. Testimony and exhibits. Defense rested at 12:00 p.m. Rebuttal witness by State. Jury excused for the day.

OUTSIDE THE PRESENCE OF THE JURY, Defendant advised of his right to give an unsworn allocution. Defendant advised he did not wish to do so. Jury instructions discussed.

COURT ORDERED, matter continued to 1:30 p.m. on 5/4/05.

CLERK'S NOTE: Statement from the Bailiff regarding the crack pipe found in

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the Jury seating area given to Clerk and FILED IN OPEN COURT.

CONTINUED TO: 05/04/05 01:30 PM 11

05/04/05 01:30 PM 11 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
004963 Daskas, Robert J.
003202 Stanton, David L.

0001 D1 Johnson, Donte
002255 Jackson, Alzora B.
006168 Whipple, Bret O.

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Y
Y
Y

Y
Y
Y

OUTSIDE THE PRESENCE OF THE JURY instructions settled on the record. As to proposed exhibit #258, the Guilty Plea Agreement and Judgment of Conviction re Reginald Johnson, Court advised it has reconsidered and will not admit it as it is more prejudicial than probative. Following further arguments of counsel, COURT ORDERED, the Judgment of Conviction may be admitted but not the Plea Agreement.

Jury present at 1:50 p.m. OUTSIDE THE PRESENCE OF any gallery people, Jurors questioned as to the piece of glass found by one of the jury seats. Upon Court's inquiry, jurors advised they first saw the piece of glass on Monday; further advised it does not belong to any one of the jurors.

OBSERVERS IN THE GALLERY PRESENT. Court read jury instructions. Closing arguments. Jury retired to deliberate at 5:10 p.m.

OUTSIDE THE PRESENCE OF THE JURY Court thanked the attorneys for their professionalism during trial.

Jury dismissed for the evening at 7:45 p.m.

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vs Johnson, Donte

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05/05/05 08:30 AM 12 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.
003202 Stanton, David L.

0001 D1 Johnson, Donte
002255 Jackson, Alzora B.
006168 Whipple, Bret O.

Y
Y
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At 11:00 a.m. the Jury returned with the following verdict:

The Defendant, Donte Johnson, having been found guilty of Murder of the First Degree With Use of a Deadly Weapon, and we, the Jury, having found that the aggravating circumstance outweighs any mitigating circumstances, impose a sentence of:

Count XI (Jeffrey Biddle): Death
Count XII (Tracey Gorringe): Death
Count XIII (Matthew Mowen): Death
Count XIV (Peter Talamentez): Death

As the Defendant has been incarcerated in prison since the last sentencing and no Pre-Sentence Investigation report will be required, Ms. Jackson requested a speedy sentencing date. COURT SO ORDERED.

NDC

5-12-05 9:00 A.M. SENTENCING

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vs Johnson, Donte

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05/12/05 09:00 AM 00 SENTENCING

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Elaine York/ey, Relief Clerk
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004963 Daskas, Robert J.	Y
	003202 Stanton, David L.	Y
	0001 D1 Johnson, Donte	Y
	002255 Jackson, Alzora B.	Y
	006168 Whipple, Bret O.	Y

Ms. Jackson stated not ready to proceed with the sentencing today and noted it was at Defendant's request a speedy sentencing date was originally given. Ms. Jackson explained there are post trial motions that may be filed and added by statute there is time remaining for the filing of a request for a new trial. Ms. Jackson noted conferring with Mr. Schieck and Ms. McMahon on several issues and requested a continuance to protect the defendant's life and the record. There being no opposition from Mr. Daskas, COURT ORDERED, matter CONTINUED. Ms. Jackson inquired as to the housing of defendant and requested defendant be released and housed at Nevada Department of Corrections at High Desert. Colloquy between Court and counsel regarding transporting defendant for hearings. Ms. Jackson stated defendant will waive his appearance for all hearings. COURT ORDERED, defendant released to Nevada Department of Corrections at High Desert.

NDC

CONTINUED TO: 06/06/05 09:00 AM 01

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98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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06/06/05 09:00 AM 01 SENTENCING

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003202 Stanton, David L.	Y
	004963 Daskas, Robert J.	Y
	0001 D1 Johnson, Donte	Y
	002255 Jackson, Alzora B.	Y
	006168 Whipple, Bret O.	Y

Conference in chambers.

Pursuant to Jury's verdict, COURT ORDERED, Defendant sentenced as follows:

As to COUNT XI - MURDER OF THE FIRST DEGREE (F) Defendant is SENTENCED to DEATH;

As to COUNT XII - MURDER OF THE FIRST DEGREE (F), Defendant is SENTENCED to DEATH;

As to COUNT XIII - MURDER OF THE FIRST DEGREE (F), Defendant is SENTENCED to DEATH;

As to COUNT XIV - MURDER OF THE FIRST DEGREE (F), Defendant is SENTENCED to DEATH.

Judgement of Conviction signed and FILED IN OPEN COURT. Warrant of Execution signed and FILED IN OPEN COURT. Order of Execution signed and FILED IN OPEN COURT. Order to Stay Execution signed in FILED IN OPEN COURT.

COURT ORDERED, Clerk to enter the Judgment in the Minutes of the Court. Having sentenced Defendant to death, COURT ORDERED, Director of the Nevada Department of Corrections to execute the Defendant during the week of August 31, 2005. COURT FURTHER ORDERED, Defendant to be turned over to the Nevada Department of Corrections for execution of the sentence; Defendant to be transported forthwith.

NDC

CRIMINAL COURT MINUTES

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vs Johnson, Donte

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06/14/05 10:00 AM 00 EVIDENTIARY HEARING

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004963 Daskas, Robert J.	Y
	003202 Stanton, David L.	Y
	0001 D1 Johnson, Donte	N
	002255 Jackson, Alzora B.	Y
	006168 Whipple, Bret O.	Y

Conference in Chambers with the attorneys. Court excused all personnel from Chambers and did an in camera review of Juror #4's notes.

Court reconvened at 11:30 with all parties present. Defendants's presence waived.

Testimony and exhibits presented.

Argument by Ms. Jackson that Juror #4 had already made up her mind as to the death sentence. Argument by Mr. Daskas that the defense team passed the juror for cause. Objection by Ms. Jackson that they were not allowed to see the jurors note's. Court advised it examined the notes and the testimony was consistent with the notes. Court further advised the loose leaf papers only recorded what happened regarding breaks; there was nothing to suggest the Juror's mind was made up.

State presented an Affidavit of Juror Twila Morgan which was marked as State's Exhibit 1. Argument by Ms. Jackson as to Declaration #7 of the Affidavit. Ms. Jackson requested Court allow them to get a transcript of today's proceedings and brief the matter of whether the Juror's mind was made up or not. COURT ORDERED, request is DENIED.

Argument by Mr. Daskas that Ms. Jackson has accused the Juror of stating she is writing a book and argued there is nothing improper about that; that Ms. Jackson has accused the Juror of planning to use information from the penalty hearing in the book and argued the accusation is belied by the record. Further that Ms. Jackson has made the accusation that the Juror had her mind made up regarding the penalty to be imposed and argued that this also is belied by the record and the testimony.

As to the question of whether or not the Juror had already stated to the other jurors that the Defendant had been given a death sentence by a three-judge panel, COURT FINDS, all of the jurors were asked about that and some remembered vaguely. This was discussed in depth and it was solicited from the jurors whether they could put aside what they had heard; all of

CRIMINAL COURT MINUTES

98-C-153154-C STATE OF NEVADA

vs Johnson, Donte

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them gave assurance under oath that they could put it aside. COURT FINDS, it came out from a witness that the Defendant was on death row; that was not a violation by Juror #4. COURT FINDS, the defense team did not challenge her for cause; further, there is nothing in the record or in her notes to indicate she had made up her mind as to the sentence. COURT ORDERED, the notes to be made a part of the record UNDER SEAL and to be opened only by Court's order. COURT FINDS, the fact that she may have said she is writing a book cannot be used to show prejudice. The testimony was that she is not writing a book about the case but only about jury service and the problems faced by people serving as jurors. There is no evidence she was making an outcome happen in order to put it in her book. COURT FINDS, there is nothing from the witnesses or the notes to support this allegation, and, in fact, witness testimony has been contrary to that.

Based on the totality of the circumstances, the facts, the notes, and the testimony, COURT DOES NOT FIND there was prejudice or any misconduct by the Juror. COURT ORDERED, Motion for a New Trial is DENIED.

State to prepare the Order.

CLERK'S NOTE: Juror's notes marked as Court's Exhibit I and SEALED.

06/20/05 ??:?? ?M 00 MINUTE ORDER RE: NON-APPEARING JURORS

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk

PARTIES: NO PARTIES PRESENT

COURT ORDERED, the names of the following non-appearing jurors be forwarded to Jury Services for inclusion on the next scheduled hearing for Order to Show Cause of non-appearance:

Juror 101583732, Badge 110110 - Alonzo Estes
Juror 100424729, Badge 110124 - George Story
Juror 101499152, Badge 110161 - Ana Silvia Lopez
Juror 101531294, Badge 110165 - Carlos Villareal
Juror 101591875, Badge 110232 - Kyle Dormanen

06/30/05

E X H I B I T S

3:01 PM

CASE NO. 98-C-153154-C

CASE STATUS: ACTIVE

STATE OF NEVADA

[] vs Johnson, Donte

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	P	/GRAND JURY EXHIBITS	S	/	09/02/98	V
0002	P/	/SUPERSEDING GRAND JURY EXHIBITS	S	/	09/16/98	V
0003	P-1	/1 - 13 PHOTOS	S	AD/	10/26/99	V
0004	P-14	/CHART	S	AD/NO	10/26/99	V
0005	D/A	/A - D LETTERS	D	AD/ST	10/26/99	V
0006	P/1	/COPY OF CONSENT TO SEARCH	S	AD/NO	01/06/00	V
0007	P\	/PLTF EXH 1 THRU 244	S	AD/	06/05/00	V
0008	P\\	/COURT EXHIBITS I THRU XI	S	/	06/05/00	V
0009	D\\	/DEFT EXH A THRU N	0001	AD/	06/05/00	V
0010	P-XII	/COURT'S EXHIBITS / VERDICTS	S	/	99/99/99	V
0011	P;	/*****5/3/04 HEARING*****		/	99/99/99	
0012	P:1	/HANDWRITTEN LETTER BY DEFT	S	/	99/99/99	V
0013	P:2	/HANDWRITTEN LETTER BY DEFT	S	/	99/99/99	V
0014	P:3	/HANDWRITTEN LETTER BY DEFT	S	/	99/99/99	V
0015	P:4	/HANDWRITTEN LETTER BY DEFT	S	/	99/99/99	V
0016	P:5	/HANDWRITTEN LETTER BY DEFT	S	/	99/99/99	V
0017	P:6	/HANDWRITTEN LETTER BY DEFT	S	/	99/99/99	V
0018	P:7	/DECLARATION OF WARRANT/SUMMONS	S	/	99/99/99	V
0019	P'	/*****5/17/04 HEARING*****		/	99/99/99	
0020	D;A	/PHOTO	0001	/	99/99/99	V
0021	D;B	/PHOTO	0001	/	99/99/99	V
0022	D;C	/PHOTO	0001	AD/NO	05/17/04	V
0023	D;D	/OFFICER'S REPORT	0001	AD/NO	05/17/04	V
0024	D;E	/6 PG PHOTO OF CCDC	0001	AD/NO	05/17/04	V
0025	D;F	/PRELIMINARY HEARING TRANSCRIPT	0001	AD/NO	05/17/04	V
0026	D;G	/PHOTO	0001	AD/NO	05/17/04	V
0027	D;H	/WAIVER OF CONFLICT	0001	AD/NO	05/17/04	V
0028	P;"	/*****4/19/05 PENALTY HEARING*****		/	99/99/99	
0029	P<	/STATES EXHIBITS 1-258		/	99/99/99	V
0030	D<	/DEFTS EXHIBITS A99-D99, A-HHH		/	99/99/99	V
0031	PCT	/COURTS EXHIBITS XII		/	99/99/99	V
0032	P1	/AFFDVT OF TWILA MORGAN		AD/OB	06/14/05	V
0033	PCT1	/JUROR #4 NOTES-SEALED		AD/NO	06/14/05	V

Certification of Copy

State of Nevada

County of Clark

SS:

I, Shirley B. Parraguirre, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION; DISTRICT COURT MINUTES; EXHIBITS
LIST

STATE OF NEVADA.

Plaintiff(s),

VS.

DONTE JOHNSON,

Defendant(s),

Case No: C153154

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
this 30 day of June 2005.

Shirley B. Parraguirre, Clark County Clerk

Robin J. Mills, Deputy Clerk