

07-06153

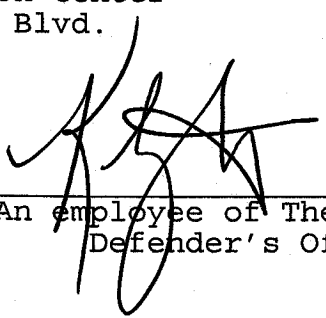
CERTIFICATE OF MAILING

The undersigned does hereby certify that on the 12 day of March, 2007, I deposited in the United States Post Office at Las Vegas, Nevada, a copy of the Notice of Appeal, postage prepaid, addressed to the following:

District Attorney's Office
200 Lewis Ave., Ste. 800
Las Vegas NV 89155

Nevada Attorney General
100 N. Carson
Carson City, NV 89701-4717

Kirstin Blaise Lobato, No. 1691351
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas NV 89101



An employee of The Special Public
Defender's Office

ORIGINAL

FILED

CAS
DAVID M. SCHIECK
CLARK COUNTY SPECIAL PUBLIC DEFENDER
Nevada Bar #0824
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155-2316
(702) 455-6265

MAR 12 2 10 PM '07

Chaf
CLERK OF THE COURT

Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,)	CASE NO. C 177394
)	DEPT. NO. II
Plaintiff,)	
vs.)	
KIRSTIN BLAISE LOBATO,)	DATE OF HEARING: N/A
Defendant.)	TIME OF HEARING: N/A

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement: KIRSTIN BLAISE LOBATO
2. Judge issuing the decision, judgment, or order appealed from: VALORIE VEGA
3. All parties to the proceedings in the district court (the use of et al. To denote parties is prohibited): State of Nevada, Plaintiff; Kirstin Lobato, Defendant.
4. All parties involved in this appeal (the use of et al. to denote parties is prohibited): Kirstin Lobato, Appellant; The State of Nevada, Respondent.
5. Name, law firm, address, and telephone number of all counsel

CLERK OF THE COURT

MAR 12 2007

RECEIVED

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

1 on appeal and party or parties whom they represent:

2 DAVID M. SCHIECK
3 Clark County, Nevada
4 Special Public Defender
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155

DAVID ROGER
Clark County, Nevada
District Attorney
Las Vegas, Nevada 89155

5 Counsel for Appellant

CATHERINE CORTEZ-MASTO
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

8 Counsel for Respondent

9
10 6. Whether appellant was represented by appointed or retained
11 counsel in the district court: Appointed

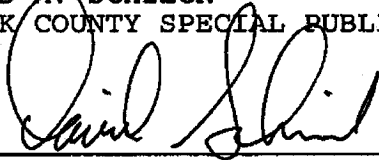
12 7. Whether appellant is represented by appointed or retained
13 counsel on appeal: Appointed.

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: Initial Arraignment was August 21, 2001

17 9. Date proceedings commenced in the district court (e.g., date
18 complaint, indictment, information, or petition was filed):
19 Information filed on August 9, 2001

20 DATED this 1 day of March, 2007.

21 DAVID M. SCHIECK
22 CLARK COUNTY SPECIAL PUBLIC DEFENDER

23 By 
24 DAVID M. SCHIECK
25 CLARK COUNTY SPECIAL PUBLIC DEFENDER
26 330 SOUTH THIRD STREET, STE. 800
27 LAS VEGAS, NEVADA 89155-2316
28 (702) 455-6265

CERTIFICATE OF MAILING

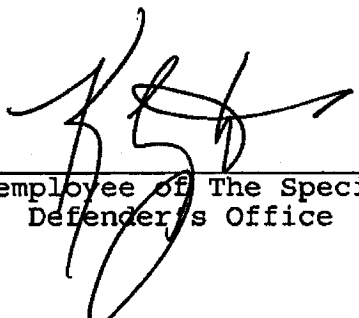
The undersigned does hereby certify that on the 12 day of March, 2007, I deposited in the United States Post Office at Las Vegas, Nevada, a copy of the Case Appeal Statement, postage prepaid, addressed to the following:

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas NV 89155

Nevada Attorney General
100 N. Carson
Carson City, NV 89701-4717

Kirstin Blaise Lobato, No. 1691351
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas NV 89101

DATED: 3/12/07



An employee of The Special Public
Defender's Office

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

DATE: 03/12/07
CASE NO. 01-C-177394-C

I N D E X

TIME 2:50 PM
JUDGE: Vega, Valorie J.

STATE OF NEVADA

[] vs Lobato, Kirstin B

[]

0001 D1 Kirstin B Lobato

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	08/09/01	CBO	/CRIMINAL BINDOVER Fee \$0.00				
0002	08/09/01	HEAR/AT THE REQUEST OF THE COURT		0001	MH	08/10/01	
0003	08/09/01	ARRN/INITIAL ARRAIGNMENT		0001		08/21/01	
0004	08/09/01	INFO/INFORMATION		0001		08/09/01	
0005	08/10/01	HEAR/HEARING: BAIL SETTING		0001		08/21/01	
0006	08/09/01	CBOR/CRIMINAL BINDOVER RECEIPT		0001			
0007	08/10/01	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				08/10/01	
0008	08/21/01	OCAL/STATUS CHECK: DISCOVERY		0001	MR	08/30/01	
0009	08/21/01	CALC/CALENDAR CALL		0001		09/20/01	
0010	08/21/01	JURY/TRIAL BY JURY (VJ/9/20/01)		0001	VC	09/24/01	
0011	08/21/01	MOT /ALL PENDING MOTIONS (08-21-01)		0001		08/21/01	
0012	08/21/01	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				08/21/01	
0013	08/21/01	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				08/21/01	
0014	08/22/01	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				08/22/01	
0015	08/23/01	OTTE/ORDER TO TRANSPORT		0001		09/11/01	
0016	08/23/01	OTTE/ORDER TO TRANSPORT		0001		08/28/01	
0017	08/31/01	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING		0001		08/07/01	
0018	08/28/01	ROC /RECEIPT OF COPY		0001		08/27/01	
0019	09/10/01	ROC /RECEIPT OF COPY		0001		09/10/01	
0020	09/14/01	LIST/NOTICE OF EXPERT WITNESSES		0001			
0021	09/14/01	LIST/NOTICE OF WITNESSES		0001			
0022	09/17/01	ORDR/ORDER TO TRANSPORT		0001			
0023	09/20/01	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS		0001		10/25/01	
0024	09/20/01	CALC/CALENDAR CALL		0001		11/09/01	
0025	09/20/01	JURY/TRIAL BY JURY (VJ/11/9/01)		0001	VC	11/13/01	
0026	09/24/01	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS/11		0001	DN	10/25/01	
0027	09/24/01	MOT /DEFT'S MTN TO DISMISS/12		0001	DN	10/25/01	
0028	09/26/01	ROC /RECEIPT OF COPY		S		09/24/01	
0029	09/27/01	ROC /RECEIPT OF COPY		0001		09/24/01	
0030	09/27/01	ORDR/ORDER		0001			
0031	10/01/01	ROC /RECEIPT OF COPY		0001		09/24/01	
0032	10/01/01	WRIT/WRIT OF HABEAS CORPUS		0001			
0033	10/08/01	OTTE/EX PARTE ORDER TO TRANSPORT		0001		10/10/01	
0034	10/12/01	OTTE/EX PARTE ORDER TO TRANSPORT		0001		10/25/01	
0035	10/12/01	OTTE/EX PARTE ORDER TO TRANSPORT		0001		11/07/01	
0036	10/15/01	ROC /RECEIPT OF COPY		0001		10/09/01	
0037	10/15/01	CERT/DECLARATION OF MAILING		0001		10/12/01	
0038	10/18/01	ROC /RECEIPT OF COPY		0001		10/18/01	
0039	10/23/01	WRIT/RETURN TO WRIT OF HABEAS CORPUS		0001			
0040	10/23/01	OPPS/OPPOSITION TO DEFENDANTS MOTION TO DISMISS		0001			
0041	10/24/01	ROC /RECEIPT OF COPY		0001		10/11/01	
0042	10/25/01	MOT /ALL PENDING MOTIONS (10/25/01)		0001		10/25/01	
0043	10/29/01	NOTC/NOTICE OF ALIBI WITNESS		0001			

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0044	10/29/01	LIST/NOTICE OF DEFENDANTS EXPERT WITNESSES	0001			
0045	10/31/01	REQT/EX PARTE REQUEST AND ORDER FOR THE	0001			Y
		COURTS IN-CAMERA INSPECTION OF CHILD	0001			
PROTECTIVE SERVICES RECORDS						
0046	11/05/01	ORDR/ORDER	0001			
0047	11/06/01	ROC /RECEIPT OF COPY	0001		11/05/01	
0048	11/09/01	CALC/CALENDAR CALL	0001		11/20/01	
0049	11/09/01	JURY/TRIAL BY JURY (VH 11/26/01)	0001	VC	11/26/01	
0050	11/08/01	LIST/NOTICE OF WITNESSES	0001			
0051	11/08/01	OTTE/ORDER TO TRANSPORT	0001		11/09/01	
0052	11/09/01	ROC /RECEIPT OF COPY	0001		11/08/01	
0053	11/19/01	OTTE/ORDER TO TRANSPORT	0001		11/20/01	
0054	11/26/01	JURY/TRIAL BY JURY	0001		12/05/01	
0055	11/27/01	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			11/26/01	
0056	11/26/01	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO			11/26/01	
		PROCEEDINGS & ORDER GRANTING				
0057	11/26/01	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO			11/26/01	
		PROCEEDINGS & ORDER GRANTING				
0058	11/28/01	BOND/BAIL BOND #R50-11505658 - \$50,000.00	0001			
0059	11/26/01	OTTE/ORDER TO TRANSPORT	0001		11/28/01	
0060	11/27/01	ROC /RECEIPT OF COPY	0001		11/27/01	
0061	11/27/01	ROC /RECEIPT OF COPY	0001		11/19/01	
0062	11/28/01	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS			11/28/01	
		TO PROCEEDINGS AND ORDER GRANTING				
0063	12/05/01	CALC/CALENDAR CALL	0001		05/02/02	
0064	12/05/01	JURY/TRIAL BY JURY (VH 4/25/02)	0001	VC	04/29/02	
0065	02/08/02	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO			02/08/02	
		PROCEEDINGS - ORDER GRANTING				
0066	04/10/02	LIST/NOTICE OF DEFENDANTS EXPERT WITNESSES	0001			
0067	04/15/02	ORDR/ORDER FOR PRODUCTION OF INMATE	0001		07/29/02	
		KORINDA JEAN MARTIN	0001			
0068	04/18/02	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0069	04/25/02	JURY/TRIAL BY JURY	0001		05/17/02	
0070	04/29/02	NOTC/NOTICE OF REBUTTAL ALIBIS	0001			
0071	04/29/02	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0072	05/07/02	TRB /TRIAL BEGINS	0001		05/07/02	
0073	05/08/02	TRAN/REPORTER'S TRANSCRIPT RE CALENDAR CALL	0001		05/02/02	
0074	05/08/02	JLST/DISTRICT COURT JURY LIST	0001			
0075	05/09/02	NOTC/SUPPLEMENTAL NOTICE OF REBUTTAL ALIBIS	0001			
0076	05/14/02	TRAN/REPORTER'S TRANSCRIPT RE: PROTION OF	0001		05/08/02	Y
		JURY TRIAL DEFENDANT'S OPENING	0001			
STATEMENT						
0077	05/14/02	TRAN/REPORTER'S TRANSCRIPT RE: PORTION OF	0001		05/08/02	
		JURY TRIAL STATE'S OPENING STATEMENT	0001			
0078	05/10/02	LIST/NOTICE OF DEFENDANTS EXPERT WITNESSES	0001			
0079	05/18/02	SENT/SENTENCING Vj 6-18-02	0001	VC	07/02/02	
0080	05/18/02	TRE /TRIAL ENDS				
0081	05/18/02	JMNT/VERDICT	0001		05/21/02	
0082	05/15/02	MEMO/BENCH MEMO	0001			
0083	05/16/02	LIST/SUPPLEMENTAL NOTICE OF ALIBI WITNESS	0001			
0084	05/16/02	MEMO/BENCH MEMO	0001			
0085	05/18/02	INST/INSTRUCTIONS TO THE JURY	0001			

(Continued to page 3)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0086	05/22/02	NOEV/NOTICE OF EXHIBITS IN THE VAULT			05/06/02	
0087	05/21/02	OTTE/ORDER TO TRANSPORT	0001		05/29/02	
0088	05/21/02	OTTE/ORDER TO TRANSPORT	0001		05/22/02	
0089	05/22/02	ROC /RECEIPT OF COPY	0001		05/21/02	
0090	05/28/02	MOT /DEFT'S MTN TO EXTEND TIME TO FILE MTN FOR NEW TRIAL ALTERNATIVE MTN FOR/21	0001 0001		07/18/02	
0091	05/29/02	ROC /RECEIPT OF COPY	0001		05/28/02	
0092	05/29/02	ROC /RECEIPT OF COPY	0001		05/28/02	
0093	06/06/02	OTTE/ORDER TO TRANSPORT	0001		06/11/02	
0094	06/06/02	OTTE/ORDER TO TRANSPORT	0001		06/26/02	
0095	06/07/02	ROC /RECEIPT OF COPY	0001		06/07/02	
0096	06/12/02	RSPN/STATES RESPONSE TO MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR NEW TRIAL	0001 0001			Y
0097	06/14/02	RPLY/REPLY TO STATES RESPONSE TO MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL	0001 0001			Y
0098	06/18/02	OCAL/STATUS CHECK: RESCHEDULING OF SENTENCING DATE	0001 0001	GR	08/22/02	
0099	06/18/02	OTTE/ORDER TO TRANSPORT	0001		06/18/02	
0100	06/18/02	EXH /SUPPLEMENTAL EXHIBIT IN SUPPORT OF REPLY TO STATES RESPONSE TO MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL	0001 0001			Y
0101	06/20/02	ROC /RECEIPT OF COPY	0001		06/18/02	
0102	06/20/02	ROC /RECEIPT OF COPY	0001		06/18/02	
0103	06/26/02	OTTE/ORDER TO TRANSPORT	0001		07/24/02	
0104	06/26/02	OTTE/ORDER TO TRANSPORT	0001		07/03/02	
0105	07/03/02	ROC /RECEIPT OF COPY	0001		07/01/02	
0106	07/09/02	EXH /SUPPLEMENTAL EXHIBIT A IN SUPPORT OF REPLY TO STATES RESPONSE TO MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL	0001 0001			Y
0107	07/09/02	ROC /RECEIPT OF COPY	0001		07/09/02	
0108	07/18/02	ARGU/ARGUMENT: DEFT'S MOTION TO EXTEND TIME TO FILE MTN FOR NEW TRIAL, MTN NEW TRIAL	0001 0001	DN	08/22/02	
0109	07/18/02	MOT /ALL PENDING MOTIONS (7/18/02)	0001		07/18/02	
0110	07/18/02	ROC /RECEIPT OF COPY	0001		06/18/02	
0111	08/06/02	OTTE/ORDER TO TRANSPORT	0001		08/07/02	
0112	08/06/02	ROC /RECEIPT OF COPY	0001		08/06/02	
0113	08/06/02	OTTE/ORDER TO TRANSPORT	0001		08/21/02	
0114	08/06/02	ROC /RECEIPT OF COPY	0001		08/06/02	
0115	08/07/02	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME 1 DAY 3	0001 0001		05/18/02	
0116	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE JURY TRIAL VOLUME 2 DAY 4	0001 0001		08/09/02	
0117	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 3 - DAY 5	0001 0001		05/10/02	
0118	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 5 - DAY 7	0001 0001		05/14/02	
0119	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 7 - DAY 9	0001 0001		05/16/02	

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0120	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE: JURY TRIAL - VERDICT VOLUME 9 - DAY 11	0001		05/18/02	
0121	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 4 - DAY 6	0001		05/13/02	
0122	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 8 - DAY 10	0001		05/17/02	
0123	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 6 - DAY 8	0001		05/15/02	
0124	08/09/02	NOEV/NOTICE OF TRANSCRIPTS IN THE FILE ROOM				
0125	08/20/02	SUPP/SUPPLEMENT TO NEW TRIAL MOTION WITH TRANSCRIPT REFERENCES	0001			
0126	08/22/02	SENT/SENTENCING	0001	GR	08/27/02	
0127	08/22/02	MOT /ALL PENDING MOTIONS (8/22/02)	0001		08/22/02	
0128	08/26/02	OTTE/ORDER TO TRANSPORT	0001		08/29/02	
0129	08/27/02	TRAN/REPORTER'S TRANSCRIPT RE: PARTIAL TRANSCRIPT RE COURTS ORDER ARGUMENT:	0001		08/22/02	Y
DEFENDANTS MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL STATUS CHECK: RESCHEDULING OF SENTENCING DATE						
0130	08/27/02	ROC /RECEIPT OF COPY	0001		08/26/02	
0131	09/03/02	CSCL/CASE CLOSED			08/27/02	
0132	09/04/02	OTTE/ORDER TO TRANSPORT	0001		09/12/02	
0133	09/04/02	OTTE/ORDER TO TRANSPORT	0001		09/05/02	
0134	09/04/02	ROC /RECEIPT OF COPY	0001		09/04/02	
0135	09/04/02	ROC /RECEIPT OF COPY	0001		09/04/02	
0136	09/16/02	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		09/17/02	
0137	09/16/02	JMNT/GENETIC TESTING FEE	0001		09/17/02	
0138	09/16/02	JMNT/FINE	0001		09/17/02	
0139	09/16/02	JUDG/JUDGMENT OF CONVICTION - JURY TRIAL	0001	GR	09/16/02	
0140	09/16/02	OTTE/ORDER TO TRANSPORT	0001		09/18/02	
0141	09/17/02	ROC /RECEIPT OF COPY	0001		09/16/02	
0142	10/10/02	PINU/PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL	0001			
0143	05/17/02	FILE/FILING	0001			
0144	05/17/02	FILE/FILING	0001			
0145	05/17/02	FILE/FILING	0001			
0146	10/14/02	JLST/AMENDED DISTRICT COURT JURY LIST	0001			
0147	10/15/02	NOAS/NOTICE OF APPEAL	0001	AP	10/15/02	
0148	10/15/02	STAT/CASE APPEAL STATEMENT	0001			
0149	11/18/02	ORDR/ORDER	0001		11/18/02	
0150	12/02/02	TRAN/REPORTER'S TRANSCRIPT RE: DEFTS PETITION FOR WRIT OF HABEAS CORPUS DEFTS MOTION	0001		10/25/01	Y
TO DISMISS						
0151	12/02/02	TRAN/REPORTER'S TRANSCRIPT RE: ARGUMENT: DEFTS MOTION TO EXTEND TIME TO FILE	0001		08/22/02	Y
MOTION FOR NEW TRIAL STATUS CHECK: RESCHEDULING OF SENTENCING DATE						
0152	12/02/02	TRAN/REPORTER'S TRANSCRIPT RE: TRIAL BY JURY JURY SELECTION	0001		05/06/02	
0153	12/02/02	TRAN/REPORTER'S TRANSCRIPT RE: TRIAL BY JURY MOTION TO CONTINUE TRIAL	0001		05/07/02	
0154	12/02/02	TRAN/REPORTER'S TRANSCRIPT RE: TRIAL BY JURY JURY SELECTION	0001		11/26/01	
0155	12/02/02	TRAN/REPORTER'S TRANSCRIPT RE: SENTENCING	0001		05/07/02	
		(Continued to page 5)			08/27/02	

01-C-177394-C		(Continuation Page 5)	
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR OC SCH/PER C
0156	03/13/03	ORDR/ORDER FOR RELEASE OF EVIDENCE	0001 03/13/03
0157	03/21/03	ROP /RECEIPT OF EXHIBITS	0001 03/19/03
0158	05/14/03	EXPR/EX PARTE ORDER FOR CONTACT VISIT	0001 05/14/03
0159	09/09/04	APCL/APPEAL TO SUPREME COURT: CLOSED 40370	GR 09/03/04
0160	10/05/04	CASO/CASE (RE)OPENED	10/05/04
0161	10/05/04	HEAR/AT THE REQUEST OF THE COURT: RESET TRIAL DATE	0001 GR 10/07/04
0162	10/05/04	CCJR/NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - REVERSED AND REMANDED	0001 10/05/04
0163	10/07/04	MOT /DEFT'S ORAL MTN FOR BAIL REDUCTION	0001 GR 10/28/04
0164	10/07/04	CALC/CALENDAR CALL	0001 11/09/04
0165	10/07/04	JURY/TRIAL BY JURY VJ 11/9/04	0001 VC 11/15/04
0166	10/07/04	FTA /FAILURE TO APPEAR	0001 10/07/04
0167	10/05/04	JMNT/CLERK'S CERTIFICATE REVERSED/REMANDED	S 10/08/04
0168	10/21/04	ORDR/ORDER FOR PRODUCTION OF INMATE	0001 SH 10/28/04
0169	10/25/04	MOT /DEFT'S MTN FOR RELEASE WITHOUT BAIL OR TO REINSTATE BAIL INTENSIVE SUPERVIS/32	0001 GP 10/28/04
0170	10/25/04	ROC /RECEIPT OF COPY	0001 10/25/04
0171	10/25/04	LIST/SUPPLEMENTAL NOTICE OF EXPERT WITNESSES	0001
0172	10/28/04	MOT /ALL PENDING MOTIONS FOR 10/28/04	0001 10/28/04
0173	10/26/04	LIST/NOTICE OF EXPERT WITNESSES	0001
0174	10/27/04	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR RELEASE WITHOUT BAIL OR IN THE	0001 Y
ALTERNATIVE TO REINSTATE BAIL INTENSIVE SUPERVISION OR HOUSE ARREST			
0175	11/01/04	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	0001
0176	11/03/04	MOT /DEFT'S MTN TO CONTINUE TRIAL/34	AL GR 11/09/04
0177	11/03/04	ORDR/ORDER TO TRANSPORT	0001 SH 11/15/04
0178	11/09/04	CALC/CALENDAR CALL (VJ 1/27/05)	0001 VC 02/03/05
0179	11/09/04	JURY/TRIAL BY JURY (VJ 1/27/05)	0001 VC 02/07/05
0180	11/09/04	MOT /ALL PENDING MOTIONS 11/9/04	0001 11/09/04
0181	11/04/04	ROC /RECEIPT OF COPY	0001 11/03/04
0182	11/22/04	OTTE/ORDER TO TRANSPORT	0001 SH 11/30/04
0183	01/21/05	MOT /DEFT'S MTN TO CONTINUE TRIAL DATE/38	0001 GR 01/27/05
0184	01/21/05	OTTE/ORDER TO TRANSPORT	0001 SH 01/27/05
0185	01/21/05	ROC /RECEIPT OF COPY	0001 01/21/05
0186	01/27/05	OCAL/RESET TRIAL DATE	0001 GR 02/01/05
0187	02/01/05	CALC/CALENDAR CALL	0001 11/03/05
0188	02/01/05	JURY/TRIAL BY JURY (VJ 11/3/05)	0001 VC 11/07/05
0189	02/23/05	MOT /DEFT'S MTN TO ASSOCIATE COUNSEL /42	0001 GR 03/08/05
0190	02/23/05	ROC /RECEIPT OF COPY	S 02/23/05
0191	03/08/05	ORDR/ORDER ADMITTING TO PRACTICE	0001 03/08/05
0192	07/28/05	MOT /DEFT'S MTN TO ASSOCIATE COUNSEL /43	0001 GR 08/16/05
0193	07/28/08	ROC /RECEIPT OF COPY	0001 07/28/05
0194	08/16/05	ORDR/ORDER ADMITTING TO PRACTICE	0001 08/16/05
0195	09/13/05	RAO /MEDIA REQUEST AND ORDER	
0196	09/13/05	NOTC/NOTIFICATION OF MEDIA REQUEST	
0197	09/13/05	RAO /MEDIA REQUEST AND ORDER	0001 GR 09/13/05
0198	08/07/02	TRAN/REPORTER'S TRANSCRIPT RE JURY TRIAL VOLUME 3 DAY 5	05/10/02
0199	10/05/05	MOT /DEFT'S MTN IN LIMINE TO EXLCUDE PHOTOGRAPHS/44	0001 DN 05/19/06
0200	10/05/05	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE EVID OF THE BASEBALL BAT/45	0001 DN 05/19/06

(Continued to page 6)

01-C-177394-C		(Continuation Page 6)		
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
0201	10/05/05	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON/46	0001	DN 05/19/06
0202	10/05/05	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE/47	0001	DN 05/19/06
0203	10/05/05	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE PHOTOGRAPHS/48	0001	09/12/06
0204	10/05/05	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY/49	0001	DN 05/19/06
0205	10/05/05	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFT DURING INTERROG/50	0001	DN 05/19/06
0206	10/05/05	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVID PERTAIN TO HER JOURNAL/51	0001	05/19/06
0207	10/05/05	MOT /DEFT'S MTN TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS/52	0001	GR 05/19/06
0208	10/10/05	CERT/CERTIFICATE OF MAILING	0001	10/10/05
0209	10/14/05	LIST/NOTICE OF DEFENDANTS EXPERT WITNESS	0001	
0210	10/20/08	NOTC/AMENDED NOTICE OF ALIBI WITNESS	0001	11/07/05
0211	10/24/05	HEAR/STATE'S REQUEST RE TRIAL DATE	0001	10/27/05
0212	11/01/05	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS /54	0001	DN 05/19/06
0213	11/03/05	CALC/CALENDAR CALL (VJ 3/27/06)	0001	VC 04/06/06
0214	11/03/05	JURY/TRIAL BY JURY (VJ 3/27/06)	0001	VC 04/17/06
0215	11/03/05	MOT /ALL PENDING MOTIONS FOR 11/3/05	0001	11/03/05
0216	11/03/05	ROC /RECEIPT OF COPY	0001	11/21/05
0217	11/21/05	OTTE/ORDER TO TRANSPORT	0001	11/21/05
0218	11/21/05	BOND/BOND - #AUL-2039034 - \$5000.00	0001	
0219	01/04/06	MOT /DEFT'S MTN TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE & COLLECT EVID/58	0001	DN 05/19/06
0220	01/04/06	ROC /RECEIPT OF COPY	0001	01/04/06
0221	01/06/06	NOTC/NOTICE OF HEARING	0001	SH 03/03/06
0222	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE LOBATOS TRIAL	0001	Y
TESTIMONY				
0223	02/03/06	RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO ADMIT THE FORMER TESTIMONY OF DECEASED WITNESS DIANN PARKER PURSUANT TO NRS 51.325 AND NRS 51.055 AND STATES MOTION TO ADMIT PRIOR TESTIMONY OF DIANN PARKER	0001	Y
0224	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO EXCLUDE KORINDA MARTINS TESTIMONY OR ALTERNATIVELY TO EXCLUDE 1)ANY EVIDENCE OR TESTIMONY PERTAINING TO HER JOURNAL PER THE DESTRUCTION OF EXCULPATORY EVIDENCE AND 2)ADMIT EXTRINSIC EVIDENCE OF KORINDA MARTINS FRAUD UPON THE COURT	0001	Y
0225	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT DURING THE COURSE OF THE JULY 20 2001 INTERROGATION	0001	Y
0226	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS WITH THE INTERLINEATION GUILTY	0001	Y
0227	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT	0001	Y
0228	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE CONTENTS OF	0001	Y

(Continued to page 7)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
DEFENDANTS LICENSE PLATE						
0229	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION	0001			Y
		IN LIMINE TO EXCLUDE INFLAMMATORY AND	0001			
CUMULATIVE PHOTOGRAPHS						
0230	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOGION	0001			Y
		TO DISMISS BASED ON STATES FAILURE TO	0001			
PRESERVE AND COLLECT EXCULPATORY EVIDENCE						
0231	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION	0001			Y
		IN LIMINE TO EXCLUDE TESTIMONY OF	0001			
LAURA JOHNSON BASED ON DOUBLE HEARSAY						
0232	02/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION	0001			Y
		IN LIMINE TO EXCLUDE EVIDENCE OF	0001			
PRESUMPTIVE BLOOD TESTS						
0233	02/22/06	RPLY/REPLY TO STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION IN LIMINE TO EXCLUDE	0001			
INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS						
0234	02/22/06	RPLY/REPLY TO STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION IN LIMINE TO EXCLUDE	0001			
STATEMENT MADE BY DEFENDANT DURING THE COURSE OF THE JULY 20 2001 INTERROGATION						
0235	02/22/06	RPLY/REPLY TO STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION TO DISMISS BASED ON	0001			
STATES FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE						
0236	02/22/06	RPLY/REPLY TO STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION IN LIMINE TO EXCLUDE	0001			
CONTENTS OF DEFENDANTS LICENSE PLATE						
0237	02/22/06	RPLY/REPLY TO STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION IN LIMINE TO EXCLUDE	0001			
TESTIMONY LAURA JOHNSON BASED ON DOUBLE HEARSAY						
0238	02/22/06	RPLY/REPLY TO THE STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION IN LIMINE TO EXCLUDE	0001			
EVIDENCE OF PRESUMPTIVE BLOOD TESTS						
0239	02/22/06	RPLY/REPLY TO THE STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION IN LIMINE TO EXCLUDE	0001			
PHOTOGRAPHS WITH THE INTERLINEATION GUILTY						
0240	02/22/06	RPLY/REPLY TO STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION TO EXLCUDE KORINDA	0001			
MARTINS TESTIMONY OR ALTERNATIVELY TO EXCLUDE 1 ANY EVIDENCE OR TESTIMONY PERTAINING TO HER JOURNAL PER THE DESTRUCTION OF EXCULPATORY EVIDENCE AND 2 ADMIT EXTRINSIC EVIDENCE OF KORINDA MARTINS FRAUD UPON THE COURT						
0241	02/22/06	RPLY/REPLY TO STATES OPPOSITION TO	0001			Y
		DEFENDANTS MOTION IN LIMINE TO EXCLUDE	0001			
EVIDENCE OF THE BASEBALL BAT						
0242	02/22/06	APPL/APPLICATION FOR WAIVER OF FEE	0001			Y
		PURSUANT TO NEVADA SUPREME COURT RULE	0001			
42-3-E						
0243	02/22/06	APPL/APPLICATION FOR WAIVER OF FEE PURSUANT	0001			
		TO NEVADA SUPREME COURT RULE 42-3-E	0001			
0244	03/03/06	OCAL/STATUS CHECK: INDIGENCE	0001		05/23/06	
0245	03/03/06	MOT /ALL PENDING MOTIONS FOR 3/3/06	0001		03/03/06	
0246	03/27/06	CALC/CALENDAR CALL	0001		09/07/06	
0247	03/27/06	JURY/TRIAL BY JURY	0001		10/06/06	

(Continued to page 8)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0248	03/27/06	MOT /ALL PENDING MOTIONS FOR 3/27/06	0001		03/27/06	
0249	04/07/06	ORDR/ORDER FOR WAIVER FOR STATE BAR FEE	0001		04/07/06	
0250	05/09/06	MOT /DEFT'S MTN IN LIMINE TO EXCLUDE ALL EVID RE: EVALUATION/64	0001 0001		07/28/06	
0251	05/09/06	ROC /RECEIPT OF COPY	0001		05/09/06	
0252	05/18/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE	0001 0001			Y
REGARDING DR PAGLINIS EVALUATION OF MS LOBATO						
0253	05/19/06	OCAL/STATUS CHECK: SET DATE ON ARG/DEC ON MTN TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL	0001 0001		05/23/06	
0254	05/23/06	ARGU/ARGUMENT/DECISION MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL	0001 0001		07/28/06	
0255	05/23/06	MOT /ALL PENDING MOTIONS FOR 5/23/06	0001		05/23/06	
0256	05/19/06	MOT /ALL PENDING MOTIONS (5/19/06)	0001		05/19/06	
0257	05/26/06	ORDR/EX PARTE MOTION AND ORDER TO PREPARE TRANSCRIPT	0001 0001		05/26/06	
0258	05/30/06	ROC /RECEIPT OF COPY	0001		05/30/06	
0259	06/01/06	TRAN/REPORTER'S TRANSCRIPT OF HEARING OF ALL PENDING MOTIONS	0001 0001		05/19/06	
0260	06/19/06	ROC /RECEIPT OF COPY	0001		06/19/06	
0261	06/30/06	RPLY/DEFENDANTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO EXCLUDE	0001 0001			Y
EVIDENCE REGARDING DR PAGLINIS EVALUATION OF MS LOBATO						
0262	06/30/06	BREF/SUPPLEMENTAL BRIEFING IN SUPPORT OF DEFENDANTS MOTION IN LIMINE TO EXCLUDE	0001 0001			Y
WITNESS KORINDA MARTINS TESTIMONY IN ENTIRETY PER RECENTLY RECEIVED DISCOVERY COMPILED BY THE ATTORNEY GENERAL						
0263	07/19/06	MOT /DEFT'S MTN TO DISMISS /69	0001		07/28/06	
0264	07/19/06	MOT /DEFT'S MTN TO COMPEL /70	0001		07/28/06	
0265	07/19/06	ROC /RECEIPT OF COPY	0001		07/19/06	
0266	07/27/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS BECAUSE THE STATE CANNOT	0001 0001			Y
ESTABLISH THE CORPUS DELICTI OF THE CRIME WITH EVIDENCE INDEPENDENT OF LOBATOS EXTRAJUDICIAL ADMISSIONS						
0267	07/28/06	ARGU/ARGUMENT/DECISION ON DEFT'S MOTION TO DISMISS	0001 0001	DN	08/10/06	
0268	07/28/06	MOT /ALL PENDING MOTIONS (7/28/06)	0001		07/28/06	
0269	08/04/06	TRAN/REPORTER'S TRANSCRIPT ALL PENDING MOTIONS	0001 0001		07/28/06	
0270	08/07/06	RPLY/DEFENDANTS REPLY TO STATES OPPOSITION TO MOTION TO DISMISS BECAUSE THE STATE	0001 0001			Y
CANNOT ESTABLISH THE CORPUS DELICTI OF THE CRIME WITH EVIDENCE INDEPENDENT OF LOBATOS EXTRAJUDICIAL ADMISSIONS						
0271	08/07/06	ORDR/ORDER	0001		08/07/06	
0272	08/18/06	LIST/AMENDED NOTICE OF DEFENDANTS EXPERT WITNESSES	0001 0001			
0273	08/21/06	LIST/NOTICE OF EXPERT WITNESSES	0001			
0274	08/24/06	MOT /STATES MTN FOR RECIPROCAL DISCOVERY/73	0001	GR	09/07/06	
0275	08/24/06	LIST/SECOND AMENDED NOTICE OF ALIBI WITNESSES	0001			
0276	08/30/06	RAO /MEDIA REQUEST AND ORDER	0001	GR	08/30/06	
0277	09/01/06	LIST/NOTICE OF WITNESSES	0001			
0278	09/07/06	MOT /ALL PENDING MOTIONS FOR 9/7/06	0001		09/07/06	

(Continued to page 9)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0279	09/08/06	ORDR/ORDER		0001		09/08/06	
0280	09/08/06	ORDR/ORDER		0001		09/08/06	
0281	09/08/06	REQT/EX PARTE MOTION FOR RELEASE OF INFORMATION		0001			
0282	09/08/06	REQT/EX PARTE MOTION FOR RELEASE OF INFORMATION		0001			
0283	09/11/06	TRB /TRIAL BEGINS		0001			
0284	09/11/06	REQT/MOTION TO ADMIT PRIOR TESTIMONY OF JEREMY DAVIS AND RICHARD SHOTT		0001	SH	09/11/06	
0285	09/14/06	JURY/JURY		0001			
0286	09/13/06	RAO /MEDIA REQUEST AND ORDER		0001	GR	09/13/06	
0287	09/21/06	RAO /MEDIA REQUEST AND ORDER		0001	GR	09/21/06	
0288	09/21/06	JURY/AMENDED JURY		0001			
0289	10/06/06	TRE /TRIAL ENDS		0001			
0290	10/06/06	SENT/SENTENCING		0001	GR	02/02/07	
0291	10/06/06	JMNT/VERDICT		0001		10/10/06	
0292	10/06/06	INST/INSTRUCTIONS TO THE JURY		0001			
0293	10/06/06	VER /VERDICT		0001		10/06/06	
0294	10/10/06	PINU/PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL		0001			
0295	10/19/06	OTTE/ORDER TO TRANSPORT		0001	SH	10/24/06	
0296	10/30/06	ORDR/ORDER		0001		10/30/06	
0297	10/30/06	ORDR/ORDER		0001		10/30/06	
0298	10/30/06	ORDR/ORDER		0001		10/30/06	
0299	10/30/06	ORDR/ORDER DENYING DEFENDANTS MOTION TO DISMISS		0001	HG	08/10/06	
0300	11/06/06	OTTE/ORDER TO TRANSPORT		0001	SH	11/07/06	
0301	11/03/06	RAO /MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS		0001		09/07/06	
0302	11/17/06	NCA /LETTERS IN AID OF SENTENCING		0001			
0303	11/20/06	STAT/STATEMENT OF DEFENDANT IN AID OF SENTENCING		0001			
0304	11/30/06	OTTE/ORDER TO TRANSPORT		0001	SH	12/05/06	
0305	01/30/07	MEMO/DEFENDANT LOBATOS SENTENCING MEMORANDUM		0001			
0306	02/02/07	CSCL/CASE CLOSED				02/02/07	
0307	02/14/07	JMNT/JUDGMENT OF CONVICTION/PSYCHOSEXUAL FEE		0001		02/15/07	
0308	02/14/07	JMNT/JUDGMENT OF CONVICTION/FINE		0001		02/15/07	

9

JOC

FILED

FEB 14 11 07 AM '07

ORIGINAL

CRF
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C177394

-vs-

DEPT. NO. II

KIRSTIN BLAISE LOBATO
#1691351

Defendant.

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT I – MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER) (Category A Felony) in violation of NRS 200.010, 200.030, 193.165, COUNT II – SEXUAL PENETRATION OF A DEAD HUMAN BODY (Category A Felony), NRS 201.450; and the matter having been tried before a jury and on the 18th day of May, 2002, the Defendant having been found guilty of the crimes of COUNT 1 – FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony), in violation of NRS 200.010, 200.030, 193.165, COUNT 2 – SEXUAL PENETRATION OF A DEAD HUMAN BODY (Category

RECEIVED

FEB 14 2007

CLERK OF THE COURT

1 A Felony), in violation of NRS 201.450; thereafter, on the 27th day of August, 2002, the
2 Defendant appeared in court with his counsel for sentencing.

3 THEREAFTER, on the 7th day of October, 2004, the matter was returned from
4 the Nevada Supreme Court to reset trial date.
5

6 SUBSEQUENTLY, the matter again having been tried before a jury and the
7 Defendant having been found guilty of the crimes of COUNT I – VOLUNTARY
8 MANSLAUGHTER WITH USE OF A DEADLY WEAPON (Category B Felony), in
9 violation of NRS 200.080, COUNT II – SEXUAL PENETRATION OF A DEAD HUMAN
10 BODY (Category A Felony), NRS 201.450; thereafter, on the 2ND day of February,
11 2007, the Defendant was present in court for sentencing with her counsels, DAVID
12 SCHIECK, SHARI GREENBURGER, and SARA ZALKIN, and good cause appearing,
13

14 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
15 addition to the \$25.00 Administrative Assessment Fee, \$800.00 Psycho-Sexual
16 Evaluation Fee, \$150.00 DNA Analysis Fee including testing to determine genetic
17 markers, and \$1,000.00 Fine, the Defendant is SENTENCED to the Nevada
18 Department of Corrections (NDC) as follows: AS TO COUNT I - TO A MAXIMUM of
19 ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of
20 FORTY EIGHT (48) MONTHS, plus an EQUAL and CONSECUTIVE term of ONE
21 HUNDRED TWENTY (120) MONTHS MAXIMUM and FORTY-EIGHT (48) MONTHS
22 MINIMUM for the Use of a Deadly Weapon; AS TO COUNT II - TO A MAXIMUM of
23 ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of
24 SIXTY (60) MONTHS, COUNT II TO RUN CONSECUTIVE TO COUNT I, with ONE
25 THOUSAND FIVE HUNDRED FORTY-FOUR (1,544) DAYS credit for time served.
26
27
28

1 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is
2 imposed to commence upon release from any term of imprisonment, probation or
3 parole.
4

5 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
6 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release
7 from custody.

8 DATED this 13th day of February, 2007
9

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11 
12 VALORIE J. VEGA
13 DISTRICT JUDGE
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CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B

08/10/01 09:30 AM 00 AT THE REQUEST OF THE COURT

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001802 Jorgenson, Eric G.	Y
	0001 D1 Lobato, Kirstin B	Y
	PUBDEF Public Defender	Y
	000556 Kohn, Philip J.	Y

Conference held in Chambers with counsel. Court convened and the Court advised it had received the file late yesterday and had reviewed it; however, a transcript has not yet been received for review. Further, the Court noted that this hearing regarding bail was brought at the request of both counsel. Initial arguments heard from both counsel. Mr. Richards requested that the status quo remain until Mr. Kohn can be present to argue the merits. Following additional colloquy, the COURT ORDERED that the bail as set by Judge Van was invalid under law and SET ASIDE; therefore, according to the Amended Bail Schedule of 8/1/01, the COURT ORDERS the following bail set:

Count I - No Bail

Count II - \$3,000.00

FURTHER ORDERED, further argument for bail setting will be heard upon Mr. Kohn's return and scheduled for 8/21/01 at time of initial arraignment.

CUSTODY

8/21/01 8:30 AM HEARING: BAIL SETTING

08/21/01 08:30 AM 00 ALL PENDING MOTIONS (08-21-01)

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Cindy Lory/cnl, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	0001 D1 Lobato, Kirstin B	Y
	000556 Kohn, Philip J.	Y

ARRAIGNMENT...HEARING: BAIL SETTING

DEFENDANT LOBATO ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE.
COURT ORDERED, matter set for trial. Arguments by counsel regarding bail

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 001

amount and discovery. COURT ORDERED, BAIL SET on Count I at \$200,000.00 and on Count II at \$50,000.00. COURT ORDERED, matter set for status check on discovery.

CUSTODY

08-30-01 8:30 AM STATUS CHECK: DISCOVERY

09-20-01 9:00 AM CALENDAR CALL

09-24-01 10:00 AM JURY TRIAL

08/30/01 08:30 AM 00 STATUS CHECK: DISCOVERY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES: STATE OF NEVADA
000370 Ponticello, Frank M.
0001 D1 Lobato, Kirstin B
PUBDEF Public Defender

Y

Y

Y

Y

Mr. Kohn stated he was concerned about not receiving all discovery prior to the trial date. Mr. Jorgenson advised that the reports were just to be approved and then would be forwarded to Mr. Kohn; however, in the meantime, he invited Mr. Kohn to review his files. Mr. Jorgenson further advised that there were no more DNA tests run. The Court stated that if there was any more difficulty to advise Chambers and the matter will be placed back on calendar. COURT ORDERED, calendar call and trial dates STAND.

CUSTODY

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 002

09/20/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Theresa Lee, Relief Clerk
Sharleen Nicholson, Reporter/RecorderPARTIES: STATE OF NEVADA
001802 Jorgenson, Eric G.
0001 D1 Lobato, Kirstin B
PUBDEF Public Defender
000556 Kohn, Philip J.Y
Y
Y
Y
Y

Mr. Kohn advised Court he received police reports last Tuesday, September 11, 2001, which was a bad day. He read them on Wednesday. He does not feel they were deliberately held from him. There is a witness in Panaca, and he has had only four weeks since the arraignment to prepare this case for trial. The Deft. did not waive her speedy trial rights. Deft. does not want to waive. Deft. is still invoking her right to speedy trial, and would ask for a trial date at the earliest date. Court informed counsel the Court has a case set for the week of 11/13/01. Mr. Kohn requested preference if the Court's #1 case goes away for that date. Court examined Deft. regarding representations of her attorney. Deft. concurred. COURT ORDERED, trial date VACATED AND RESET. Mr. Kohn stated counsel for the Deft. will be out of the country on 11/8/01 at calendar call. Mr. Kohn stated he missed something at the Preliminary Hearing, but read it in the Preliminary Hearing transcript. Mr. Kohn stated he is going to file a Writ and requested the matter set for hearing at the end of October, SO ORDERED. Mr. Kohn stated he will respond orally if he needs to.

CUSTODY

10/25/01 8:30 A.M. DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS

11/8/01 9:00 A.M. CALENDAR CALL

11/13/01 10:00 A.M. TRIAL BY JURY

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B
CONTINUED FROM PAGE: 003

10/25/01 08:30 AM 00 ALL PENDING MOTIONS (10/25/01)

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001802 Jorgenson, Eric G.	Y
	0001 D1 Lobato, Kirstin B	Y
	PUBDEF Public Defender	Y
	005434 Navarro, Gloria M.	Y

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION TO DISMISS

Following arguments by counsel per pleadings, COURT ORDERED Deft's Petition for Writ of Habeas Corpus DENIED. FURTHER ORDERED, Deft's Motion to Dismiss, DENIED pursuant to NRS 201.450.

CUSTODY

11/08/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun/ssc, Court Clerk
Theresa Lee, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006204 Digiacomo, Sandra	Y
	0001 D1 Lobato, Kirstin B	Y
	PUBDEF Public Defender	Y
	000556 Kohn, Philip J.	Y
	005434 Navarro, Gloria M.	Y

The Court noted that this was the priority case on the 11/13/01 trial stack. Mr. Kohn stated that he had spoken to Eric Jorgenson about witnesses and lab reports and that he is prepared for trial. Ms. Allred advised the State is ready for trial; however, there was a question pending about witnesses and Mr. Jorgenson is in North Las Vegas this morning and unavailable until later today. The Court advised that because of the Overflow trial scheduling in Dept. VII, the calendar call would have to be held as quickly as possible. COURT ORDERED, CONTINUED for presence of Mr. Jorgenson tomorrow morning.

CUSTODY

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

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 004

11/09/01 09:00 AM 01 CALENDAR CALL

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Theresa Lee, Relief Clerk
Sharleen Nicholson, Reporter/RecorderPARTIES: STATE OF NEVADA
001802 Jorgenson, Eric G.

Y

Y

0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.
005434 Navarro, Gloria M.

Y

Y

Y

Y

Court stated for the record, the Court and Counsel had a discussion in Chambers and at side bar this morning. The State is having difficulty with one witness. Counsel wish to put a stipulation on the record. Mr. Jorgenson concurred, the Medical Examiner is only available the first two days of next week and one of the days, Monday, is a holiday. Counsel have AGREED to continue the trial two weeks, until 11/26/01. Deft. has agreed to STIPULATE to a WAIVER of her SPEEDY TRIAL RIGHTS for two weeks. The State and Defense are concerned with resetting the trial date two weeks and not knowing the availability of their witnesses. IF there is a problem with witnesses at that point, the State will STIPULATE with the Defense to REDUCE Deft.'s BAIL to \$50,000 with HOUSE ARREST. Court stated this was discussed at a prior bail motion. Mr. Kohn stated he is concerned with a conditional waiver of the 60 day rule. Most Judges feel either you waive or you do not. If something were to go wrong, he would not want the trial date continued out six months. Mr. Kohn stated if this matter does not go to trial on 11/26/01, Deft. will clearly waive her speedy trial rights with the provision of the \$50,000 bail and House Arrest. COURT ORDERED, Trial Date VACATED AND RESET to 11/26/01 at 10:30 A.M. FURTHER ORDERED, this Calendar Call is CONTINUED to Tuesday, 11/20/01 at 9:00 A.M. Court stated, Deft. is only stipulating to waive her speedy trial rights up to 11/26/01, otherwise the implication remains in place. Mr. Jorgenson requested Court Order subpoenas extended for both sides until the new date. COURT ORDERED, ALL existing Subpoenas will remain in effect during this trial time. Mr. Jorgenson inquired if there could be four alternate jurors? Mr. Kohn concurred. Colloquy between Court and counsel re the Jury Selection process in Dept. II. Mr. Kohn stated there was a prior order that Deft. would be brought over to his office today, and requested that order remain in effect, SO ORDERED.

CUSTODY

11/20/01 9:00 A.M. CALENDAR CALL

11/26/01 10:30 A.M. TRIAL BY JURY

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B
CONTINUED FROM PAGE: 005

11/20/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006240	Brown, Philip H.	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y

Counsel stated they were prepared for trial and anticipated eight days for completion. Mr. Brown advised there were five or six out-of-state witnesses planned. COURT ORDERED, trial date stands as set.

CUSTODY

11/26/01 10:30 AM 00 TRIAL BY JURY (VH 11/26/01)

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001802	Jorgenson, Eric G.	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
SPD	Special Public Defender	Y
005434	Navarro, Gloria M.	Y

At the hour of 10:15 A.M. the Court convened OUTSIDE PRESENCE OF JURY PANEL to hear the State's Motion to Continue Trial. Mr. Jorgenson advised that an essential witness, Louise Renhard, Crime Scene Analyst, is out-of-state until 12/7/01. He advised that he was not aware that she was possibly the only analysis who investigated the Deft's automobile, as well as the crime-scene. He produced copies of the Crime Scene Reports for the Court. Mr. Kohn stated that he opposed a trial continuance and that he would stipulate that the bat was found inside Deft's car and that she applied Luminol; however, he felt that her testimony was limited and she could not testify as to how Luminol works He further felt that other detectives were possibly present and would stipulate to other issues, if appropriate. The Court inquired if any other Detectives were present at the vehicle scene. Mr. Jorgenson advised he did not know, the reports did not reflect anyone

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 006

else. COURT ORDERED, OFF RECORD, while Mr. Jorgenson places a telephone call for information.

When Mr. Jorgenson returned to the court room, COURT ORDERED, ON RECORD. Mr. Jorgenson advised that no one else saw the bat or was present when Ms. Renhard tested the bat; therefore, he reiterated his need for a trial continuance.

COURT ORDERED, State's Motion to Continue Trial, GRANTED; trial VACATED and RESET to start on 12/5/01 at 10:30 A.M. FURTHER ORDERED, current subpoenas remain in effect.

Mr. Kohn requested that the Court reconsider because of his need to reschedule witnesses and the fact that the Deft. had invoked. He further requested an O.R. Release/House Arrest and bail reduction, if the continuance date stands. Mr. Jorgenson noted that the State had previously agreed to a \$50,000 bail.

COURT ORDERED, BAIL REDUCED TO FIFTY-THOUSAND DOLLARS (\$50,000) TOTAL: (COURT I - \$30,000.00 & COUNT II - \$20,000.00). FURTHER ORDERED, if Deft. meets bail, she is to be PLACED ON HOUSE ARREST administered by the Clark County Detention Center and Deft. is to submit to RANDOM URINALYSIS, as deemed necessary.

CUSTODY

12/5/01 10:30 AM TRIAL BY JURY

12/05/01 10:30 AM 00 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Theresa Lee, Relief Clerk
Carrie Hansen, Reporter/Recorder

PARTIES: STATE OF NEVADA
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.
005434 Navarro, Gloria M.

Y

Y

Y

Y

Y

Y

Mr. Kohn stated he contacted the Court and counsel yesterday and advised them Metro did not do the photos asked for last time and would like to send them out to an Expert who is on his way to Turkey. COURT ORDERED, Deft.'s motion to continue the trial is GRANTED, trial date reset. Court inquired of Deft. if she is WAIVING her speedy trial rights. Deft. concurred. Ms. Allred/DiGiacomo stated everyone is in agreement with continuing the trial

CONTINUED ON PAGE: 008

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 007

date to April, 2002.

BOND (H.A.)

4/25/02 9:00 A.M. CALENDAR CALL

4/29/02 10:00 A.M. TRIAL BY JURY

04/25/02 09:00 AM 00 CALENDAR CALL

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/RecorderPARTIES: STATE OF NEVADA
003649 Kephart, William D.Y
Y0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.N
Y
Y

Mr. Kohn explained that since Deft. Lobato is on house arrest, there is a transportation problem. COURT ORDERED Deft's appearance is WAIVED for this hearing. Counsel stipulated to a calendar call continuance and requested the trial begin on 5/6/02 to accomodate scheduling of witness. COURT ORDERED, the Calendar Call is CONTINUED and the Jury Trial of 4/29/02 is VACATED and RESET to begin on 5/6/02.

BOND (H.A.)

5/6/02 10:00 AM TRIAL BY JURY

CONTINUED TO: 05/02/02 09:00 AM 01

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 008

05/02/02 09:00 AM 01 CALENDAR CALL

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
005434	Navarro, Gloria M.	Y

Counsel announced they were ready to proceed to trial. Mr. Kephart stated witness availability and that counsel may be able to agree on photographs, etc. He requested the additional of Charlie Mahoney and Joel Geller to the Witness Lists. No opposition by Defense; however, Mr. Kohn advised he will need additional reports, tapes, photographs, etc. from any investigations not yet turned over. Mr. Kephart agreed to do so. Colloquy held regarding testimony re Luminol. Mr. Kephart advised that testimony will be presented as to experience and training re Luminol, but Tom Wahl will testify as to any chemical reactions as to that or other chemicals. Arguments by Defense and Mr. Kephart as to what reports/work product should be turned over to Defense. COURT ORDERED, anything relating to the crime scene is to be turned over to Defense. Mr. Kephart agreed to do so.

COURT ORDERED, trial date STANDS to begin on 5/6/02 at 10:30 A.M. Following a short bench conference, COURT ORDERED, Deft. to REMAIN ON HOUSE ARREST.

BOND (H.A.)

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B

CONTINUED FROM PAGE: 009

05/06/02 10:30 AM 00 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES: STATE OF NEVADA
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.
005434 Navarro, Gloria M.

Y
Y
Y

Y
Y
Y
Y

The trial convened with the jury panel seated. Introductions made by the Court and all counsel. Panel members sworn and voir dire began with panel members being excused for cause. Following lunch recess, OUTSIDE PRESENCE OF JURY PANEL, Mr. Kephart advised the Court that panel number 67 had approached him to advise counsel that they should "keep down their table conversation". The Court requested the Bailiff to usher juror no. 67 to the court room. Upon the Court's query he advised that he didn't actually hear what was said, but, overheard sounds and chatter. All counsel advised the Court they were satisfied that the juror was not tainted; he was returned to the jury services room with the other panel members.

Jury panel members were seated and the voir dire continued, some being queried outside presence of the other panel members. OUTSIDE PRESENCE OF THE JURY PANEL the Defense reserved the right to excuse panel member #64. The State made a record of the reasons for challenges for cause. PANEL MEMBERS RETURNED to the court room and the Court read the instructions re the law of the case. The first thirty-four panel members were seated for additional voir dire. Additional members excused for cause. The Court admonished panel members and ORDERED the trial CONTINUED tomorrow morning.

OUTSIDE PRESENCE OF JURY PANEL the Court was made aware of a note from Panel Member #44. The Court stated it would address it tomorrow morning. COURT ORDERED evening recess.

CONTINUED TO: 05/07/02 10:00 AM 01

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B
CONTINUED FROM PAGE: 010

05/07/02 10:00 AM 01 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
005434	Navarro, Gloria M.	Y

The trial reconvened with all panel members present. The Court thanked and excused Panel Member #44 for cause. Voir dire continued. Additional panel members excused for cause.

OFF RECORD the voir dire of Panel Member #104 was played back. ON THE RECORD the Court advised that the Defense wished to challenge for cause Panel Member #104 after playing back her taped voir dire; however, the Court had released the additional twenty jurors and only one was left in the pool from the audience. The Court advised it was concerned it would be another week before another panel could be obtained. Colloquy held regarding waiving the second alternate if there was a lack of jurors. JURY PANEL RETURNED TO THE COURT ROOM. COURT ORDERED Jury Panel Member #104 excused for cause. The last panel member was seated and voir dired. Peremptory Challenge conducted and additional panel members were excused.

Final jurors were sworn and seated. COURT ORDERED, JURORS RECESSED and the trial is CONTINUED to tomorrow morning. Jury List FILED IN OPEN COURT.

OUTSIDE PRESENCE OF JURORS Mr. Kohn requested that the statement(s) made by his client to the State be made available. Mr. Kephart advised that any statements made by Deft. Lobato at the jail and at her home would be made available to Defense counsel.

COURT ORDERED, EVENING RECESS.

CONTINUED TO: 05/08/02 10:00 AM 02

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 011

05/08/02 10:00 AM 02 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
005434	Navarro, Gloria M.	Y

The trial reconvened OUTSIDE PRESENCE OF JURORS. Mr. Kohn objected to showing of proposed exhibits; argument by Mr. Kephart. COURT ORDERED OBJECTION to showing of Exhibit #117 OVER-RULED. FURTHER ORDERED, the showing of Exhibits #113 & 114 will be disallowed during opening statement.

JURORS SEATED. The Information was read and the Court gave Instructions to the jurors. Opening statements made by both counsel. OUTSIDE PRESENCE OF JURORS Mr. Kohn advised he had been handed the fingerprint report, the 4/18/02 report re the search warrant, and the Detective's report of 4/9/02 regarding the Deft's statement and he argued for exclusion of the report as being untimely and that he had not yet received the diagrams. The Court noted that at Calendar Call the State was ordered to provide the report(s) as soon as received. Mr. Kephart stated he had just received them yesterday and that the diagrams were not going to be brought up at trial. Arguments held regarding relevance. COURT ORDERED that the issues could be readdressed later, if appropriate, outside presence of the jurors. The Court further noted that clarification was required regarding the diagram of the jail cell and requested the State to bring to Court tomorrow morning. The State agreed to make phone calls during the break to request same.

JURORS SEATED. Witnesses were sworn and testified; exhibits presented. (See Lists.) OUTSIDE PRESENCE OF JURORS arguments heard regarding presentation of exhibits. COURT ORDERED that the autopsy photographs are to be shown to the Court prior to being shown to the jurors. FURTHER ORDERED, the Defense's objection to presentation of Exhibits 12, 13, and 16 is OVER-RULED. JURORS RETURNED TO THE COURT ROOM. Additional witnesses were sworn and testified; exhibits presented. COURT ORDERED JURORS RECESSED and to return tomorrow morning.

OUTSIDE PRESENCE OF JURORS arguments heard regarding Exhibits 106, 107, and 108 regarding the photographs of the Deft's license plate. COURT ORDERED, Defense's Objection is OVER-RULED. The Defense moved for case dismissal based on prosecutor misconduct, regarding the fact that the Deft's statements were not made available to the Defense. Ms. DiGiacomo argued

CONTINUED ON PAGE: 013

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 012

that the Statute applies to only written and recorded statements. The Court stated it was not aware of any Statutes which determined that the State was to prescreen all witnesses, transcribe the statements and make available to the criminal defense; however, the State was cautioned that the State is to provide any other statements to Defense. COURT ORDERED, DEFENSE'S MOTION TO DISMISS is DENIED. Mr. Kohn further argued that due process is at issue and there are duties not cited in the Nevada Revised Statutes. Ms. DiGiacomo advised that everything has been provided to the Defense and that the witness, Darin, had been provided on the witness list. The Court so noted.

JURORS RETURNED TO THE COURT ROOM. Witness testimony continued. COURT ORDERED JURORS RECESSED and to return tomorrow morning. OUTSIDE PRESENCE OF JURORS the Court advised counsel to be present tomorrow morning at 10:00 a.m. FURTHER ORDERED, per stipulation, counsel will remain this evening to review the autopsy photographs. FURTHER ORDERED, at request of Defense counsel the Exclusionary Rule will be invoked tomorrow.

COURT ORDERED, EVENING RECESS; CONTINUED.

CONTINUED TO: 05/09/02 10:00 AM 03

05/09/02 10:00 AM 03 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES: STATE OF NEVADA
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.
005434 Navarro, Gloria M.

N
Y
Y

Y
Y
Y
Y

The trial reconvened OUTSIDE PRESENCE OF JURORS. Arguments heard regarding the Defense's objections to various autopsy photographs; Dr. Larry Simms was sworn and testified regarding the photographs. Admission of exhibits were settled on the record. The State requested leave to file a Supplemental Alibi Witness List; objection made by the Defense. COURT ORDERED, RULING RESERVED until the time the witness is to be presented.

JURORS SEATED. Witnesses sworn and testified; exhibits presented. (See Lists.) OUTSIDE PRESENCE OF JURORS arguments heard regarding redacting portions of the Detective's written statement. Redaction was settled on the record.

CONTINUED ON PAGE: 014

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 013

JURORS SEATED. Witness testimony continued. OUTSIDE PRESENCE OF JURORS the Defense objected to showing of exhibits showing scratches; arguments heard. The State stipulated that it would not present photographs with Deft's scratches and that stomach scratches were not from the crime scene.

JURORS SEATED. Witnesses sworn; exhibits presented. COURT ORDERED, JURORS RECESSED and to return tomorrow morning.

OUTSIDE PRESENCE OF JURORS Mr. Kephart stated that Mr. Kohn spoke to a witness in front of the jury during the break and that it was inappropriate as the jurors may have overheard. The Court admonished counsel not to have such further conversations in front of jurors.

COURT ORDERED EVENING RECESS; CONTINUED.

CONTINUED TO: 05/10/02 08:30 AM 04

05/10/02 08:30 AM 04 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Keith A. Reed, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
006204	Digiacomio, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
005434	Navarro, Gloria M.	Y

OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart advised the Court of the need for a hearing as to the voluntariness of statements made by the Deft. to the police at her home and moved for the admission of state's exhibits # 123 & 124. COURT ORDERED, hearing to be held; ruling on admissibility of exhibits # 123 and 124 held in abeyance. HEARING HELD: Arguments by Mr. Kohn and Kephart. Court stated findings and ORDERED, motion GRANTED; state's exhibits 123 & 124 ADMITTED. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Notice Of Defendant's Expert Witnesses FILED IN OPEN COURT. Mr. Kephart objected to the filing arguing the curriculum vitae needed to be filed 21 days prior to start of trial. Court stated findings and ORDERED, objection OVER RULED; state will be allowed to contact the witnesses. Mr. Kephart noted a continuance may be necessary due to the late filing of the curriculum vitae to confer with experts. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) Court admonished and released the jury to return May 13, 2002 @ 10:30 AM. OUTSIDE THE PRESENCE OF THE JURY: Court noted Mr. Kohn presented 2 hand

CONTINUED ON PAGE: 015

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 014

written letters that will be marked as G1 - G3 and directed witness Karinda Martin be returned to the Court for testimony May 13, 2002. Mr. Kohn requested a copy of the probation report from Dept. XIV to compare the hand written letter from Ms. Martin. In referencing a poem written by Karinda Martin 7-29-01, Mr. Kephart requested the Court provide a 2 sheet to LVMPD and restrict the questioning of Ms. Martin regarding the information therein. Colloquy between Court and counsel regarding handwriting samples/ 2 sheets. COURT ORDERED, if there is a voluntary statement attached to the Presentence Investigation Report (PSI), it is to be turned over. FURTHER ORDERED, Ms. Labato will voluntarily provide a 2 sheet. Parties STIPULATE to the allow defense counsel to remove from the trial exhibits #'s G1-G3 WAIVING any defects in the chain of custody for the purpose of obtaining a handwriting analysis.

CONTINUED TO: 05/13/02 10:30 AM 05

05/13/02 10:30 AM 05 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Keith A. Reed, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:

STATE OF NEVADA
003649 Kephart, William D.
006204 Digiacomo, Sandra0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.
005434 Navarro, Gloria M.Y
Y
Y
Y
Y
Y
Y

OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart advised the Court he has obtained hand writing exemplars from Korinda Martin, the Deft. and from Brenda Self which are being analyzed today. Mr. Kohn noted the handwriting samples from the Deft's P & P report are identical to Defense exhibit G3. He stated witnesses may need to be called out of order and it may be necessary to conduct additional investigations to determine who wrote which letters. Argument by Mr. Kephart regarding NRS 50.835(3). He argued the matter of the handwriting expert should have been taken care of sooner; Defense counsel cannot impeach with extrinsic evidence. He objected to any continuances and stated he is entitled to proceed with his case in chief. Colloquy by Court and counsel regarding the handwriting analysis and its expected completion date. Court stated testimony will continue with Ms. Martin; she will be excused subject to being recalled for later testimony. Court noted the presence of a still photographer and advised him of the Courts request not to photograph the face of witness Korinda Martin due to a concern for her safety. Court requested the photographer pass along the Court's request to his superiors at the Review Journal . JURY PRESENT: Testimony and exhibits

CONTINUED ON PAGE: 016

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 015

presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Ms. Navarro objected to and moved for the suppression of the testimony of the forensic chemist as to Luminol and Phenolphthalein. She argued the test are not admissible; they provide false positives and are non time specific. Mr. Kephart argued there has been no controlling case law provided by Defense counsel and requested the motion be denied. He stated Defense counsel has the right to cross examine the witness who will say the test are presumptive and may produce false positives. He argued DNA and Hemoglobin test will not always come back confirmatory. Court stated the matter goes to its weight versus its admissibility and ORDERED, objection OVERRULED; motion DENIED. Testimony and exhibits presented. (See worksheets.) State rest. COURT ORDERED, matter CONTINUED to May 14, 2002 @ 11:00 AM.

CONTINUED TO: 05/14/02 10:30 AM 06

05/14/02 11:00 AM 06 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Keith A. Reed, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
005434	Navarro, Gloria M.	Y

OUTSIDE PRESENCE OF JURY: Colloquy/verification of parties regarding exhibits admitted for juror deliberations. Testimony and exhibits presented. (See worksheets.). Court noted states objection to defense exhibits J, K, L, M & N and upon hearing respective positions of argument by counsel ORDERED, objection OVER RULED; photos WILL NOT be excluded. Colloquy between Court and counsel regarding phone and medical records; questions as to the criteria for entry and whether or not information contained therein is privileged. JURY PRESENT Testimony and exhibits presented. (See worksheets.) Court admonished and released the Jury to return May 15, 2002 at 10AM. OUTSIDE THE PRESENCE OF THE JURY: Colloquy between Court and counsel regarding further proceedings. Court advised the Deft. of her 5th amendment rights as to testimony. COURT ORDERED, proceedings CONTINUED.

CONTINUED TO: 05/15/02 10:30 AM 07

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 016

05/15/02 10:00 AM 07 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Keith A. Reed, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:

	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
005434	Navarro, Gloria M.	Y
000556	Kohn, Philip J.	Y

Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Kohn addressed the Court regarding the hand writing exemplars and requested to obtain "kite" of Karinda Martin; was informed will need an order from the Court to obtain. Colloquy between Court and counsel regarding "kites". COURT ORDERED, copy of "kites" to be made with set of copies to be provided to the state and defense counsel. Court noted states objection to the admission of Deft. exhibit BB. Mr. Kephart noted he would not oppose the admission of the fingerprint experts report; only object to the introduction of the C.V. Report; will stipulate to the experts testimony. Mr. Kohn moved for the admission of the C.V. Colloquy between Court and counsel regarding admission of C.V. of Florida expert witness. Court stated the stipulation will be, the witness is a witness in the area of shoe impressions and footwear. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Court noted at a side bar defense counsels objections to questioning during the states cross examination in regards to cutting off of the penis. Mr. Kohn argued there is misconduct on behalf of the state's phraseology of questioning "would other testimony be untruthful"; question should not be allowed. Mr. Kephart argued the Supreme Court's only concern with the phrase would be if the term liar was used. Colloquy between Court and counsel regarding confidentiality issues surrounding reports of Dr. Paglini. Court noted the objection was not raised until after lunch and into the 4th cross examination; Court ruled prior waiver occurred. JURY PRESENT: Court admonished the jury and ORDERED, proceedings CONTINUED to 5-16-02 @ 11:00 AM. Mr. Kohn. requested he be permitted to call a witness not previously noticed. Mr. Kephart objected. Without ruling, COURT ORDERED, proceedings CONTINUED.

CONTINUED TO: 05/16/02 11:00 AM 08

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B

CONTINUED FROM PAGE: 017

05/16/02 11:00 AM 08 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Keith A. Reed, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006204	Digiaco, Sandra	Y
003649	Kephart, William D.	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
005434	Navarro, Gloria M.	Y

JURY PRESENT: Court advised jurors of stipulation to admission of exhibit DD. Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart noted his objection to the late/improper notice of and expert witness and would further object to any testimony by the expert beyond luminol or phenolphthalein testing. Mr. Kohn argued the Defense had not intended to use the information in it's case and chief, but upon revelation of the states evidence and theory, there is more research to be done based upon the states cross examination of the Deft. Mr. Kephart moved for the exclusion of the testimony of expert Schiro. Court stated findings and ORDERED, defense counsel may call Mr. Schiro regarding expert testimony. Due to late disclosure, Court requested an offer of proof as to the issues of latent fingerprints, footprints and blood splatters. Offer of proof presented by Mr. Kohn. Court stated findings and ORDERED, objection SUSTAINED as to the objection to the footprint testimony; ruling RESERVED on issues of latent fingerprints and blood splatters. Mr. Kephart moved for a 1 week continuance. Due to Court schedule, COURT ORDERED, state's motion for continuance DENIED. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart advised the Court he was served over the noon hour with a Supplemental Notice Of Alibi of a neighbor of the Deft. Further arguments by counsel regarding qualifications of expert for testimony. Court stated findings noting notice not timely and ORDERED, objection SUSTAINED as to testimony of blood splatters; will allow questioning as to the lack of Deft's fingerprints in the Fiero. Ms. DiGiacomo noted concerns regarding comments in the hall from the family of the Deft. regarding the jury. Court directed defense counsel to reiterate to the individuals the need to keep their voices down in the hallway. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Colloquy between Court and counsel regarding the Supplemental Notice Of Alibi. Mr. Kephart noted his objection to the use of the witnesses noticed in the Supplemental Notice of Alibi; filing is not timely or proper under statute. Argument in support of introduction of Supplemental Alibi witness by Mr. Kohn. He argued statue notes must provide to state all known information; the name of the witness was not know until yesterday. Court finds notice untimely; will allow the

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 018

notice to be filed. Bench Memo & Supplemental Notice Of Alibi Witness FILED IN OPEN COURT. Argument by Mr. Kohn in reconsideration of Court's findings. Mr. Kohn advised the Court he has all the handwritten kites/exemplars of Karinda Martin and have a letter preliminarily showing Karinda Martin lied to the Court; Ms. Martin wrote the letters to Brenda Self. He further argued, there is an element of malice attributed to Karinda Martin; District Attorney cannot prove murder without her. He moved for a continuance to until an opinion has been rendered to as to whether to proceed forward with testimony of Brenda Self, or to exclude the testimony of Karinda Martin. Colloquy between Court and counsel regarding kites. COURT ORDERED, pursuant to NRS 50.085, all testimony regarding defense exhibits G & G1-G3 to be held outside the presence of the jury. Upon the inquiry of Mr. Kohn Court clarified its prior ruling and ORDERED, new witness noted in the Supplemental Notice of Alibi WILL NOT be allowed to testify as the disclosure was not timely. Mr. Kohn moved for a continuance. COURT ORDERED, motion DENIED. Ms. DiGiacomo moved for the admission of state's exhibit #133. Colloquy between Court and counsel regarding further proceedings. JURY PRESENT: Defense REST. Court admonished and excused the jury to return May 17, 2002 @ 1:00 PM.

CONTINUED TO: 05/17/02 11:00 AM 09

05/17/02 11:00 AM 09 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Keith A. Reed, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:

STATE OF NEVADA
006204 Digiacomo, Sandra
003649 Kephart, William D.

0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.
005434 Navarro, Gloria M.

Y
Y
Y
Y
Y
Y
Y

OUTSIDE THE PRESENCE OF THE JURY: Jury instruction settled. Ms. DiGiacomo advised the Court she has returned state's exhibit #125 to the clerk as well as a redacted copy of exhibit # 125 labeled state's exhibit # 125A and moved for its admission and the withdrawal of state's exhibit # 125. There being no opposition COURT SO ORDERED. Court stated it will advise the jury state's exhibit # 133 was admitted and that the urine sample was tested for the presence of meth on July 5 and none was found. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) State rest. Jury instructed by the Court. Closing arguments by Ms. DiGiacomo, Mr. Kohn and Mr. Kephart. At the hour of 6:45 PM the jury retired for dinner/deliberations. OUTSIDE THE PRESENCE OF THE JURY: Mr. Kohn noted for the record his objection to the

CONTINUED ON PAGE: 020

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 019

25th and 26th jury instruction regarding sexual penetration. Court advised counsel Juror # 6, Mr. Templeton was selected the fore person and informed the Court the jury wishes to remain and deliberate. OUTSIDE THE PRESENCE OF THE JURY: At the hour of 1:50 AM on May 18, 2002, Court noted it met with counsel in Chambers and formulated a note that was sent back to the jury inquiring of them regarding the progress of deliberations and if they desired to continue. Court noted the jury indicated via notes that they were making progress and desired to continue with deliberations. Mr. Kohn requested the Court release the jury to return on Monday, May 20 to continue with deliberations. Mr. Kephart opposed and requested the jury be allowed to continue with deliberations as they have indicated they are making progress. OUTSIDE THE PRESENCE OF THE JURY: Court advised counsel at the hour of 2:15 AM it was made aware the jury had reached a verdict and is returning to the Courtroom at this time. JURY PRESENT: On May 18, 2002 at the hour of 2:50 AM, the jury returned with verdicts of GUILTY as to COUNT I, FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F) and GUILTY as to COUNT II, SEXUAL PENETRATION OF A DEAD HUMAN BODY (F). Jury polled. Court thanked and excused the jury stating they are released from the penalty phase of the case. OUTSIDE THE PRESENCE OF THE JURY: Court noted for the record that at side bar, counsel STIPULATED as to the charge of First Degree Murder that the sentence will be a number of years and referred the matter to P & P. Mr. Kephart requested the Court remand the Deft. to custody. COURT ORDERED, Deft. REMANDED TO CUSTODY, matter set for SENTENCING. Mr. Kohn requested the Deft. be allowed to be given her medication. COURT ORDERED, a note to be placed on the Deft's booking sheet that she be seen by the medical staff so that she an assessment can be made for her medication.

CUSTODY

7-2-02 8:30 AM SENTENCING

06/18/02 08:30 AM 00 DEFT'S MTN TO EXTEND TIME TO FILE MTN
FOR NEW TRIAL ALTERNATIVE MTN FOR/21

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Keith A. Reed, Relief Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
0001 D1	Lobato, Kirstin B	Y
SPD	Special Public Defender	Y
000556	Kohn, Philip J.	Y
005434	Navarro, Gloria M.	Y

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 020

Mr. Kohn moved to file a supplemental exhibit and stated he would have no objection to a continuation of matters for the state to review it. Mr. Kephart stated he would not oppose the filing. Supplemental Exhibit In Support Of Reply To State's Response To Motion To Extend Time To File Motion For A New Trial & Opposition To Deft's Motion For A New Trial FILED IN OPEN COURT. Mr. Kohn stated he is prepared to go forward without the testimony of Korinda Martin; but would like to have the transcript of her testimony. Upon the Court's inquiry, the Court Reporter stated the preparation of the transcripts has been completed; but not yet proofed. Mr. Kohn stated since the transcripts are done, he would like time to review them to make sure certain objections made are contained therein. Colloquy between Court and counsel regarding the transcripts. Upon conferring with the clerk preparing the transcripts, Court determined it will be two weeks before the transcripts are completed. Both parties advised they would like to review the transcripts before proceeding. Colloquy between Court and counsel regarding pending motions and further proceedings. Court stated all motions should be ruled upon prior to sentencing and ORDERED, motions CONTINUED; scheduled sentencing date VACATED to be re calendared.

CUSTODY

7-18-02 8:30 AM STATUS CHECK: RESCHEDULING OF SENTENCING DATE

CONTINUED TO: 07/18/02 10:30 AM 01

07/18/02 10:30 AM 00 ALL PENDING MOTIONS (7/18/02)

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003231 Chrysanthis, Alexandra C.	Y
	0001 D1 Lobato, Kirstin B	Y
	SPD Special Public Defender	Y
	000556 Kohn, Philip J.	Y
	005434 Navarro, Gloria M.	Y

DEFT'S MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL, OR IN THE ALTERNATIVE, MOTION FOR NEW TRIAL...STATUS CHECK: RESCHEDULING OF SENTENCING DATE

The Court was advised that the transcript will not be ready until 8/22/02. COURT ORDERED, Deft's Motion to Extend Time, SET FOR ARGUMENT; the Status Check was continued to same time.

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 021

CUSTODY

8/22/02 10:30 AM DEFT'S MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL
OR, IN THE ALTERNATIVE, MOTION FOR NEW TRIAL...STATUS CHECK: RESCHEDULING OF
SENTENCING DATE.

08/22/02 10:30 AM 00 ALL PENDING MOTIONS (8/22/02)

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES:

STATE OF NEVADA
006204 Digiacomo, Sandra
003649 Kephart, William D.

Y
Y
Y

0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.
005434 Navarro, Gloria M.

Y
Y
Y
Y

ARGUMENT: DEFT'S MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL...STATUS
CHECK: RESCHEDULING OF SENTENCING DATE

Counsel argued per pleadings, supplemental pleadings, and oppositions.

COURT ORDERED, Deft's Motion to Extend Time to File Motion for New Trial:

re: Expert, George Shiro, DENIED, pursuant to Libby v. State, 115 Nev.
45 (1999);

re: Missing Persons Report: That was argument made by the Prosecutor in
closing, as to what inference could be deemed by phone records, and, that
does not warrant relief requested. Therefore, DENIED.

re: Korinda Martin: Jurors had an opportunity to evaluate her
credibility in light of her convictions of felony and prison time, but, the
information regarding her letters written on sentencing was collateral and
extrinsic and ruling was appropriate; therefore, DENIED.

The COURT FOUND that the Defense did not meet its burden and therefore,
Defendant's Motion to Extend Time to File Motion for New Trial is DENIED
pursuant to Evans v. State, 112 Nev. 1172 (1996).

FURTHER ORDERED, since the Pre-Sentence Report has been received, matter SET
for Sentencing.

8/27/02 10:30 AM SENTENCING

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B

CONTINUED FROM PAGE: 022

08/27/02 10:30 AM 00 SENTENCING

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Sharon Chun, Court Clerk
Sharleen Nicholson, Reporter/Recorder

PARTIES: STATE OF NEVADA
006204 Digiacomo, Sandra
003649 Kephart, William D.

0001 D1 Lobato, Kirstin B
SPD Special Public Defender
000556 Kohn, Philip J.
005434 Navarro, Gloria M.

Y
Y
Y
Y
Y
Y
Y

Officer Snell of Parole and Probation (P & P) present. DEFT. LOBATO ADJUDGED GUILTY of COUNT I - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER) and COUNT II - SEXUAL PENETRATION OF A DEAD HUMAN BODY (F). Arguments made by Mr. Kephart on behalf of the State, no statements were made by Deft., Mr. Kohn argued on behalf of the Deft.

The Court noted that the Pre-Sentence Investigation and Report (PSI) reflected, on page no. 1, that Count II indicated a mandatory fine, however, a fine was not cited in the recommendations. Mr. Snell stated that evidently P & P did not recognize the fine as being mandatory. The Statute was reviewed by the Court and all counsel, after which, all stipulated that the fine was not mandatory, but, left up to the discretion of the Court.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee, Deft. SENTENCED as follows:

COUNT I - a MAXIMUM of FIFTY (50) YEARS and a MINIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) plus an equal and CONSECUTIVE MAXIMUM of FIFTY (50) YEARS and a MINIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections for Use of a Deadly Weapon.

COUNT II - a MAXIMUM of FIFTEEN (15) YEARS and a MINIMUM of FIVE (5) YEARS in the Nevada Department of Corrections (NDC). FURTHER ORDERED, a FINE in the AMOUNT of TEN-THOUSAND DOLLARS (\$10,000) is imposed. FURTHER, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Additionally, the Deft. is ORDERED to submit to a blood or saliva test to determine genetic markers and to PAY a \$150.00 DNA Analysis fee to the Clark County Clerk. COUNT II is to be SERVED CONCURRENTLY TO COUNT I.

FURTHER ORDERED, Deft. GRANTED TWO-HUNDRED THIRTY-THREE (233) DAYS CREDIT for time served.

Deft. Labato REMANDED to custody for sentence imposition.

CONTINUED ON PAGE: 024

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 023

NDC

CLERK'S NOTE: To correct a clerical error the minutes have been corrected to reflect the sentences as "years" instead of "months". /sc

10/07/04 09:00 AM 00 AT THE REQUEST OF THE COURT: RESET TRIAL
DATE

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	N
SPD	Special Public Defender	Y
005434	Navarro, Gloria M.	Y
001940	Pike, Randall H.	Y

Court noted matter returned from the Nevada Supreme Court to reset Trial date. CONFERENCE AT BENCH. The State to prepare an Order to Transport. COURT ORDERED, matter SET for Defendant's Oral Motion to Reduce Bail and Status Check: Reset Trial Date. Colloquy regarding Trial date. Counsel requested the Bail Motion be heard before a Trial date is set as the Bail Motion outcome may alter a Trial date. Ms. DiGiacomo and Mr. Kephart will be prosecuting counsel and Ms. Navarro and Mr. Schieck will be defense counsel. RECALLED LATER at request of Ms. Navarro who requested a Trial date. COURT ORDERED, matter to TRAIL for Ms. Navarro to locate Ms. DiGiacomo. RECALLED. Ms. DiGiacomo and Ms. Navarro present. Counsel requested a Trial date for three weeks. COURT ORDERED, matter SET for Trial. The Status Check date is VACATED.

NDC

10/28/04 9:00 AM DEFT'S ORAL MOTION FOR BAIL REDUCTION

11/9/04 9:30 AM CALENDAR CALL

11/15/04 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B
CONTINUED FROM PAGE: 024

10/28/04 09:00 AM 00 ALL PENDING MOTIONS FOR 10/28/04

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Liz Garcia, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	006204 Digiacomo, Sandra	Y
	003649 Kephart, William D.	Y
	0001 D1 Lobato, Kirstin B	Y
	SPD Special Public Defender	Y
	005434 Navarro, Gloria M.	Y

DEFT'S ORAL MOTION FOR BAIL REDUCTION...DEFT'S MOTION FOR RELEASE WITHOUT BAIL OR REINSTATE BAIL INTENSIVE SUPERVISION

Court noted it received no reply. Ms. Navarro argued that Trial set for three weeks at the State's request. The State argued for no release. If the Court was inclined to set a bail, the State requested \$500,000.00. Ms. Navarro argued for lower bail. COURT ORDERED, Defendant's Motion for Bail is GRANTED for reasonable bail of \$450,000.00 in CT. I and \$50,000.00 in CT. II for a TOTAL BAIL OF \$500,000.00. Trial date STANDS. Ms. Navarro requested defendant remain in the women's prison or a lower bail. As the Court had no jurisdiction and the State would not pay to house defendant, COURT ORDERED, request DENIED for reconsideration.

CUSTODY

11/09/04 09:00 AM 00 ALL PENDING MOTIONS 11/9/04

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Jennifer Lott, Relief Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003649 Kephart, William D.	Y
	0001 D1 Lobato, Kirstin B	Y
	SPD Special Public Defender	Y
	000824 Schieck, David M.	Y

Defendant WAIVED his speedy trial rights. Mr. Kephart expressed concern reading Rule 250; however, State did not file a written response. State is prepared to go forward without defendant. COURT ORDERED, motion is GRANTED; trial date VACATED and RESET.

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 025

NDC

2/3/05 9:30 A.M. CALENDAR CALL

2/7/05 10:00 A.M. TRIAL BY JURY

01/27/05 09:00 AM 00 DEFT'S MTN TO CONTINUE TRIAL DATE/38

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	006204 Digiacomo, Sandra	Y
	0001 D1 Lobato, Kirstin B	Y
	SPD Special Public Defender	Y
	000824 Schieck, David M.	Y

CONFERENCE AT BENCH. Upon the Court's inquiry, defendant confirmed she was to make arrangements to have Attorney Serra represent her with Mr. Schieck's office as local counsel. Mr. Schieck advised defendant indigent and qualified for services of the Special Public Defender's Office. The State confirmed it was informed of this a long time ago and requested matter be set for a Status Check to reset the Trial date. Court inquired if someone was to come up with funds to hire Attorney Serra, to which Mr. Schieck advised they would and not use defendant's trust fund. COURT ORDERED, matter SET for Reset Trial Date. Defendant's PRESENCE WAIVED at next Court date.

NDC

2/1/05 9:00 AM RESET TRIAL DATE

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B

CONTINUED FROM PAGE: 026

02/01/05 09:00 AM 00 RESET TRIAL DATE

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	N
SPD	Special Public Defender	Y
000824	Schieck, David M.	Y

COURT ORDERED, Defendant's PRESENCE WAIVED today. Court noted Trial to be reset and Mr. Serra was being retained. Mr. Schieck advised Mr. Serra's office will be handling this matter and Mr. Schieck will be local counsel. Colloquy regarding new Trial date. COURT ORDERED, Trial date is VACATED and RESET. The State to prepare an Order to Transport to have defendant present at Calendar Call.

NDC

11/3/05 9:30 AM CALENDAR CALL

11/7/05 10:00 AM JURY TRIAL

03/08/05 09:00 AM 00 DEFT'S MTN TO ASSOCIATE COUNSEL /42

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
007900	Schubert, David	Y
0001 D1	Lobato, Kirstin B	N
SPD	Special Public Defender	Y
000824	Schieck, David M.	Y

COURT ORDERED, defendant's PRESENCE WAIVED today. As there was no opposition and Motion in writing, COURT ORDERED, Defendant's Motion to Associate Counsel is GRANTED. Mr. Schieck submitted the Order to the Court, which was signed and returned to him.

NDC

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B
CONTINUED FROM PAGE: 027

08/16/05 09:00 AM 00 DEFT'S MTN TO ASSOCIATE COUNSEL /43

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	008138 Seabrook, Kristin E.	Y
	0001 D1 Lobato, Kirstin B	N
	001940 Pike, Randall H.	Y

COURT ORDERED, defendant's PRESENCE WAIVED today. As there was no opposition, COURT ORDERED, Defendant's Motion to Associate Counsel is GRANTED. Mr. Pike to prepare the Order. He submitted the Order to the Court, which was signed and returned for filing.

NDC

10/27/05 09:00 AM 00 STATE'S REQUEST RE TRIAL DATE

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Carole D'Aloia, Relief Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006204 Digiacomo, Sandra	Y
	003649 Kephart, William D.	Y
	0001 D1 Lobato, Kirstin B	N
	000824 Schieck, David M.	Y

Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections and, ORDERED, Defendant's presence WAIVED this date. Court advised it conferred with counsel in chambers prior to calendar and this matter will be addressed at time of calendar call. COURT ORDERED, calendar call date STANDS. Ms. DiGiacomo advised she will prepare an Order to Transport so Defendant will be present.

CUSTODY (COC-NDC)

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 028

11/03/05 09:30 AM 00 ALL PENDING MOTIONS FOR 11/3/05

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Carole D'Aloia, Relief Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.
001940 Pike, Randall H.

Y
Y
Y

N
Y
Y

CALENDAR CALL...DEFT'S MOTION TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS
...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT...DEFT'S
MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE
TESTIMONY OF LAURA JOHNSON...DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF
LICENSE PLATE...DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND
CUMULATIVE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL
TESTIMONY...DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT
DURING INTERROGATION...DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY
OR EVIDENCE PERTAINING TO HER JOURNAL

Shari Greenberger and Sara Zalkin are counsel also appearing with Mr. Pike.
COURT ORDERED, defendant's PRESENCE WAIVED today. Mr. Pike requested Trial
date be reset as he was not ready. Ms. DiGiacomo advised it was a joint
request as this Court would not be available. At stipulation of counsel,
COURT ORDERED, Trial date is VACATED and RESET. COURT ORDERED, a briefing
schedule set as follows:

Defense to file Motions by 12/31/05
State to respond by 1/31/06
Defense reply due 2/16/06
HEARING ON ALL MOTIONS: 3/3/05 9:00 AM

COURT ORDERED, all above Motions CONTINUED. Defendant's Motion in Limine to
Exclude Evidence of Presumptive Blood Tests set for 11/15/05 is also
CONTINUED.

NDC

CONTINUED TO: 3/3/06 9:00 AM ALL PENDING MOTIONS

4/6/06 9:30 AM CALENDAR CALL

4/17/06 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 029

03/03/06 09:00 AM 00 ALL PENDING MOTIONS FOR 3/3/06

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Michelle Jones, Relief Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
006204 Digiacomo, Sandra
003649 Kephart, William D.

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y
Y

N
Y

DEFT'S MOTION TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT...DEFT'S MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON...DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE...DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY...DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT DURING INTERROGATION...DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS...DEFT'S MOTION TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE AND COLLECT EXULPATORY EVIDENCE.

Court noted parties STIPULATED to a continuance as the Attorneys from San Francisco are in trial and unable to appear today. COURT ORDERED, trial date STANDS, and matters continued. Court further noted the Deft. has posted bail and ORDERED, Deft's presence WAIVED. COLLOQUY between Court and counsel regarding Deft's financial status. COURT ORDERED, counsel to research the Deft's financial status to determine if she qualifies to be represented by the Public Defender's office; further matter set for status check.

CONTINUED TO: 3/27/06 9:30 AM

3/27/06 9:30 AM STATUS CHECK: INDIGENCE

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 030

03/27/06 09:30 AM 00 ALL PENDING MOTIONS FOR 3/27/06

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Debi Van Blaricom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
006204	Digiacom, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y
009451	Patrick, Clark W.	Y

DEFT'S MOTION TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT...DEFT'S MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON...DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE...DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY...DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT DURING INTERROGATION...DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS...DEFT'S MOTION TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE...STATUS CHECK: INDIGENCE

Court noted a telephone call on Friday advising counsel agreed to continue matters. As there was no objection, COURT ORDERED, above matters CONTINUED. As counsel agreed, COURT ORDERED, Trial date is VACATED and RESET in ordinary course.

CONTINUED TO: 5/19/06 9:00 AM ABOVE MATTERS

9/7/06 9:30 AM CALENDAR CALL

9/11/06 10:30 AM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 031

05/19/06 09:00 AM 01 STATUS CHECK: INDIGENCE

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Willa Pettice, Court Clerk
Lisa Lizotte, Reporter/RecorderPARTIES: STATE OF NEVADA
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.Y
Y
Y

Y
Y

COURT ORDERED, matter CONTINUED to be heard at Calendar Call.

BOND

CONTINUED TO: 05/23/06 09:00 AM 02

05/19/06 09:00 AM 00 ALL PENDING MOTIONS(5/19/06)

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Willa Pettice, Court Clerk
Lisa Lizotte, Reporter/RecorderPARTIES: STATE OF NEVADA
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.Y
Y
Y

Y
Y

DEFT'S MOTION TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS . . . DEFT'S
MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT . . . DEFT'S MOTION
IN LIMINE TO EXCLUDE PHOTOGRAPHS . . . DEFT'S MOTION IN LIMINE TO EXCLUDE
TESTIMONY OF LAURA JOHNSON . . . DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS
OF LICENSE PLATE . . . DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND
CUMULATIVE PHOTOGRAPHS . . . DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S
TRIAL TESTIMONY . . . DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY
DEFT DURING INTERROGATION . . . DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS
TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL . . . DEFT'S MOTION IN
LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS . . . DEFT'S MOTION TO
DISMISS BASED ON STATE'S FAILURE TO PRESERVE AND COLLECT EXCULPATORY
EVIDENCE

Shari Greengerger, Esq. and Sara Zalkin, Esq., appeared PRO HAC VICE for
Deft.

CONTINUED ON PAGE: 033

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 032

MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS: Following arguments by counsel, COURT ORDERED, Motion GRANTED. DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE: Following arguments by counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS: Following arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON: Following arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE: Following arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS: Following arguments by Counsel, COURT ORDERED, Motion CONTINUED to be heard at Calendar Call. DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY: Following Arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFT DURING INTERROGATION: Following arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL: At the request of Ms. Greenberger, COURT ORDERED, Motion CONTINUED. DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS: Following arguments by Counsel and request by Deft's Counsel for an evidentiary hearing, COURT ORDERED, Motion DENIED. DEFT'S MOTION TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE: Following arguments by Counsel and request by Deft's Counsel for an evidentiary hearing, COURT ORDERED, Motion DENIED.

BOND

5/23/06 9:00 A.M. DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL/STATUS CHECK: INDIGENCE

9/7/06 9:00 A.M. DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS

05/23/06 09:00 AM 00 ALL PENDING MOTIONS FOR 5/23/06

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y
Y

Y
Y

STATUS CHECK: INDIGENCE...STATUS CHECK: SET DATE ON ARGUMENT/DECISION ON MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL...DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR PAGLINI'S EVALUATION OF MS LOBATO

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 033

AS TO STATUS CHECK: INDIGENCE: Arguments by counsel regarding defendant being indigent. Upon the Court's inquiry as to an annuity, defendant advised her father had power of attorney and it was gone. COURT ORDERED, matter SET for Argument/Decision on Motion to Exclude Testimony/Evidence on Journal. COURT ORDERED, a briefing schedule set as follows:

Deft's Brief Due: 6/30/06

State's Opposition Due: 7/14/06

Defense Reply Due: 7/21/06

ARGUMENT/DECISION: 7/28/06 9:00 AM

AS TO DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR PAGLINI'S EVALUATION OF MS LOBATO: COURT ORDERED, a briefing schedule set as follows:

Reply Due: 6/30/06

ARGUMENT/DECISION: 7/28/06 9:00 AM

AS TO DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS: COURT ORDERED, Defendant's Motion in Limine set for 5/19/06 is CONTINUED to 9/7/06 at 9:30 AM with the Calendar Call.

COURT ORDERED, Trial date STANDS.

BOND

CONTINUED TO: 7/28/06 9:00 AM ARGUMENT/DECISION ON MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL...DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR PAGLINI'S EVALUATION OF MS LOBATO

9/7/06 9:30 AM DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS

07/28/06 09:00 AM 00 ALL PENDING MOTIONS (7/28/06)

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Willa Pettice, Relief Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
006204 Digiacomo, Sandra
0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y

Y

Y

Y

ARGUMENT/DECISION MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL . . .
DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF
EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OF PREFERENTIAL TREATMENT FOR
KORINDA MARTIN'S COOPERATION WITH THE STATE . . . DEFT'S MOTION TO DISMISS .

CONTINUED ON PAGE: 035

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 034

. . DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR. PAGLINI'S EVALUATION OF MS. LOBATO

Sara Zalkin, Esq., and Shari Lynn Greenberger, Esq. also appeared on behalf of Deft. ARGUMENT/DECISION MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL: Arguments by Ms. Greenberger regarding the credibility of the witness, Korinda Martin, stating the Attorney General investigated her at length and she was prosecuted by the Clark County District Attorney, where they stated in their arguments Martin was a "liar" and "not credible". Further arguments by Ms. Greenberger stating it would be unethical for Martin to testify and Martin has motivation to testify falsely. Opposition by Ms. DiGiacomo stating there is no authority to exclude a witness even though she is painted as a liar, further, Martin gave the District Attorney's Office information about the murder before the autopsy results were published. Following further arguments by counsel regarding evidence which was not preserved and Martin's sexual involvement with a corrections officer, COURT ORDERED, Motion DENIED as to excluding testimony of Martin; DENIED as to exclusion of testimony regarding the journal and GRANTED as to admitting evidence of Martin's sentencing in her own case; Ms. DiGiacomo to prepare the Order.

DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OF PREFERENTIAL TREATMENT FOR KORINDA MARTIN'S COOPERATION WITH THE STATE: The Court stated it did not have an Opposition to this Motion. Ms. DiGiacomo stated she was on trial and did not file an opposition. Ms. Zalkin stated this Motion is regarding special treatment the witness is getting regarding her testimony in the first trial. Ms. DiGiacomo advised Martin requested her office to write a letter to the Parole Board for her and they did, however, it was not promised to her. There was nothing promised to Martin or any other witness for their testimony. COURT ORDERED, there being no Opposition filed by the State, Motion GRANTED; Defense Counsel to prepare the Order, the State to provide any discovery to Defense.

DEFT'S MOTION TO DISMISS: Mr. Schieck advised he would like to file a Reply to State's Opposition and requested Motion be continued. Following opposition by Ms. DiGiacomo, COURT ORDERED, Reply due 8/4/06, date set for Argument/Decision on Motion to Dismiss.

DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR. PAGLINI'S EVALUATION OF MS. LOBATO: Arguments by Ms. Greenberger stating the report should be excluded because it is privileged and Martin did not waive her privilege; further, the report was disclosed by prior counsel which does not constitute a voluntary disclosure. Opposition by Ms. DiGiacomo stating the court is aware of what privileged information is and this report was done for the purpose of litigation and preparation of defense strategy and, therefore, privilege does not apply. Following further arguments by Ms. Greenberger and opposition by Ms. DiGiacomo, the Court stated its Findings and ORDERED, Motion DENIED. Court recessed following discussions regarding upcoming Motions and discovery. The Court stated the trial date appears to

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 035

be secure.

8/10/06 10:30 A.M. ARGUMENT/DECISION ON MOTION TO DISMISS

08/10/06 10:30 AM 00 ARGUMENT/DECISION ON DEFT'S MOTION TO DISMISS

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
006204	Digiaco, Sandra	Y
003649	Kephart, William D.	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

Arguments by counsel. Court stated its findings, and ORDERED, Defendant's Motion to Dismiss is DENIED. The State to prepare the Order. All future dates STAND. Court inquired if counsel viewed documents in the Evidence Vault, to which they advised they had. Colloquy regarding status of other issues.

BOND

09/07/06 09:30 AM 00 ALL PENDING MOTIONS FOR 9/7/06

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
006204	Digiaco, Sandra	Y
003649	Kephart, William D.	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

STATE'S MOTION FOR RECIPROCAL DISCOVERY...DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS...CALENDAR CALL

Ms. Zalkin and Ms. Greenberger, Defendant's California attorneys, also present. Counsel announced ready for Trial. Ms. DiGiacomo advised of three

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 036

witnesses who have not been found and advised their testimony would be read into the record. Mr. Schieck advised they were looking for the same witnesses and would advise the State if they were found. Ms. DiGiacomo advised the Trial would be three weeks long and her case-in-chief would probably end on 9/18/06.

AS TO STATE'S MOTION FOR RECIPROCAL DISCOVERY: As there was no opposition, COURT ORDERED, Motion GRANTED pursuant to EDCR 3.20. The State to prepare the Order. Colloquy regarding scheduling.

AS TO DEFT'S MOTION IN LIMINE: All counsel advised they looked at the photographs in the vault and found no inked photographs. They would request the same photographs admitted previously be admitted and may request additional photographs be admitted. COURT ORDERED, Motion CONTINUED for ruling. Trial date STANDS. Colloquy regarding scheduling and Ms. DiGiacomo requested Trial end on 9/22/06 at noon. COURT SO ORDERED.

BOND

CONTINUED TO: 9/11/06 10:15 AM DEFT'S MOTION IN LIMINE TO
EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS

10:30 AM JURY TRIAL

09/11/06 10:30 AM 00 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

Y
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Y

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y

DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS
...JURY TRIAL

AS TO DEFT'S MOTION IN LIMINE: Counsel met in Court and reviewed photographs. COURT ORDERED, matter CONTINUED to 9/12/06 at 11:00 AM for the State to make two copies of Exhibit 125A, a redacted audio tape. The original will be returned to the Clerk.

JURY TRIAL: PROSPECTIVE JURY PANEL PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Court introduced staff.

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CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 037

The Clerk called the Roll of the prospective Jury Panel with all present. Ms. DiGiacomo made introductions. Mr. Schieck made introductions. Voir dire oath given. State's Motion to Admit Prior Testimony of Jeremy Davis and Richard Shott FILED IN OPEN COURT. Voir dire continues. EVENING RECESS. OUTSIDE PRESENCE OF THE PROSPECTIVE JURY PANEL: State's Motion was filed in Open Court. If the defense to reply, they will do so at 11:00 AM on 9/12/06.

BOND

CONTINUED TO: 09/12/06 01:00 PM 01

09/12/06 01:00 PM 01 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y
Y
Y

Y
Y

DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS
...JURY TRIAL

AS TO DEFT'S MOTION IN LIMINE: As to the State's Motion to Admit Prior Testimony of Jeremy Davis and Richard Shott, arguments by counsel. COURT ORDERED, Motion GRANTED pursuant to EDCR 3.20. The State to prepare the Order. There may be some portions of their testimony redacted before presenting to the Jury which will be done outside the presence of the Jury. Counsel met in Court and reviewed photographs. COURT ORDERED, the following: Defense had no objection to the State admitting photographs from the first Trial. The State will not offer Exhibits 39, 34, 98, 105. The State is moving to ADMIT Exhibits 62, 73, 81, 88, 93A, 97, 100, 101, 102. As there was no objection, COURT SO ORDERED. The Court will hold in abeyance ruling on Exhibits 69 and 70 as the State has not determined whether or not they will offer those Exhibits.

JURY TRIAL: SECOND PROSPECTIVE JURY PANEL PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Court introduced staff. The Clerk called the Roll of the prospective Jury Panel with all present. Voir dire oath given. Ms. DiGiacomo made introductions. Mr. Schieck made introductions. Voir dire continues with the second Prospective Jury Panel. At 3:40 PM, voir dire continues with both Prospective Jury

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 038

Panels. Prospective Jury Panel ADMONISHED and released for the evening. OUTSIDE PRESENCE OF THE PROSPECTIVE JURY PANEL: At last sidebar, Court noted discussion regarding punishment held in Chambers. At the prior Trial counsel stipulated to waive punishment by the Jury and Court sentenced defendant. This time the defense wanted a waiver but the State was not in agreement. The Jury will be making the determination on penalty should the case go to penalty phase. The Court did not ask any questions regarding the penalty phase and expected the State to ask such questions. Mr. Schieck has case law to provide to the Court limiting maximum exposure of defendant as to extent of punishment of first Trial if there is a conviction in this Trial. The State had Points and Authorities which it provided to the Court and defense. Court and counsel to review documents tonight and counsel to argue matter at 10:00 AM on 9/13/06. Voir dire to continue at 10:30 AM on 9/13/06.

The Court was unclear whether counsel had stipulated to admit all photographs from the prior Trial or whether counsel to lay foundation. Mr. Schieck requested foundation be laid for this Jury and that he did not anticipate any objections. COURT SO ORDERED and objections to be made where appropriate. EVENING RECESS.

BOND

CONTINUED TO: 09/13/06 10:30 AM 02

09/13/06 10:30 AM 02 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
003649	Kephart, William D.	Y
006204	Digiacomu, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Court reviewed cases submitted by counsel and NRS 175.552, which was marked at Court Exhibit 3. Arguments by counsel. Court stated its findings that there was no violation of law having the Jury do the sentencing phase and it would be in compliance with State statute, and ORDERED, State's request to put forth voir dire questions to the Jury advising they would do the penalty phase if there was a conviction of first degree Murder is GRANTED. Mr. Schieck requested to preserve their right to object to a harsher sentence. COURT SO

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 039

ORDERED.

As a redacted version of Mr. Davis' testimony was not available, counsel advised they would address at a later time. Ruling on Exhibits 69 and 70 is still pending. Mr. Schieck advised he has still had no response to his phone calls to Ms. Paulette. Ms. DiGiacomo advised she is back now. Court noted Mr. Schieck could talk with her on a break. If no response, to let the Court know.

JURY TRIAL: PROSPECTIVE JURY PANEL PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Voir dire continues. Court thanked and excused the prospective Jurors in the audience. Peremptory Challenge. Jury and three Alternates selected. OUTSIDE THE PRESENCE OF THE JURY: Counsel made a record of the challenges for cause. JURY PRESENT: Jury and three Alternates selected and sworn. Opening remarks by the Court. The Clerk read the Information to the Jury and stated the defendant's plea thereto. EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding which portions of the Davis transcript are redacted. Counsel came to agreement.

BOND

CONTINUED TO: 09/14/06 01:00 PM 03

09/14/06 01:00 PM 03 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y
Y
Y

Y
Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Opening statements by Mr. Kephart. Opening statements by Ms. Greenberger. OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart moved for a Mistrial. Arguments by counsel. Court stated its findings, and ORDERED, request DENIED as relief sought is extreme and not warranted. JURY PRESENT: Testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Counsel agreed any evidence admitted in this Trial may be shown to the Jury on the Elmo without first being published. COURT SO ORDERED. Counsel stipulated to WAIVE JURY NOTEBOOKS. COURT SO ORDERED.

CONTINUED ON PAGE: 041

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 040

BOND

CONTINUED TO: 09/15/06 10:30 AM 04

09/15/06 10:30 AM 04 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:

STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.Y
Y
Y
Y

Y
Y

OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Mr. Kephart OBJECTED to any conversations being brought into evidence between defendant and some witnesses without the State opening the door. Arguments by counsel. Court stated its findings, and ORDERED, request PREMATURE. Mr. Kephart advised the first witness has medical concerns and has to be on the road by 1:00 PM so she can get home before dark. Mr. Schieck acknowledged. Colloquy regarding scheduling of experts. Counsel stipulated that Exhibit 133 is ADMITTED. COURT SO ORDERED. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: The State INVOKED THE EXCLUSIONARY RULE. Court ADMONISHED witness Dixie Tienken not to talk to anyone regarding this case. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Court noted and State advised witness Tienken returned at 3:28 PM. The witness advised she arrived about 3:25 PM. She advised she could return on Monday at 3:00 PM. Court advised her she remained under the ADMONISHMENT not to talk to anyone regarding this case.

BOND

CONTINUED TO: 09/18/06 10:30 AM 05

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B
CONTINUED FROM PAGE: 041

09/18/06 10:30 AM 05 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
 Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
003649	Kephart, William D.	Y
006204	Digiacoimo, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart requested Exhibits Q-1 and Q-2 from Dr. Brosiak's report be admitted into evidence when he testifies. Mr. Schieck confirmed he would move for their admittance.

BOND

CONTINUED TO: 09/19/06 01:00 PM 06

09/19/06 01:00 PM 06 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
 Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
003649	Kephart, William D.	Y
006204	Digiacoimo, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS.

BOND

CONTINUED TO: 09/20/06 10:30 AM 07

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 042

09/20/06 10:30 AM 07 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 DiGiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y
Y
Y

Y
Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart advised of circumstances at lunch break where he, Ms. DiGiacomo, and defendant ended up on the elevator. He wanted to make sure nothing happened and there were was no misbehavior. Mr. Schieck advised there was no issue. He further advised he had ended up on the elevator with the Bailiff and a Juror. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS.

BOND

CONTINUED TO: 09/21/06 01:15 PM 08

09/21/06 01:15 PM 08 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 DiGiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y
Y
Y

Y
Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Upon the Court's inquiry, Ms. DiGiacomo advised counsel stipulated to admit the gold chain, which she will do on the record. Colloquy regarding scheduling of witnesses. Ms.

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CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

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DiGiacomo provided the defense with a copy of Christina Paulette's notes.
JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.)
Ms. DiGiacomo advised counsel stipulated that the State's Exhibit 11, a gold chain, belongs to Duran Bailey. The Court received 8 questions from the Jury which will be addressed tomorrow. EVENING RECESS.

BOND

CONTINUED TO: 09/22/06 10:00 AM 09

09/22/06 10:30 AM 09 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Michelle Jones, Relief Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) Court advised jury and counsel of upcoming trial schedule. COURT ADMONISHED and EXCUSED jury for the evening recess.

CONTINUED TO: 09/25/06 10:30 AM 10

09/25/06 10:30 AM 10 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Michelle Jones, Relief Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) Following a conference at the bench, COURT ORDERED, all items

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 044

admitted today pertain to the actual bag or envelope and it's contents.
COURT ADMONISHED AND EXCUSED jury for the afternoon recess.

JURY PRESENT. Testimony and exhibits presented. (See worksheets.) COURT
ADMONISHED AND EXCUSED JURY FOR THE EVENING with the instruction to return
on 9/26/06 at 11:00 A.M.

CONTINUED TO: 09/26/06 11:00 AM 11

09/26/06 11:00 AM 11 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

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Y
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Y

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Y

OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin,
defendant's California attorneys, also present. Mr. Kephart advised the
Exclusionary Rule was in effect and requested persons to leave the
Courtroom. COURT SO ORDERED. Arguments by counsel regarding defense expert
witness on the Amended Notice of Witnesses. Court stated its findings, and
ORDERED, Motion GRANTED. Dr. Laufer will be permitted to testify in areas
where he was properly noticed on the Amended Notice of Witnesses filed
8/18/06. Mr. Kephart objected to Dr. Laufer's power point presentation as
he had not seen it on the basis of something inappropriate in the
presentation. The State was provided pictures. Ms. Greenberger to advise
Dr. Laufer of the Court's ruling before he testified. JURY PRESENT: Further
testimony and Exhibits presented. (See Worksheets.) EVENING RECESS.

BOND

CONTINUED TO: 09/27/06 10:30 AM 12

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 045

09/27/06 10:30 AM 12 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	003649 Kephart, William D.	Y
	006204 Digiacomo, Sandra	Y
	0001 D1 Lobato, Kirstin B	Y
	000824 Schieck, David M.	Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Counsel agreed to the redacted version of Diane Parker's testimony to be read into the record. COURT SO ORDERED. Colloquy regarding DNA testing on the cigarette butts. Nothing was detected for defendant. The State OBJECTED to the power point presentation of Brent Turby as he is not giving any expert testimony but only an opinion based on what other witnesses said. Court directed counsel to bring this matter up before he testifies to be addressed. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: The Court questioned separately Juror #1 Arieno and #6 Moir whether they could continue with the Trial next week. Court directed Mr. Arieno to reschedule his appointments and deliveries after Wednesday. As Ms. Moir needed a letter advising the Trial was continuing, Court advised it would be provided. Colloquy regarding scheduling. Mr. Schieck OBJECTED to the testimony of Det. Thowsen, requested his testimony be stricken, and stated his reasons. Arguments by counsel. Court stated its findings, and ORDERED, Motion to Strike is DENIED. Mr. Schieck advised the reports are hearsay information.

BOND

CONTINUED TO: 09/28/06 01:00 PM 13

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 046

09/28/06 01:00 PM 13 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

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Y
Y
Y

Y
Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding scheduling tomorrow. Counsel stipulated to reading the testimony of Bodziak.

BOND

CONTINUED TO: 09/29/06 01:00 PM 14

09/29/06 01:00 PM 14 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y
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Y

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Y

OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. At the hour of 1:09 PM, the State RESTED. Counsel stipulated to ADMIT Exhibit 133. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Counsel advised of a long argument regarding Brent Turvey's testimony and power point presentation. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE PRESENCE OF THE JURY: Colloquy regarding scheduling. Arguments by counsel regarding Brent Turvey's testimony and power point presentation.

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CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 047

Court stated its findings, and ORDERED, request GRANTED IN PART and DENIED IN PART and Brent Turvey can testify.

BOND

CONTINUED TO: 10/02/06 10:30 AM 15

10/02/06 10:30 AM 15 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

Y
Y
Y
Y

Y
Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding Lobato previous statements. Court stated its findings, and ORDERED, objection SUSTAINED. Colloquy regarding Brent Turvey's updated version of his power point presentation. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the State coming on defendant's right to remain silent. Defendant made three prior statements which was testimony in a prior proceeding. Further arguments by counsel. Court stated its findings, and ORDERED, counsel to research matter and meet in Courtroom at 11:30 AM tomorrow. Further arguments by counsel.

BOND

CONTINUED TO: 10/03/06 01:00 PM 16

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B
CONTINUED FROM PAGE: 048

10/03/06 01:00 PM 16 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Arguments regarding legal research regarding testimony issue and defendant's Fifth Amendment rights. Court stated its findings, and ORDERED, counsel may refer to testimony from prior proceedings in this case. The Court reconsiders is prior ruling. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding sidebar discussions as to hearsay. Court stated its findings, and ORDERED, objection SUSTAINED. Arguments by counsel regarding Ashley Lobato as a witness.

BOND

CONTINUED TO: 10/04/06 10:30 AM 17

10/04/06 10:30 AM 17 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS.

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

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BOND

CONTINUED TO: 10/05/06 01:00 PM 18

10/05/06 01:00 PM 18 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
003649	Kephart, William D.	Y
006204	Digiaco, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Ms. DiGiacomo and defendant not present. Jury Instructions and Verdict form SETTLED IN OPEN COURT. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.)

OUTSIDE THE PRESENCE OF THE JURY: The Court advised Defendant of her right to testify on her own behalf. Defendant stated she understood. JURY PRESENT: The defense RESTED. Court instructed the Jury. Closing arguments by Ms. DiGiacomo. Closing arguments by Mr. Schieck. Rebuttal arguments by Mr. Kephart. Bailiff, Matron, and Court Recorder sworn to take charge of the Jury. At the hour of 6:35 PM, the Jury retired to deliberate. Court thanked and excused two Alternate Jurors. EVENING RECESS.

BOND

CONTINUED TO: 10/06/06 08:30 AM 19

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA vs Lobato, Kirstin B
CONTINUED FROM PAGE: 050

10/06/06 08:30 AM 19 TRIAL BY JURY

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
003649	Kephart, William D.	Y
006204	Digiacoimo, Sandra	Y
0001 D1	Lobato, Kirstin B	Y
000824	Schieck, David M.	Y

JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Jury deliberations CONTINUES. At the hour of 3:03 PM, the Jury returned with a verdict of GUILTY in CT. 1 - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F) AND CT. 2 - SEXUAL PENETRATION OF A DEAD HUMAN BODY (F). Jury polled. The Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. The State requested defendant be remanded on CT. 2 as it is nonprobationable. Arguments by counsel. Court stated its findings, and ORDERED, defendant REMANDED TO CUSTODY with an in-custody sentencing date. Mr. Schieck argued for the Court to consider House Arrest. Court stated its findings, and ORDERED, defendant REMANDED.

CUSTODY

11/21/06 9:00 AM SENTENCING

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 051

11/21/06 09:00 AM 00 SENTENCING

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Billie Jo Craig, Court Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
002781 Roger, David J.
003649 Kephart, William D.
006204 Digiacomo, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

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Y
Y
Y

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Y

Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Court noted counsel met in Chambers regarding a deficiency in the PSI. Arguments by counsel as to need for a psychosexual evaluation if probation to be considered. Mr. Kephart also advised there should not be an enhancement in CT. II. As defendant did not wish to waive the psychosexual evaluation and as Mr. Schieck concurrent with the mistakes in the PSI, COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) for an Amended PSI and sentencing is CONTINUED. Court directed the State to annotate in the file the problems with the current PSI that are to be corrected and that a psychosexual evaluation to be performed. Mr. Kephart noted another mistake was that a new offense by defendant that is currently being processed and that the Attorney General's office should be sending him the information shortly. Court directed him to annotate the file regarding the new offense as well.

CUSTODY

CONTINUED TO: 02/02/07 09:00 AM 01

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 052

02/02/07 09:00 AM 01 SENTENCING

HEARD BY: Valorie J. Vega, Judge; Dept. 2

OFFICERS: Pamela Humphrey, Relief Clerk
Lisa Lizotte, Reporter/Recorder

PARTIES: STATE OF NEVADA
003649 Kephart, William D.
006204 Digiacomio, Sandra

0001 D1 Lobato, Kirstin B
000824 Schieck, David M.

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Y

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Y

APPEARANCES CONTINUED: Shari Greenburger, Esq., and Sara Zalkin, Esq., also present on behalf of deft.

COURT noted it received the Amended Presentence Investigation Report (PSI) dated 1/17/07 along with a Psychological Evaluation submitted by JoAnn Lujan, LCSW. State moved to offer and admit as Court exhibits a Memorandum with a CD containing recordings of phone calls deft. made while in custody at the Clark County Detention Center (CCDC) and two (2) letters deft. mailed to individuals while in custody and one (1) letter deft. received while in custody. COURT SO ORDERED. Counsel objected to the admission of deft's recorded telephone conversations. COURT ORDERED, RULING STANDS.

Additionally, Mr. Schieck lodged with the COURT a copy of the Psychosexual Risk Assessment report from Dr. Paglini, deft's Sentencing Memorandum, Statement of Defendant in Aid of Sentencing and Letters in Aid of Sentencing. Further, Mr. Schieck argued as to counts one and two running concurrent. Matter submitted. Statements by deft. DEFT. LOBATO ADJUDGED GUILTY of CT. 1 - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F) AND CT. 2 - SEXUAL PENETRATION OF A DEAD HUMAN BODY (F).

COURT ORDERED, in addition to the \$25 Administrative Assessment fee, \$800 Psychosexual Evaluation fee, \$1,000 fine and the \$150 DNA Analysis fee, Deft. SENTENCED as follows:

COUNT 1 - to a MINIMUM term of FORTY-EIGHT (48) MONTHS and a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS; plus an equal and CONSECUTIVE MINIMUM term of FORTY-EIGHT (48) MONTHS and a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS for deadly weapon enhancement in the NEVADA DEPARTMENT OF CORRECTIONS; and

COUNT 2 - to a MINIMUM term of SIXTY (60) MONTHS and a MAXIMUM term of ONE HUNDRED AND EIGHTY (180) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONCURRENT with COUNT 1 with ONE THOUSAND FIVE HUNDRED FORTY-FOUR (1,544) days credit time served.

COURT ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to

CONTINUED ON PAGE: 054

CRIMINAL COURT MINUTES

01-C-177394-C STATE OF NEVADA

vs Lobato, Kirstin B

CONTINUED FROM PAGE: 053

commence upon release from any term of probation, parole or imprisonment. Additionally, the Deft. is ORDERED to submit to a blood or saliva test to determine genetic status and Defendant to REGISTER as a sex offender pursuant to NRS 179D.450 within 48 hours of sentencing or release from custody.

COURT FURTHER ORDERED, deft. REMANDED into CUSTODY. BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: As to Count 2 on 2/7/07 Sentence amended to 180 months in the Nevada Department of Corrections./pdh

03/12/07

E X H I B I T S

2:50 PM

CASE NO. 01-C-177394-C

CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Lobato, Kirstin B

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	P1	/CRIME SCENE REPORT 7/8/01	S	OF/	11/26/01	V
0002	P2	/CRIME SCENE REPORT 7/22/01	S	OF/	11/26/01	V
0003	PCT1	/COURT'S EXH JUROR PANEL #044 NOTE		/	99/99/99	V
0004	PCT2	/COURT'S EXH JUROR PANEL #081 NOTE		/	99/99/99	V
0005	PCT3	/COURT'S EXH PEREMPTORY CHALLENGE FORM		/	99/99/99	V
0006	PCT4	/COURT'S EXH JUROR #06 NOTE		/	99/99/99	V
0007	PCT5	/COURT'S EXH NOTE FROM JUROR #6		/	99/99/99	V
0008	PCT6	/COURT'S EXH NOTE FROM JUROR #1		/	99/99/99	V
0009	PCT7	/COURT'S EXH NOTE FROM JUROR #3		/	99/99/99	V
0010	PCT8	/COURT'S EXH NOTE FROM JUROR #1		/	99/99/99	V
0011	PCT9	/COURT'S EXH FAX CVER LTR FROM MR BROSIK		/	99/99/99	V
0012	PCT10	/COURT'S EXH DR. PAGAGANINI REPORT		/	99/99/99	V
0013	PCT11	/COURT'S EXH NOTE JUROR #1		/	99/99/99	V
0014	PCT12	/COURT'S EXH NOTE FROM JUROR #6		/	99/99/99	V
0015	PCT13	/COURT NOTES TO JURY & JURY RESPONSE		/	99/99/99	V
0016	P1-120	/PHOTOGRAPHS 1- 120	S	/	99/99/99	V
0017	P121	/BLOW UP PHOTO WITH CRIME SCENE	S	AD/NO	05/08/02	V
0018	P122	/DIAGRAM OF BODY, CC MEDICAL EXAM HEADING	S	AD/NO	05/09/02	V
0019	P123	/RIGHTS OF PERSON ARRESTED/PHOTO MONTAGE	S	AD/OB	05/10/02	V
0020	P124	/CONSENT TO SEARCH CARDS	S	AD/OB	05/10/02	V
0021	P126	/POEM/DOCUMENT 7/29/01	S	AD/NO	05/14/02	V
0022	P127	/BAT	S	AD/NO	05/13/02	V
0023	P128	/BIO HAZARD BAG (01022170)	S	AD/NO	05/13/02	V
0024	P129	/BIO HAZARD BAG (01033913)	S	AD/NO	05/13/02	V
0025	P130	/BIO HAZARD BAG (01034702)	S	AD/NO	05/13/02	V
0026	P131	/CAR DOOR PANEL (INTERIOR)	S	AD/NO	05/13/02	V
0027	P132	/LARGE PHOTO	S	AD/NO	05/15/02	V
0028	P133	/AFFIDAVIT OF CUSTODIAN OF RECORDS	S	AD/OB	05/16/02	V
0029	P133A	/FINAL SAMPLE REPORT 7/16/01	S	/	99/99/99	V
0030	P125A	/REDACTED TAPE RECORDING INTERVIEW/LOBATO	S	AD/NO	05/17/02	V
0031	P134	/PICTURE HOLDING CELL DOOR	S	AD/NO	05/17/02	V
0032	P135	/PICTURE HOLDING CELL BENCH	S	AD/NO	05/17/02	V
0033	P136	/PICTURE HOLDING CELL DOORWAY/PHONE	S	AD/NO	05/17/02	V
0034	D/A	/PHOTOGRAPH OF SHOE PRINT IN BLOOD	D	AD/NO	05/08/02	V
0035	D/B	/PHOTOGRAPH- ID TAG RE: TAKING PHOTOS	D	AD/NO	05/08/02	V
0036	D/C	/TOW RECEIPT TICKET	D	AD/NO	05/08/02	V
0037	D/D	/"LOTS OF TALK" NEWSPAPER ARTICLE	D	/	99/99/99	V
0038	D/E	/PHOTO- FOOT PRINT/RULER	D	AD/NO	05/10/02	V
0039	D/F	/PHOTO HOLY FAMILY CATHOLIC CHURCH	D	AD/NO	05/10/02	V
0040	D/H	/DEFT'S STATEMENT (KARINDA MARTIN 8-13-02	D	/	99/99/99	V
0041	D/I	/DIANN PARKER SIGNATURE ON DECEASED PHOTO	D	AD/NO	05/14/02	V
0042	D/J	/DIANN PARKER KNIFE BRUISE (PHOTO)	D	AD/NO	05/14/02	V
0043	D/K	/DIANN PARKER KNIFE SHOULDER BRUISE/PHOTO	D	AD/NO	05/14/02	V
0044	D/L	/DIANN PARKER LEG BRUISE PHOTO	D	AD/NO	05/14/02	V
0045	D/M	/DIANN PARKER ARM BRUISE PHOTO	D	AD/NO	05/14/02	V
0046	D/N	/DIANN PARKER FACE BRUISE PHOTO	D	AD/NO	05/14/02	V
0047	D/O	/APL LAB RESULTS	D	/	99/99/99	V
0048	D/P	/WORK LOG	D	AD/NO	05/15/02	V
0049	D/Q	/B. LABATO CELL PHONE RECORD	D	AD/OB	05/14/02	V
0050	D/R	/LABATO RESIDENCE PHONE RECORD	D	AD/NO	05/14/02	V
0051	D/S	/CELL PHONE RECORD	D	AD/NO	05/14/02	V
0052	D/T	/LOBATO RESIDENCE PHONE RECORD	D	AD/NO	05/14/02	V

03/12/07

E X H I B I T S

2:50 PM

CASE NO. 01-C-177394-C

CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Lobato, Kirstin B

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0053	D/U	/PHOTO PARKING AREA	D	AD/NO	05/15/02	V
0054	D/V	/PHOTO OF FOUNTAIN	D	AD/NO	05/15/02	V
0055	D/W	/TRASH BIN @ BUDGET	D	AD/NO	05/15/02	V
0056	D/X	/PHOTO OF PARKING AREA W/AWNING	D	AD/NO	05/15/02	V
0057	D/Y	/PHOTO OF BUDGET SUITES	D	AD/NO	05/15/02	V
0058	D/Z	/PHOTO OF CAVE AREA	D	AD/NO	05/15/02	V
0059	D/AA	/PEN & LYNX 98	D	AD/NO	05/15/02	V
0060	D/BB	/NV YOUNG WRITERS & ARTIST 1996	D	AD/NO	05/15/02	V
0061	D/CC	/CV OF EXPERT BODZIAK	D	/	99/99/99	V
0062	D/DD	/OFFICIAL REPORT (EXAMINATION BODZIAK)	D	AD/ST	05/16/02	V
0063	D/BB1	/LETTER- DEPT OF EDUCATION 8/97	D	/	99/99/99	V
0064	D/EE	/VERIZON WIRELESS PHONE RECORD T. TWINING	D	AD/NO	05/15/02	V
0065	D/FF	/VERIZON WIRELESS PHONE RECORD PG 29	D	/	99/99/99	V
0066	D/GG	/VERIZON WIRELESS PHONE RECORD PAGE 30	D	AD/NO	05/15/02	V
0067	D/HH	/KRAFT MEDICAL BILL	D	AD/NO	05/16/02	V
0068	P	/EX RETURNED-SAME/NEW EXHIBITS ADDED		/	99/99/99	V
0069	P137	/PHOTO PLATER AREA		AD/NO	09/14/06	V
0070	P138	/PHOTO PLATER AREA		AD/NO	09/21/06	V
0071	P139	/PHOTO PLANTER AREA		AD/NO	09/14/06	V
0072	P140	/PHOTO TIRE TRACKS		AD/NO	09/21/06	V
0073	P141	/PHOTO TIRE TRACKS		AD/NO	09/21/06	V
0074	P142	/PHOTO TRASH AREA		AD/NO	09/14/06	V
0075	P143	/PHOTO TRASH AREA		AD/NO	09/14/06	V
0076	P144	/PHOTO TRASH AREA		AD/NO	09/14/06	V
0077	P145	/PHOTO TRASH AREA		AD/NO	09/21/06	V
0078	P146	/PHOTO TRASH AREA		AD/NO	09/20/06	V
0079	P147	/PHOTO TRASH AREA		AD/NO	09/20/06	V
0080	P148	/PHOTO		AD/NO	09/20/06	V
0081	P149	/PHOTO		AD/NO	09/21/06	V
0082	P150	/PHOTO		AD/NO	09/21/06	V
0083	P151	/PHOTO		AD/NO	09/21/06	V
0084	P152	/PHOTO		AD/NO	09/20/06	V
0085	P153	/PHOTO		AD/NO	09/21/06	V
0086	P154	/BAG- BLACK SHOES		AD/NO	09/25/06	V
0087	P155	/BAG- CARDBORARD BOX		AD/NO	09/22/06	V
0088	P156	/BAG- BOX BOTTOM		AD/NO	09/22/06	V
0089	P157	/BAG-BEER CAN		AD/NO	09/22/06	V
0090	P158	/BAG		AD/NO	09/22/06	V
0091	P159	/BAG-BROWN SADDLES		AD/NO	09/22/06	V
0092	P160	/BAG-SOCKS		AD/NO	09/22/06	V
0093	P161	/BAG-BOX		AD/NO	09/22/06	V
0094	P162	/BAG- HAIRPICK		AD/NO	09/22/06	V
0095	P163	/BAG- CARDBOARD		AD/NO	09/22/06	V
0096	P164	/BAG-CHAIN		AD/NO	09/22/06	V
0097	P165	/BAG- WATCH		AD/NO	09/22/06	V
0098	P166	/BAG- METAL		AD/NO	09/22/06	V
0099	P167	/BAG- POST-IT NOTE		AD/NO	09/22/06	V
0100	P168	/BAG- GUM		AD/NO	09/22/06	V
0101	P169	/BAG- ATM RECEIPT		AD/NO	09/22/06	V
0102	P170	/BAG- ROCK		AD/NO	09/22/06	V
0103	P171	/BAG- BUTTONS		AD/NO	09/22/06	V
0104	P172	/BAG- CONDOM PACK		AD/NO	09/22/06	V

03/12/07

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CASE NO. 01-C-177394-C

CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Lobato, Kirstin B

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0105	P173	/BAG- BOARDING PASS		AD/NO	09/22/06	V
0106	P174	/BAG- CIGARETTE BOX		AD/NO	09/22/06	V
0107	P175	/BAG- CHAIN LINK		AD/NO	09/22/06	V
0108	P176	/BAG		AD/NO	09/22/06	V
0109	P177	/BAG GUM/WRAPPERS		AD/NO	09/22/06	V
0110	P178	/PHOTO- VEHICLE		AD/NO	09/25/06	V
0111	P179	/PHOTO- VEHICLE		AD/NO	09/25/06	V
0112	P180	/PHOTO- VEHICLE		AD/NO	09/18/06	V
0113	P181	/PHOTO- VEHICLE		AD/NO	09/18/06	V
0114	P182	/PHOTO- VEHICLE		AD/NO	09/25/06	V
0115	P183	/PHOTO- VEHICLE FLOORBOARD		AD/NO	09/21/06	V
0116	P184	/PHOTO- VEHICLE INTERIOR		AD/NO	09/21/06	V
0117	P185	/PHOTO- VEHICLE INTERIOR		AD/NO	09/21/06	V
0118	P186	/PHOTO- VEHICLE INTERIOR		AD/NO	09/21/06	V
0119	P187	/PHOTO- VEHICLE INTERIOR		AD/NO	09/21/06	V
0120	P188	/PHOTO- VEHICLE INTERIOR		AD/NO	09/21/06	V
0121	P189	/PHOTO- VEHICLE FLOORBOARD		AD/NO	09/21/06	V
0122	P190	/PHOTO- VEHICLE DASHBOARD		AD/NO	09/21/06	V
0123	P191	/PHOTO- VEHICLE FLOORBOARD		AD/NO	09/21/06	V
0124	P192	/PHOTO- VEHICLE DOOR PANEL		AD/NO	09/21/06	V
0125	P193	/PHOTO- VEHICLE DOOR PANEL		AD/NO	09/21/06	V
0126	P194	/PHOTO- VEHICLE DOOR PANEL		AD/NO	09/21/06	V
0127	P194	/VOLUNTARY STATEMENT OF STPHEN PYSZKOWSKI		/	99/99/99	V
0128	P195	/VOLUNTARY STATEMENT OF M AUSTRIA		/	99/99/99	V
0129	P196	/PHOTO- DEFT		AD/NO	09/18/06	V
0130	P197	/PHOTO- DEFT		AD/NO	09/18/06	V
0131	P198	/VOLUNTARY STATMENT OF P BROWN		/	99/99/99	V
0132	P199	/PHOTO BODY		AD/NO	09/19/06	V
0133	P200	/PHOTO BODY		AD/NO	09/19/06	V
0134	P201	/PHOTO BODY		AD/NO	09/19/06	V
0135	P202	/PHOTO LEGS		AD/NO	09/19/06	V
0136	P203	/PHOTO BODY		AD/NO	09/19/06	V
0137	P204	/PHOTO BODY		AD/NO	09/19/06	V
0138	P205	/PHOTO BODY		AD/NO	09/19/06	V
0139	P206	/PHOTO BODY		AD/NO	09/19/06	V
0140	P207	/PHOTO BODY		AD/NO	09/19/06	V
0141	P208	/PHOTO BODY		AD/NO	09/19/06	V
0142	P209	/PHOTO BODY		AD/NO	09/19/06	V
0143	P210	/PHOTO BODY		AD/NO	09/19/06	V
0144	P211	/PHOTO BODY		AD/NO	09/19/06	V
0145	P212	/PHOTO BODY		AD/NO	09/19/06	V
0146	P213	/PHOTO BODY		AD/NO	09/19/06	V
0147	P214	/PHOTO BODY		AD/NO	09/19/06	V
0148	P215	/PHOTO BODY		AD/NO	09/19/06	V
0149	P216	/VOLUNTARY STATEMENT OF C CARRINGTON		/	99/99/99	V
0150	P217	/PHOTO		AD/NO	09/20/06	V
0151	P218	/PHOTO		AD/NO	09/20/06	V
0152	P219	/PHOTO		AD/NO	09/20/06	V
0153	P220	/PHOTO		AD/NO	09/20/06	V
0154	P221	/PHOTO		AD/NO	09/20/06	V
0155	P222	/PHOTO		AD/NO	09/20/06	V
0156	P223	/PHOTO		AD/NO	09/20/06	V

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CASE NO. 01-C-177394-C

CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Lobato, Kirstin B

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0157	P224	/PHOTO		AD/NO	09/20/06	V
0158	P225	/PHOTO		AD/NO	09/20/06	V
0159	P226	/PHOTO		AD/NO	09/21/06	V
0160	P227	/PHOTO		AD/NO	09/21/06	V
0161	P228	/PHOTO		AD/NO	09/21/06	V
0162	P229	/PHOTO		AD/NO	09/21/06	V
0163	P230	/PHOTO		AD/NO	09/21/06	V
0164	P231	/PHOTO		AD/NO	09/21/06	V
0165	P232	/PHOTO		AD/NO	09/21/06	V
0166	P233	/PHOTO		AD/NO	09/21/06	V
0167	P234	/PHOTO		AD/NO	09/21/06	V
0168	P235	/PHOTO		AD/NO	09/21/06	V
0169	P236	/PHOTO		AD/NO	09/21/06	V
0170	P237	/PHOTO		AD/NO	09/21/06	V
0171	P238	/PHOTO		AD/NO	09/21/06	V
0172	P239	/PHOTO		AD/NO	09/21/06	V
0173	P240	/PHOTO		AD/NO	09/21/06	V
0174	P241	/PHOTO		AD/NO	09/21/06	V
0175	P242	/PHOTO		AD/NO	09/21/06	V
0176	P243	/PHOTO		AD/NO	09/21/06	V
0177	P244	/PHOTO		AD/NO	09/21/06	V
0178	P245	/PHOTO		AD/NO	09/21/06	V
0179	P246	/PHOTO		AD/NO	09/21/06	V
0180	P247	/PHOTO		AD/NO	09/21/06	V
0181	P248	/PHOTO		AD/NO	09/21/06	V
0182	P249	/PHOTO		AD/NO	09/21/06	V
0183	P250	/PHOTO		AD/NO	09/21/06	V
0184	P251	/HOMICIDE LEGEND DIAGRAM		AD/NO	09/22/06	V
0185	P252	/HOMICIDE LEGEND DIAGRAM		AD/NO	09/22/06	V
0186	P253	/HOMICIDE LEGEND LIST		AD/NO	09/22/06	V
0187	P254	/PHOTO BEER CAN		AD/NO	09/22/06	V
0188	P255	/BAG- CLEAR PLASTIC BAG		AD/NO	09/25/06	V
0189	P256	/PHOTO WOMENS SHOES BLACK		AD/NO	09/25/06	V
0190	P257	/PHOTO WOMENS SHOES BLACK		AD/NO	09/25/06	V
0191	P258	/LARGE PHOTO OF DEFT		AD/NO	09/25/06	V
0192	P259	/MEDIAL RELEASE		AD/NO	09/25/06	V
0193	P260	/DR LAVFER CV		AD/NO	09/26/06	V
0194	P261	/PHOTO OF SCISSORS		AD/NO	09/26/06	V
0195	P262	/BUTTERFLY KNIFE		AD/NO	09/27/06	V
0196	P263	/PHOTO		AD/NO	10/04/06	V
0197	P264	/PHOTO		AD/NO	10/04/06	V
0198	P265	/PHOTO		AD/NO	10/04/06	V
0199	P266	/PHOTO		AD/NO	10/04/06	V
0200	P267	/PHOTO		AD/NO	10/04/06	V
0201	P268	/PHOTO		AD/NO	10/04/06	V
0202	P269	/PHOTO ARIAL MAP		AD/NO	09/28/06	V
0203	P270	/PHOTO ARIAL MAP		AD/NO	09/28/06	V
0204	P271	/BRENT TURVEY REPORT OF 10/17/05		/	99/99/99	V
0205	P272	/VOLUNTARY STATEMENT OF TWINING		/	99/99/99	V
0206	DII	/CALENDAR OF 2001 JULY		AD/	99/99/99	V
0207	DJJ	/CALENDAR CHART (ENLARGED)		AD/NO	09/18/06	V
0208	DKK	/PHOTO SCENE		AD/NO	09/21/06	V

03/12/07

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CASE NO. 01-C-177394-C

CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Lobato, Kirstin B

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0209	DLL	/PHOTO SCENE		AD/NO	09/21/06	V
0210	DMM	/PHOTO SCENE		AD/NO	09/21/06	V
0211	DNN	/PHOTO		AD/NO	09/25/06	V
0212	DOO	/PHOTO		AD/NO	09/26/06	V
0213	DPP	/PHOTO		AD/NO	09/26/06	V
0214	DQQ-ZZ	/PHOTO		AD/NO	09/26/06	V
0215	DAAA	/PHOTO		AD/NO	09/26/06	V
0216	DBBB	/PHOTO		AD/NO	09/26/06	V
0217	DCCC	/PHOTO		AD/NO	09/26/06	V
0218	DDDD	/PHOTO		AD/NO	09/26/06	V
0219	DEEE	/PHOTO		AD/NO	09/26/06	V
0220	DFFF	/PHOTO		AD/NO	09/26/06	V
0221	DFFF-1	/PHOTO		AD/NO	09/26/06	V
0222	DGGG	/PHOTO		AD/NO	09/26/06	V
0223	DHHH	/PHOTO		AD/NO	09/26/06	V
0224	IIII	/PHOTO		AD/NO	09/26/06	V
0225	DJJJ	/PHOTO		AD/NO	09/26/06	V
0226	DKKK	/PHOTO		AD/NO	09/26/06	V
0227	DLLL	/PHOTO		AD/NO	09/26/06	V
0228	DMMM	/PHOTO		AD/NO	09/26/06	V
0229	DNNN	/PHOTO		AD/NO	09/26/06	V
0230	DOOO	/PHOTO		AD/NO	09/26/06	V
0231	DPPP	/PHOTO		AD/NO	09/26/06	V
0232	DQQQ	/PHOTO		AD/NO	09/26/06	V
0233	DRRR	/PHOTO		AD/NO	09/26/06	V
0234	DSSS	/PHOTO		AD/NO	09/26/06	V
0235	DTTT	/PHOTO		AD/NO	09/26/06	V
0236	DUUU	/PHOTO		AD/NO	09/26/06	V
0237	DWWW	/PHOTO		AD/NO	09/26/06	V
0238	DXXX	/PHOTO		AD/NO	09/26/06	V
0239	DYYY	/PHOTO		AD/NO	09/26/06	V
0240	DZZZ	/PHOTO		AD/NO	09/26/06	V
0241	DAAAA	/PHOTO		AD/NO	09/26/06	V
0242	DBBBB	/PHOTO TRASH AREA		AD/NO	10/02/06	V
0243	DDDDD	/PHOTO SCISSORS		AD/NO	09/26/06	V
0244	DEEEE	/PHOTO		AD/NO	09/26/06	V
0245	DFFFF	/PHOTO		/	99/99/99	V
0246	DGGGG	/PHOTO		/	99/99/99	V
0247	DHHHH	/PHOTO		/	99/99/99	V
0248	IIIII	/PHOTO		/	99/99/99	V
0249	DJJJJ	/PHOTO		/	99/99/99	V
0250	DKKKK	/PHOTO		/	99/99/99	V
0251	DLLLL	/PHOTO		/	99/99/99	V
0252	DMMMM	/PHOTO		/	99/99/99	V
0253	DNNNN	/PHOTO		/	99/99/99	V
0254	DOOOO	/PHOTO		/	99/99/99	V
0255	DPPPP	/PHOTO		/	99/99/99	V
0256	DQQQQ	/PHOTO FOOTPRINT (Q-1 PREVIOUS)		AD/ST	09/29/06	V
0257	DRRRR	/PHOTO FOOTRPING (Q-2 PREVIOUS)		AD/ST	09/29/06	V
0258	DSSSS	/FOOTPRINT		AD/ST	09/29/06	V
0259	DTTTT	/LAB REPORT		AD/OB	10/02/06	V
0260	DUUUU	/PHOTO PARKING LOT		/	99/99/99	V

03/12/07

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CASE NO. 01-C-177394-C

CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Lobato, Kirstin B

[]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0261	DVVVV	/HDR DOC		AD/NO	10/05/06	V
0262	PCT-1	/NOTE FROM JUROR GUR		/	99/99/99	V
0263	PCT-2	/NOTE FROM JUROR TONG		/	99/99/99	V
0264	PCT-3	/DOCUMENT FROM STATE, DEFENSE , NRS		/	99/99/99	V
0265	PCT-4	/NOTE FROM JUROR EASTBURN		/	99/99/99	V
0266	PCT-5	/PREP CHALLENGE FORM		/	99/99/99	V
0267	PCT-6	/CALENDAR 2001		/	99/99/99	V
0268	PCT-7	/NOTE FROM JUROR MOIR		/	99/99/99	V
0269	PCT-8	/NOTE FROM JUROR		/	99/99/99	V
0270	PCT-9	/NOTE FROM JUROR		/	99/99/99	V
0271	PCT-10	/NOTE FROM JUROR		/	99/99/99	V
0272	PCT-11	/NOTE FROM JUROR		/	99/99/99	V
0273	PCT-12	/NOTE FROM JUROR		/	99/99/99	V
0274	PCT-13	/NOTE FROM JUROR		/	99/99/99	V
0275	PCT-14	/NOTE FROM JUROR		/	99/99/99	V
0276	PCT-15	/NOTE FROM JUROR		/	99/99/99	V
0277	PCT-	/PCT 16-55 NOTES FROM JUROR		/	99/99/99	V
0278	PCT-56	/NRS 629.021		/	99/99/99	V
0279	PCT-57	/NRS 629.041		/	99/99/99	V
0280	PCT-58	/PCT 58-73 NOTES FROM JUROR		/	99/99/99	V
0281	PCT-74	/PWER POINT PRESENTATION		/	99/99/99	V
0282	PCT-75	/PCT-75-93 NOTES FROM JUROR		/	99/99/99	V
0283	P-122	/CHART		AD/NO	09/19/06	V

Certification of Copy

State of Nevada } **SS:**
County of Clark }

I, Charles J. Short, 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; REQUEST FOR
ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF
CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

VS.

KIRSTIN BLAISE LOBATO,

Defendant(s),


Case No: C177394

Dept No: II

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 13 day of March 2007.

Charles J. Short, Clerk of the Court


Robin J. Mills, Deputy Clerk

Robin J. Mills, Deputy Clerk