

EXHIBIT 1

1 **EXHIBIT 1**

2 **A. Non-jury sentences**

3 A1. State v. Richard Armstrong, No. C180047, Judgment of Conviction (Plea of
4 Guilty)(October 23, 2003).

5 A2. State v. Richard Armstrong, No. C180047, Guilty Plea Agreement (August 29, 2003)

6 A3. State v. William Rundle, No. C189563, Judgment of Conviction(September 16, 2003)

7 A4. State v. William Rundle, No. C189563, Guilty Plea Agreement (May 21, 2003)

8 A5. State v. Jose Vigoa, No. C168652, Guilty Plea Agreement (June 24, 2002)

9 A6. State v. Matthew Frenn, No. C178954, Guilty Plea Agreement (November 6, 2002)

10 A7. State v. Jeremy Strohmeier, No. C144577, Judgment of Conviction (Plea)(November 5,
11 1998)

12 A8. State v. Jeremy Strohmeier, No. C144577, Guilty Plea Agreement (September 8, 1998)

13 A9. State v. Vernell Evans, No. C116071, Judgment of Conviction (Jury Trial) (March 23,
14 2004).

15 A10. State v. Vernell Evans, No. C116071, Sentencing Agreement (February 4, 2004)

16 A11. State v. Moore, No. CR06-2974, Guilty Plea Memorandum (January 19, 2007)

17 **B. Jury sentences**

18 B1. State v. James Scholl, No. C204775, Special Verdict (Mitigating & Aggravating)
19 (February 17, 2006)

20 B2. State v. James Scholl, No. C204775, Verdict (February 17, 2006)

21 B3. State v. James Scholl, No. C204775, Judgment of Conviction (May 19, 2006)

22 B4. State v. James Scholl, No. C204775, Verdict (February 15, 2006)

23 B5. State v. Glenford Budd, No. C193182, Special Verdict (Mitigating & Aggravating)
24 (December 16, 2005)

25 B6. State v. Glenford Budd, No. C193182, Verdict (December 16, 2005)
26 (Count I-Dajon Jones)
27 (Count II-Derrick Jones)
28 (Count III-Jason Moore)

(Count I-Samantha Scotti)
(Count II-Lisa Boyer)
(Count III-Steven Walker)
(Count IV-Jermaine Woods)

- 1 B8. State v. Richard Powell, No. C148936, Verdict (November 15, 2000)
2 (Count I-Samantha Scotti)
3 (Count II-Lisa Boyer)
4 (Count III-Steven Walker)
5 (Count IV-Jermaine Woods)
- 6 B9. State v. Patrick Randle, No. C121817, Verdict (June 14, 1996)
- 7 B10. State v. Patrick Randle, No. C121817, Special Verdict (June 14, 1996)
- 8 B11. State v. Patrick Randle, No. C121817, Verdict (June 6, 1996)
- 9 B12. State v. Fernando Rodriguez, No. C130763, Special Verdict (Mitigating &
10 Aggravating) (May 7, 1996)
- 11 B13. State v. Fernando Rodriguez, No C130763, Verdict (May 4, 1996)
12 (Count I-Brad Palcovic)
13 (Count II-Richley Miller)
- 14 B14. State v. Jonathan Daniels, No. C126201, Verdict (October 26, 1995)
15 (Count I-June Frye)
16 (Count II-Nicasio Diaz)
- 17 B15. State v. Jonathan Daniels, No. C126201, Special Verdict (Mitigating &
18 Aggravating) (November 1, 1995)
19 (Count I-June Frye)
20 (Count II-Nicasio Diaz)
- 21 B16. State v. Ronald Ducksworth, No. C108501, Special Verdict (Mitigating &
22 Aggravating) (October 28, 1993)
23 (Count I-Joseph Smith III)
24 (Count II-Vikki Smith)
- 25 B17. State v. Ronald Ducksworth, No. C108501, Verdict (October 28, 1993)
26 (Count I-Joseph Smith III)
27 (Count II-Vikki Smith)
- 28 B18. State v. Carl Martin, No. C108501, Special Verdict (Mitigating & Aggravating)
(October 28, 1993)
(Count I-Joseph Smith III)
(Count II-Vikki Smith)
- B19. State v. Carl Martin, No. C108501, Verdict (October 28, 1993)
(Count I-Joseph Smith III)
(Count II-Vikki Smith)

EXHIBIT A1

EXHIBIT A1

ORIGINAL

9

1 JOCP
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 200 South Third Street
6 Las Vegas, Nevada 89155-2211
7 (702) 455-4711
8 Attorney for Plaintiff

FILED

OCT 23 2 18 PM '03

Shirley E. Thompson
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,
9 Plaintiff,

10 -vs-

11 RICHARD DEWAYNE ARMSTRONG,
12 #0658736

13 Defendant.

Case No: C180047

Dept No: V

14 JUDGMENT OF CONVICTION
15 (PLEA OF GUILTY)

16 The Defendant previously appeared before the Court with counsel and entered a plea
17 of guilty to the crime(s) of COUNT 1 - BURGLARY (Felony); COUNTS 2 & 3 -
18 ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Felony); COUNTS 4 &
19 6 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Felony); and
20 COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON (Felony), in violation of
21 NRS 205.060, 193.330, 200.010, 200.030, 193.165, 200.010, 200.030, 193.165, 200.481;
22 thereafter, on the 16th day of October, 2003, the Defendant was present in court for
23 sentencing with his counsel, CURTIS BROWN and KEDRIC BASSETT, Deputy Public
24 Defenders, and good cause appearing.

25 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in
26 addition to the \$25.00 Administrative Assessment Fee, Submit to DNA testing under the
27 direction of the Division and pay a \$150.00 Analysis fee to the Clark County Clerk, the
28 Defendant is sentenced as follows:

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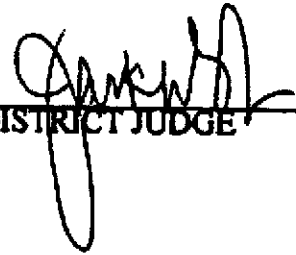
OCT 23 2003

COUNTY CLERK

OK

1 COUNT I - a MAXIMUM term of (180) ONE HUNDRED EIGHT MONTHS with a
2 MINIMUM term of (72) SEVENTY-TWO MONTHS;
3 COUNT II - a MAXIMUM term of (240) TWO HUNDRED FORTY MONTHS with a
4 MINIMUM term of (96) NINETY-SIX MONTHS plus an equal and CONSECUTIVE
5 MAXIMUM of (240) MONTHS and a MINIMUM of (96) MONTHS for use of a deadly
6 weapon, running consecutive to Count I;
7 COUNT III - a MAXIMUM term of (240) TWO HUNDRED FORTY MONTHS with a
8 MINIMUM term of (96) NINETY-IX MONTHS plus an equal and CONSECUTIVE
9 MAXIMUM of (240) MONTHS and a MINIMUM of (96) MONTHS for use of a deadly
10 weapon, running consecutive to Count II;
11 COUNT IV - a term of LIFE WITHOUT THE POSSIBILITY OF PAROLE plus an equal
12 and CONSECUTIVE term of LIFE WITHOUT THE POSSIBILITY OF PAROLE for use of
13 a deadly weapon; \$6500 restitution, running consecutive to Count III;
14 COUNT V - a MAXIMUM term of (120) ONE HUNDRED TWENTY MONTHS with a
15 MINIMUM term of (48) FORTY-EIGHT MONTHS, running consecutive to Count IV;
16 COUNT VI - a term of LIFE WITHOUT THE POSSIBILITY OF PAROLE plus an equal
17 and CONSECUTIVE term of LIFE WITHOUT THE POSSIBILITY OF PAROLE
18 MONTHS; \$10,326 restitution; running consecutive to Count V;
19 with (725) days credit for time served.

20 DATED this 21st day of October, 2003.

21 
22 DISTRICT JUDGE
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25
26
27

28 kjk

EXHIBIT A2

EXHIBIT A2

ORIGINAL

1 GMEM

2 DAVID ROGER
3 DISTRICT ATTORNEY
4 Nevada Bar #002781
5 200 South Third Street
6 Las Vegas, NV 89155-2211
7 (702) 455-4711
8 Attorney for Plaintiff

FILED IN OPEN COURT
AUG 29 2003

SHIRLEY E. PARRAGUIRRE, CLERK
BY *[Signature]*
BILLIE JO CRAIG DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -VS-

12 RICHARD DEWAYNE ARMSTRONG,
13 #0658736

14 Defendant.

CASE NO: C180047
DEPT NO: V

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: COUNT 1 - BURGLARY (Felony - NRS
17 205.060); COUNTS 2 & 3 - ATTEMPT MURDER WITH USE OF A DEADLY
18 WEAPON (Felony - NRS 193.330, 200.010, 200.030, 193.165); COUNTS 4 & 6 - FIRST
19 DEGREE MURDER WITH USE OF A DEADLY WEAPON (Felony - NRS 200.010,
20 200.030, 193.165); and COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON
21 (Felony - NRS 200.481), as more fully alleged in the charging document attached hereto as
22 Exhibit "1".

23 My decision to plead guilty is based upon the plea agreement in this case which is as
24 follows:

25 The parties stipulate that Defendant will receive the maximum sentence on each
26 count. All counts will run consecutive with each other. This plea is conditioned upon the
27 court sentencing the Defendant consistent with the plea agreement. If the court declines to
28 accept the stipulation, Defendant's plea will be withdrawn at the discretion of the District
Attorney.

COUNTY CLERK

AUG 29 2003

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CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty the Court must sentence me to imprisonment in the Nevada Department of Corrections as follows:

COUNT 1 (Burglary) - for a minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000;

COUNT 2 (Attempt Murder With Use of a Deadly Weapon) - for a minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than TWO HUNDRED FORTY (240) months plus an equal and consecutive minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than TWO HUNDRED FORTY (240) months. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment;

COUNT 3 (Attempt Murder With Use of a Deadly Weapon) - for a minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than TWO HUNDRED FORTY (240) months plus an equal and consecutive minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than TWO HUNDRED FORTY (240) months. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment;

COUNT 4 (First Degree Murder With Use of a Deadly Weapon) - life without the possibility of parole OR life with the possibility of parole with eligibility for parole beginning at twenty (20) years (480 months); OR a definite term of FIFTY (50) years (600 months) with eligibility for parole beginning at twenty (20) years (480 months) plus an equal and consecutive term of life without the possibility of parole OR life with the possibility of parole with eligibility for parole beginning at twenty (20) years (480 months); OR a definite term of FIFTY (50) years (600 months) with eligibility for parole beginning at twenty (20)

1 years (480 months);

2 COUNT 5 (Battery With Use of a Deadly Weapon) -- for a minimum term of not less than
3 TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
4 TWENTY (120) months. The minimum term of imprisonment may not exceed forty percent
5 (40%) of the maximum term of imprisonment. I understand that I may also be fined up to
6 \$10,000;

7 COUNT 6 (First Degree Murder With Use of a Deadly Weapon) - life without the possibility
8 of parole OR life with the possibility of parole with eligibility for parole beginning at twenty
9 (20) years (480 months); OR a definite term of FIFTY (50) years (600 months) with
10 eligibility for parole beginning at twenty (20) years (480 months) plus an equal and
11 consecutive term of life without the possibility of parole OR life with the possibility of
12 parole with eligibility for parole beginning at twenty (20) years (480 months); OR a definite
13 term of FIFTY (50) years (600 months) with eligibility for parole beginning at twenty (20)
14 years (480 months);

15 I understand that the law requires me to pay an Administrative Assessment Fee.

16 I understand that, if appropriate, I will be ordered to make restitution to the victim of
17 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
18 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
19 reimburse the State of Nevada for any expenses related to my extradition, if any.

20 I understand that I am not eligible for probation for the offenses to which I am
21 pleading guilty.

22 I understand that more than one sentence of imprisonment will be imposed and that I
23 am not eligible to serve the sentences concurrently. The sentencing judge does not have the
24 discretion to order the sentences served concurrently.

25 I also understand that information regarding charges not filed, dismissed charges, or
26 charges to be dismissed pursuant to this agreement may be considered by the judge at
27 sentencing.

28 I have not been promised or guaranteed any particular sentence by anyone. I know

1 that my sentence is to be determined by the Court within the limits prescribed by statute.

2 I understand that if my attorney or the State of Nevada or both recommend any
3 specific punishment to the Court, the Court is obligated to accept the recommendation.

4 I understand that if the State of Nevada has agreed to recommend or stipulate a
5 particular sentence or has agreed not to present argument regarding the sentence, or agreed
6 not to oppose a particular sentence, such agreement is contingent upon my appearance in
7 court on the initial sentencing date (and any subsequent dates if the sentencing is continued).

8 I understand that if I fail to appear for the scheduled sentencing date or I commit a new
9 criminal offense prior to sentencing the State of Nevada would regain the full right to argue
10 for any lawful sentence.

11 I understand if the offense(s) to which I am pleading guilty to was committed while I
12 was incarcerated on another charge or while I was on probation or parole that I am not
13 eligible for credit for time served toward the instant offense(s).

14 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
15 United States, I may, in addition to other consequences provided for by federal law, be
16 removed, deported, excluded from entry into the United States or denied naturalization.

17 I understand that the Division of Parole and Probation will prepare a report for the
18 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
19 sentencing, including my criminal history. This report may contain hearsay information
20 regarding my background and criminal history. My attorney and I will each have the
21 opportunity to comment on the information contained in the report at the time of sentencing.
22 Unless the District Attorney has specifically agreed otherwise, then the District Attorney
23 may also comment on this report.

24 WAIVER OF RIGHTS

25 By entering my plea of guilty, I understand that I am waiving and forever giving up
26 the following rights and privileges:

- 27 1. The constitutional privilege against self-incrimination, including the right to refuse
28 to testify at trial, in which event the prosecution would not be allowed to comment to the

1 jury about my refusal to testify.

2 2. The constitutional right to a speedy and public trial by an impartial jury, free of
3 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
4 assistance of an attorney, either appointed or retained. At trial the State would bear the
5 burden of proving beyond a reasonable doubt each element of the offense charged.

6 3. The constitutional right to confront and cross-examine any witnesses who would
7 testify against me.

8 4. The constitutional right to subpoena witnesses to testify on my behalf.

9 5. The constitutional right to testify in my own defense.

10 6. The right to appeal the conviction, with the assistance of an attorney, either
11 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
12 or other grounds that challenge the legality of the proceedings and except as otherwise
13 provided in subsection 3 of NRS 174.035.

14 VOLUNTARINESS OF PLEA

15 I have discussed the elements of all of the original charge(s) against me with my
16 attorney and I understand the nature of the charge(s) against me.

17 I understand that the State would have to prove each element of the charge(s) against
18 me at trial.

19 I have discussed with my attorney any possible defenses, defense strategies and
20 circumstances which might be in my favor.

21 All of the foregoing elements, consequences, rights, and waiver of rights have been
22 thoroughly explained to me by my attorney.

23 I believe that pleading guilty and accepting this plea bargain is in my best interest,
24 and that a trial would be contrary to my best interest.

25 I am signing this agreement voluntarily, after consultation with my attorney, and I am
26 not acting under duress or coercion or by virtue of any promises of leniency, except for those
27 set forth in this agreement.

28 ///

1 I am not now under the influence of any intoxicating liquor, a controlled substance or
2 other drug which would in any manner impair my ability to comprehend or understand this
3 agreement or the proceedings surrounding my entry of this plea.

4 My attorney has answered all my questions regarding this guilty plea agreement and
5 its consequences to my satisfaction and I am satisfied with the services provided by my
6 attorney.

7 DATED this 28 day of August, 2003.

8 
9 RICHARD DEWAYNE ARMSTRONG
Defendant

10 AGREED TO BY:
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12 
13 DAVID ROGER
14 District Attorney
Nevada Bar #002781
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 to which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are
9 consistent with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs
17 1 and 2 above.

18 Dated: This 28 day of August, 2003.

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20 ATTORNEY FOR DEFENDANT
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kjk

1 AINF
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 200 South Third Street
6 Las Vegas, Nevada 89155-2211
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,
8 Plaintiff,

9 -vs-

10 RICHARD DEWAYNE ARMSTRONG,
11 #0658736

12 Defendant.

Case No. C180047
Dept No. V

AMENDED
INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss:

17 DAVID ROGER, District Attorney within and for the County of Clark, State of
18 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That RICHARD DEWAYNE ARMSTRONG, the Defendant(s) above named, having
20 committed the crimes of BURGLARY (Felony - NRS 205.060); ATTEMPT MURDER
21 WITH USE OF A DEADLY WEAPON (Felony - NRS 193.330, 200.010, 200.030,
22 193.165); FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Felony
23 - NRS 200.010, 200.030, 193.165); and BATTERY WITH USE OF A DEADLY
24 WEAPON (Felony - NRS 200.481), on or about the 25th day of October, 2001, within the
25 County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such
26 cases made and provided, and against the peace and dignity of the State of Nevada,

27 ///

28 ///

EXHIBIT " 1 "

1 COUNT 1 - BURGLARY

2 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit a
3 felony, to-wit: assault and/or battery and/or murder and/or a felony, that certain building
4 occupied by BONITA ARMSTRONG, located at 5150 East Sahara Avenue, Building 16,
5 Apartment 262, Las Vegas, Clark County, Nevada.

6 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

7 did then and there, without authority of law, and with the intent to kill, malice
8 aforethought and express malice, wilfully and feloniously attempt to kill ARIEL
9 ARMSTRONG, a human being, with a deadly weapon, to-wit: a firearm, by the Defendant
10 shooting at and into the body of the said ARIEL ARMSTRONG with said firearm.

11 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

12 did then and there, without authority of law, and with the intent to kill, malice
13 aforethought and express malice, wilfully and feloniously attempt to kill SIR LAWRENCE
14 ARMSTRONG, a human being, with a deadly weapon, to-wit: a firearm, by the Defendant
15 shooting at and into the body of the said SIR LAWRENCE ARMSTRONG with said
16 firearm.

17 COUNT 4 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON

18 did then and there wilfully, feloniously, without authority of law, and with
19 premeditation and deliberation, and with malice aforethought, and/or during the perpetration
20 or attempt perpetration of burglary, kill BONITA ARMSTRONG, a human being, with a
21 deadly weapon, to-wit: a firearm, by the Defendant shooting at and into the body of the said
22 BONITA ARMSTRONG with said firearm.

23 COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON

24 did then and there wilfully, unlawfully, and feloniously use force and violence upon
25 the person of another, to-wit: MALCOLM ARMSTRONG, with use of a deadly weapon, to-
26 wit: a firearm, by Defendant striking the said MALCOLM ARMSTRONG in the back of the
27 head with the said firearm.

28 ///

1 COUNT 6 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON
2 did then and there wilfully, feloniously, without authority of law, and with
3 premeditation and deliberation, and with malice aforethought, and/or during the perpetration
4 or attempt perpetration of burglary, kill ANDRE MARCUS, a human being, with a deadly
5 weapon, to-wit: a firearm, by the Defendant shooting at and into the body of the said
6 ANDRE MARCUS with said firearm.

7 DAVID ROGER
8 DISTRICT ATTORNEY
9 Nevada Bar #002781

10
11 BY David Roger
12 DAVID ROGER
13 District Attorney
14 Nevada Bar #002781
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26 DA#01F18276X/kjk
27 LVMPD EV#0110252447
28 BURG; ATT MWDW;
1 MWDW; BWDW - F
(TK4)

EXHIBIT A3

EXHIBIT A3

ORIGINAL

JOCP
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
200 South Third Street
Las Vegas, Nevada 89155-2211
(702) 455-4711
Attorney for Plaintiff

SEP 16 8 55 AM '03

CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

WILLIAM JAMES RUNDLE,
#147555

Defendant.

Case No: C189563

Dept No: XVII

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNTS 1 & 4 - FIRST DEGREE MURDER (Felony), in violation of NRS 200.010, 200.030; thereafter, on the 11th day of September, 2003, the Defendant was present in court for sentencing with his counsel, NANCY LEMCKE, Deputy Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee payable to the Clark County Clerk, the Defendant is sentenced as follows: Deft. SENTENCED as to COUNT I to LIFE in the Nevada Department of Corrections without the possibility of parole and as to Count II to LIFE in the Nevada Department of Corrections without the possibility of parole, COUNT II CONCURRENT with COUNT I. FURTHER

//

//

1 ORDERED, Restitution in the amount of \$10,667.00 to be placed in a trust fund for the
2 granddaughter, Gretchen Bellen, to be administered by the Public Administrator.

3 DATED this 15 day of September, 2003.

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6 DISTRICT JUDGE
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EXHIBIT A4

EXHIBIT A4

ORIGINAL

FILED IN OPEN COURT
MAY 21 2003

SHIRLEY B. PARRAGUIRRE, CLERK

BY April Watkins

APRIL WATKINS DEPUTY

1 GMEM
2 DAVID ROGER
3 DISTRICT ATTORNEY
4 Nevada Bar #002781
5 CHRISTOPHER OWENS
6 Chief Deputy District Attorney
7 Nevada Bar #001190
8 200 South Third Street
9 Las Vegas, NV 89155-2211
10 (702) 455-4711
11 Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 WILLIAM JAMES RUNDLE,
13 #0147555

14 Defendant.

CASE NO:

189563
~~C188242~~

DEPT NO:

XV11

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: COUNT 4 - FIRST DEGREE MURDER (Felony -
17 NRS 200.030) and COUNT 1 - FIRST DEGREE MURDER (Felony - NRS 200.030)
18 pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), as more fully alleged in the
19 charging document attached hereto as Exhibit "1" and Indictment which is reinstated in total
20 by agreement of the parties remaining charges will be dismissed after sentencing..

21 My decision to plead guilty is based upon the plea agreement in this case which is as
22 follows:

23 Both parties agree that I will receive a sentence of Life Without The Possibility Of
24 Parole for each Count and that the Counts will run concurrent.

25 CONSEQUENCES OF THE PLEA

26 I understand that by pleading guilty to Count 4, I admit the facts which support the
27 elements of the offense(s) to which I now plead as set forth in Exhibit "1". With regard to
28 my plea of guilty to Count 1, the State will make factual representations of proof which I

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MAY 21 2003

CLARK COUNTY

1 will adopt as the state of the evidence.

2 I understand that as a consequence of my plea of guilty the Court must sentence me to
3 life without the possibility of parole. I understand that there will be no eligibility for parole
4 on either penalty. I understand that the law requires me to pay an Administrative Assessment
5 Fee.

6 I understand that, if appropriate, I will be ordered to make restitution to the victim of
7 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
8 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
9 reimburse the State of Nevada for any expenses related to my extradition, if any.

10 I understand that I am not eligible for probation or parole for the offenses to which I
11 am pleading guilty.

12 I also understand that information regarding charges not filed, dismissed charges, or
13 charges to be dismissed pursuant to this agreement may be considered by the judge at
14 sentencing.

15 I know that my sentence is to be determined by the Court within the limits prescribed
16 by statute and this agreement.

17 I understand that if my attorneys and the State of Nevada are both recommending a
18 specific punishment to the Court.

19 I understand that if the State of Nevada has agreed to recommend or stipulate a
20 particular sentence or has agreed not to present argument regarding the sentence, or agreed
21 not to oppose a particular sentence, such agreement is contingent upon my appearance in
22 court on the initial sentencing date (and any subsequent dates if the sentencing is continued).
23 I understand that if I fail to appear for the scheduled sentencing date or I commit a new
24 criminal offense prior to sentencing the State of Nevada would regain the full right to argue
25 for any lawful sentence.

26 I understand if the offense(s) to which I am pleading guilty to was committed while I
27 was incarcerated on another charge or while I was on probation or parole that I am not
28 eligible for credit for time served toward the instant offense(s).

1 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
2 United States, I may, in addition to other consequences provided for by federal law, be
3 removed, deported, excluded from entry into the United States or denied naturalization.

4 I understand that the Division of Parole and Probation will prepare a report for the
5 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
6 sentencing, including my criminal history. This report may contain hearsay information
7 regarding my background and criminal history. My attorneys and I will each have the
8 opportunity to comment on the information contained in the report at the time of sentencing.
9 Unless the District Attorney has specifically agreed otherwise, then the District Attorney
10 may also comment on this report.

11 WAIVER OF RIGHTS

12 By entering my plea of guilty, I understand that I am waiving and forever giving up
13 the following rights and privileges:

14 1. The constitutional privilege against self-incrimination, including the right to refuse
15 to testify at trial, in which event the prosecution would not be allowed to comment to the
16 jury about my refusal to testify.

17 2. The constitutional right to a speedy and public trial by an impartial jury, free of
18 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
19 assistance of an attorney, either appointed or retained. At trial the State would bear the
20 burden of proving beyond a reasonable doubt each element of the offense charged.

21 3. The constitutional right to confront and cross-examine any witnesses who would
22 testify against me.

23 4. The constitutional right to subpoena witnesses to testify on my behalf.

24 5. The constitutional right to testify in my own defense.

25 6. The right to appeal the conviction, with the assistance of an attorney, either
26 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
27 or other grounds that challenge the legality of the proceedings and except as otherwise
28 provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorneys and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorneys any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorneys.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that continuation of the current trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorneys, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

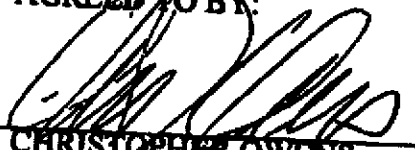
I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorneys have answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorneys.

DATED this 21 day of May, 2003.


WILLIAM JAMES RUNDLE
Defendant

AGREED TO BY:


CHRISTOPHER OWENS
Chief Deputy District Attorney
Nevada Bar #001190

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorneys for the Defendant named herein and as an officer
3 of the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 to which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are
9 consistent with the facts known to me and are made with my advice to the Defendant.


10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs
17 1 and 2 above.

18 Dated: This 21 day of May, 2003.

19 
20 ATTORNEY FOR DEFENDANT
21
22
23
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25
26
27
28

dm

1 IND
2 STEWART L. BELL
3 Clark County District Attorney
4 Nevada Bar #000477
5 CHRIS J. OWENS
6 Chief Deputy District Attorney
7 Nevada Bar #001190
8 200 South Third Street
9 Las Vegas, Nevada 89155-2211
10 (702) 455-4711
11 Attorney for Plaintiff

12
13 DISTRICT COURT
14 CLARK COUNTY, NEVADA
15

16 THE STATE OF NEVADA,
17
18 Plaintiff,

19 -vs-

20 WILLIAM JAMES RUNDLE,
21 #0147555

22 Defendant(s).

Case No. C189563
Dept. No. IV

23 INDICTMENT

24 STATE OF NEVADA }
25 COUNTY OF CLARK } ss.

26 The Defendant(s) above named, WILLIAM JAMES RUNDLE, accused by the Clark
27 County Grand Jury of the crime(s) of MURDER WITH USE OF DEADLY WEAPON
28 (Open Murder) (Felony - NRS 200.010, 200.030, 193.165); ROBBERY WITH USE OF
DEADLY WEAPON (Felony - NRS 200.380, 193.165), and THEFT (Felony - NRS
205.0832, 205.0835); committed at and within the County of Clark, State of Nevada, on or
between May, 1997 and October, 2002, as follows:

//

//

EXHIBIT "1"

1 COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)

2 did, about or between April and July of 1997, then and there wilfully, feloniously,
3 without authority of law, and with premeditation and deliberation, and with malice
4 aforethought, kill WILLA RUNDLE, a human being, with use of a deadly weapon, to wit:
5 medications or drugs, by administering an overdose of prescription drugs to the said WILLA
6 RUNDLE, and/or by manner and means otherwise unknown, the defendant directly
7 committing said act or aiding and abetting persons unknown in the commission of said act
8 by providing counsel, encouragement, planning and access to said person or persons, and/or
9 each person acting pursuant to a conspiracy to commit murder.

10 COUNT 2 - THEFT

11 did, on or between May, 1997 and August , 2002 then and there knowingly,
12 feloniously, and without lawful authority, commit theft by converting, making an
13 unauthorized transfer of an interest in, or without authorization controlling property having a
14 value of \$2,500.00, or more, lawful money of the United States, belonging to WILLA
15 RUNDLE, Clark County, Nevada, in the following manner, to-wit: by defendant obtaining
16 in excess of \$2,500.00 in personal assets and monies of the said WILLA RUNDLE
17 following her untimely death by homicide, thereby converting, making an unauthorized
18 transfer of an interest in, or controlling without authorization, the money of WILLA
19 RUNDLE.

20 COUNT 3 - THEFT

21 did, on or between May, 1997 and August, 2002, then and there knowingly,
22 feloniously, and without lawful authority, commit theft by converting, making an
23 unauthorized transfer of an interest in, or without authorization controlling property having a
24 value of \$2,500.00, or more, lawful money of the United States, belonging to Willa Rundle,
25 the United States Government, the United States Treasury Department and/or the Social
26 Security Administration, or by obtaining said money by a material misrepresentation with
27 intent to deprive that person or entity of the property, or by coming into control of mislaid or
28 misdelivered property of Willa Rundle from United States Government, the United States

1 Treasury Department and/or the Social Security Administration on under circumstances
2 providing means of inquiry as to the true owner in the following manner, to-wit: by
3 defendant arranging for and/or obtaining in excess of \$2,500.00 in Social Security benefits
4 of the said WILLA RUNDLE, who was deceased and no longer entitled to said benefits,
5 materially misrepresenting by these actions that he was a person lawfully entitled to said
6 payments, thereby converting, making an unauthorized transfer of an interest in, or
7 controlling without authorization, the money of WILLA RUNDLE, the United States
8 Government, the United States Treasury Department and/or the Social Security
9 Administration with intent to deprive them of the property and/or by appropriating said
10 mislaid or misdelivered property to his own use or that of another person without reasonable
11 efforts to notify the true owner.

12 **COUNT 4 - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)**

13 did, on or between August 16, 2002 and August 20th, 2002, then and there wilfully,
14 feloniously, without authority of law, and with premeditation and deliberation, and with
15 malice aforethought, kill SHIRLEY RUNDLE, a human being, by repeatedly striking the
16 head and body of the said SHIRLEY RUNDLE with a deadly weapon, to-wit: a baseball bat
17 and/or other blunt object, said murder being directly premeditated and/or said Murder being
18 committed during the commission of a robbery.

19 **COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON**

20 did, on or between August 16, 2002 and August 20, 2002, then and there wilfully,
21 unlawfully, and feloniously take money and/or personal property, including a ring, watches
22 and other jewelry, from the person of SHIRLEY RUNDLE, or in her presence, by means of

23 //

24 //

25 //

26 //

27 //


28 //

1 force or violence, or fear of injury to, and without the consent and against the will of the said
2 SHIRLEY RUNDLE, said Defendant using a deadly weapon, to-wit: a baseball bat and/or
3 other blunt object during the commission of said crime.

4 DATED this ____ day of May, 2003.

5
6 STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477

7
8
9 BY

10 
CHRIS J. OWENS
Chief Deputy District Attorney
Nevada Bar #001190
11
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Names of witnesses appearing before the Grand Jury:

1 DR. ELLEN CLARK, WASHOE COUNTY CORONER
2 MAGDA BELEN, 10244 SINGING WIND, LV, NV
3 DET. THOMAS MARIN, LVMPD #2894
4 DET. DONALD TREMEL, LVMPD #2038
5 CSA YOLANDA McCLARY, FORENSIC LAB, LVMPD #2923
6 CSA DANIEL HOLSTEIN, FORENSIC LAB, LVMPD #3861
7 DET. SHEILA HUGGINS, LVMPD #3603
8 THEROM HAINES, SOCIAL SECURITY
9 NATHAN R. EATON, C/O WELLS FARGO BANK
10 THOMAS H. ROACH, C/O DISTRICT ATTORNEY'S OFFICE
11 ROBERT WILLIAM RUNDLE, C/O DISTRICT ATTORNEY'S OFFICE
12 BETH BORGAL, C/O DISTRICT ATTORNEY'S OFFICE
13 SGT. JOHN C. MIENAU, LASSIN COUNTY SHERIFF'S OFFICE, CA
14 SGT. THOMAS KELLER, LVMPD CYBER CRIMES UNIT
15 STEVEN SCARBOROUGH, LVMPD FORENSIC LAB, #2160
16 PATRICA DORAN, COR, BANK OF AMERICA
17 JOEL MOSKOWITZ, CFE, DISTRICT ATTORNEY'S OFFICE, 200 S. THIRD, LV, NV
18 DR. J. COREY BROWN, C/O AMY CHELINI, ESQ.
19 DR. JAMES BOURLAND, QUEST DIAGNOSTICS, LV, NV
20

21 Additional witnesses known to the District Attorney at the filing of the Indictment:

22 JAN KELLY, FORENSIC LAB, LVMPD #5666
23 TOM WALL, LVMPD FORENSIC LAB
24 DAVID WELCH, LVMPD FORENSIC LAB
25 TERRY COOK, LVMPD FORENSIC LAB
26 DR. LARRY SIMMS, CCME
27 JAMES ABRAHAM, DDS, C/O DISTRICT ATTORNEY'S OFFICE
28

1 C. GREEN, LVMPD FORENSIC LAB
2 K. GRAMMAS, LVMPD FORENSIC LAB
3 RODEL BELEN, 10244 SINGING WIND, LV, NV
4 OFFICER K. LeRUD, LVMPD
5 OFFICER W. WEBB, LVMPD
6 JANET BERTRAND, 7914 SELTZER ISLAND WAY, LV, NV
7 SGT. ROCKY ALBY, LVMPD HOMICIDE
8 PAUL LOONEY, OFFICE OF THE UNITED STATES POSTAL INSPECTOR
9 DOUGLAS WOODBURY, C/O WILD WEST CASINO, LV, NV
10 JOHN WINSTROM, NV SPORTS SCHEDULE, 3110 S. POLARIS, #24, LV, NV
11 CURTIS VIXIE, DDS, SUSANVILLE, CA
12 DONALD SIMPSON, DDS, SUSANVILLE, CA
13 ROBERT COOMBS, C/O DISTRICT ATTORNEYS OFFICE
14 JUDY RUNDLE, C/O DISTRICT ATTORNEY'S OFFICE
15 COLLEEN HAMILTON, 17116 BILTAR ST., VAN NUYS, CA
16 DEBRA RUNDLE, C/O DISTRICT ATTORNEY'S OFFICE
17 DEPUTY WALLACE, LASSEN COUNTY SHERRIF, CA
18 SGT. D. MARTIN, LASSEN COUNTY SHERRIF, CA
19 DET. BOLLINGER, LASSEN COUNTY SHERRIF, CA
20 DANA SPPONER, LASSEN COUNTY SHERRIF, CA
21 RON WILSON, CALIFORNIA HIGHWAY PATROL
22 SGT. CEAGLIO, LASSEN COUNTY SHERRIF
23 COR, LAWRENCE WELK VILLAGE, CA
24 COR, KEY BANK, 434 QUEEN ANNE AVE. NORTH, SEATTLE, WA
25 COR, EXPRESS RENT A CAR, SEATTLE, WA
26 COR, SEATTLE SEAHAWKS, SEATTLE, WA
27 DET. HANF, SEATTLE PD, WA
28 ANJANJI MALA, KEY BANK, SEATTLE, WA

1 BURNIE CAMPBELL, SELF STORAGE, 12TH & MADISON, SEATTLE, WA
2 COR/KATHY, HOLIDAY INN, 211 DEXTER, SEATTLE, WA
3 COR, THE MAILBOX, 300 QUEEN ANNE AVE., SEATTLE, WA
4 GLENN STEADMAN, MEDITERRANEAN INN, 425 QUEEN ANNE, SEATTLE, WA
5 DOUG HILLSTROM, T.S. McHUGHS, 21 MERCER, SEATTLE, WA
6 GERALD OLSON, GOLDMARK, INC., 10325 AURORA NORTH, SEATTLE, WA
7 COR, DAYS INN MTEL, 5827 CARAVAN CT., ORLANDO, FL
8 ALLA VELBAUM, 5827 CARAVAN CT., ORLANDO, FL
9 SPECIAL AGENT S. SAVAGE, FBI, FL
10 TASK FORCE OFFICER HOCHULI, FBI, FL
11 OFFICER MARK CANTY, ORLANDO FLORIDA PD
12 OFFICER JERRY JERASINE, ORLANDO FLORIDA PD
13 EMMETT BROWNING, ORLANDO FLORIDA PD
14 DOUG THOMAS, CRIME SCENE UNIT, ORLANDO FLORIDA PD
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26 02AG071X/02F17461X:lg
27 LVMPD EV# 0208212083
28 MURD WDW; THEFT; RWDW - F

EXHIBIT A5

EXHIBIT A5

ORIGINAL

FILED IN OPEN COURT

JUN 24 2002

SHIRLEY B. PARRAGUIRRE, CLERK

DISTRICT COURT BY Denise Husted
CLARK COUNTY, NEVADA

DENISE HUSTED DEPUTY

1 GMEM
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

9 THE STATE OF NEVADA,

Plaintiff,

-vs-

11 JOSE MANUEL VIGOA,
12 aka Jose Manuel Vigoa-Perez,
13 #0697364

Defendant.

Case No. C168652
Dept. No. 19

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: COUNT 1 - CONSPIRACY TO COMMIT ROBBERY AND/OR MURDER (Felony - NRS 198.480, 200.010, 200.030, 200.380), COUNTS 2, 14 and 29 - BURGLARY WHILE IN POSSESSION OF A FIREARM (Felony - NRS 206.030, 193.165); COUNTS 3, 11, 12, 15, 23, 24 and 42 - POSSESSION OF FIREARM BY EX-FELON (Felony - NRS 202.360); COUNTS 4, 5, 16, 17, 21, 22, 31, 32, 33, 34 and 35 - ROBBERY WITH USE OF A DEADLY WEAPON (Felony - 200.380, 193.165); COUNTS 6, 7, 36 and 37 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Felony - NRS 193.330, 193.165, 200.080, 200.030), COUNTS 8, 9 and 10 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS 193.330, 200.380, 193.165), COUNTS 13, 18, 25, 26, 27, 40 and 41 - POSSESSION OF STOLEN VEHICLE (Felony - NRS 205.273), COUNTS 19 and 20 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Felony - NRS 200.080, 200.030, 193.165), COUNT 28 - CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 205.060, 199.480); COUNT 30 - CONSPIRACY TO

COUNTY CLERK

JUN 24 2002

RECEIVED

1 COMMIT ROBBERY (Felony - NRS 200.380, 199.480); COUNT 38 - DISCHARGING
2 FIREARM OUT OF A MOTOR VEHICLE (Felony - NRS 202.287); COUNT 39 -
3 DISCHARGING FIREARM AT OR INTO VEHICLE (Felony - NRS 202.285); COUNT 43 -
4 STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Felony - NRS 484.348); COUNT 44 -
5 CHILD ENDANGERMENT (Gross Misdemeanor - 200.508); COUNT 45 - CONSPIRACY TO
6 ESCAPE (Gross Misdemeanor - NRS 199.480, 212.090) and COUNT 46 - ATTEMPT ESCAPE
7 (Felony - NRS 193.330, 212.090), as more fully alleged in the charging document attached
8 hereto as Exhibit "1".

9 My decision to plead guilty is based upon the plea agreement in this case which is as
10 follows:

11 The Defendant agrees to enter a plea of guilty, under oath, to all counts. The parties
12 stipulate that the Defendant will receive the maximum sentence on all counts. The parties
13 stipulate that the Defendant will be sentenced to Life Without the Possibility of Parole on Counts
14 15 and 16, Murder With Use of a Deadly Weapon. Also, the parties stipulate that each count
15 will be served consecutive to each other count. This stipulation is intended to be binding on the
16 sentencing judge. If the sentencing judge decides not to accept this stipulation, either party may
17 withdraw from this stipulation and the parties will proceed to trial on all charges.

18 The State will urge the U.S. Attorney's Office to not file charges arising out of this case
19 against Defendant and his wife, Luisa Vigoa. The State will not file perjury charges against
20 Luisa Vigoa and her children. The State will not file further charges arising out of the instant
21 conspiracy unless other murders are uncovered by law enforcement. The State agrees that it will
22 not call Jose Vigoa as a witness in any proceedings concerning his accomplices.

23 Defendant does not intend to testify for any party concerning the events set forth in his
24 affidavit. The parties acknowledge that Defendant's affidavit is hearsay and inadmissible
25 evidence in any court proceeding in which Defendant is not a Defendant or a witness. The State
26 agrees that Defendant's affidavit will not be used against Pedro Duarte or Luis Suarez in any
27 proceeding in which Defendant is not a witness.

28 ///

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty the Court must sentence me to imprisonment in the Nevada State Prison as follows:

COUNT 1 - CONSPIRACY TO COMMIT ROBBERY AND/OR MURDER: for a minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED TWENTY (120) months. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM: for a minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000.

COUNT 3 - POSSESSION OF FIREARM BY EX-FELON: for a minimum term of not less than TWELVE (12) months and a maximum term of not more than SEVENTY-TWO (72) months. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON: for a minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment.

COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON: for a minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less

1 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
2 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
3 (40%) of the maximum term of imprisonment.

4 **COUNT 6 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON:** for a minimum
5 term of not less than TWENTY-FOUR (24) months and a maximum term of not more than TWO
6 HUNDRED FORTY (240) months plus an equal and consecutive minimum term of not less than
7 TWENTY-FOUR (24) months and a maximum term of not more than TWO HUNDRED
8 FORTY (240) months. The minimum term of imprisonment may not exceed forty percent (40%)
9 of the maximum term of imprisonment.

10 **COUNT 7 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON:** for a minimum
11 term of not less than TWENTY-FOUR (24) months and a maximum term of not more than TWO
12 HUNDRED FORTY (240) months plus an equal and consecutive minimum term of not less than
13 TWENTY-FOUR (24) months and a maximum term of not more than TWO HUNDRED
14 FORTY (240) months. The minimum term of imprisonment may not exceed forty percent (40%)
15 of the maximum term of imprisonment.

16 **COUNT 8 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON:** for a
17 minimum term of not less than TWELVE (12) months and a maximum term of not more than
18 ONE HUNDRED TWENTY (120) months plus an equal and consecutive minimum term of not
19 less than TWELVE (12) months and a maximum term of not more than ONE HUNDRED
20 TWENTY (120) months. The minimum term of imprisonment may not exceed forty percent
21 (40%) of the maximum term of imprisonment.

22 **COUNT 9 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON:** for a
23 minimum term of not less than TWELVE (12) months and a maximum term of not more than
24 ONE HUNDRED TWENTY (120) months plus an equal and consecutive minimum term of not
25 less than TWELVE (12) months and a maximum term of not more than ONE HUNDRED
26 TWENTY (120) months. The minimum term of imprisonment may not exceed forty percent
27 (40%) of the maximum term of imprisonment.

28 ///

1 **COUNT 10 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON:** for a
2 minimum term of not less than TWELVE (12) months and a maximum term of not more than
3 ONE HUNDRED TWENTY (120) months plus an equal and consecutive minimum term of not
4 less than TWELVE (12) months and a maximum term of not more than ONE HUNDRED
5 TWENTY (120) months. The minimum term of imprisonment may not exceed forty percent
6 (40%) of the maximum term of imprisonment.

7 **COUNT 11 - POSSESSION OF FIREARM BY EX-FELON:** for a minimum term of not less
8 than TWELVE (12) months and a maximum term of not more than SEVENTY-TWO (72)
9 months. The minimum term of imprisonment may not exceed forty percent (40%) of the
10 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

11 **COUNT 12 - POSSESSION OF FIREARM BY EX-FELON:** for a minimum term of not less
12 than TWELVE (12) months and a maximum term of not more than SEVENTY-TWO (72)
13 months. The minimum term of imprisonment may not exceed forty percent (40%) of the
14 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

15 **COUNT 13 - POSSESSION OF STOLEN VEHICLE:** for a minimum term of not less than
16 TWELVE (12) months and a maximum term of not more than ONE HUNDRED TWENTY
17 (120) months. The minimum term of imprisonment may not exceed forty percent (40%) of the
18 maximum term of imprisonment. I understand that I may also be fined up to \$10,000.

19 **COUNT 14 - BURGLARY WHILE IN POSSESSION OF A FIREARM:** for a minimum
20 term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
21 HUNDRED EIGHTY (180) months. The minimum term of imprisonment may not exceed forty
22 percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up
23 to \$10,000.

24 **COUNT 15 - POSSESSION OF FIREARM BY EX-FELON:** for a minimum term of not less
25 than TWELVE (12) months and a maximum term of not more than SEVENTY-TWO (72)
26 months. The minimum term of imprisonment may not exceed forty percent (40%) of the
27 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

28 ///

1 **COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
2 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
3 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
4 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
5 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
6 (40%) of the maximum term of imprisonment.

7 **COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
8 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
9 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
10 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
11 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
12 (40%) of the maximum term of imprisonment.

13 **COUNT 18 - POSSESSION OF STOLEN VEHICLE:** for a minimum term of not less than
14 TWELVE (12) months and a maximum term of not more than ONE HUNDRED TWENTY
15 (120) months. The minimum term of imprisonment may not exceed forty percent (40%) of the
16 maximum term of imprisonment. I understand that I may also be fined up to \$10,000.

17 **COUNT 19 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON:** for life
18 without the possibility of parole OR life with the possibility of parole with eligibility for parole
19 beginning at 20 yrs (240 months); OR a definite term of 50 yrs (600 months) with eligibility for
20 parole beginning at 20 yrs (240 months) plus an equal and consecutive term of life without the
21 possibility of parole OR life with the possibility of parole with eligibility for parole beginning
22 at 20 yrs (240 months); OR a definite term of 50 yrs (600 months) with eligibility for parole
23 beginning at 20 yrs (240 months).

24 **COUNT 20 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON:** for life
25 without the possibility of parole OR life with the possibility of parole with eligibility for parole
26 beginning at 20 yrs (240 months); OR a definite term of 50 yrs (600 months) with eligibility for
27 parole beginning at 20 yrs (240 months) plus an equal and consecutive term of life without the
28 possibility of parole OR life with the possibility of parole with eligibility for parole beginning

1 at 20 yrs (240 months); OR a definite term of 50 yrs (600 months) with eligibility for parole
2 beginning at 20 yrs (240 months).

3 **COUNT 21 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
4 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
5 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
6 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
7 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
8 (40%) of the maximum term of imprisonment.

9 **COUNT 22 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
10 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
11 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
12 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
13 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
14 (40%) of the maximum term of imprisonment.

15 **COUNT 23 - POSSESSION OF FIREARM BY EX-FELON:** for a minimum term of not less
16 than TWELVE (12) months and a maximum term of not more than SEVENTY-TWO (72)
17 months. The minimum term of imprisonment may not exceed forty percent (40%) of the
18 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

19 **COUNT 24 - POSSESSION OF FIREARM BY EX-FELON:** for a minimum term of not less
20 than TWELVE (12) months and a maximum term of not more than SEVENTY-TWO (72)
21 months. The minimum term of imprisonment may not exceed forty percent (40%) of the
22 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

23 **COUNT 25 - POSSESSION OF STOLEN VEHICLE:** for a minimum term of not less than
24 TWELVE (12) months and a maximum term of not more than ONE HUNDRED TWENTY
25 (120) months. The minimum term of imprisonment may not exceed forty percent (40%) of the
26 maximum term of imprisonment. I understand that I may also be fined up to \$10,000.

27 **COUNT 26 - POSSESSION OF STOLEN VEHICLE:** for a minimum term of not less than
28 TWELVE (12) months and a maximum term of not more than ONE HUNDRED TWENTY

1 (120) months. The minimum term of imprisonment may not exceed forty percent (40%) of the
2 maximum term of imprisonment. I understand that I may also be fined up to \$10,000.
3 **COUNT 27 - POSSESSION OF STOLEN VEHICLE:** for a minimum term of not less than
4 TWELVE (12) months and a maximum term of not more than ONE HUNDRED TWENTY
5 (120) months. The minimum term of imprisonment may not exceed forty percent (40%) of the
6 maximum term of imprisonment. I understand that I may also be fined up to \$10,000.
7 **COUNT 28 - CONSPIRACY TO COMMIT BURGLARY:** to the Clark County Detention
8 Center for a period of not more than one (1) year and/or a fine up to \$2,000.00.
9 **COUNT 29 - BURGLARY WHILE IN POSSESSION OF A FIREARM:** for a minimum
10 term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
11 HUNDRED EIGHTY (180) months. The minimum term of imprisonment may not exceed forty
12 percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up
13 to \$10,000.
14 **COUNT 30- CONSPIRACY TO COMMIT ROBBERY:** for a minimum term of not less than
15 TWELVE (12) months and a maximum term of not more than SEVENTY-TWO (72) months.
16 The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term
17 of imprisonment.
18 **COUNT 31 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
19 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
20 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
21 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
22 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
23 (40%) of the maximum term of imprisonment.
24 **COUNT 32 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
25 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
26 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
27 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
28 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent

1 (40%) of the maximum term of imprisonment.

2 **COUNT 33 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
3 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
4 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
5 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
6 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
7 (40%) of the maximum term of imprisonment.

8 **COUNT 34 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
9 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
10 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
11 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
12 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
13 (40%) of the maximum term of imprisonment.

14 **COUNT 35 - ROBBERY WITH USE OF A DEADLY WEAPON:** for a minimum term of
15 not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
16 HUNDRED EIGHTY (180) months plus an equal and consecutive minimum term of not less
17 than TWENTY-FOUR (24) months and a maximum term of not more than ONE HUNDRED
18 EIGHTY (180) months. The minimum term of imprisonment may not exceed forty percent
19 (40%) of the maximum term of imprisonment.

20 **COUNT 36 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON:** for a
21 minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more
22 than TWO HUNDRED FORTY (240) months plus an equal and consecutive minimum term of
23 not less than TWENTY-FOUR (24) months and a maximum term of not more than TWO
24 HUNDRED FORTY (240) months. The minimum term of imprisonment may not exceed forty
25 percent (40%) of the maximum term of imprisonment.

26 **COUNT 37 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON:** for a
27 minimum term of not less than TWENTY-FOUR (24) months and a maximum term of not more
28 than TWO HUNDRED FORTY (240) months plus an equal and consecutive minimum term of

1 not less than TWENTY-FOUR (24) months and a maximum term of not more than TWO
2 HUNDRED FORTY (240) months. The minimum term of imprisonment may not exceed forty
3 percent (40%) of the maximum term of imprisonment.

4 **COUNT 38 - DISCHARGING FIREARM OUT OF MOTOR VEHICLE:** for a minimum
5 term of not less than TWENTY-FOUR (24) months and a maximum term of not more than ONE
6 HUNDRED EIGHTY (180) months. The minimum term of imprisonment may not exceed forty
7 percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up
8 to \$5,000.

9 **COUNT 39 - DISCHARGING FIREARM AT OR INTO VEHICLE:** for a minimum term
10 of not less than TWELVE (12) months and a maximum term of not more than SEVENTY-TWO
11 (72) months. The minimum term of imprisonment may not exceed forty percent (40%) of the
12 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

13 **COUNT 40 - POSSESSION OF STOLEN VEHICLE:** for a minimum term of not less than
14 TWELVE (12) months and a maximum term of not more than ONE HUNDRED TWENTY
15 (120) months. The minimum term of imprisonment may not exceed forty percent (40%) of the
16 maximum term of imprisonment. I understand that I may also be fined up to \$10,000.

17 **COUNT 41 - POSSESSION OF STOLEN VEHICLE:** for a minimum term of not less than
18 TWELVE (12) months and a maximum term of not more than ONE HUNDRED TWENTY
19 (120) months. The minimum term of imprisonment may not exceed forty percent (40%) of the
20 maximum term of imprisonment. I understand that I may also be fined up to \$10,000.

21 **COUNT 42 - POSSESSION OF FIREARM BY EX-FELON:** for a minimum term of not less
22 than TWELVE (12) months and a maximum term of not more than SEVENTY-TWO (72)
23 months. The minimum term of imprisonment may not exceed forty percent (40%) of the
24 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

25 **COUNT 43 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER:** for a minimum
26 term of not less than TWELVE (12) months and a maximum term of not more than SEVENTY-
27 TWO (72) months. The minimum term of imprisonment may not exceed forty percent (40%)
28 of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

1 **COUNT 44- CHILD ENDANGERMENT:** to the Clark County Detention Center for a period
2 of not more than one (1) year and/or a fine up to \$2,000.00.

3 **COUNT 45 - CONSPIRACY TO ESCAPE:** to the Clark County Detention Center for a
4 period of not more than one (1) year and/or a fine up to \$2,000.00.

5 **COUNT 46 - ATTEMPT ESCAPE:** for a minimum term of not less than TWELVE (12)
6 months and a maximum term of not more than ONE HUNDRED TWENTY (120) months. The
7 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of
8 imprisonment. I understand that I may also be fined up to \$10,000.

9 I understand that the law requires me to pay an Administrative Assessment Fee.

10 I understand that, if appropriate, I will be ordered to make restitution to the victim of the
11 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
12 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the
13 State of Nevada for any expenses related to my extradition, if any.

14 I understand that I am not eligible for probation for the offenses to which I am pleading
15 guilty.

16 I understand that if more than one sentence of imprisonment is imposed and I am eligible
17 to serve the sentences concurrently, the sentencing judge does not have the discretion to order
18 the sentences served concurrently or consecutively.

19 I also understand that information regarding charges not filed, dismissed charges, or
20 charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

21 I have not been promised or guaranteed any particular sentence by anyone. I know that
22 my sentence is to be determined by the Court within the limits prescribed by statute. I
23 understand that if my attorney or the State of Nevada or both recommend any specific
24 punishment to the Court, the Court is not obligated to accept the recommendation.

25 I understand that the Division of Parole and Probation will prepare a report for the
26 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
27 sentencing, including my criminal history. This report may contain hearsay information
28 regarding my background and criminal history. My attorney and I will each have the opportunity

1 to comment on the information contained in the report at the time of sentencing. Unless the
2 District Attorney has specifically agreed otherwise, then the District Attorney may also comment
3 on this report.

4 WAIVER OF RIGHTS

5 By entering my plea of guilty, I understand that I am waiving and forever giving up the
6 following rights and privileges:

7 1. The constitutional privilege against self-incrimination, including the right to refuse to
8 testify at trial, in which event the prosecution would not be allowed to comment to the jury about
9 my refusal to testify.

10 2. The constitutional right to a speedy and public trial by an impartial jury, free of
11 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
12 assistance of an attorney, either appointed or retained. At trial the State would bear the burden
13 of proving beyond a reasonable doubt each element of the offense charged.

14 3. The constitutional right to confront and cross-examine any witnesses who would
15 testify against me.

16 4. The constitutional right to subpoena witnesses to testify on my behalf.

17 5. The constitutional right to testify in my own defense.

18 6. The right to appeal the conviction, with the assistance of an attorney, either appointed
19 or retained, unless the appeal is based upon reasonable constitutional jurisdictional or other
20 grounds that challenge the legality of the proceedings and except as otherwise provided in
21 subsection 3 of NRS 174.035.

22 VOLUNTARINESS OF PLEA

23 I have discussed the elements of all of the original charge(s) against me with my attorney
24 and I understand the nature of the charge(s) against me.

25 I understand that the State would have to prove each element of the charge(s) against me
26 at trial.

27 I have discussed with my attorney any possible defenses, defense strategies and
28 circumstances which might be in my favor.

1 All of the foregoing elements, consequences, rights, and waiver of rights have been
2 thoroughly explained to me by my attorney.

3 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
4 that a trial would be contrary to my best interest.

5 I am signing this agreement voluntarily, after consultation with my attorney, and I am not
6 acting under duress or coercion or by virtue of any promises of leniency, except for those set
7 forth in this agreement.

8 I am not now under the influence of any intoxicating liquor, a controlled substance or
9 other drug which would in any manner impair my ability to comprehend or understand this
10 agreement or the proceedings surrounding my entry of this plea.

11 My attorney has answered all my questions regarding this guilty plea agreement and its
12 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

13 DATED this 20 day of June, 2002.

14 

15 JOSE MANUEL VIGOA
16 aka Jose Manuel Vigoa-Perez
17 Defendant

18 AGREED TO BY:

19
20 

21 Deputy District Attorney
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s) to
5 which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution that
7 the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent
9 with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs 1
17 and 2 above.

18 Dated: This 20 day of June, 2002.

19 
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21 ATTORNEY FOR DEFENDANT
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28

1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-
12 JOSE MANUEL VIGOA,
13 aka Jose Manuel Vigoa-Perez,
14 #0697364
15 Defendant.

Case No. C180124
Dept. No. IV

AMENDED
INFORMATION

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss:

18 STEWART L. BELL, District Attorney within and for the County of Clark, State of
19 Nevada, in the name and by the authority of the State of Nevada, informs the Court:
20 That JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez, the Defendant above
21 named, having committed the crimes of CONSPIRACY TO COMMIT ROBBERY AND/OR
22 MURDER (Felony - NRS 198.480, 200.010, 200.030, 200.380), BURGLARY WHILE IN
23 POSSESSION OF A FIREARM (Felony - NRS 206.030, 193.165); POSSESSION OF
24 FIREARM BY EX-FELON (Felony - NRS 202.360); ROBBERY WITH USE OF A
25 DEADLY WEAPON (Felony - 200.380, 193.165); ATTEMPT MURDER WITH USE OF
26 A DEADLY WEAPON (Felony - NRS 193.330, 193.165, 200.080, 200.030), ATTEMPT
27 ROBBERY WITH USE OF A DEADLY WEAPON (Felony -NRS 193.330, 200.380,
28 193.165), POSSESSION OF STOLEN VEHICLE (Felony - NRS 205.273), FIRST

1 DEGREE MURDER WITH USE OF A DEADLY WEAPON (Felony - NRS 200.080,
2 200.030, 193.165), CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS
3 205.060, 199.480); CONSPIRACY TO COMMIT ROBBERY (Felony - NRS 200.380,
4 199.480); DISCHARGING FIREARM OUT OF A MOTOR VEHICLE (Felony - NRS
5 202.287); DISCHARGING FIREARM AT OR INTO VEHICLE (Felony - NRS 202.285);
6 STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Felony - NRS 484.348); CHILD
7 ENDANGERMENT (Gross Misdemeanor - 200.508); and POSSESSION OF A FIREARM
8 BY EX-FELON (Felony - NRS 202.360); CONSPIRACY TO ESCAPE (Gross
9 Misdemeanor - NRS 199.480, 212.090) and ATTEMPT ESCAPE (Felony - NRS 193.330,
10 212.090) on or between September 19, 1998, and June 3, 2002, within the County of Clark, State
11 of Nevada, contrary to the form, force and effect of statutes in such cases made and provided,
12 and against the peace and dignity of the State of Nevada,

13 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY AND/OR MURDER

14 did, on or between September 19, 1998, and June 10, 2000, then and there meet with
15 PEDRO RAFAEL DUARTE, OSCAR SANCHEZ CISNEROS, LUIS SUAREZ, and
16 UNIDENTIFIED INDIVIDUALS, and between themselves and each of them with the other,
17 wilfully, unlawfully and feloniously conspire and agree to commit the crime of Robbery and/or
18 Murder, and in furtherance of said conspiracy, Defendant JOSE MANUEL VIGOA did commit
19 the acts as set forth in Counts 2 through 21, said acts being incorporated by this reference as
20 though fully set forth herein.

21 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

22 did, on or about the 20th day of September, 1998, then and there wilfully, unlawfully,
23 and feloniously enter, with intent to commit robbery and/or murder, while in possession of a
24 firearm, that certain building occupied by MGM GRAND HOTEL, located at 3799 Las Vegas
25 Boulevard South, Las Vegas, Clark County, Nevada.

26 COUNT 3 - POSSESSION OF FIREARM BY EX-FELON

27 Defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez, did, on or about the
28 20th day of September, 1998, then and there wilfully, unlawfully, and feloniously own or have

1 in his possession, or under his control, a weapon, to-wit: firearms, the said JOSE MANUEL
2 VIGOA, aka Jose Manuel Vigoa-Perez being an ex-felon, having in February, 1991, been
3 convicted of Conspiracy to Possess With Intent to Distribute Cocaine, Distribution of Cocaine,
4 Possession of Cocaine With Intent to Distribute, and Assault Upon Federal Officers, in the
5 United States District Court for the District of Nevada, in Case No. CR-S-90-164-P.P. (LCL),
6 a felony under the laws of the State of Nevada.

7 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

8 did, on or about 20th day of September, 1998 then and there wilfully, unlawfully, and
9 feloniously take personal property, to-wit: U.S. Currency and a Smith & Wesson .38 revolver,
10 bearing Serial No. #BDB3765, from the person of WERNER BOEHNKE, or in his presence,
11 by means of force or violence, or fear of injury to, and without the consent and against the will
12 of the said WERNER BOEHNKE, said Defendant using a deadly weapon, to-wit: a firearm,
13 during the commission of said crime; Defendant and OSCAR SANCHEZ CISNEROS aiding
14 or abetting each other in the commission of said acts by acting in concert with each other; and/or
15 being present before during and after said crime; and/or Defendant and OSCAR SANCHEZ
16 CISNEROS directly or indirectly counseling, encouraging, assisting, commanding, inducing or
17 supervising the actions of the other; and/or Defendant and OSCAR SANCHEZ CISNEROS
18 acting pursuant to a Conspiracy to Commit Robbery and/or Murder.

19 COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

20 did, on or about 20th day of September, 1998, then and there wilfully, unlawfully, and
21 feloniously take personal property, to-wit: U.S. Currency and a Smith & Wesson .38 revolver,
22 bearing Serial No. #BDE5765, from the person of BRIAN LANE, or in his presence, by means
23 of force or violence, or fear of injury to, and without the consent and against the will of the said
24 BRIAN LANE, said Defendant using a deadly weapon, to-wit: a firearm, during the commission
25 of said crime; Defendant and OSCAR SANCHEZ CISNEROS aiding or abetting each other in
26 the commission of said acts by acting in concert with each other; and/or being present before
27 during and after said crime; and/or Defendant and OSCAR SANCHEZ CISNEROS, directly or
28 indirectly counseling, encouraging, assisting, commanding, inducing or supervising the actions

1 of the other, and/or Defendant and OSCAR SANCHEZ CISNEROS acting pursuant to a
2 Conspiracy to Commit Robbery and/or Murder.

3 **COUNT 6 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON**

4 did, on or about the 28th day of June, 1999, then and there, without authority of law and
5 malice aforethought, wilfully and feloniously attempt to kill DONALD BOWMAN, a human
6 being, by shooting at and into the body of said DONALD BOWMAN, with a deadly weapon,
7 to-wit: firearms: Glock Model 21 semi-automatic firearm, bearing Serial No. CMZ184US
8 and/or Norinco Mak 90 assault rifle, bearing Serial No. 616488; Defendant JOSE MANUEL
9 VIGOA, aka Jose Manuel Vigoa-Perez, and OSCAR SANCHEZ CISNEROS directly
10 committing said acts; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
11 CISNEROS, aiding or abetting each other in the commission of said acts by acting in concert
12 with each other; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
13 CISNEROS, being present before during and after said crime; and/or Defendant, PEDRO
14 RAFAEL DUARTE and OSCAR SANCHEZ CISNEROS, directly or indirectly counseling,
15 encouraging, assisting, commanding, inducing or supervising the actions of the other; and/or
16 PEDRO RAFAEL DUARTE driving the getaway vehicle; and/or Defendant, PEDRO RAFAEL
17 DUARTE and OSCAR SANCHEZ CISNEROS acting pursuant to a Conspiracy to Commit
18 Robbery and/or Murder.

19 **COUNT 7 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON**

20 did, on or about the 28th day of June, 1999, then and there, without authority of law and
21 malice aforethought, wilfully and feloniously attempt to kill CHARLEY FICHTER, a human
22 being, by shooting at and into the body of said CHARLEY FICHTER, with a deadly weapon,
23 to-wit: firearms: Glock Model 21 semi-automatic firearm, bearing Serial No. CMZ184US
24 and/or Norinco Mak 90 assault rifle, bearing Serial No. 616488; Defendant JOSE MANUEL
25 VIGOA, aka Jose Manuel Vigoa-Perez, and OSCAR SANCHEZ CISNEROS directly
26 committing said acts; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
27 CISNEROS, aiding or abetting each other in the commission of said acts by acting in concert
28 with each other; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ

1 CISNEROS, being present before during and after said crime; and/or Defendant, PEDRO
2 RAFAEL DUARTE and OSCAR SANCHEZ CISNEROS, directly or indirectly counseling,
3 encouraging, assisting, commanding, inducing or supervising the actions of the other; and/or
4 PEDRO RAFAEL DUARTE driving the getaway vehicle; and/or Defendant, PEDRO RAFAEL
5 DUARTE and OSCAR SANCHEZ CISNEROS acting pursuant to a Conspiracy to Commit
6 Robbery and/or Murder.

7 COUNT 8 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

8 did, on or about the 28th day of June, 1999, did then and there wilfully, unlawfully and
9 feloniously attempt to take personal property, to-wit: U.S. Currency, from the person of
10 DONALD BOWMAN, or in his presence, by means of force or violence, or fear of injury to, and
11 without the consent and against the will of the said DONALD BOWMAN, Defendant using a
12 deadly weapon, to-wit: firearms: Glock Model 21 semi-automatic firearm bearing Serial No.
13 CMZ184US and/or Norinco Mak 90 assault rifle, bearing Serial No. 616488, during the
14 commission of said crime; by Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
15 CISNEROS shooting at the said victim for the purpose of obtaining U.S. Currency from the
16 armored truck; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
17 CISNEROS, aiding or abetting each other in the commission of said acts by acting in concert
18 with each other; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
19 CISNEROS, being present before during and after said crime; and/or Defendant, PEDRO
20 RAFAEL DUARTE and OSCAR SANCHEZ CISNEROS, directly or indirectly counseling,
21 encouraging, assisting, commanding, inducing or supervising the actions of the other; and/or
22 PEDRO RAFAEL DUARTE driving the getaway vehicle; and/or Defendant, PEDRO RAFAEL
23 DUARTE and OSCAR SANCHEZ CISNEROS acting pursuant to a Conspiracy to Commit
24 Robbery and/or Murder.

25 COUNT 9 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

26 did, on or about the 28th day of June, 1999, did then and there wilfully, unlawfully and
27 feloniously attempt to take personal property, to-wit: U.S. Currency, from the person of
28 CHARLEY FICHTER, or in his presence, by means of force or violence, or fear of injury to, and

1 without the consent and against the will of the said CHARLEY FICHTER, Defendant using a
2 deadly weapon, to-wit: firearms: Glock Model 21 semi-automatic firearm with Serial No.
3 CMZ184US and/or Norinco Mak 90 assault rifle, Bearing Serial No. 616488, during the
4 commission of said crime; by Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
5 CISNEROS shooting at the said victim for the purpose of obtaining U.S. Currency from the
6 armored truck; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
7 CISNEROS, aiding or abetting each other in the commission of said acts by acting in concert
8 with each other; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
9 CISNEROS, being present before during and after said crime; and/or Defendant, PEDRO
10 RAFAEL DUARTE and OSCAR SANCHEZ CISNEROS, directly or indirectly counseling,
11 encouraging, assisting, commanding, inducing or supervising the actions of the other; and/or
12 PEDRO RAFAEL DUARTE driving the getaway vehicle; and/or Defendant, PEDRO RAFAEL
13 DUARTE and OSCAR SANCHEZ CISNEROS acting pursuant to a Conspiracy to Commit
14 Robbery and/or Murder.

15 COUNT 10 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

16 did, on or about the 28th day of June, 1999, did then and there wilfully, unlawfully and
17 feloniously attempt to take personal property, to-wit: U.S. Currency, from the person of
18 RANDY EASTON, or in his presence, by means of force or violence, or fear of injury to, and
19 without the consent and against the will of the said RANDY EASTON, Defendant using a
20 deadly weapon, to-wit: firearms: Glock Model 21 semi-automatic firearm with Serial No.
21 CMZ184US and/or Norinco Mak 90 assault rifle, Bearing Serial No. 616488, during the
22 commission of said crime; by Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
23 CISNEROS shooting at the said victim for the purpose of obtaining U.S. Currency from the
24 armored truck; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
25 CISNEROS, aiding or abetting each other in the commission of said acts by acting in concert
26 with each other; and/or Defendant, PEDRO RAFAEL DUARTE and OSCAR SANCHEZ
27 CISNEROS, being present before during and after said crime; and/or Defendant, PEDRO
28 RAFAEL DUARTE and OSCAR SANCHEZ CISNEROS, directly or indirectly counseling,

1 encouraging, assisting, commanding, inducing or supervising the actions of the other; and/or
2 PEDRO RAFAEL DUARTE driving the getaway vehicle; and/or Defendant, PEDRO RAFAEL
3 DUARTE and OSCAR SANCHEZ CISNEROS acting pursuant to a Conspiracy to Commit
4 Robbery and/or Murder.

5 COUNT 11 - POSSESSION OF FIREARM BY EX-FELON

6 Defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez, did, on or about the
7 28th day of June, 1999, then and there wilfully, unlawfully, and feloniously own or have in his
8 possession, or under his control, a weapon, to-wit: Norinco Mak 90 assault rifle, bearing Serial
9 No. 616488, the said JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez being an ex-felon,
10 having in February, 1991, been convicted of Conspiracy to Possess With Intent to Distribute
11 Cocaine, Distribution of Cocaine, Possession of Cocaine With Intent to Distribute, and Assault
12 Upon Federal Officers, in the United States District Court for the District of Nevada, in Case No.
13 CR-S-90-164-PMP (LRL), a felony under the laws of the State of Nevada.

14 COUNT 12 - POSSESSION OF FIREARM BY EX-FELON

15 Defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez, did, on or about the
16 28th day of June, 1999, then and there wilfully, unlawfully, and feloniously own or have in his
17 possession, or under his control, a weapon, to-wit: Glock Model 21 semi-automatic firearm,
18 bearing Serial No. CMZ184US, the said JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-
19 Perez being an ex-felon, having in February, 1991, been convicted of Conspiracy to Possess
20 With Intent to Distribute Cocaine, Distribution of Cocaine, Possession of Cocaine With Intent
21 to Distribute, and Assault Upon Federal Officers, in the United States District Court for the
22 District of Nevada, in Case No. CR-S-90-164-PMP (LRL), a felony under the laws of the State
23 of Nevada.

24 COUNT 13 - POSSESSION OF STOLEN VEHICLE

25 did, on or about the 28th day of June, 1999, then and there wilfully, unlawfully, and
26 feloniously possess a stolen motor vehicle wrongfully taken from CURTIS YVONNE LEWIS,
27 while in the possession of KENNETH PANIELLO, to-wit: a 1995 Isuzu Rodeo, bearing
28 VIN#4S2CG58V5S4302390, and stolen Nevada License Plate No. 294-HNS, which Defendant

1 knew, or had reason to believe, had been stolen.

2 **COUNT 14 - BURGLARY WHILE IN POSSESSION OF A FIREARM**

3 did, on or about the 11th day of October, 1999, then and there wilfully, unlawfully, and
4 feloniously enter, with intent to commit robbery and/or murder, while in possession of a firearm,
5 that certain building occupied by MANDALAY BAY HOTEL, located at 3950 Las Vegas
6 Boulevard South, Las Vegas, Clark County, Nevada.

7 **COUNT 15 - POSSESSION OF FIREARM BY EX-FELON**

8 Defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez, did, on or about the
9 11th day of October, 1999, then and there wilfully, unlawfully, and feloniously own or have in
10 his possession, or under his control, a weapon, to-wit: firearms, the said JOSE MANUEL
11 VIGOA, aka Jose Manuel Vigoa-Perez being an ex-felon, having in February, 1991, been
12 convicted of Conspiracy to Possess With Intent to Distribute Cocaine, Distribution of Cocaine,
13 Possession of Cocaine With Intent to Distribute, and Assault Upon Federal Officers, in the
14 United States District Court for the District of Nevada, in Case No. CR-S-90-164-PMP (LRL),
15 a felony under the laws of the State of Nevada.

16 **COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON**

17 did, on or about the 11th day of October, 1999, then and there wilfully, unlawfully, and
18 feloniously take personal property, to-wit: U.S. Currency and Smith & Wesson .38 caliber
19 revolver, bearing Serial No. CCT5873, from the person of KYLE CARNEY, or in his presence,
20 by means of force or violence, or fear of injury to, and without the consent and against the will
21 of the said KYLE CARNEY, said Defendant using a deadly weapon, to-wit: a firearm, during
22 the commission of said crime; Defendant and OSCAR SANCHEZ CISNEROS aiding or
23 abetting each other in the commission of said acts by acting in concert with each other; and/or
24 being present before during and after said crime; and/or Defendant and OSCAR SANCHEZ
25 CISNEROS, directly or indirectly counseling, encouraging, assisting, commanding, inducing or
26 supervising the actions of the other; and/or Defendant and OSCAR SANCHEZ CISNEROS
27 acting pursuant to a Conspiracy to Commit Robbery and/or Murder.

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1 COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON

2 did, on or about the 11th day of October, 1999, then and there wilfully, unlawfully, and
3 feloniously take personal property, to-wit: U.S. Currency and Smith & Wesson .40 caliber
4 revolver firearm, bearing Serial No. EKZ8317, from the person of KENNETH HUDERSKI, or
5 in his presence, by means of force or violence, or fear of injury to, and without the consent and
6 against the will of the said KENNETH HUDERSKI, said Defendant using a deadly weapon, to-
7 wit: a firearm, during the commission of said crime; Defendant and OSCAR SANCHEZ
8 CISNEROS aiding or abetting each other in the commission of said acts by acting in concert
9 with each other, and/or being present before during and after said crime; and/or Defendant and
10 OSCAR SANCHEZ CISNEROS, directly or indirectly counseling, encouraging, assisting,
11 commanding, inducing or supervising the actions of the other, and/or Defendant and OSCAR
12 SANCHEZ CISNEROS acting pursuant to a Conspiracy to Commit Robbery and/or Murder.

13 COUNT 18 - POSSESSION OF STOLEN VEHICLE

14 did, on or about the 11th day of October, 1999, then and there wilfully, unlawfully, and
15 feloniously possess a stolen motor vehicle wrongfully taken from THRIFTY CAR RENTAL,
16 376 Warm Springs Road, Las Vegas, Clark County, Nevada, to-wit: a 1999 Jeep Grand
17 Cherokee, bearing VIN#1J4GW58S1XC619922, and stolen California License Plate #4FNR022,
18 which Defendant knew, or had reason to believe, had been stolen.

19 COUNT 19 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (OPEN
20 MURDER)

21 did, on or about March 3, 2000, then and there, without authority of law, with malice
22 aforethought and premeditation and deliberation and/or by means of lying in wait and/or during
23 the perpetration or attempted perpetration of Robbery, wilfully and feloniously kill RICHARD
24 SAMAYOA SOSA, a human being, by shooting at and into the body of RICHARD SAMAYOA
25 SOSA, said Defendant using a deadly weapon, to-wit: a Norinco Mak 90 assault rifle bearing
26 serial #616488 and/or Smith and Wesson .38 caliber firearm bearing serial # CCT5873, during
27 the commission of said crime, defendant JOSE MANUEL VIGO, aka Jose Manuel Vigoa-
28 Perez, directly committing said acts and/or Defendant, OSCAR SANCHEZ CISNEROS and

1 LUIS SUAREZ aiding or abetting each other in the commission of said acts by acting in concert
2 with each other; and/or Defendant, OSCAR SANCHEZ CISNEROS AND LUIS SUAREZ
3 being present before, during and after said crime; and/or Defendant, OSCAR SANCHEZ
4 CISNEROS AND LUIS SUAREZ directly or indirectly counseling, encouraging, assisting,
5 commanding, inducing or supervising the actions of the other; and/or Defendant, OSCAR
6 SANCHEZ CISNEROS AND LUIS SUAREZ acting pursuant to a Conspiracy to Commit
7 Robbery and/or Murder.

8 **COUNT 20 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (OPEN**
9 **MURDER)**

10 did, on or about March 3, 2000, then and there, without authority of law, with malice
11 aforethought and premeditation and/or by means of lying in wait and/or during the perpetration
12 or attempted perpetration of Robbery, wilfully and feloniously kill GARY DEAN PRESTIDGE,
13 a human being, by shooting at and into the body of GARY DEAN PRESTIDGE, said Defendant
14 using a deadly weapon, to-wit: a Norinco Mak 90 assault rifle bearing serial #616488 and/or
15 Smith and Wesson .38 caliber firearm bearing serial # CCT5873, during the commission of said
16 crime, defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez, directly committing
17 said acts and/or Defendant, OSCAR SANCHEZ CISNEROS and LUIS SUAREZ aiding or
18 abetting each other in the commission of said acts by acting in concert with each other; and/or
19 Defendant, OSCAR SANCHEZ CISNEROS AND LUIS SUAREZ being present before, during
20 and after said crime; and/or Defendant, OSCAR SANCHEZ CISNEROS AND LUIS SUAREZ
21 directly or indirectly counseling, encouraging, assisting, commanding, inducing or supervising
22 the actions of the other; and/or Defendant, OSCAR SANCHEZ CISNEROS AND LUIS
23 SUAREZ acting pursuant to a Conspiracy to Commit Robbery and/or Murder.

24 **COUNT 21 - ROBBERY WITH USE OF A DEADLY WEAPON**

25 did, on or about the 3rd day of March, 2000, then and there wilfully, unlawfully, and
26 feloniously take personal property, to-wit: U.S. Currency, from the person of RICHARD
27 SAMAYOA SOSA, or in his presence, by means of force or violence, or fear of injury to, and
28 without the consent and against the will of the said RICHARD SAMAYOA SOSA, said

1 Defendant using a deadly weapon, to-wit: a Norinco Mak 90 assault rifle, bearing Serial No.
2 616488 and/or Smith & Wesson .38 caliber revolver bearing Serial No. CCT5873, during the
3 commission of said crime; Defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez
4 directly committing said acts and/or Defendant, OSCAR SANCHEZ CISNEROS and LUIS
5 SUAREZ aiding or abetting each other in the commission of said acts by acting in concert with
6 each other; and/or Defendant, OSCAR SANCHEZ CISNEROS AND LUIS SUAREZ being
7 present before, during and after said crime; and/or Defendant, OSCAR SANCHEZ CISNEROS
8 AND LUIS SUAREZ directly or indirectly counseling, encouraging, assisting, commanding,
9 inducing or supervising the actions of the other; and/or Defendant, OSCAR SANCHEZ
10 CISNEROS AND LUIS SUAREZ acting pursuant to a Conspiracy to Commit Robbery and/or
11 Murder.

12 COUNT 22 - ROBBERY WITH USE OF A DEADLY WEAPON

13 did, on or about the 3rd day of March, 2000, then and there wilfully, unlawfully, and
14 feloniously take personal property, to-wit: U.S. Currency, from the person of GARY DEAN
15 PRESTIDGE, or in his presence, by means of force or violence, or fear of injury to, and without
16 the consent and against the will of the said GARY DEAN PRESTIDGE, said Defendant using
17 a deadly weapon, to-wit: a Norinco Mak 90 assault rifle, bearing Serial No. 616488 and/or Smith
18 & Wesson .38 caliber revolver bearing Serial No. CCT5873, during the commission of said
19 crime; Defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez directly committing
20 said acts and/or Defendant, OSCAR SANCHEZ CISNEROS and LUIS SUAREZ aiding or
21 abetting each other in the commission of said acts by acting in concert with each other; and/or
22 Defendant, OSCAR SANCHEZ CISNEROS AND LUIS SUAREZ being present before, during
23 and after said crime; and/or Defendant, OSCAR SANCHEZ CISNEROS AND LUIS SUAREZ
24 directly or indirectly counseling, encouraging, assisting, commanding, inducing or supervising
25 the actions of the other; and/or Defendant, OSCAR SANCHEZ CISNEROS AND LUIS
26 SUAREZ acting pursuant to a Conspiracy to Commit Robbery and/or Murder.

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1 COUNT 23 - POSSESSION OF FIREARM BY EX-FELON

2 Defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez, did, on or about the
3 3rd day of March, 2000, then and there wilfully, unlawfully, and feloniously own or have in his
4 possession, or under his control, a weapon, to-wit: a Norinco Mak 90 assault rifle, bearing Serial
5 No. 616488, the said JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez being an ex-felon,
6 having in February, 1991, been convicted of Conspiracy to Possess With Intent to Distribute
7 Cocaine, Distribution of Cocaine, Possession of Cocaine With Intent to Distribute, and Assault
8 Upon Federal Officers, in the United States District Court for the District of Nevada, in Case No.
9 CR-S-90-164-PMP (LRL), a felony under the laws of the State of Nevada.

10 COUNT 24 - POSSESSION OF FIREARM BY EX-FELON

11 Defendant JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez, did, on or about the
12 3rd day of March, 2000, then and there wilfully, unlawfully, and feloniously own or have in his
13 possession, or under his control, a weapon, to-wit: a Smith & Wesson .38 Caliber revolver,
14 bearing Serial No. CCT5873, the said JOSE MANUEL VIGOA, aka Jose Manuel Vigoa-Perez
15 being an ex-felon, having in February, 1991, been convicted of Conspiracy to Possess With
16 Intent to Distribute Cocaine, Distribution of Cocaine, Possession of Cocaine With Intent to
17 Distribute, and Assault Upon Federal Officers, in the United States District Court for the District
18 of Nevada, in Case No. CR-S-90-164-PMP (LRL), a felony under the laws of the State of
19 Nevada.

20 COUNT 25 - POSSESSION OF STOLEN VEHICLE

21 did, on or about the 3rd day of March, 2000, then and there wilfully, unlawfully, and
22 feloniously possess a stolen motor vehicle wrongfully taken from THRIFTY CAR RENTAL,
23 376 Warm Springs Road, Las Vegas, Clark County, Nevada, to-wit: a 2000 Plymouth Voyager,
24 bearing VIN#1P4GP45G8YB529568, and stolen Arizona License Plate No. 184-DZS., which
25 Defendant knew, or had reason to believe, had been stolen.

26 COUNT 26 - POSSESSION OF STOLEN VEHICLE

27 did, on or about the 3rd day of March, 2000, then and there wilfully, unlawfully, and
28 feloniously possess a stolen motor vehicle wrongfully taken from THRIFTY CAR RENTAL,

1 376 Warm Springs Road, Las Vegas, Clark County, Nevada, to-wit: a 2000 Plymouth Voyager,
2 bearing VIN#1P4GP45G1YB527029, and stolen Utah License Plate No. 690-KRG, which
3 Defendant knew, or had reason to believe, had been stolen.

4 **COUNT 27 - POSSESSION OF STOLEN VEHICLE**

5 did, on or about the 3rd day of March, 2000, then and there wilfully, unlawfully, and
6 feloniously possess a stolen motor vehicle wrongfully taken from THRIFTY CAR RENTAL,
7 376 Warm Springs Road, Las Vegas, Clark County, Nevada, to-wit: a 2000 Dodge Intrepid,
8 bearing VIN#2B3HD46R6YH128532, and stolen Utah License Plate No. 992-KNY, which
9 Defendant knew, or had reason to believe, had been stolen.

10 **COUNT 28 - CONSPIRACY TO COMMIT BURGLARY**

11 did, on or about June 3, 2000, then and there meet with each other and an unknown
12 individual and between themselves, and each of them with the other, wilfully and unlawfully,
13 conspire and agree to commit a crime, to-wit: burglary, and in furtherance of said conspiracy,
14 Defendant and OSCAR SANCHEZ CISNEROS did, together with the unknown individual,
15 commit the acts as set forth in Count 23, said acts being incorporated by this reference as though
16 fully set forth herein.

17 **COUNT 29 - BURGLARY WHILE IN POSSESSION OF A FIREARM**

18 did, on or about June 3, 2000, together with an unknown individual, then and there
19 wilfully, unlawfully, and feloniously enter, while in possession of a firearm, with intent to
20 commit larceny, that certain building occupied by BELLAGIO HOTEL & CASINO, located at
21 3600 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada.

22 **COUNT 30 - CONSPIRACY TO COMMIT ROBBERY**

23 did, on or about June 3, 2000, then and there meet with each other and an unknown
24 individual and between themselves, and each of them with the other, wilfully, unlawfully, and
25 feloniously, conspire and agree to commit a crime, to-wit: robbery, and in furtherance of said
26 conspiracy, Defendant and OSCAR SANCHEZ CISNEROS did, together with the unknown
27 individual, commit the acts as set forth in Counts 25 through 29, said acts being incorporated by
28 this reference as though fully set forth herein.

COUNT 31 - ROBBERY WITH USE OF A DEADLY WEAPON

did, on or about June 3, 2000, then and there wilfully, unlawfully, and feloniously take personal property, to-wit: lawful money of the United States, from the person of TERI M. POTTER, or in her presence, by means of force or violence, or fear of injury to, and without the consent and against the will of the said TERI M. POTTER, said Defendant using a deadly weapon, to-wit: firearms, during the commission of said crime; the said Defendant, and the unknown individual aiding or abetting each other through counsel and encourage and/or conspiring among each other whereby the Defendant and OSCAR SANCHEZ CISNEROS are vicariously liable for the actions of the others, and by entering into a course of conduct whereby the Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual arrived together at the BELLAGIO HOTEL & CASINO where Defendant JOSE MANUEL VIGOA acted as a lookout outside the casino cage while OSCAR CISNEROS SANCHEZ, aka Oscar Sanchez Cisneros and the unknown individual entered the said cage to take money; thereafter the said Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual left together; the said Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual acting in concert throughout the commission of the said crime.

COUNT 32 - ROBBERY WITH USE OF A DEADLY WEAPON

did, on or about June 3, 2000, then and there wilfully, unlawfully, and feloniously take personal property, to-wit: lawful money of the United States, from the person of DAVID JOHN BURTON, or in his presence, by means of force or violence, or fear of injury to, and without the consent and against the will of the said DAVID JOHN BURTON, said Defendant and OSCAR SANCHEZ CISNEROS using a deadly weapon, to-wit: firearms, during the commission of said crime; the said Defendant and OSCAR SANCHEZ CISNEROS and the unknown individual aiding or abetting each other through counsel and encourage and/or conspiring among each other whereby the Defendant and OSCAR SANCHEZ CISNEROS are vicariously liable for the actions of the others, and by entering into a course of conduct whereby the Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual arrived together at the BELLAGIO HOTEL & CASINO where Defendant JOSE MANUEL VIGOA acted as a lookout outside the

1 casino cage while OSCAR CISNEROS SANCHEZ, aka Oscar Sanchez Cisneros and the
2 unknown individual entered the said cage to take money; thereafter the said Defendant, OSCAR
3 SANCHEZ CISNEROS and the unknown individual left together; the said Defendant, OSCAR
4 SANCHEZ CISNEROS and the unknown individual acting in concert throughout the
5 commission of the said crime.

6 COUNT 33 - ROBBERY WITH USE OF A DEADLY WEAPON

7 did, on or about June 3, 2000, then and there wilfully, unlawfully, and feloniously take
8 personal property, to-wit: lawful money of the United States, from the person of HUEY ROTH,
9 or in his presence, by means of force or violence, or fear of injury to, and without the consent
10 and against the will of the said HUEY ROTH, said Defendant using a deadly weapon, to-wit:
11 firearms, during the commission of said crime; the said Defendant, OSCAR SANCHEZ
12 CISNEROS and the unknown individual aiding or abetting each other through counsel and
13 encourage and/or conspiring among each other whereby the Defendant and OSCAR SANCHEZ
14 CISNEROS are vicariously liable for the actions of the others, and by entering into a course of
15 conduct whereby the Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual
16 arrived together at the BELLAGIO HOTEL & CASINO where Defendant JOSE MANUEL
17 VIGOA acted as a lookout outside the casino cage while OSCAR CISNEROS SANCHEZ, aka
18 Oscar Sanchez Cisneros and the unknown individual entered the said cage to take money;
19 thereafter the said Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual left
20 together; the said Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual
21 acting in concert throughout the commission of the said crime.

22 COUNT 34 - ROBBERY WITH USE OF A DEADLY WEAPON

23 did, on or about June 3, 2000, then and there wilfully, unlawfully, and feloniously take
24 personal property, to-wit: lawful money of the United States, from the person of KYLE
25 RUEGG, or in her presence, by means of force or violence, or fear of injury to, and without the
26 consent and against the will of the said KYLE RUEGG, said Defendant using a deadly weapon,
27 to-wit: firearms, during the commission of said crime; the said Defendant, OSCAR SANCHEZ
28 CISNEROS and the unknown individual aiding or abetting each other through counsel and

1 encourage and/or conspiring among each other whereby the Defendant and OSCAR SANCHEZ
2 CISNEROS are vicariously liable for the actions of the others, and by entering into a course of
3 conduct whereby the Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual
4 arrived together at the BELLAGIO HOTEL & CASINO where Defendant JOSE MANUEL
5 VIGOA acted as a lookout outside the casino cage while OSCAR CISNEROS SANCHEZ, aka
6 Oscar Sanchez Cisneros and the unknown individual entered the said cage to take money;
7 thereafter the said Defendant, , OSCAR SANCHEZ CISNEROS and the unknown individual
8 left together; the said Defendant, OSCAR SANCHEZ CISNEROS and the unknown individual
9 acting in concert throughout the commission of the said crime.

10 **COUNT 35 - ROBBERY WITH USE OF A DEADLY WEAPON**

11 did, on or about June 3, 2000, then and there wilfully, unlawfully, and feloniously take
12 personal property, to-wit: lawful money of the United States, from the person of LAWANDA
13 TAYLOR, or in her presence, by means of force or violence, or fear of injury to, and without the
14 consent and against the will of the said LAWANDA TAYLOR, said Defendant using a deadly
15 weapon, to-wit: firearms, during the commission of said crime; the said Defendant, OSCAR
16 SANCHEZ CISNEROS and the unknown individual aiding or abetting each other through
17 counsel and encourage and/or conspiring among each other whereby the Defendant and OSCAR
18 SANCHEZ CISNEROS are vicariously liable for the actions of the others, and by entering into
19 a course of conduct whereby the Defendant, OSCAR SANCHEZ CISNEROS and the unknown
20 individual arrived together at the BELLAGIO HOTEL & CASINO where Defendant JOSE
21 MANUEL VIGOA acted as a lookout outside the cage booth while OSCAR CISNEROS
22 SANCHEZ, aka Oscar Sanchez Cisneros and the unknown individual entered the said cage to
23 take money; thereafter the said Defendant, OSCAR SANCHEZ CISNEROS and the unknown
24 individual left together; the said Defendant, OSCAR SANCHEZ CISNEROS and the unknown
25 individual acting in concert throughout the commission of the said crime.

26 **COUNT 36 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON**

27 did, on or about June 3, 2000, together with another unknown individual, then and there,
28 without authority of law, and with premeditation and deliberation, and with malice aforethought,

1 wilfully and feloniously attempt to kill HARRY CZERNIAK and/or AL HADGIS and/or
2 KEVIN CAMPBELL, human beings, by shooting at the said HARRY CZERNIAK and/or AL
3 HADGIS and/or KEVIN CAMPBELL, with a deadly weapon, to-wit: a firearm; in the
4 following manner, to-wit: by the said Defendant, OSCAR SANCHEZ CISNEROS and the
5 unknown individual aiding or abetting each other and/or conspiring among each other, whereby
6 the Defendant and OSCAR SANCHEZ CISNEROS are vicariously liable for the actions of the
7 others in the commission of the said crime by attempting to kill HARRY CZERNIAK and/or AL
8 HADGIS and/or KEVIN CAMPBELL in order to facilitate their escape.

9 COUNT 37 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

10 did, on or about June 3, 2000, together with another unknown individual, then and there,
11 without authority of law, and with premeditation and deliberation, and with malice aforethought,
12 wilfully and feloniously attempt to kill HARRY CZERNIAK and/or AL HADGIS and/or
13 KEVIN CAMPBELL, human beings, by shooting at the said HARRY CZERNIAK and/or AL
14 HADGIS and/or KEVIN CAMPBELL, with a deadly weapon, to-wit: a firearm; in the
15 following manner, to-wit: by the said Defendant, OSCAR SANCHEZ CISNEROS and the
16 unknown individual aiding or abetting each other and/or conspiring among each other, whereby
17 the Defendant and OSCAR SANCHEZ CISNEROS are vicariously liable for the actions of the
18 others in the commission of the said crime by attempting to kill HARRY CZERNIAK and/or AL
19 HADGIS and/or KEVIN CAMPBELL in order to facilitate their escape.

20 COUNT 38 - DISCHARGING FIREARM OUT OF MOTOR VEHICLE

21 did, on or about June 3, 2000, together with and unknown individual, aiding or abetting
22 and/or conspiring together whereby the Defendant and OSCAR SANCHEZ CISNEROS are
23 vicariously liable, then and there wilfully, unlawfully, and feloniously, while in a motor vehicle
24 within an area designated by City or County Ordinance as a populated area for the purpose of
25 prohibiting the discharge of weapons, maliciously or wantonly discharge, or cause a firearm to
26 be discharged out of the motor vehicle; either of the said defendants and/or the unknown
27 individual actually firing the firearm from a 1999 Dodge Caravan, bearing VIN
28 2B4GP45B1XR233387.

1 COUNT 39 - DISCHARGING FIREARM AT OR INTO VEHICLE

2 did, on or about June 3, 2000, together with an unknown individual, together with and
3 unknown individual, aiding or abetting and/or conspiring together whereby the Defendant and
4 OSCAR SANCHEZ CISNEROS are vicariously liable, then and there wilfully, unlawfully,
5 maliciously, and feloniously discharge a firearm at or into a 2000 Dodge Caravan, bearing
6 Nevada License No. 716KLV and/or VIN 2B4EP4432YR697949, said vehicle not having been
7 abandoned, located at 3600 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada; the
8 said vehicle occupied by HARRY CZERNIAK and/or AL HADGIS and/or KEVIN
9 CAMPBELL; either of the said Defendants and/or the unknown individual actually firing the
10 firearm from a 1999 Dodge Caravan, bearing VIN 2B4GP45B1XR233387.

11 COUNT 40 - POSSESSION OF STOLEN VEHICLE

12 did, on or about June 3, 2000, together with an unknown individual then, and there
13 wilfully, unlawfully, and feloniously possess a stolen motor vehicle wrongfully taken from
14 THRIFTY RENT-A-CAR, to-wit: a 1999 Dodge Caravan, bearing VIN 2B4GP45B1XR233387,
15 which Defendant knew, or had reason to believe, had been stolen.

16 COUNT 41 - POSSESSION OF STOLEN VEHICLE

17 did, on or about June 3, 2000, together with an unknown individual then, and there
18 wilfully, unlawfully, and feloniously possess a stolen motor vehicle wrongfully taken from
19 THRIFTY RENT-A-CAR, to-wit: a 1999 Jeep Cherokee, bearing VIN 1J4GW58S3XC619923,
20 which Defendant knew, or had reason to believe, had been stolen.

21 COUNT 42 - POSSESSION OF FIREARM BY EX-FELON

22 did, on or about June 3, 2000, then and there wilfully, unlawfully, and feloniously own
23 or have in his possession, or under his control, a weapon, to-wit: an unknown make of firearm,
24 the said JOSE MANUEL VIGOA being an ex-felon, having in 1991, by the Federal Courts, been
25 convicted of Assault on Federal Officers and/or Possession of Cocaine with Intent to Distribute
26 and/or Distribution of Cocaine and/or Conspiracy to Distribute Cocaine, felonies under the laws
27 of the United States.

28 ///

1 COUNT 43 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER

2 did, on or about June 7, 2000, while driving a motor vehicle, to-wit: a 1999 Nissan
3 Pathfinder, bearing Nevada License No. 171JLZ, from Pecos and Patrick at or near 4375 Sunset,
4 Clark County, Nevada, wilfully, unlawfully, and feloniously fail or refuse to bring said vehicle
5 to a stop, or otherwise flee or attempt to elude a peace officer in a readily identifiable vehicle of
6 any police department or regulatory agency, to-wit: DET. R. ROGERS and/or DET. G.
7 SHERWOOD and/or other representatives of the Las Vegas Metropolitan Police Department,
8 after being given a signal to bring the vehicle to a stop, operate said motor vehicle in a manner
9 which endangered, or was likely to endanger any person other than himself, or the property of
10 any person other than himself.

11 COUNT 44 - CHILD ENDANGERMENT

12 did, on or about June 7, 2000, wilfully, unlawfully, and knowingly neglect, cause, or
13 permit a child under the age of 18 years, to-wit: DUNA VIGOA, being approximately 12 years
14 of age, to suffer unjustifiable physical pain, or mental suffering, or by permitting the said DUNA
15 VIGOA to be placed in a situation where she might have suffered unjustifiable physical pain or
16 mental suffering, by the said Defendant failing to yield to police vehicles, racing in his 1999
17 Nissan Pathfinder in speeds exceeding 100 miles per hour and eventually wrecking the vehicle
18 while his daughter was a passenger in the said vehicle.

19 COUNT 45 - CONSPIRACY TO ESCAPE

20 did, on or between January 1, 2002, and June 3, 2002, then and there meet with
21 unidentified individuals, and each of them with the other, wilfully and unlawfully conspire and
22 agree to commit the crime of Escape, and in furtherance of said Conspiracy, defendant did
23 commit the acts as set forth in Counts II, said acts being incorporated by this reference as though
24 fully set forth herein.


25 COUNT 46 - ATTEMPT ESCAPE

26 did, on or between January 1, 2002, and June 3, 2002, then and there, without authority
27 of law, wilfully, unlawfully, and feloniously commit a felony in the following manner, to-wit:
28 escape, or attempt to escape, from the lawful custody of the Clark County Detention Center,



1 while he, the said defendant, was being held by the Clark County Detention Center on Felony
2 charges, to-wit: Conspiracy to Commit Robbery And/or Murder, Burglary While in Possession
3 of a Firearm, Robbery with Use of a Deadly Weapon, Attempt Murder with Use of a Deadly
4 Weapon, Attempt Robbery with Use of a Deadly Weapon, Possession of Stolen Vehicle and
5 Murder with Use of a Deadly Weapon, in the following manner, to-wit: by preparing or
6 possessing a written escape plan setting forth a blueprint of the jail and the method of escape
7 and/or fashioning a tool made from a metal mirror frame, breaking a metal plate covering the
8 cell window and using said tool to chisel a hole in the window.

9 STEWART L. BELL
10 DISTRICT ATTORNEY
Nevada Bar #000477

11
12 BY 
13 DAVID J.J. ROGER
14 Chief Deputy District Attorney
Nevada Bar #002781

15
16
17
18
19
20
21
22 DA#01F09354A/kjk
23 LVMPD EV#9809200888;9906280741;
24 9910110682;0003030900; 0006072010;
0006030517; 0006090878; 0006030517;
0206032216; HPD EV#00-4373
25 CONSP ROBB/MURDER; BURG W/FA;
26 POSS F/A BY EX-FEL; ROBB W/WPN;
27 PSV; ATT MURDER W/WPN; ATT
ROBB W/WPN; MURDER W/WPN;
28 CONSP BURG; DISCH F/A OUT/I MV;
PSV; EVAD; ENDANGERMENT; PFEF;
CONSP ESCAPE; ATT ESCAPE - F/GM
(TK4)

EXHIBIT A6

EXHIBIT A6

ORIGINAL

FILED IN OPEN COURT

NOV 06 2002

SHIRLEY B. PARRAGUIRRE, CLERK

BY *Dorothy Kelly*

DOROTHY KELLY DEPUTY

1 GMEM

2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 South Third Street
6 Las Vegas, NV 89155-2211
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 MATTHEW SCOTT FRENN,
11 #1692905

12 Defendant.

CASE NO: C178954
DEPT NO: IV

13 **GUILTY PLEA AGREEMENT**

14 I hereby agree to plead guilty to: COUNTS 1 & 2 - FIRST DEGREE MURDER
15 WITH USE OF A DEADLY WEAPON (Felony - 200.010, 200.030, 193.165), as more
16 fully alleged in the charging document attached hereto as Exhibit "1".

17 My decision to plead guilty is based upon the plea agreement in this case which is as
18 follows:

19 The State and Defendant stipulate to four (4) consecutive sentences of Life Without
the Possibility of Parole.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of
the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty the Court must sentence me to
imprisonment in the Nevada State Prison as to each Count for Life Without Possibility of
Parole; or Life With Possibility of Parole with eligibility for parole beginning at 20 yrs (240
months); or a definite term of 50 yrs (600 months) with eligibility for parole beginning at 20
yrs (240 months). I understand that the law requires me to pay an Administrative

FILED

NOV 06 2002

CLERK

1 **Assessment Fee.**

2 I understand that, if appropriate, I will be ordered to make restitution to the victim of
3 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
4 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
5 reimburse the State of Nevada for any expenses related to my extradition, if any.

6 I understand that I am ^{not} eligible for probation for the offense to which I am pleading
7 guilty. I understand that, except as otherwise provided by statute, the question of whether I
8 receive probation is in the discretion of the sentencing judge.

9 I understand that if more than one sentence of imprisonment is imposed and I am
10 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
11 the sentences served concurrently or consecutively.

12 I also understand that information regarding charges not filed, dismissed charges, or
13 charges to be dismissed pursuant to this agreement may be considered by the judge at
14 sentencing.

15 I have not been promised or guaranteed any particular sentence by anyone. I know
16 that my sentence is to be determined by the Court within the limits prescribed by statute.

17 I understand that if my attorney or the State of Nevada or both recommend any
18 specific punishment to the Court, the Court is not obligated to accept the recommendation.

19 I understand that if the State of Nevada has agreed to recommend or stipulate a
20 particular sentence or has agreed not to present argument regarding the sentence, or agreed
21 not to oppose a particular sentence, such agreement is contingent upon my appearance in
22 court on the initial sentencing date (and any subsequent dates if the sentencing is continued).

23 I understand that if I fail to appear for the scheduled sentencing date or I commit a new
24 criminal offense prior to sentencing the State of Nevada would regain the full right to argue
25 for any lawful sentence.

26 I understand if the offense(s) to which I am pleading guilty to was committed while I
27 was incarcerated on another charge or while I was on probation or parole that I am not
28 eligible for credit for time served toward the instant offense(s).

1 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
2 United States, I may, in addition to other consequences provided for by federal law, be
3 removed, deported, excluded from entry into the United States or denied naturalization.

4 I understand that the Division of Parole and Probation will prepare a report for the
5 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
6 sentencing, including my criminal history. This report may contain hearsay information
7 regarding my background and criminal history. My attorney and I will each have the
8 opportunity to comment on the information contained in the report at the time of sentencing.
9 Unless the District Attorney has specifically agreed otherwise, then the District Attorney
10 may also comment on this report.

11 WAIVER OF RIGHTS

12 By entering my plea of guilty, I understand that I am waiving and forever giving up
13 the following rights and privileges:

14 1. The constitutional privilege against self-incrimination, including the right to refuse
15 to testify at trial, in which event the prosecution would not be allowed to comment to the
16 jury about my refusal to testify.

17 2. The constitutional right to a speedy and public trial by an impartial jury, free of
18 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
19 assistance of an attorney, either appointed or retained. At trial the State would bear the
20 burden of proving beyond a reasonable doubt each element of the offense charged.

21 3. The constitutional right to confront and cross-examine any witnesses who would
22 testify against me.

23 4. The constitutional right to subpoena witnesses to testify on my behalf.

24 5. The constitutional right to testify in my own defense.

25 6. The right to appeal the conviction, with the assistance of an attorney, either
26 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
27 or other grounds that challenge the legality of the proceedings and except as otherwise
28 provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.


I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 15th day of NOVEMBER, 2002.


MATTHEW SCOTT FRENN
Defendant

AGREED TO BY:


DAVID P. SCHWARTZ
Chief Deputy District Attorney
Nevada Bar #000398

1 **CERTIFICATE OF COUNSEL:**

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 to which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are
9 consistent with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs
17 1 and 2 above.

18 Dated: This 1 day of ~~October~~ ^{November}, 2002

19 
20 ATTORNEY FOR DEFENDANT

21
22
23
24
25
26
27
28 kjk

1 IND
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff
9

ORIGINAL

FILED

OCT 17 12 52 PM '01

Linda B. Higgins
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11
12 Plaintiff,

-vs-

13 MATHEW SCOTT FRENN,
14 #1692905

15 Defendant(s).
16

Case No. C178954
Dept. No. IV

INDICTMENT

17 STATE OF NEVADA
18 }
19 COUNTY OF CLARK } ss.

20 The Defendant(s) above named, MATHEW SCOTT FRENN, accused by the Clark
21 County Grand Jury of the crime of MURDER WITH USE OF A DEADLY WEAPON
22 (Felony - NRS 200.010, 200.030, 193.165), committed at and within the County of Clark, State
23 of Nevada, on or between June 1, 2001 and July 15, 2001, as follows:

24 COUNT I

25 did then and there wilfully, unlawfully, feloniously, and without authority of law, and
26 with malice aforethought, kill DOROTHY JACKSON, a human being, in the following manner,
27 to wit; by striking the said DOROTHY JACKSON about the head and/or body with a bludgeon
28 device consisting of a hammer and/or a wooden stick and/or an unknown object and/or did stab

EXHIBIT " 1 "

1 at and into the body of DOROTHY JACKSON with a knife, the said actions of the Defendant
2 resulting in the death of the said DOROTHY JACKSON; the Defendant being responsible
3 under one or more of the following principles of criminal liability, to-wit: (1) by having
4 premeditation and deliberation in its commission; and/or (2) the killing occurring during the
5 perpetration or attempted perpetration of robbery; and/or (3) by the said Defendant engaging
6 in a course of conduct whereby the killing occurred during the commission of an unlawful act,
7 which, in its consequences, naturally tended to destroy the life of a human being, or was
8 committed in the prosecution of felonious intent, by the said Defendant committing a battery
9 and/or battery with a deadly weapon upon the body of the said DOROTHY JACKSON causing
10 the death of the said DOROTHY JACKSON.

11 **COUNT II - MURDER WITH USE OF A DEADLY WEAPON**

12 did then and there wilfully, unlawfully, feloniously, and without authority of law, and
13 with malice aforethought, kill LEE JACKSON, a human being, in the following manner, to wit;
14 by striking the said LEE JACKSON about the head and/or body with a bludgeon device
15 consisting of a hammer and/or a wooden stick and/or an unknown object and/or did stab at and
16 into the body of LEE JACKSON with a knife, the said actions of the Defendant resulting in the
17 death of the said LEE JACKSON; the Defendant being responsible under one or more of the
18 following principles of criminal liability, to-wit: (1) by having premeditation and deliberation
19 in its commission; and/or (2) the killing occurring during the perpetration or attempted
20 perpetration of robbery; and/or (3) by the said Defendant engaging in a course of conduct
21 whereby the killing occurred during the commission of an unlawful act, which, in its

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1 consequences, naturally tended to destroy the life of a human being, or was committed in the
2 prosecution of felonious intent, by the said Defendant committing a battery and/or battery with
3 a deadly weapon upon the body of the said LEE JACKSON causing the death of the said LEE
4 JACKSON.

5 DATED this 16th day of October, 2001.

6 STEWART L. BELL
7 DISTRICT ATTORNEY
8 Nevada Bar #000477

9 BY David J.J. Roger
10 DAVID J.J. ROGER
11 Chief Deputy District Attorney
Nevada Bar #002781

12 ENDORSEMENT: A True Bill

13 Henry J. Cannon
14 Foreperson, Clark County Grand Jury
15
16
17

18 //

19 //

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Names of witnesses testifying before the Grand Jury:

- 1
- 2 REXENE WORRELL, 1704 PINTO LANE, LV, NV
- 3 ALICE MACEO, HENDERSON POLICE DEPT/CRIME SCENE ANALYST
- 4 KELLY JACKSON, C/O DISTRICT ATTORNEY'S OFFICE
- 5 TYRONE JACKSON, C/O DISTRICT ATTORNEY'S OFFICE
- 6 DET. LOUIS MARTINEZ, SAN ANTONIO POLICE DEPT., SAN ANTONIO, TX
- 7
- 8

Additional witnesses known to the District Attorney at the filing of the Indictment:

- 9
- 10 TENILLE SCHNEPP, 13 BOOK WAGON ST., HENDERSON, NV
- 11 BRIAN SCHNEPP, 13 BOOK WAGON ST., HENDERSON, NV
- 12 JUDE TOMALON, 9 BOOK WAGON ST., HENDERSON, NV
- 13 ARCENIA TOMALON, 9 BOOK WAGON ST., HENDERSON, NV
- 14 DONNA LUCERO, 16 BOOK WAGON ST., HENDERSON, NV
- 15 KEVIN RUTH, 16 BOOK WAGON ST., HENDERSON, NV
- 16 INGRID CHAPUT, 12 BOOK WAGON ST., HENDERSON, NV
- 17 MAIDA KAHAI, 10 BOOK WAGON ST., HENDERSON, NV
- 18 JOE KAHAI, 10 BOOK WAGON ST., HENDERSON, NV
- 19 DONNA MARTIN, 1101 SUNSET RD., HENDERSON, NV
- 20 OFFICER D. CICCONE, HPD #1005
- 21 OFFICER E. BUCK, HPD #1015
- 22 R. WORKMAN, HPD #1014
- 23 M. MATTA, HPD #1046
- 24 D. JONES, HPD #265
- 25 G. SMITH, HPD #27
- 26 L. GIBSON, HPD #323
- 27 G. COLLINS, HPD #324
- 28 H. MANCILLAS, HPD #361

1 T. WELLMAN, HPD #381
2 J. BROOKS, HPD #607
3 B. FLATT, HPD #680
4 K. SIMPSON, HPD #689
5 F. BENJAMINS, HPD #720
6 G. EDWARDS, HPD #748
7 D. HAMPTON, HPD #793
8 S. DAVIS, LVMPD #4923
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27 00BGJ112X/01FH1293X
28 HENDERSON PD EV# 0118034
MURDER WDW - F

EXHIBIT A7

EXHIBIT A7

ORIGINAL

1 JOC
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

Plaintiff,

-vs-

11 JEREMY STROHMEYER,
12 #1507326

Defendant.

Case No. C144577
Dept. No. XII
Docket R

JUDGMENT OF CONVICTION (PLEA)

16 WHEREAS, on the 8th day of September, 1998, the Defendant JEREMY
17 STROHMEYER, appeared before the Court herein with his counsel and entered a plea of guilty
18 to the crime(s) of COUNT I - FIRST DEGREE MURDER (Felony); COUNT II - FIRST
19 DEGREE KIDNAPPING (Felony); COUNT III - SEXUAL ASSAULT WITH A MINOR
20 UNDER SIXTEEN YEARS OF AGE WITH SUBSTANTIAL BODILY HARM (Felony);
21 COUNT IV - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
22 (Felony), committed on the 25th day of May, 1997, in violation of NRS 200.010, 200.030,
23 200.310, 200.320, 200.364, 200.366, 0.060 and

24 WHEREAS, thereafter on the 14th day of October, 1998, the Defendant being present
25 in court with his counsel RICHARD WRIGHT, ESQ. and LESLIE ABRAMSON, ESQ., and
26 STEWART BELL, District Attorney, and WILLIAM T. KOOT, Chief Deputy District Attorney,
27 also being present; the above entitled Court did adjudge the Defendant guilty thereof by reason
28 of his plea of guilty and, in addition to the \$25.00 Administrative Assessment Fee, sentenced

CE-05

NOV 06 1998

1 Defendant to the Nevada Department of Prisons as follows:

2 COUNT I - FIRST DEGREE MURDER: LIFE WITHOUT THE POSSIBILITY OF
3 PAROLE and pay restitution in the amount of \$9,422.00 and extradition costs in the amount of
4 \$629.12;

5 COUNT II - FIRST DEGREE KIDNAPPING: LIFE WITHOUT THE POSSIBILITY OF
6 PAROLE, to be served consecutive to the sentence imposed in Count I;

7 COUNT III - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF
8 AGE WITH SUBSTANTIAL BODILY HARM: LIFE WITHOUT THE POSSIBILITY OF
9 PAROLE, to be served consecutive to the sentences imposed in Counts I and II;

10 COUNT IV - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF
11 AGE: LIFE WITH THE POSSIBILITY OF PAROLE, with parole eligibility after TWENTY
12 (20) years has been served, said sentence to be served consecutive to the sentences imposed in
13 Counts I, II and III

14 The Defendant will submit to a test for the purpose of determining genetic markers and
15 pay a \$250.00 Analysis Fee to the Clark County Clerk. Credit for time served 504 days.

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

18 DATED this 29th day of October, 1998, in the City of Las Vegas, County of Clark,
19 State of Nevada.

20
21 
22 DISTRICT JUDGE
23
24
25

26 DA#97-144577X/kjh
27 LVMPD EV#9705250452
28 1° MURDER; 1° KIDNAP;
SEX ASSLT W/MINOR W/SBH;
SEX ASSLT W/MINOR - F
(TK7)

EXHIBIT A8

EXHIBIT A8

ORIGINAL

1 **GMEM**
2 **STEWART L. BELL**
3 **DISTRICT ATTORNEY**
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

FILED IN OPEN COURT

September 6 19 98
LORETTA BOWMAN, CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA BY Sue Deaton
SUE DEATON Deputy

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 JEREMY STROHMEYER,
12 #1507326

13 Defendant.
14

Case No. C144577X
Dept. No. XII
Docket R

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: FIRST DEGREE MURDER, FIRST DEGREE
17 KIDNAPING, SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
18 WITH SUBSTANTIAL BODILY HARM and SEXUAL ASSAULT WITH A MINOR UNDER
19 SIXTEEN YEARS OF AGE, COUNTS I, II, III and IV, as more fully alleged in the charging
20 document attached hereto as Exhibit "1".

21 Other than the potential death penalty as to Count I, the Defendant agrees to stipulate to
22 the maximum sentences otherwise provided by law and that all four (4) sentences shall run
23 consecutive to each other.

24 In that regard, the sentence for Count I, First Degree Murder, pursuant to NRS 200.030
25 4(g)(1), shall be Life Without the Possibility of Parole.

26 The sentence for Count II, First Degree Kidnaping, pursuant to NRS 200.320(1)(a), shall
27 be Life Without the Possibility of Parole, to run consecutive to the sentence imposed for Count
28 1.

1 The sentence for Count III, Sexual Assault With a Minor Under Sixteen Years of Age
2 With Substantial Bodily Harm, pursuant to NRS 200.366(2)(a)(1), shall be Life Without the
3 Possibility of Parole, to run consecutive to the sentences imposed for Counts I and II.

4 The sentence for Count IV, Sexual Assault With a Minor Under Sixteen Years of Age,
5 pursuant to NRS 200.366(3)(g)(1), shall be Life With the Possibility of Parole after a minimum
6 of Twenty (20) years served, to run consecutive to the sentences imposed for Counts I, II and
7 III.

8 Notwithstanding the theoretical parole eligibility as to Count IV, I understand that due
9 to the sentences to be imposed for Counts I, II and III, I shall never be eligible for parole.

10 The State agrees to withdraw the Notice of Intent to Seek Death.

11 The Defendant understands and agrees that by his plea of guilty, he now and forever
12 waives any and all opportunity in the future to litigate or relitigate, any and all legal and factual
13 issues raised prior to his plea of guilty.

14 CONSEQUENCES OF THE PLEA

15 I understand that by pleading guilty the State can prove beyond a reasonable doubt the
16 facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit
17 "1".

18 I understand that as a consequence of my pleas of guilty the Court shall sentence me to
19 imprisonment in the Nevada State Prison for Life Without the Possibility of Parole as to Count
20 I, First Degree Murder; imprisonment in the Nevada State Prison for Life Without the Possibility
21 of Parole as to Count II, First Degree Kidnaping; imprisonment in the Nevada State Prison for
22 Life Without the Possibility of Parole as to Count III, Sexual Assault With a Minor Under
23 Sixteen Years of Age with Substantial Bodily Harm, and imprisonment in the Nevada State
24 Prison for Life With the Possibility of Parole with parole eligibility beginning at TWENTY (20)
25 years as to Count IV, Sexual Assault With a Minor Under Sixteen Years of Age, all counts to
26 run consecutively. I understand that the law requires me to pay an Administrative Assessment
27 Fee.

28 I understand that, if appropriate, I will be ordered to make restitution to the victim of the

1 offense(s) to which I am pleading guilty.

2 I understand that I am not eligible for probation for the offenses to which I am pleading
3 guilty.

4 I understand that the sentencing judge will order the sentences imposed as to each of the
5 four (4) counts in the Indictment to be served consecutively.

6 I understand that the Court has agreed to impose the sentences set forth in this agreement.

7 I also understand if, at any time, this plea agreement is set aside or its resultant
8 convictions are set aside, for any reason, the State reserves the right to reinstate the notice to
9 seek the death penalty in any subsequent proceedings.

10 I understand that the Division of Parole and Probation will prepare a report for the
11 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
12 sentencing, including my criminal history. This report may contain hearsay information
13 regarding my background and criminal history. My attorney and I will each have the
14 opportunity to comment on the information contained in the report at the time of sentencing.
15 The District Attorney may also comment on this report.

16 WAIVER OF RIGHTS

17 By entering my plea of guilty, I understand that I am waiving and forever giving up the
18 following rights and privileges:

19 1. The constitutional privilege against self-incrimination, including the right to refuse to
20 testify at trial, in which event the prosecution would not be allowed to comment to the jury
21 about my refusal to testify.

22 2. The constitutional right to a speedy and public trial by an impartial jury, free of
23 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
24 assistance of an attorney, either appointed or retained. At trial the State would bear the burden
25 of proving beyond a reasonable doubt each element of the offense charged.

26 3. The constitutional right to confront and cross-examine any witnesses who would
27 testify against me.

28 4. The constitutional right to subpoena witnesses to testify on my behalf.

1 5. The constitutional right to testify in my own defense.

2 6. The right to appeal the conviction, with the assistance of an attorney, either appointed
3 or retained, unless the appeal is based upon reasonable constitutional jurisdictional or other
4 grounds that challenge the legality of the proceedings.

5 VOLUNTARINESS OF PLEA

6 I have discussed the elements of all of the original charge(s) against me with my attorneys
7 and I understand the nature of the charge(s) against me.

8 I understand that the State would have to prove each element of the charge(s) against me
9 at trial.

10 I have discussed with my attorneys any possible defenses, defense strategies and
11 circumstances which might be in my favor.

12 All of the foregoing elements, consequences, rights, and waiver of rights have been
13 thoroughly explained to me by my attorneys.

14 I believe that pleading guilty pursuant hereto is in my best interest, and that a trial would
15 be contrary to my best interest.

16 I am signing this agreement voluntarily, after consultation with my attorneys, and I am
17 not acting under duress or coercion or by virtue of any promises of leniency, except for those
18 set forth in this agreement.

19 I am not now under the influence of any intoxicating liquor, a controlled substance or
20 other drug which would in any manner impair my ability to comprehend or understand this
21 agreement or the proceedings surrounding my entry of this plea.

22 My attorneys have answered all my questions regarding this guilty plea agreement and
23 its consequences to my satisfaction and I am satisfied with the services provided by my
24 attorneys.

25 ///

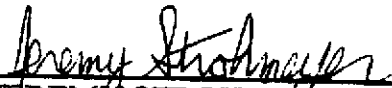
26 ///

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1 I hereby acknowledge that the transcript of the confession attached hereto is a true and
2 accurate transcription of my confession to Detective Phil Ramos given May 29, 1997, beginning
3 at approximately 2:20 a.m. in the offices of the Long Beach Police Department.

4 DATED this 8th day of September, 1998.

5
6 
7 JEREMY STROHMEYER
Defendant

8 AGREED TO BY:

9 
10 District Attorney
11 STEWART L. BELL
12
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s) to
5 which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution that
7 the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent
9 with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs 1
17 and 2 above.

18 Dated: This 8th day of September, 1998.

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20 ATTORNEY FOR DEFENDANT

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22 ATTORNEY FOR DEFENDANT

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1 IND
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3 DISTRICT ATTORNEY
4 Nevada Bar #000477
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6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

ORIGINAL

FILED

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Justa L. ...
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 JEREMY STROHMEYER,
12 #F507326

13 Defendant(s).

Case No. C144577
Dept. No. XIII
Docket G

INDICTMENT

15 STATE OF NEVADA

16 COUNTY OF CLARK

} ss.

17 The Defendant(s) above named, JEREMY STROHMEYER, accused by the Clark County
18 Grand Jury of the crimes of MURDER (OPEN MURDER) (Felony - NRS 200.010, 200.030);
19 FIRST DEGREE KIDNAPING (Felony - NRS 200.310, 200.320); and SEXUAL ASSAULT
20 WITH A MINOR UNDER SIXTEEN YEARS OF AGE WITH SUBSTANTIAL BODILY
21 HARM (Felony - NRS 200.364, 200.366, 0.060), committed at and within the County of Clark,
22 State of Nevada, on or about the 25th day of May, 1997, as follows:

23 COUNT I - MURDER (OPEN MURDER)

24 did then and there wilfully, feloniously, without authority of law, and with premeditation
25 and deliberation, and with malice aforethought, kill SHERRICE IVERSON, a human being, by
26 manual strangulation or suffocation; said killing being deliberate and premeditated and/or
27 perpetrated by means of child abuse and/or being committed during the perpetration or attempted
28 perpetration of kidnaping, sexual assault and/or sexual abuse of a child.

1 COUNT II - FIRST DEGREE KIDNAPING

2 did wilfully, unlawfully, feloniously, and without authority of law, lead, take, entice, carry
3 away or kidnap SHERRICE IVERSON, a minor, with the intent to keep, imprison, or confine
4 said SHERRICE IVERSON from her parents, guardians, or other person or persons having
5 lawful custody of said minor, or with the intent to hold said minor to unlawful service, or
6 perpetrate upon the person of said minor, any unlawful act, to-wit: murder and/or sexual assault
7 and/or inflicting substantial bodily harm.

8 COUNT III - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
9 WITH SUBSTANTIAL BODILY HARM

10 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
11 SHERRICE IVERSON, a female child under sixteen years of age, to sexual penetration, to-wit:
12 digital penetration, by inserting his finger into the vagina of the said SHERRICE IVERSON,
13 against her will, or under conditions in which Defendant knew, or should have known, that the
14 said SHERRICE IVERSON was mentally or physically incapable of resisting or understanding
15 the nature of Defendant's conduct; the defendant's conduct resulting in extreme trauma and
16 substantial bodily injury, to-wit: bruising and tearing to the vaginal area.

17 COUNT IV - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
18 WITH SUBSTANTIAL BODILY HARM *JP*

19 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
20 SHERRICE IVERSON, a female child under sixteen years of age, to sexual penetration, to-wit:
21 penile penetration, by inserting his penis into the vagina of the said SHERRICE IVERSON,
22 against her will, or under conditions in which Defendant knew, or should have known, that the

23 ///

24 ///

25 ///

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1 said SHERRICE IVERSON was mentally or physically incapable of resisting or understanding
2 the nature of Defendant's conduct.

3 DATED this 31st day of July, 1997.

4
5
6 
7 STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477

8 ENDORSEMENT: A True Bill

9
10 
11 Foreperson, Clark County Grand Jury

12 Names of witnesses testifying before the Grand Jury:

13 Daniel Eitnier, Primm Valley Resorts, Director of Corporate Security

14 David Thomas Cash, Jr.

15 Giles Sheldon Green, M.D.

16 Leroy Iverson

17 Agnes Lee

18 Aleana Garcia

19 Terisa Cotrell

20 Phillip Ramos, LVMPD

21
22
23
24
25
26 97AGJ041X/97FG0219X/ts
27 LVMPD 970525-0452
28 MURD.; 1° KIDNAP.;
SA V/16 - F

SPEAKER:

Hi, this is Phil Ramos. I'm going to be doing a voluntary statement under event number 970525-0452. Subject is going to be murder. Division reporting is ISD. Division of occurrence is PD. Date and time of occurrence is going to be 5/25/97, approximately 0500 hours.

Uh, please use the rights form on this statement. Person giving this statement last name is Strohmeier - STROHMEYER. First name is Jeremy - JEREMY. Middle name is Joseph. He is a white male adult, DOB 10/11/78, 5'8, 160, and his social is 602-26-5849.

His home address is 311 Silvera - SILVERA Avenue in Long Beach, California. Date and time of the interview is going to be 5/28/97, 0220 hours. Interview is taking place in the offices of the Long Beach, California Police Department. Conducting the

interview is Det. P. Ramos. Also present is Sergeant Walt Turley - TURLEY of the Long Beach Police Department and Detective Bill Collette - COLLETTE of the Long Beach Police Department.

Q: Jeremy, I wanna start this interview off by asking you if you know it's being recorded.

A: Yes I do.

Q: Okay. And is this, is this being recorded with your permission?

A: Yes it is.

Q: Alright. Before we get started any further, I need to advise you of your rights. And I know that you've been advised of your rights earlier. Is that right?

A: That's correct.

Q: Okay. So I'm gonna read you your rights one more time, okay?

A: Okay, you have the right to remain silent. If you give up the right to remain silent, anything you say can and will be used against you in a court of law. You have the right to an attorney and to have an attorney present during any questioning. If you so desire an attorney and cannot

afford one, an attorney will be appointed to you by the courts, at no cost to you, prior to any questioning. If you decide to stop during any of the questioning, you can do so without any problems or any continuation. If you wanna stop, we'll just stop, okay?

A: Alright.

Q: Do you understand those rights?

A: I understand those rights.

Q: Alright. And with those rights in mind, do you wanna continue talking to me?

A: Yes I do.

Q: Okay. Uhm, as you know, the reason we're here, I'm from the Las Vegas Metropolitan Police Department and we're investigating an incident that occurred at the Primadonna Hotel a couple days ago. And we understand that you might be involved in that and that you have some information for us. Is that right?

A: That's correct.

Q: Okay. Well you wanna just tell me what happened?

A: Ah, where should I start?

Q: Well, let's just start at the beginning. How did you get to, uh, Stateline?

A: I drove out with my friend, uh, David Cash and his father, David Cash, Sr.

Q: Mmhuh.

A: Ah, driving to Las Vegas, we stopped at Stateline and, uhm... stopped at that casino, uhm, 'cause, uh, David's dad wanted to play poker and we were gonna go, on the, uh, roller coaster at Wild Bill's. So, uh, we got out and parked the car in front of, uh, that one casino.

Q: Whiskey Pete's?

A: No.

Q: Primadonna?

A: Primadonna.

Q: Okay.

A: And, uh, we went inside, uh, with Dave's father, 'cause he wanted to get change so he could give us some money. And he gave us some money, we left and we walked across the street to Wild Bill's and we were looking for the entrance to the, uh... roller coaster. And ____-

Q: Let me stop you for just second, okay? What time and what day was that?

A: We arrived a little bit before 12, on, on Saturday.

Q: Okay.

A: Night, going on to Sunday morning.

Q: Okay, so that was midnight?

A: Yes.

Q: Okay. Alright, go ahead.

A: And so we were, we walked across Wild Bill's, uh, looking for the entrance to the roller coaster, couldn't find it, so we walked back to, uh, the Primadonna and then, uh, in the Primadonna we were looking for, uh, the arcade and at first we couldn't find it because, ah, last time Dave had been there, it had been in a certain place and I guess they were remodeling or something --

Q: Mmhuh.

A: So we couldn't find it, so we went up _____ the, uh, floor and, uh, we were goin' around, doin' the slot machines and got some beers and drinkin' some beers and did some walkin' around and, uh, I think one of the guys stopped us and asked David for I.D., didn't ask me for I.D. though.

Q: Okay. How old are you?

A: Eighteen.

Q: Alright. And tell me how you were able to buy beer?

A: I walked up and ordered it.

Q: Okay. Nobody asked you for your I.D. or anything?

A: I think out of, ah, say five purchases, one time one guy asked me for I.D.

Q: Okay. And did you show him your I.D.?

A: Yes.

Q: And ____-

A: I, I have an I.D. from another country that I used to live in, it's a fake I.D.

Q: Okay.

A: It's for like 22 years old, makes me 22.

Q: Okay. Alright, go ahead.

A: So, uh... uh, we were just goin' around doin' some slot machines and, uh, drinkin' some beer and, uh, we also, we went on the, uh, the tram, or whatever that is, to Whiskey Pete's.

Q: Mmhuh.

A: -- from the Primadonna. And when we got to Whiskey Pete's, there wasn't really anything there that interested us and we didn't see anything in the arcade or anything, so we came back to the Primadonna and, uh, we went down and checked out the arcade and played some video games and then met, uh, two different girls. The first one was an Asian girl we met--

Q: Mmhuh.

A: And we were talking to her, but her mom came down and, uh, left and she left with her mom. And then we met another girl, a, uh, a Mexican gal and, uh, we were talkin' to her some and that's, uh, when, uh, the one girl, uh, the deceased girl was, uh, running around, uh, with a, uh, Mexican boy about the same age. And they were like, like throwin', uhm...like big wads at each other, you know, paper

towels bunched up with water and stuff, and throwin' stuff around. And, uh, like I got hit by one, so I, I threw it back and I started messin' around with 'em and, uh, I was chasin' the girl around and she, uh, ran in the, uh, the girl's bathroom and I, uh, I followed her in and, uh, when we got inside, she, uh, picked up, uhm, a sign, you know, when you put it on the floor --

Q: Mmhuh.

A: -- for a wet floor?

Q: Mmhuh.

A:

She picked that up and, uh, uh, swung it at me and I blocked it with my forearm and, uh, and then I, I, like when she did that, I reacted and I grabbed her and like I'd put my hand over her mouth and, uh, like I, I grabbed

her, uhm, underneath the left arm and put my left hand over her mouth and then, uh, like grabbed through her leg, under her crotch with the right hand and, uh... and then I, uh, I took her into the, uh, the stall, the, uh, the biggest stall, the handicapped stall and, uh,

took off her, uh, her, boots and her, uh, pants and her underwear and, uh... keep her quiet, I, uh, choked her, started choking her... then, uh, during that time, I, uh, touched, uh, touched her vagina with my

finger, inserted my, uh, index finger inside, all the way to the knuckle and moved it in and out quite a few times. And, uh, also touched the, uh, head of my penis to her vagina, inside her lips, it wasn't really any, uh,

penetration with it. And, uh... I was choking her to keep her quiet and I had her, she was laying on the toilet seat, with her head to the side of where you flush the toilet. And, uh, I was choking her, I proceeded to choke her and the, uh,

two Mexican girls, uh, walked in the bathroom and, uh-- ... so I sat on top of the girl and, uh, made it seem like there was a person in there using the restroom. And, uh, in that process, uhm, the, the two

Mexican girls were in the bathroom, uh, the one girl that I'd been choking, that was in the stall with me, uh, started to make a, a wheezing noise, uh, like air and like breathing very weakly, so I, uh, like uh, I used, uh, one

of my hands and I, I put it over her throat, stopped the, uh, wheezing until the, uh, Mexican girls left the bathroom. And... uh... after that, I... I decided that I had to leave. Actually, before that, I was sitting on the girl and I was, uh, uh, stroking my

penis, uh... I was trying to get it hard and the, uh, Mexican girls came in and, and then I stopped and, and after they left, I wanted, I just wanted to leave. And, uh, I noticed that the girl was still breathing, barely and I didn't wanna leave her that

way, so I, uh, I tried to break her neck ... so that, uh, she would die quickly, 'cause I knew that based on the amount that I had choked her, that she had a lotta loss of oxygen to the brain, probably lotta brain dead.

COLLETTE:

I think you told us, when we were talking to you, you thought you choked her probably as long as 20 minutes all together, right?

A:

I said fifteen.

COLLETTE: Fifteen minutes?

A: Yeah, 15, 20 minutes.

Q: Tell me, uhm, why you thought that these two girls that came in while this was going on were Mexican girls.

A: 'Cause I could tell by the accent.

Q: Okay. Were they speaking English?

A: Yes.

Q: Okay. And with what, uh, like a Hispanic accent?

A: Yes.

Q: Okay, let's go back a little bit, ah, to when you guys first got there. You said you had bought some beers. Uhm..., before this, before you'd gone into the bathroom, how many beers had you had?

A: I don't, probably 2 or 3.

Q: Two or three?

A: Before I went into the bathroom with the girl?

Q: Mmhuh.

A: I had a whiskey and coke, probably four or five beers.

Q: Okay. Tell me if you think that you were under the influence of alcohol then.

A: Ah... that's a reasonable assumption, yeah, I would say I was under the influence of alcohol.

Q: Alright, so would you let's say on a scale of one to ten, ten being stupid, falling down drunk, what would you say you were?

A: I'd say I was about a 6 or a 7.

Q: Okay. So you had a pretty good --

A: I'd-- yeah, I had a good buzz. I was feelin' pretty good.

Q: Okay. Had you eaten anything? Something to eat while you got there, after you got there?

A: Uh..during the day I, probably I had a ... some eggs in the morning, that morning, Saturday morning.

Q: Mmhuh.

A: And, uh, and Saturday night I had a hamburger and some fries in a small town, uh, on the way Stateline. And --

Q: ____ -- I'm sorry, go ahead.

A: That's it, go ahead.

Q: Okay. So did you eat anything after you guys got to Stateline?

A: No, I don't think so, no.

Q: Alright. Uhm, you told me you went there with a friend of yours?

A: Yes.

Q: And his father.

A: Yes.

Q: What was your friend's name?

A: David Cash.

Q: David Cash?

A: Yes.

Q: And his father, David Cash, Sr.

A: Correct.

Q: Okay. Was David with you when all this was goin' on?

A: No, he, uh... when I first went in the bathroom, he, he like followed in, not like all the way, he went to the door and he was at the doorway and, uh, when I grabbed the girl, he, he was like, "What are you doin'?" and then just, he left, freaked out. He was afraid I was gonna do somethin' stupid.

Q: Okay, when he first, when David first saw you in the bathroom, what part of the bathroom were you in?

A: I was in the main area, by the sinks.

Q: Okay. And there was nobody else in the bathroom, just the two of you?

A: No, no one else in the bathroom, just us.

Q: Okay.

TURLEY: That would be three of you, right, not two?

A: At the point in time when David was-

Q: When, when David came in.

A: -in the doorway. Yeah.

Q: So there was a total of you, David and the little girl:

A: Right. But then he, he, after I grabbed her, he said, "What are you doing?" and left.

Q: Okay. Uhm...

TURLEY: Phil, you know, if I may, if I may just 'cause from what, uh... Jeremy had told us a little bit earlier. You had talked to a Hispanic girl who was her, who you believed to be her younger brother was playing with the victim.

A: Right. And-

TURLEY:

But hear my question first. The reason why I'm asking is because you, you describe her really good, you gave, you told her you were from Long Beach, if you remember what you, is that what you said?

A:

Yeah, I told her I was from Long Beach, I showed her my nipple rings. Yes.

TURLEY:

Yeah. And you showed her your things. I think that's really important that you, you give Phil that information, 'cause it, it, you know, it tells more _____.

Q:

Tell, tell me about the Hispanic girl that you were talking to after the Asian girl.

A:

Uhm, an Hispanic girl, she's probably about 5'6 and, uh, and a little, little obese, not, not fat but she's a little bit big.

Q:

Okay. What color hair did she have?

A:

Black hair.

Q:

Do you remember her name?

A:

No I don't.

Q:

Okay.

A:

I think I recall the, uh, Asian's girl's name as being Erica, but I don't recall the, uh, the Mexican girl's name.

Q:

Okay, so you told the Mexican girl that you were from Long Beach?

A:

Yeah, I just went up and start talking to her, you know, struck up a conversation and it came up where we were from. Told her we were from, uh, Southern California.

Q:

Where was this at, when you first struck up the conversation with her?

A:

In the arcade.

Q:

Down in the arcade?

A:

Right.

Q: Alright. And you mentioned just a few seconds ago that you had showed her your rings?

A: Right. And so we were talking and, uh, she, uh, I think she said something about my tongue ring, so I, uh, proceeded to show her my nipple rings also.

Q: Okay. So you have your nipples pierced?

A: That's correct.

Q: Okay. And you showed those to her? To this Mexican girl?

A: Yes.

Q: Alright. And how long did you talk to her?

A: That's tough. I'd say 5 to 10 minutes. It wasn't a long conversation.

Q: Okay. And did you, did you end the conversation or did she end the conversation?

A: You know, I'm not really sure. I think it was kind'a like a, you know, both of us were just standing there, not saying anything, so we both just like walked away.

Q: Okay. Tell me about how much time you spent over at Whiskey Pete's, before you took the tram over to Primadonna.

A: Shoot I, I don't remember.

Q: Okay. Did you play any games in that arcade?

A: I don't think so. I think we went in and it was like we were unimpressed, so we just went back.

Q: Okay. Uhm, there was an incident that you told me about, where your friend, David, had gotten, uh, carded by a security guy and had his beer taken away?

A: Yes.

Q: Where was that at?

A: That was in the, uh, the, uh, Madonna one.

Q:

The Primadonna?

A: The Primadonna, yeah.

Q: Okay. And would that have been just a little while after you took the tram over?

A: No, that was when we first, no, it's like, you know, our first couple of beers. I believe.

Q: Okay.

A: So- think that was before. Because what we did is we got some beers and some- alright. He got his taken away. The guy didn't say anything to me.

Q: Okay.

A: And so I finished mine. Then I went back and got two more for us and we drank em' on the way to the tram. You know, we finished 'em waiting for the tram to show up.

Q: Okay. So that particular incident, when David had the beers taken away -

A: Right.

Q: How much longer after that did you guys get to the, uh, Primadonna Arcade downstairs?

A: I don't know.

Q: Okay.

A: Uhm, I don't remember the time.

Q: Okay. Do you remember goin' to Buffalo Bill's with him?

A: Yeah, I-I said that. And when we first got there to the Primadonna, we got-uh, David's father gave us some money and we walked across the street to Wild Bill's and, uh, we walked around like halfway around the whole complex looking for the uh, the entrance to get on the, uh, roller coaster.

Q: Right.

A: And when we couldn't find it, we just like went inside, walked around inside, then walked out the front.

Q: Okay. Tell me when was the very first time that you noticed the little girl-the little black girl.

A: Uhm, that's tough to say. Uhm -

Q: Had you seen her when you were over at Buffalo Bill's?

A: No. First time I saw her was in, uh, in the Arcade at, uh, Primadonna.

Q: Okay.

A: That was the only time I saw her.

Q: So estimate for me, uhm, the period of time when you first saw her until you chased her into the bathroom, or followed her into the bathroom.

A: I'd say a good half hour.

Q: Okay. So you didn't interact with her for a very long time, just maybe about half an hour?

A: Yeah, it wasn't-

Q: Okay.

A: - wasn't a long time.

Q: Okay. So, uh, when you first saw her, she was throwin' the spitballs with the- with the little Mexican boy that she was playin' with?

A: Right.

Q: Okay. And that little Mexican boy turned out to be the little brother of the Mexican girl you were talkin' to?

A: Yeah, that was- I assumed that. That was my assumption because, uh, the girl's older brother was with the Mexican girl also. I believed that it was her younger brother.

Q: Okay. The little black girl?

A: Yeah. This is confusing.

Q: Yeah. I'm kind confused so -

A: The little black girl had an older brother.

Q: Right.

A: And the older brother was with the, uh, Mexican girl.

Q: Okay.

A: That I had talked to and I had showed my nipple rings to.

Q: Uhm-hmm.

A: And I saw them pretty much together, uh, everywhere in the Arcade. And then I believe that the, uh, little Mexican boy was the Mexican girl's younger brother.

Q: Okay. Alright, I gotcha now. So did you ever get a chance to talk to the little black girl's older brother?

A: I believe he was standing like right next to the Mexican girl while we were talking to her.

Q: Uhm-hmm.

A: So-I didn't talk directly to him.

Q: But he was there and could hear your conversation?

A: Yes.

Q: Okay. But you never had a direct conversation with him?

A: No.

Q: Okay. Uhm, when you were down there in the Arcade, did you notice any other kids that would have been your age down there?

A: When we were first there, earlier on in the evening -

Q: Uhm-hmm.

A: -when we first check it out, there was like there's some older people down there. Not-not a lot, like maybe one older guy, two older guys or-you know, with their girlfriend or somethin'. That's about it.

Q: Okay. Do you know where David Cash, Sr. was when you guys were downstairs in the Arcade?

A: Yeah. He was up at the, uh, poker tables.

Q: At the Primadonna?

A: At the Primadonna. There's- I guess there's a little enclosed room.

Q: Uhm-hmm.

A: He was there.

Q: Okay. And...so your friend, David, Jr., was with you downstairs in the Arcade?

A: Yes.

Q: Okay. Was he talking, uh, with the little black girl also?

A: I don't really, we didn't really engage in conversation with her. I mean not like standing there talking to her. It was pretty much like, ah, playing kids games, running around chasing each other, uh, throwing stuff at each other. Just doing child-ish things. And David didn't really involve himself, it was mostly me.

Q: Okay.

A: It was pretty much all me.

Q: Well, let me ask you about that. Uhm, tell me why you started playing with her.

A: 'Cause I got hit by, uh, one of the things they were throwing.

Q: Okay.

A: So I threw it back and started playing around with them.

Q: Is that somethin' that you would normally do? Play around with younger kids?

A: Ah, not really, no.

Q: Okay. Why do you think you did it that night?

A: Ah...maybe it was 'cause I was bored, maybe it was because of the alcohol, I, I can't really say, I don't know.

Q: Okay. Uhm, when you hit, when you were playin' around, you know, with the spit wads and, and, you know, just carrying on with her, were you also carrying on with, ah, the little Mexican boy that she was playin' with?

A: Uh, yeah. We were like, uh, ___ like, he'd like, he'd like, "Hurry, "let's go get her", you know, like, like I was on his side or whatever, and then like, and, like he disappeared-

Q: Mmhuh.

A: Like after, ah... after the girl ran towards the bathroom. I like turned around and he we, was gone.

Q: Okay. Do you know where he went?

A: No.

Q: Okay. Uhm... after you came out of the bathroom and you had left the little black girl in there, tell me what you did then.

A: Uh... I came out of the bathroom, I walked out of the door and then I walked to the, uh, far end of the room, that the door opens up and then there's video games in the middle-

Q: Mmhuh.

A: I walked to the far end to walk around on that side and I walked on that side, ah, right there was, uh, the, uh, black boy, ah, the girl's older brother and the, uh, Mexican girl. I walked right by 'em, just walked out of the Arcade.

Q: Okay.

COLLETTE: I think when we were talking before, Jeremy, you described what the little girl was wearing and what you did with her clothes.

A: Oh the, uh, the little girl's clothes. She, the boots were- I, I remember those being like, uhm, like a,

like almost a calico pattern, like brown/black-

Q: Mmhuh.

A: -and a dark orange-ish red, kind'a mixed together. And then she had like a, uh, almost like stretch pants on, that had like over it, like attached to the top of the pants like, uh, material that just hung over freely.

Q: Mmhuh.

A: -like a colored line on the end, you know, they're not really a... I remember, uh, what color the, uh, underwear was, I don't remember that. But, uh, I had took her, uh, boots and her clothes and, uh, put 'em in the toilet. And, uh, when I left the body, I, uh, put the feet inside the toilet and, uh, so she was like sitting on the back edge of the toilet seat-

Q: Mmhuh.

A: -with her feet in the toilet and her hands on top of her legs.

Q: Tell me why you did that.

A: So that, uh...I was thinking that, you know, if somebody comes in the bathroom, they won't see like, you know, her legs hanging out from the bottom.

Q: Is that why you put her clothes into the toilet?

A: You know, I don't-- I don't really remember why I did the, put the clothes in the toilet. I, I think it was probably the same reason. I don't really remember.

Q: Mmhuh.

TURLEY: Jeremy, I think it, Phil should know, about the napkin too, when you were sittin' on her, when the girls came in.

A: Oh, uhm, also, uh... uh, from choking her, she had, uh, spit out a, a kind of a, a foam and with blood, mucus mixed with blood, you know, it was all bubbly and, uh, accidentally I had, uh, I guess, uhm, brushed my hand against it and like I'd gotten it all over my hand and so

I took some, uh, toilet paper and cleaned it off and I can't remember whether I put the toilet paper wad in the toilet or threw it on the ground.

Q: Okay. Do you remember, uhm, if you had wiped any portion of your body with that, except for wiping

her with that toilet paper that you just told me about?

A. ____ I, I got the mucus on my hand—

Q. Okay.

A. —mucus and blood on my hand, I used the toilet paper to clean my hand off.

Q. I see.

A. I didn't wipe it on her or myself, I just used it to clean my hand off.

Q. Okay, you told me earlier that, uhm, while this was going on, that you had, uhm, touched her with your penis. Is that, is that accurate?

A. That's accurate, yes.

Q. Okay. Do you remember if you got any blood on your penis?

A. Mm, no I don't ... there— there wasn't penetration

Q. Okay. Do you remember seeing her bleed at all, from her vaginal area?

A. Yes I do, I remember there was blood down there.

Q. Alright. Do you know—

A. —some on my finger.

Q. Okay, okay, that's what I was gonna ask you, did any transfer to your, to your body and you just said your finger?

A. Yes.

Q. Okay. Did you wipe that off?

A. I would think that I probably wiped it off at the same time that I wiped the mucus off of my hand.

Q. Okay. Uhm, I think you also told me that, uhm, there was a point in time there where you were sitting on top of her.

A. Correct.

Q. Okay. And you told me that you were stroking yourself.

A. Yes.

Q. Alright. And, uhm, was that in an effort to get an erection?

A. Yes sir.

Q. Okay. Were you able to achieve that?

A. I was halfway achieving it and the Mexican girls came into the bathroom.

Q. And that startled you?

A. That stopped it.

Q. Okay. Uhm, I need to ask you one thing. Uh... while this was occurring, do you recall if you had ejaculated at all?

A. No I did not.

Q. Okay. You are certain that you did not?

A. I'm certain.

Q. Okay. So then when you left the stall and went upstairs, tell me what you did then--

A. I believe I exited the casino and went and waited, ah, by the car.

Q: Were you

A: --for David. 'Cause I, I think that was where we were supposed to meet.

Q. At the car?

A. Yeah, like four o'clock or something.

Q. Do you remember seeing David, uh, at the top of the stairs, when you came out?

A. No I don't.

Q. Okay. Do you remember if when you came out of the Arcade and you went up the stairs, did you go right to the parking lot, or did you take your time going through the casino?

A. I don't really recall.

Q. Okay. Tell me what you guys did after, uh, you got to the car and you met up with David and his dad.

A: Well actually I, I met with David and his dad was still inside. So I waited at the car while he went and got his dad.

Q. Okay.

A. And then his, his dad and him came out and, uh, we left and we drove to Las Vegas.

Q. What'd you do when you got to Vegas.

A. Uh, uh, we parked the car in a parking lot structure and, uh, and David and I were sleeping in the car, 'cause we were pretty tired and his dad went to play some poker at a casino. And, uh... then we, uh, woke up and we went and walked around and then met with his dad like 12 o'clock and we got a hotel room at, uh, the Holiday Inn.

Q. Okay, this beeping means we're runnin' outta tape on this side, so I'm gonna turn it off for a second and flip it over to the other side.

A: Alright.

Q: Okay, we're continuing on Side B. Alright so about 12 o'clock you met with David's father and went and got a room?

A. Right, and got a room, ah... on, uh, not the main strip, but the, uh, enclosed street? You know what I'm talkin' about?

COLLETTE: You told us the Holiday Inn.

A. Yeah, it was the Holiday Inn, but it's on a, it's by a strip of a bunch a casinos--

Q. Mmhuh.

A. Fremont, that's it.

Q. Oh, okay, on Fremont Street?

A. Right. We went and got a hotel, Holiday Inn, at Fremont and it's like a special named Holiday Inn, like it was taken over by another company.

Q. Okay.

A. But, uh, we got a room there and, uh, like slept a couple hours during the day, then got up, went out and, uh, checked out all the different casinos and went gambling in some of 'em. And, uh, stayed, stayed in Las Vegas til Monday. Uh, we drove down to the main strip at about 12 o'clock on Monday and the traffic was pretty bad, so we decided to stay on the strip 'til like 6 o'clock--

Q. Mmhuh.

A. So, uh, David and I went off and we, uh, checked out like the Luxor and, uh, uh, MGM and New York-New York, all the different hotels there and the casinos and, uh, and then we left at six and we were driving and then we got, we got to Stateline pretty fast, like I'd say about 40 minutes and then about ten miles past that and just

hit like deadlock traffic. So we got off at Barstow and took in a movie at like ten o'clock and left again at like 12:30 from Barstow and went about 7 miles, no traffic and then, uh, came over a ridge, there's traffic again. And, uh, finally got home to Long Beach at, uh, 3 am, Monday morning. That's when they dropped me off at home.

Q. Monday morning or Monday night/Tuesday morning?

A. Tuesday morning, sorry.

Q. Okay. That's all right. Uhm, tell me when you told David about what happened.

A. Uhm... I didn't really, uhm, discuss it with him. Uh... like on the, think it was Tuesday or Wednesday, like, I'd called him and I was talkin' to him just about like school and stuff, whatever, and, uh, he said he was gonna call back and then I called back a little later, 'cause he wasn't callin' back, and his

mom said he left and he came over my house and said, "Oh my God, you're on TV", like this girl was killed and all this stuff. So then, he, he figured it out pretty fast.

COLLETTE: Then he told you he was gonna have to go to the police.

A. Yeah.

COLLETTE: His dad insisted.

A: He said his dad was insisting that he would have to go to tell the police what he knew and he, he himself was gonna go and tell the police and then, you know, I said, "Well, that's uh, if that's what you have to do, that's what you have to do, that's fine." You know, I'm not gonna be upset with my friend for that.

Q: Mmhuh.

A: So, uh... he went to his, think his mom and dad talked to the police.

Q: And that was few hours ago. Is that right?

A: A little more than few hours ago--

Q: Yeah, a while ago.

A: --7, 8 hours ago.

Q: Okay. So--

? ____ (Both speaking at once)

Q: -ah, are you tellin' me that David didn't know anything about what happened that night?

A: Like, like I said, when he, uh, was at the bathroom door, he saw me grab the girl.

Q: Right.

A: And that's when he said like, "What are you doing?" and just left.

Q: Okay. But afterwards, after, ah, you had come out of the stall and you ran into him in the parking lot, you didn't tell him what happened?

A: I don't know, I might've, I don't know.

Q: Okay.

A: I don't think so, because I remember, or when he came over my house, he was like totally like surprised.

Q: When was the first time you saw any kind of media coverage about what happened?

A: When David came over. I think that was Tuesday night.

Q: You don't read the papers?

A: I read the papers, but, ah, not on a daily basis.

Q: Well, do you watch the news on TV?

A: Ah, yes, sometimes. I really, I really don't watch TV that much at all. I don't watch TV that much, I do read the paper sometimes. But, uh, after Dave came over and showed me that, I, I was watchin' the news to see, ah, what, uh, what would develop, uh, you know, what leads they were getting and everything. And I also had picked up the paper today, as a

matter of fact, read an article in there. Los Angeles Times.

Q: Did you see, ah, the video, the surveillance on the TV?

A: Yes I did, multiple times.

Q: Did you recognize yourself on there?

A: Yes I did.

Q: Okay. Did any other of your friends call you and tell that they'd seen you on TV?

A: Ah...not then, one of my friends called me and said he saw me. And, uh, then some other people, some friends at school were like, "What were you doin' on TV last night or this morning?" So yeah, people noticed, they recognized me.

Q: Did you tell anybody about what happened?

A: Ah, yeah, I told a old girlfriend of mine.

Q: Do you wanna tell me her name?

A: Not really, no.

Q: Okay.

A: I think you already know it though, so —

COLLETTE: Well I think you already know that I talked to her and I know her name.

A: You talked, yeah.

COLLETTE: So you might as well tell him.

A: Agnes.

Q: Agnes?

A: You want the full name?

Q: Sure.

A: Agnes Lee.

Q: Okay. Tell me what Agne's reaction was when you told her.

A: She didn't believe me.

Q: Okay.

A: She didn't wanna believe me.

Q: Why did you tell her?

A: 'Cause I wanted to confide in somebody and I wanted to, I don't know. I was considering leaving, ah, trying to get out of the country and if I did that, I would'a wanted her to go with me.

Q: Mmhuh.

A: And, uh... I, she had, you know, we had been going out for a while and she had told me stories before, about how she used to know people in like, uh, certain like, uh, you know, gang extensions, gang affiliations and, uh, so I expected her to like have, I don't know, dealt with somethin' like that before, like, a, a murder or something and, uh,

she might, you know, help me out and, uh, you know, give me some advice on what I should do. And, uh, turned out that all the stuff she had told me was just bullshit, so it kind'a like rattled her pretty good.

Q: Mmhuh. Uhm... you have a computer at home?

A: Yes I do.

Q: Are you familiar with America on Line and the Internet and all that?

A: Yes.

Q: Okay. Did you talk to anybody on line about what happened?

A: No. I hadn't been, ah, hadn't been on line since before I left for Las Vegas from up here. My parents, uh, took my modem away, so I had not been on line.

Q: Okay.

A: But there are, uh, uh, people, I'd say a maximum of seven people I've met on line who know that I have my tongue and my nipples pierced.

Q: Okay.

A: So I mean some people could, you know, draw conclusions just based on that.

Q: Would you like to tell me what your on line address is?

A: Uh, sure, Fly Boy 1030.

Q: Fly Boy 1030?

A: That's correct.

Q: And is it just the way it sounds? The way it's spelled?

A: Yeah. Fly, uh, capital F, Boy, capital B, no spaces in between. And then, uh, 1030, no spaces.

Q: Okay. Uhm...did you see the coverage of the little girl's father on TV?

A: Uhm...no, I didn't see any of the coverage on TV. I saw the brother speaking on TV--

Q: Mmhuh

A: About how, uh, they didn't want the, he didn't want the media, ah, harassing his dad and putting him down. And, uh, I read an article today, well yesterday, in, uh, the Los Angeles Times about, uh, uh, like the father and they said they had a source in Las Vegas, that, uh, had heard like, had gotten the father saying that,

uh, to keep, uh... for there not to be any trouble, that the hotel would, uh, have to give him a six pack of beer, a hundred dollars and, uh, round trip tickets to Las Vegas and pay for his daughter's funeral.

Q: What'd you think about that?

A: I thought it was pretty sad.

Q: Why?

A: It's his daughter. It's, it's his daughter and she was murdered and he's thinking about a six pack of beer and some hundred dollars in playing chips.

TURLEY: David, you said if, uh, it was some good that came out of this, can you tell Phil?

A: Uh, yeah. Uh...uhm, I just, I, I was sayin' that I notice also in the article how a majority of it was talking about how, ah, parents need to keep more careful watch over their children, they can't just, uh, leave 'em in, ah, in Arcades, while they're up in the casino--

Q: Mmhuh.

A: --like upstairs. And I think that this, based on how wide the media coverage has been, is gonna be a big eye opener for a lotta parents and they're not gonna be leaving their kids alone anymore.

Q: Tell me what you thought about all those little kids down there at 3:30, 4 o'clock in the morning.

A: I thought it was pretty ridiculous that kids would be up at that time. I mean I didn't, when I was a kid, I'd wanna, you know, stay up late or whatever, you know--

Q: Mmhuh.

A: --at the, I'm sure when I was a little kid, it'd be cool to be up at 3:30 in the morning, in the Arcade. But I mean just runnin' around rampant, there's like no supervision whatsoever. I mean it's like, it's, it's an area that's completely unsupervised and there's no adults around, it's just a bunch a little kids hangin' out.

Q: Uhm, you know a lotta times in our investigations we come across situations and we give them names, like, uh, crimes of circumstance, crimes of passion, ah... spontaneous crimes, pre-planned incidents and stuff like that. Tell me what you would, ah, classify this particular incident as.

A: I'd have to say it'd be spontaneous.

Q: Spontaneous?

A: Yeah.

Q: Okay. You didn't plan on doin' this at all, when you got there?

A: Definitely not, no.

Q: Okay. And you hadn't planned on doing this when you first started playin' around with the little girl?

A: No. Not even.

Q: Do you have any idea what actually compelled you to do this?

A: I don't know. I was sayin' earlier it's like it's, it's like, it just like something like went haywire or something, I don't know. It's like, like when she swung that thing at me, like I don't know, like I suddenly like reacted. And like it was just, it was just a completely strange experience. I mean it's, it's hard for me to

explain, I can't say. It, it wasn't like fun, it wasn't, uh, like a rush, it was just...it's strange, hard to explain. I don't know what triggered it. Like I think her sw, like swinging that thing at me, I guess that's what triggered it, when I grabbed her and was just like from there it went on.

Q: Tell me if you think that there would've been anything that could've stopped you from doin' this.

A: Yeah, lots of things.

Q: Give me an example.

A: Ah, for one, a parent bein' around their child when they're there. You know, not let, leaving your children alone. Uh, having signs posted saying you are under surveillance. That's, that's a pretty big deterrent.

COLLETTE: I think you told us you hadn't seen the cameras ____-

A: Yeah, I didn't, I didn't see the camera. Ah, I had, I had seen two cameras in big white boxes and that's it. I didn't see any camera up by the bathrooms.

Q: Okay. But now you know that, that you were caught on surveillance tape.

A: Yes, I know that.

Q: And you saw that from the TV coverage and people tellin' you?

A: That's correct

Q: Okay.

COLLETTE:

Why'n't you tell him about your blue Bruins baseball cap and your clothing, and what you did with all that stuff.

A:

Uhm, today I, I panicked today, because, uh, I didn't know what to do. I'm, I'm looking at spending a good amount of time, a good period of time of my life in jail now, so I was thinking about taking off and gettin' rid of any evidence I might have, or whatnot. So I, uh, I burned, uh, the cap that I was wearin' that night and, uh, the shorts that I was wearin' that night.

Q:

What kind'a cap was that?

A:

It was a, uh, a U.C.L.A. Bruins like baseball cap.

Q:

What color was it?

A:

It's a blue cap with the yellow B.

Q:

Okay. Uhm, so on the front of the cap there's the B?

A:

Correct.

Q:

And then on the surveillance tape, I saw some writing on the side of the cap.

A:

I believe it says, uhm, like go, go Bruins, or something, above the, uh, hole on the back of the cap.

Q:

Okay. And tell me about the shirt you were wearing that night.

A:

A blue shirt and it's like uh, just like tee shirt, it's, uhm, kind'a dark navy blue and it had like uh, I think some circle designs on it. It's just pretty much a tee shirt with some designs on it, on the front.

Q:

And what'd you do with that shirt?

A:

It's at home.

Q:

It's at home?

A:

Yeah, I don't, I don't remember whether I packed it or, ah, if it's in my room or if it's in the laundry room.

COLLETTE:

Could be in the laundry room, a green backpack he has, or a big black bag that he has.

A: The, uh, the shoes are in the backpack.

? The gray Vans tennis shoes.

A: Right. And the boxers are in the, uh, the black bag.

Q: Is that the kind'a shoes you were wearing, were gray Vans?

A: Yeah, those were the shoes I was wearing.

Q: Okay.

COLLETTE: But he says the maid was there today and they may have washed all those items.

A: All, I, I believe all the clothes had been washed.

Q: Okay. Uhm, well I gotta tell you, I can't think of any other questions I'd like to ask you. What I, what I'd wanna do now is ask, uh, Sergeant Turley or Detective Collette if they have any questions for you, if you don't mind.

A: No, I don't mind. That's fine.

TURLEY: Uh, Jeremy, the only thing that I have that, that I wanna, I think is important that Phil knows, because it's, I want our, ours to be pretty much the same. Do you belong to any gangs or anything right now?

A: No.

TURLEY: You're not a white supreme-ist?

A: No, definitely not.

TURLEY: You indicated to me that you didn't attack this girl because she was black.

A: That's correct. I did not attack her because she was black.

TURLEY: Okay. Also, you told, you told me that, uhm, you hadn't followed her around or anything else to see her locations and that, that you had been in the Arcade for a while, in fact, you even urinated in the Arcade itself, by the Helicop. Is that —

A: That's correct.

TURLEY: Tell me about that.

A: Urinated twice.

COLLETTE: The time if 0300, I just turned to Side B.

TURLEY: In the Arcade.

A: Twice in the Arcade, uhm, there was this spot, ah, there's a row of video games against the wall, going towards, uh, the, uh, ladies' bathroom and, uh, on the wall there's a, a like a socket, plug socket. Ah, urinated all over that. And, uh, and then there's a helicopter game like, uh, like right across from that, urinated inside that.

TURLEY: Okay. You also, uhm, told me earlier and I think it's important here to tell Phil too, that, uhm...after you had, uhm, choked her from, from the front and, uhm, you had sat on her and you heard her kind of, ah, still maybe possibly breathe, there was some life in her, uhm, that you had, uhm, you

wanted to basically, you didn't want her to be a vegetable for the rest of your life, so you, you looked there and you thought about how to do it and you, you remember recalling about some movies or something?

A: Yeah.

? Could you tell Phil about that?

A: Uhm, before I left, uh, and she was still breathing, not, not, not strong breathing, but, you know, a wheezy breathing, uh, very labored, and, uh, I, I, I thought about it and I, and I thought to myself that I couldn't leave her there like that, because I couldn't leave then and I figured that she would be a vegetable,

because of, uh, lack of oxygen to the brain, so, uh... I tried to, uh, break her neck. Uh, and doing it how I'd seen in movies before, uh, putting one hand on the back of the head and one hand under the chin and, uh, twisting, uh, the head to twist the neck, that uh, breaks it. And when I did that, uh, I heard a, a, a loud snap, but,

ah, she was still breathing so, uh, I did it one more time, as hard as I could and, and she stopped breathing.

TURLEY: Okay, Jeremy, at that time, you know, after you choked her, you know, and you didn't want her to be a vegetable, when you decided to break her neck, was it, was it then you say, hey, I'm gonna put her out of her misery and you were gonna kill her?

A: Yeah.

TURLEY: I mean, did you actually say that to yourself, or did you have that idea, or—?

A: Well, my thought was that that would be like the quickest, easiest thing. Uhm, least painful way.

? Mmhuh.

A: Just, you know, end it. So that's what I did.

Q: Okay. Uhm, can I ask you one question?

A: Sure.

Q: Did you, when she was, uh, having this labored breathing, did you consider trying to give her a little bit of CPR yourself, and then take off?

A: No, the thought never cross my mind.

Q: Okay.

TURLEY: Uhm, one other thing too. You, you, you told, uhm, us earlier, or at least clarify, when you had your penis out and you were, she was seated up against the toilet, that, uhm, she wasn't conscious at this time. What, I mean is that, is that the case? Is that, was she, was she screaming? Were you holding her into it, or, or what? Was she not—

A: She was not conscious.

? Okay.

A: She was breathing, but she was not conscious.

? Okay. Well how do you know she was breathing? Could you see _____

A: I could hear her breathing and I could see her chest moving up and down.

? Oh, you could?

A: Yes.

?

Okay. And, uhm...were her eyes open or closed at that time?

A:

I don't, I don't think I really looked at her eyes.

?

Okay.

A:

You know, I don't recall really looking at her face at all.

TURLEY:

Do you remember anyone, when you were in the stall, in the handicapped stall, when this was all going on, do you remember anyone saying anything to you, or coming over the top of the stall, or under the stall, or opening the door of the stall itself, not just the bathroom?

A:

No, I would've noticed that I think.

TURLEY:

Well Phil, I don't have anything more.

Q:

Okay.

COLLETTE:

Thank you. Would you tell us what your grade point average was in school?

A:

Uh, 3.5.

COLLETTE:

3.5? And do you recall I handed you, a uh, consent to search form, to search areas of, uh, the home you live in, from which you have control?

A:

That's correct.

COLLETTE:

And you read the whole thing out loud to us.

A:

That's correct.

COLLETTE:

and, uh, you signed it and agreed to let officers from our Department and Las Vegas, or our Department check for your clothing?

A:

That's correct.

?

Okay.

TURLEY:

Jeremy, one, one quick thing. If, if I could relay something to the father from you, what would it be?

A:

Ah... I don't know if I even have the right to approach him, at least not for a while. Ah, but based on, ah, what he said supposedly, what the newspaper said he said, uh, it doesn't seem like he really had much respect for his daughter at all, but I would send not only him, but his family a letter of apology. I know it's

not really, it's, it's practically nothing, it does nothing to bring her back, but I, uh, tell him that I will be serving my time and I will pay for what I've done.

Q:

Uhm, Jeremy, just a couple of real quick things. Uhm, before we started this interview and before we turned on the tape, uhm, had we, had we threatened you at all in any way?

A:

No you did not.

Q:

Okay. And did we make you any promises or considerations for giving us a statement?

A:

No you did not.

Q:

Okay. Uhm, does anybody else have any questions?

TURLEY:

Phil or Bill, I don't.

Q:

Okay.

COLLETTE:

Do you have any questions of us, Jeremy? Now's your time to ask us anything, any problems, anything you need to discuss, let us know.

A:

No questions.

Q:

Okay. That'll be the end of this statement, the same people are present, it's now 0310 hours. Thanks very much.

EXHIBIT A9

EXHIBIT A9

ORIGINAL

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3 Clark County District Attorney
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FILED

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Shirley E. Rungius
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

VERNELL RAY EVANS,
#924477

Defendant.

Case No: C116071

Dept No: VIII

JUDGMENT OF CONVICTION (JURY TRIAL)

The Defendant previously entered plea(s) of not guilty to the crime(s) of COUNTS 2 THROUGH 5 - MURDER WITH USE OF A DEADLY WEAPON (Felony), in violation of NRS 200.010, 200.030, 193.165, and the matter having been tried before a jury, and the Defendant being represented by counsel and having been found guilty of the crime(s) of COUNTS 2 THROUGH 5 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Felony); and thereafter on the 17th day of March, 2004, the Defendant was present in Court for sentencing with his counsel, PETE CHRISTIANSEN, Esquire, and good cause appearing therefor,

THE DEFENDANT HEREBY ADJUDGED guilty of the crime(s) as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee, the Defendant is sentenced as follows: Defendant is SENTENCED on COUNT II to a MAXIMUM term of LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND CONSECUTIVE term of LIFE WITHOUT THE POSSIBILITY OF PAROLE for use of a deadly weapon, CONSECUTIVE to COUNT I (on which Defendant

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1 has previously been sentenced to TEN YEARS, which term has expired); on COUNT III to a
2 MAXIMUM term of LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL
3 AND CONSECUTIVE term of LIFE WITHOUT THE POSSIBILITY OF PAROLE for use
4 of a deadly weapon, CONSECUTIVE to COUNT II; on COUNT IV to a MAXIMUM term
5 of LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND
6 CONSECUTIVE term of LIFE WITHOUT THE POSSIBILITY OF PAROLE for use of a
7 deadly weapon, CONSECUTIVE to count III; on COUNT V to a MAXIMUM term of LIFE
8 WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND CONSECUTIVE term
9 of LIFE WITHOUT THE POSSIBILITY OF PAROLE for use of a deadly weapon,
10 CONSECUTIVE to COUNT IV. Defendant to receive 3,392 days credit for time served.

11 DATED this 22 day of March, 2004.

12 Lee A. Gates
13 DISTRICT JUDGE SC
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EXHIBIT A10

EXHIBIT A10

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2 DAVID ROGER
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11 Attorney for Plaintiff

FEB 04 2004

SHARON COFFMAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

VERNELL RAY EVANS,
#924477

Defendant.

CASE NO: C116071
DEPT NO: VIII

SENTENCING AGREEMENT

I, VERNELL RAY EVANS, having been found guilty by a jury of: COUNTS 2 THROUGH 5 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Felony - NRS 200.010, 200.030, 193.165)), hereby agree to enter into the following sentencing agreement:

Both parties stipulate that the Defendant will be sentenced to a term of life in the Nevada Department of Corrections without the possibility of parole, plus an equal and consecutive term of life in the Nevada Department of Corrections without the possibility of parole for the deadly weapon enhancement, per count. Further, both parties stipulate that all counts will run consecutive to one another and will run consecutive to Count 1, which the Defendant is currently serving time for. Additionally, both parties agree that if the Court is not inclined to sentence the Defendant as stipulated, either party may withdraw from these negotiations and proceed to a penalty hearing.

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1 sentencing, including my criminal history. This report may contain hearsay information
2 regarding my background and criminal history. My attorney and I will each have the
3 opportunity to comment on the information contained in the report at the time of sentencing.
4 Unless the District Attorney has specifically agreed otherwise, then the District Attorney
5 may also comment on this report.

6 WAIVER OF RIGHTS

7 I understand that the Nevada Supreme Court has ordered a new penalty hearing for
8 me in this case. I agree, after speaking with attorneys, that it is in my best interests to accept
9 the conditions set forth in the sentencing agreement. I further agree that I waive my right to
10 appeal my decision to waive my penalty hearing at this time.

11 VOLUNTARINESS OF PLEA

12 I have discussed with my attorney any possible appellate issues and circumstances
13 which might be in my favor.

14 All of the foregoing elements, consequences, rights, and waiver of rights have been
15 thoroughly explained to me by my attorney.

16 I believe that entering into this sentencing agreement is in my best interest, and that a
17 penalty hearing would be contrary to my best interest.

18 I am signing this agreement voluntarily, after consultation with my attorney, and I am
19 not acting under duress or coercion or by virtue of any promises of leniency, except for those
20 set forth in this agreement.

21 I am not now under the influence of any intoxicating liquor, a controlled substance or
22 other drug which would in any manner impair my ability to comprehend or understand this
23 agreement or the proceedings surrounding my entry into this agreement.

24 My attorney has answered all my questions regarding this sentencing agreement and

25 //

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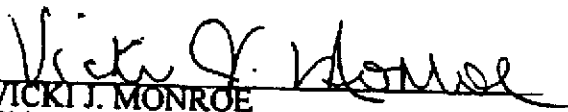
28 //

1 its consequences to my satisfaction and I am satisfied with the services provided by my
2 attorney.

3 DATED this 4 day of ^{February} ~~January~~, 2004.

4
5 
6 VERNELL RAY EVANS
7 Defendant

8 AGREED TO BY:

9 
10 VICKI J. MONROE
11 Chief Deputy District Attorney
12 Nevada Bar #003776
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 and sentencing options for which the Defendant was convicted.

6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.

8 3. All waivers offered by the Defendant pursuant to this agreement are consistent
9 with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of the
12 agreement and waivers as provided in this agreement.

13 b. Executed this agreement voluntarily.

14 c. Was not under the influence of intoxicating liquor, a controlled substance or
15 other drug at the time I consulted with the defendant as certified in paragraphs
16 1 and 2 above.

17 Dated: This 4 day of January, 2004.

18 
19 ATTORNEY FOR DEFENDANT
20
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mb

EXHIBIT A11

EXHIBIT A11

1 CODE 1785
2 Richard A. Gammick
3 #001510
4 P.O. 30083
5 Reno, NV. 89520-3083
6 (775)328-3200
7 Attorney for Plaintiff

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE.

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

Case No. CR06-2974

16 VALERIE JEAN MOORE,
17 also known as
18 VALARIE MOORE,

Dept. No. 6

19 Defendant.

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GUILTY PLEA MEMORANDUM

1. I, VALERIE JEAN MOORE, also known as VALARIE MOORE, understand that I am charged with the offense(s) of: COUNT I FIRST DEGREE ARSON, a violation of NRS 205.010, a felony, and COUNTS II through XIII MURDER IN THE FIRST DEGREE, a violation of NRS 200.010 and NRS 200.030(1)(b), a felony.

2. I desire to enter a plea of guilty to the offense(s) of COUNT I FIRST DEGREE ARSON, a violation of NRS 205.010, a felony, and COUNTS II through XIII MURDER IN THE FIRST DEGREE, a violation of NRS 200.010 and NRS 200.030(1)(b), a felony, as more fully alleged
///

1 in the charge(s) filed against me. I am competent to proceed and to
2 enter into this plea agreement with the State of Nevada.

3 3. By entering my plea of guilty I know and understand
4 that I am waiving the following constitutional rights:

5 A. I waive my privilege against self-incrimination.

6 B. I waive my right to trial by jury, at which trial the
7 State would have to prove my guilt of all elements of the offenses
8 beyond a reasonable doubt.

9 C. I waive my right to confront my accusers, that is, the
10 right to confront and cross examine all witnesses who would testify
11 at trial.

12 D. I waive my right to subpoena witnesses for trial on my
13 behalf.

14 4. I understand the charge(s) against me and that the
15 elements of the offense(s) which the State would have to prove beyond
16 a reasonable doubt at trial are that on the 31st day of October,
17 2006, or thereabout, in the County of Washoe, State of Nevada, I did,
18 as to Count I FIRST DEGREE ARSON, willfully, unlawfully, and
19 maliciously set fire to a residential structure and/or items
20 contained therein, located at 214 Lake Street, known as the Mizpah
21 Hotel, Reno, Washoe County, Nevada.

22 I understand the charge(s) against me and that the elements
23 of the offense(s) which the State would have to prove beyond a
24 reasonable doubt at trial are that on the 31st day of October, 2006,
25 or thereabout, in the County of Washoe, State of Nevada, I did, as to
26 Count II MURDER IN THE FIRST DEGREE, willfully, unlawfully, and with

1 malice aforethought, kill or cause the death of GREGORY JACK WILTSE,
2 a human being, during the commission of the crime of Arson, said
3 death occurring on October 31, 2006.

4 I understand the charge(s) against me and that the elements
5 of the offense(s) which the State would have to prove beyond a
6 reasonable doubt at trial are that on the 31st day of October, 2006,
7 or thereabout, in the County of Washoe, State of Nevada, I did, as to
8 Count III MURDER IN THE FIRST DEGREE, willfully, unlawfully, and
9 with malice aforethought, kill or cause the death of ERNEST JAMES
10 DUARTE, a human being, during the commission of the crime of Arson,
11 said death occurring on October 31, 2006.

12 I understand the charge(s) against me and that the elements
13 of the offense(s) which the State would have to prove beyond a
14 reasonable doubt at trial are that on the 31st day of October, 2006,
15 or thereabout, in the County of Washoe, State of Nevada, I did, as to
16 Count IV MURDER IN THE FIRST DEGREE, willfully, unlawfully, and with
17 malice aforethought, kill or cause the death of PAUL DRUM SMITH, a
18 human being, during the commission of the crime of Arson, said death
19 occurring on October 31, 2006.

20 I understand the charge(s) against me and that the elements
21 of the offense(s) which the State would have to prove beyond a
22 reasonable doubt at trial are that on the 31st day of October, 2006,
23 or thereabout, in the County of Washoe, State of Nevada, I did, as to
24 Count V MURDER IN THE FIRST DEGREE, willfully, unlawfully, and with
25 malice aforethought, kill or cause the death of CHRISTOPHER JAMES
26 ///

1 COVERT, a human being, during the commission of the crime of Arson,
2 said death occurring on October 31, 2006

3 I understand the charge(s) against me and that the elements
4 of the offense(s) which the State would have to prove beyond a
5 reasonable doubt at trial are that on the 31st day of October, 2006,
6 or thereabout, in the County of Washoe, State of Nevada, I did, as to
7 Count VI MURDER IN THE FIRST DEGREE, willfully, unlawfully, and with
8 malice aforethought, kill or cause the death of NADINE INGE
9 NICODEMUS, a human being, during the commission of the crime of
10 Arson, said death occurring on October 31, 2006.

11 I understand the charge(s) against me and that the elements
12 of the offense(s) which the State would have to prove beyond a
13 reasonable doubt at trial are that on the 31st day of October, 2006,
14 or thereabout, in the County of Washoe, State of Nevada, I did, as to
15 Count VII MURDER IN THE FIRST DEGREE, willfully, unlawfully, and
16 with malice aforethought, kill or cause the death of PHILLIP JAMES
17 BRIDGES, a human being, during the commission of the crime of Arson,
18 said death occurring on October 31, 2006.

19 I understand the charge(s) against me and that the elements
20 of the offense(s) which the State would have to prove beyond a
21 reasonable doubt at trial are that on the 31st day of October, 2006,
22 or thereabout, in the County of Washoe, State of Nevada, I did, as to
23 Count VIII MURDER IN THE FIRST DEGREE, willfully, unlawfully, and
24 with malice aforethought, kill or cause the death of ALFORD EDWARD
25 YATES, a human being, during the commission of the crime of Arson,
26 said death occurring on October 31, 2006.

1 I understand the charge(s) against me and that the elements
2 of the offense(s) which the State would have to prove beyond a
3 reasonable doubt at trial are that on the 31st day of October, 2006,
4 or thereabout, in the County of Washoe, State of Nevada, I did, as to
5 Count IX MURDER IN THE FIRST DEGREE, willfully, unlawfully, and with
6 malice aforethought, kill or cause the death of KEVIN M. SUTHERIN, a
7 human being, during the commission of the crime of Arson, said death
8 occurring on October 31, 2006.

9 I understand the charge(s) against me and that the elements
10 of the offense(s) which the State would have to prove beyond a
11 reasonable doubt at trial are that on the 31st day of October, 2006,
12 or thereabout, in the County of Washoe, State of Nevada, I did, as to
13 Count X MURDER IN THE FIRST DEGREE, willfully, unlawfully, and with
14 malice aforethought, kill or cause the death of WILLIAM JOHN SERRAO,
15 a human being, during the commission of the crime of Arson, said
16 death occurring on October 31, 2006.

17 I understand the charge(s) against me and that the elements
18 of the offense(s) which the State would have to prove beyond a
19 reasonable doubt at trial are that on the 31st day of October, 2006,
20 or thereabout, in the County of Washoe, State of Nevada, I did, as to
21 Count XI MURDER IN THE FIRST DEGREE, willfully, unlawfully, and with
22 malice aforethought, kill or cause the death of SANTIAGO MCDONALD, a
23 human being, during the commission of the crime of Arson, said death
24 occurring on October 31, 2006.

25 I understand the charge(s) against me and that the elements
26 of the offense(s) which the State would have to prove beyond a

1 reasonable doubt at trial are that on the 31st day of October, 2006,
2 or thereabout, in the County of Washoe, State of Nevada, I did, as to
3 Count XII MURDER IN THE FIRST DEGREE, willfully, unlawfully, and
4 with malice aforethought, kill or cause the death of JEREMY LEE WREN,
5 a human being, during the commission of the crime of Arson, said
6 death occurring on October 31, 2006.

7 I understand the charge(s) against me and that the elements
8 of the offense(s) which the State would have to prove beyond a
9 reasonable doubt at trial are that on the 31st day of October, 2006,
10 or thereabout, in the County of Washoe, State of Nevada, I did, as to
11 Count XIII MURDER IN THE FIRST DEGREE, willfully, unlawfully, and
12 with malice aforethought, kill or cause the death of DIANA BARBARA
13 POCHINI, a human being, during the commission of the crime of Arson,
14 said death occurring on October 31, 2006.

15 5. I admit the facts which support all the elements of the
16 offenses by pleading guilty. I admit that the State possesses
17 sufficient evidence which would result in my conviction. I have
18 considered and discussed all possible defenses and defense strategies
19 with my counsel, including but not limited to, insanity, diminished
20 mental capacity, intoxication, lack of specific or other criminal
21 intent, alibi, that another person or persons committed the offenses
22 and that the fire was accidentally caused, or otherwise not
23 intentionally set by myself or any other person. I understand that
24 any substantive or procedural pretrial issue or issues which could
25 have been raised at trial are waived by my plea.

26 ///

1 6. I understand that the consequences of my plea of
2 guilty, as to Count I FIRST DEGREE ARSON, are that I may be
3 imprisoned for a minimum period of two and a maximum period of
4 fifteen years in the Nevada State Department of Corrections and that
5 I am eligible for probation. I may also be fined up to \$15,000.00.

6 I understand that the consequences of my plea of guilty, as
7 to Count II MURDER IN THE FIRST DEGREE, are that I may be imprisoned
8 for a period of life with or without the possibility of parole or for
9 a definite term of fifty years in the Nevada State Department of
10 Corrections and that I am not eligible for probation. I understand
11 that if the penalty is fixed at life imprisonment with the
12 possibility of parole, or for a definite term of fifty years,
13 eligibility for parole begins when a minimum of twenty years has been
14 served.

15 I understand that the consequences of my plea of guilty, as
16 to Count III MURDER IN THE FIRST DEGREE, are that I may be
17 imprisoned for a period of life with or without the possibility of
18 parole or for a definite term of fifty years in the Nevada State
19 Department of Corrections and that I am not eligible for probation.
20 I understand that if the penalty is fixed at life imprisonment with
21 the possibility of parole, or for a definite term of fifty years,
22 eligibility for parole begins when a minimum of twenty years has been
23 served.

24 I understand that the consequences of my plea of guilty, as
25 to Count IV MURDER IN THE FIRST DEGREE, are that I may be imprisoned
26 for a period of life with or without the possibility of parole or for

1 a definite term of fifty years in the Nevada State Department of
2 Corrections and that I am not eligible for probation. I understand
3 that if the penalty is fixed at life imprisonment with the
4 possibility of parole, or for a definite term of fifty years,
5 eligibility for parole begins when a minimum of twenty years has been
6 served.

7 I understand that the consequences of my plea of guilty, as
8 to Count V MURDER IN THE FIRST DEGREE, are that I may be imprisoned
9 for a period of life with or without the possibility of parole or for
10 a definite term of fifty years in the Nevada State Department of
11 Corrections and that I am not eligible for probation. I understand
12 that if the penalty is fixed at life imprisonment with the
13 possibility of parole, or for a definite term of fifty years,
14 eligibility for parole begins when a minimum of twenty years has been
15 served.

16 I understand that the consequences of my plea of guilty, as
17 to Count VI MURDER IN THE FIRST DEGREE, are that I may be imprisoned
18 for a period of life with or without the possibility of parole or for
19 a definite term of fifty years in the Nevada State Department of
20 Corrections and that I am not eligible for probation. I understand
21 that if the penalty is fixed at life imprisonment with the
22 possibility of parole, or for a definite term of fifty years,
23 eligibility for parole begins when a minimum of twenty years has been
24 served.

25 I understand that the consequences of my plea of guilty, as
26 to Count VII MURDER IN THE FIRST DEGREE, are that I may be

1 imprisoned for a period of life with or without the possibility of
2 parole or for a definite term of fifty years in the Nevada State
3 Department of Corrections and that I am not eligible for probation.
4 I understand that if the penalty is fixed at life imprisonment with
5 the possibility of parole, or for a definite term of fifty years,
6 eligibility for parole begins when a minimum of twenty years has been
7 served.

8 I understand that the consequences of my plea of guilty, as
9 to Count VIII MURDER IN THE FIRST DEGREE, are that I may be
10 imprisoned for a period of life with or without the possibility of
11 parole or for a definite term of fifty years in the Nevada State
12 Department of Corrections and that I am not eligible for probation.
13 I understand that if the penalty is fixed at life imprisonment with
14 the possibility of parole, or for a definite term of fifty years,
15 eligibility for parole begins when a minimum of twenty years has been
16 served.

17 I understand that the consequences of my plea of guilty, as
18 to Count IX MURDER IN THE FIRST DEGREE, are that I may be imprisoned
19 for a period of life with or without the possibility of parole or for
20 a definite term of fifty years in the Nevada State Department of
21 Corrections and that I am not eligible for probation. I understand
22 that if the penalty is fixed at life imprisonment with the
23 possibility of parole, or for a definite term of fifty years,
24 eligibility for parole begins when a minimum of twenty years has been
25 served.

26 ///

1 I understand that the consequences of my plea of guilty, as
2 to Count X MURDER IN THE FIRST DEGREE, are that I may be imprisoned
3 for a period of life with or without the possibility of parole or for
4 a definite term of fifty years in the Nevada State Department of
5 Corrections and that I am not eligible for probation. I understand
6 that if the penalty is fixed at life imprisonment with the
7 possibility of parole, or for a definite term of fifty years,
8 eligibility for parole begins when a minimum of twenty years has been
9 served.

10 I understand that the consequences of my plea of guilty, as
11 to Count XI MURDER IN THE FIRST DEGREE, are that I may be imprisoned
12 for a period of life with or without the possibility of parole or for
13 a definite term of fifty years in the Nevada State Department of
14 Corrections and that I am not eligible for probation. I understand
15 that if the penalty is fixed at life imprisonment with the
16 possibility of parole, or for a definite term of fifty years,
17 eligibility for parole begins when a minimum of twenty years has been
18 served.

19 I understand that the consequences of my plea of guilty, as
20 to Count XII MURDER IN THE FIRST DEGREE, are that I may be
21 imprisoned for a period of life with or without the possibility of
22 parole or for a definite term of fifty years in the Nevada State
23 Department of Corrections and that I am not eligible for probation.
24 I understand that if the penalty is fixed at life imprisonment with
25 the possibility of parole, or for a definite term of fifty years,
26 ///

1 eligibility for parole begins when a minimum of twenty years has been
2 served.

3 I understand that the consequences of my plea of guilty, as
4 to Count XIII MURDER IN THE FIRST DEGREE, are that I may be
5 imprisoned for a period of life with or without the possibility of
6 parole or for a definite term of fifty years in the Nevada State
7 Department of Corrections and that I am not eligible for probation.
8 I understand that if the penalty is fixed at life imprisonment with
9 the possibility of parole, or for a definite term of fifty years,
10 eligibility for parole begins when a minimum of twenty years has been
11 served. The sentence on each count may be concurrent or consecutive
12 to each other.

13 7. In exchange for my plea of guilty, and pursuant to this
14 plea agreement, the State will not file or pursue the death penalty.
15 I understand and agree that if I do not plead guilty to First Degree
16 Arson and twelve counts of Murder in the First Degree, or if I at any
17 time challenge my conviction or sentence and am successful, the State
18 reserves the right to file and pursue the death penalty. For this
19 purpose, I hereby waive any right I may have under Supreme Court Rule
20 250(4) to require the State to file notice of intent to seek the
21 death penalty within thirty days of the filing of a criminal
22 Information.

23 I agree to be sentenced by a single Judge pursuant to NRS
24 175.552(1)(c). I waive any right to have a jury decide the penalty
25 for any of these offenses.

26 ///

1 In exchange for my plea of guilty, the State, my counsel,
2 and I have agreed to recommend the following: Both parties shall
3 recommend a minimum sentence of 6 years and a maximum sentence of 15
4 years on Count I FIRST DEGREE ARSON. On Counts II through XIII
5 MURDER IN THE FIRST DEGREE, the parties shall recommend a sentence of
6 life without the possibility of parole on each count. The sentences
7 imposed upon all thirteen counts are to run consecutively with each
8 and every other count. For this reason, neither my counsel nor I
9 will present any evidence or argument in mitigation of these crimes
10 at sentencing. I further understand and agree that the sentence on
11 each and every count must run consecutively to my prior Washoe County
12 conviction for MURDER IN THE SECOND DEGREE WITH THE USE OF A DEADLY
13 WEAPON (C87-452), for which crime I was on parole during the
14 commission of the instant offenses. The State will not file any
15 additional criminal charges against me stemming from this arrest.

16 8. I understand that, even though the State and I have
17 reached this plea agreement, the State is reserving the right to
18 present arguments, facts, and/or witnesses at sentencing in support
19 of the plea agreement.

20 9. I also agree that I will make full restitution in this
21 matter, as determined by the Court.

22 10. I understand that the State, in its discretion, is
23 entitled to either withdraw from this agreement and proceed with the
24 prosecution of the original charges or be free to argue for an
25 appropriate sentence at the time of sentencing if I fail to appear at
26 any scheduled proceeding in this matter OR if prior to the date of my

1 sentencing I am arrested in any jurisdiction for a violation of law
2 OR if I have misrepresented my prior criminal history. I represent
3 that I have multiple felony and misdemeanor convictions all known to
4 the State, including a 1987 conviction for MURDER IN THE SECOND
5 DEGREE WITH THE USE OF A DEADLY WEAPON in Washoe County, Nevada. I
6 understand and agree that the occurrence of any of these acts
7 constitutes a material breach of my plea agreement with the State. I
8 further understand and agree that by the execution of this agreement,
9 I am waiving any right I may have to remand this matter to Justice
10 Court should I later be permitted to withdraw my plea.

11 11. I understand and agree that pursuant to the terms of
12 the plea agreement stated herein, any counts which are to be
13 dismissed and any other cases charged or uncharged which are either
14 to be dismissed or not pursued by the State, may be considered by the
15 court at the time of my sentencing.

16 12. I understand that the Court is not bound by the
17 agreement of the parties and that the matter of sentencing is to be
18 determined solely by the Court. I have discussed the charge(s), the
19 facts and the possible defenses with my attorney. All of the
20 foregoing rights, waiver of rights, elements, possible penalties, and
21 consequences, have been carefully explained to me by my attorney. I
22 am satisfied with my counsel's advice and representation leading to
23 this resolution of my case. I am aware that if I am not satisfied
24 with my counsel I should advise the Court at this time. I believe
25 that entering my plea is in my best interest and that going to trial
26 is not in my best interest.

1 13. I understand that this plea and resulting conviction
2 may have adverse effects upon my residency in this country if I am
3 not a U. S. Citizen.

4 14. I offer my plea freely, voluntarily, knowingly and
5 with full understanding of all matters set forth in the Information
6 and in this Plea Memorandum. I understand everything contained
7 within this Memorandum.

8 15. My plea of guilty is voluntary and is not the result
9 of any threats, coercion or promises of leniency.

10 16. I am signing this Plea Memorandum voluntarily with
11 advice of counsel, under no duress, coercion, or promises of
12 leniency.

13 DATED this 19th day of January, 2007.

14
15
16 _____
DEFENDANT

17
18 _____
Attorney Witnessing
Defendant's Signature

19 David W. Clifton
20 Prosecuting Attorney

21 ///

22 ///

23 ///

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25 ///

26 ///

AFFIRMATION PURSUANT TO NRS 239B.030

1 The undersigned does hereby affirm that the preceding
2 document does not contain the social security number of any person.

3 DATED this 19th day of January, 2007

4 David V. Clifton
5 Prosecuting Attorney
6

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EXHIBIT B1

EXHIBIT B1

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VER

FILED IN OPEN COURT

FEB 17 2006 2:56 p.m.

DISTRICT COURT SHIRLEY D. FARRAGUT, CLERK
CLARK COUNTY, NEVADA

ALAN PAUL CASTLE SR DEPUTY

THE STATE OF NEVADA,
Plaintiff,

-vs-

JAMES A. SCHOLL,
Defendant.

Case No. C204775
Dept No. IX

SPECIAL
VERDICT

We, the Jury in the above entitled case, having found the Defendant, JAMES A. SCHOLL, Guilty of COUNT 7 - MURDER OF THE FIRST DEGREE, designate that the aggravating circumstance or circumstances which have been checked below have been established beyond a reasonable doubt.

☒ The murder was committed by Defendant, who before the penalty hearing is conducted, will have been convicted of a felony involving the use or threat of violence to the person of another, to-wit: Count 3 of the Information charging the Defendant with Robbery With Use of a Deadly Weapon.

☒ The murder involved torture of the victim.

DATED at Las Vegas, Nevada, this 17 day of February, 2006.

FOREPERSON

1 VER

FILED IN CLERK'S OFFICE
FEB 17 2006 2:56 p.m.
SHERIFF'S PARLOR
BY Alan Paul Castle
ALAN PAUL CASTLE SR L...

6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,
9 Plaintiff,

10 -vs-

11 JAMES A. SCHOLL,
12 Defendant.
13

Case No. C204775

Dept No. IX

14 SPECIAL
15 VERDICT

16 We, the Jury in the above entitled case, having found the Defendant, JAMES A.
17 SCHOLL, Guilty of COUNT 7 - MURDER OF THE FIRST DEGREE, designate that the
18 mitigating circumstance or circumstances which have been checked below have been
19 established.

20 (1) X The murder was committed while James Scholl was under the influence
21 of extreme mental or emotional disturbance;

22 (2) X The Defendant suffered as a child and young adult with emotional
23 disabilities;

24 (3) X The Defendant has no significant prior criminal history;

25 (4) X At the time of the commission of the crime, Defendant was under the
26 influence of controlled substances or alcohol;

27 (5) X At a very young age, the Defendant was thrust into a position of
28 adulthood and was ill-equipped to handle those responsibilities;

1 (6) X Any other mitigating circumstances.
2
3

4 DRUG ADDICTION
5 CONSIDERATION OF HIS CHILDREN
6
7
8

9 DATED at Las Vegas, Nevada, this 17 day of February, 2006.
10
11

12 FOREPERSON
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EXHIBIT B2

EXHIBIT B2

1 VER

FILED IN OPEN COURT

FEB 17 2006 2:56 p.m.

SHIRLEY D. FARRINGTON, CLERK

BY Alan Paul Castle Sr
ALAN PAUL CASTLE SR DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

10 -vs-

11 JAMES A. SCHOLL,
12 Defendant.

Case No. C204775

Dept No. IX

13
14 VERDICT

15 We, the Jury in the above entitled case, having found the Defendant, JAMES A.
16 SCHOLL, Guilty of COUNT 7 - MURDER OF THE FIRST DEGREE and having found
17 that the aggravating circumstance or circumstances outweigh any mitigating circumstance or
18 circumstances impose a sentence of,

19
20 _____ A definite term of 100 years imprisonment, with eligibility for parole
21 beginning when a minimum of 40 years has been served,

22 _____ Life in Nevada Department of Corrections With the Possibility of Parole.

23 X _____ Life in Nevada Department of Corrections Without the Possibility of Parole.

24 _____ Death.

25 DATED at Las Vegas, Nevada, this 17 day of February, 2006

26
27 FOREPERSON
28

EXHIBIT B3

EXHIBIT B3

JOC

ORIGINAL

DISTRICT COURT

CLARK COUNTY, NEVADA

FILED

MAY 19 11 24 AM '06

Shirley B. Pungione
CLERK

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES A. SCHOLL
#1223201

Defendant.

CASE NO. C204775

DEPT. NO. IX

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT(S)
1 and 4 - BURGLARY (Category B Felony), in violation of NRS 205.060, COUNT 2 -
FIRST DEGREE KIDNAPING WITH USE OF A DEADLY WEAPON (Category B
Felony) NRS 200.310, 200.320, 193.165, COUNT 3 - ROBBERY WITH USE OF A
DEADLY WEAPON (Category C Felony), NRS 200.380, COUNT 5 - FIRST DEGREE
ARSON (Category B Felony), NRS 205.010, COUNT 6 - ATTEMPT ROBBERY WITH
USE OF A DEADLY WEAPON (Category B Felony), NRS 193.330, 193.165, 200.380,
COUNT 7 - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony), NRS
193.165, 200.010, 200.030; and the matter having been tried before a jury and the

RECEIVED

MAY 19 2006

COUNTY CLERK

1 Defendant having been found guilty of the crimes of COUNT(S) 1 and 4 - BURGLARY
2 (Category B Felony), in violation of NRS 205.060, COUNT 2 - FIRST DEGREE
3 KIDNAPING WITH USE OF A DEADLY WEAPON (Category B Felony), NRS 200.310,
4 200.320, 193.165, COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON
5 (Category B Felony), NRS 200.380, 193.165, COUNT 5 - FIRST DEGREE ARSON
6 (Category B Felony), NRS 205.010, COUNT 6 - ATTEMPT ROBBERY WITH USE OF A
7 DEADLY WEAPON (Category B Felony), NRS 193.330, 193.165, 200.380, COUNT 7 -
8 FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony),
9 NRS 193.165, 200.010, 200.030; thereafter, on the 1st day of May, 2006, the Defendant
10 was present in court for sentencing with his counsel, DAVID M. SCHIECK and ALZORA
11 B. JACKSON, Special Deputy Public Defenders, and good cause appearing,
12

13 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
14 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee
15 including testing to determine genetic markers, and \$130.00 Restitution, the Defendant
16 is SENTENCED to the Nevada Department of Corrections (NDC) as follows: AS TO
17 COUNT 1 - TO A MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a
18 MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS; AS TO COUNT 2 - TO A
19 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole
20 Eligibility of SIXTY (60) MONTHS, plus an EQUAL and CONSECUTIVE term of ONE
21 HUNDRED EIGHTY (180) MONTHS MAXIMUM and of SIXTY (60) MONTHS
22 MINIMUM for the Use of a Deadly Weapon, COUNT 2 to run CONCURRENT WITH
23 COUNT 1; AS TO COUNT 3 - TO A MAXIMUM of ONE HUNDRED FIFTY-SIX (156)
24 MONTHS with a MINIMUM Parole Eligibility of THIRTY-FIVE (35) MONTHS, plus an
25 EQUAL and CONSECUTIVE term of ONE HUNDRED FIFTY-SIX (156) MONTHS
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27
28

1 MAXIMUM and THIRTY-FIVE (35) MONTHS MINIMUM, for the Use of a Deadly
2 Weapon, COUNT 3 to run CONCURRENT with COUNT 2; AS TO COUNT 4 - TO A
3 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
4 Eligibility of FORTY-EIGHT (48) MONTHS, COUNT 4 to run CONSECUTIVE to COUNT
5 3; AS TO COUNT 5 - TO A MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS
6 with a MINIMUM Parole Eligibility of SEVENTY-TWO (72) MONTHS, COUNT 5 to run
7 CONSECUTIVE to COUNT 3; AS TO COUNT 6 - TO A MAXIMUM of ONE HUNDRED
8 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48)
9 MONTHS, plus an EQUAL and CONSECUTIVE term of ONE HUNDRED TWENTY
10 (120) MONTHS MAXIMUM and FORTY-EIGHT (48) MONTHS MINIMUM, COUNT 6 to
11 run CONSECUTIVE to COUNT 3; COUNT 7 - LIFE WITHOUT POSSIBILITY OF
12 PAROLE, plus an EQUAL and CONSECUTIVE term of LIFE WITHOUT POSSIBILITY
13 OF PAROLE, for the Use of a Deadly Weapon, COUNT 7 to run CONSECUTIVE to
14 COUNT 3; with SIX HUNDRED EIGHTEEN (618) DAYS credit for time served.
15
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19 DATED this 18th day of May, 2006.
20
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22 
23 JENNIFER P. TOGLIATTI
24 DISTRICT JUDGE
25
26
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EXHIBIT B4

EXHIBIT B4

1 VER

FILED IN OPEN COURT
FEB 15 2006 3:47PM

SHIRLEY B. FARMINGTON, CLERK

BY Alan Paul Castle Sr.

DISTRICT COURT ALAN PAUL CASTLE SR DEPUTY

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 JAMES A. SCHOLL,

11 Defendant.

CASE NO: C204775

DEPT NO: IX

12
13 VERDICT

14 We, the jury in the above entitled case, find the Defendant JAMES A. SCHOLL, as
15 follows:

16 COUNT 1 - BURGLARY

17 (please check the appropriate box, select only one)

18 ☒ Guilty of BURGLARY

19 ☐ Not Guilty

20
21 We, the jury in the above entitled case, find the Defendant JAMES A. SCHOLL, as
22 follows:

23 COUNT 2 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

24 (please check the appropriate box, select only one)

25 ☒ Guilty of FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY
26 WEAPON

27 ☐ Guilty of FIRST DEGREE KIDNAPPING

28 ☐ Not Guilty

1 We, the jury in the above entitled case, find the Defendant JAMES A. SCHOLL, as
2 follows:

3 **COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON**

4 *(please check the appropriate box, select only one)*

5 ☒ Guilty of ROBBERY WITH USE OF A DEADLY WEAPON

6 ☐ Guilty of ROBBERY

7 ☐ Not Guilty
8

9 We, the jury in the above entitled case, find the Defendant JAMES A. SCHOLL, as
10 follows:

11 **COUNT 4 - BURGLARY**

12 *(please check the appropriate box, select only one)*

13 ☒ Guilty of BURGLARY

14 ☐ Not Guilty
15

16 We, the jury in the above entitled case, find the Defendant JAMES A. SCHOLL, as
17 follows:

18 **COUNT 5 - FIRST DEGREE ARSON**

19 *(please check the appropriate box, select only one)*

20 ☒ Guilty of FIRST DEGREE ARSON

21 ☐ Not Guilty
22
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1 We, the jury in the above entitled case, find the Defendant JAMES A. SCHOLL, as
2 follows:

3 **COUNT 6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON**

4 *(please check the appropriate box, select only one)*

- 5 ☒ Guilty of ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
6 ☐ Guilty of ATTEMPT ROBBERY
7 ☐ Not Guilty
8

9 We, the jury in the above entitled case, find the Defendant JAMES A. SCHOLL, as
10 follows:

11 **COUNT 7 - MURDER WITH USE OF A DEADLY WEAPON**

12 *(please check the appropriate box, select only one)*

- 13 ☒ Guilty of First Degree Murder With Use of a Deadly Weapon
14 ☐ Guilty of First Degree Murder
15 ☐ Guilty of Second Degree Murder With Use of a Deadly Weapon
16 ☐ Guilty of Second Degree Murder
17 ☐ Not Guilty
18

19 DATED this 15 day of February, 2006
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23 FOREPERSON
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EXHIBIT B5

EXHIBIT B5

1 VER

FILED IN OPEN COURT

DEC 16 2005

SHIRLEY B. PARRAGUIRRE, CLERK

BY Kristen M. Brown

KRISTEN M. BROWN DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 GLENFORD ANTHONY BUDD

12 Defendant.

Case No. C193182

Dept No. XVIII

14 SPECIAL VERDICT

15 (Mitigating Circumstances)

16
17 We, the Jury in the above entitled case, having found the Defendant, GLENFORD
18 ANTHONY BUDD, Guilty of COUNT 1 - MURDER OF THE FIRST DEGREE (Dajon
19 Jones, victim), COUNT 2 - MURDER OF THE FIRST DEGREE (Derrick Jones, victim),
20 and COUNT 3 - MURDER OF THE FIRST DEGREE (Jason Moore, victim), designate that
21 the mitigating circumstance or circumstances which have been checked or written in below
22 have been established.

23 ☒ The Defendant has no significant history of prior criminal activity.

24 ☒ The murder was committed while the Defendant was under the influence of
25 extreme mental or emotional disturbance.
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RECEIVED

DEC 16 2005

COUNTY CLERK

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☒ The youth of the defendant at the time of the crime.

☒ The Defendant's diminished intelligence.

☒ The impact of the defendant's execution on his family members, including his mother, grandmother, brother and sisters Shermaine and Angel.

☒ The impact of the defendant's execution on his other family members, friends and loved ones.

☒ Any other mitigating circumstances.

The apology of the defendant

DATED at Las Vegas, Nevada, this 16th day of December, 2005.

Rachel Adams
FOREPERSON

1 VER

2 FILED IN OPEN COURT
3 DEC 16 2005

4 SP. FILEY B. PARRAGUIRRE, CLERK

5 BY Kristen M. Brown

6 KRISTEN M. BROWN DEPUTY

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 GLENFORD ANTHONY BUDD,

13 Defendant.

Case No.

0193182

~~093182~~

Dept No.

XVIII

14 SPECIAL VERDICT

15 (Aggravating Circumstance)

16 We, the Jury in the above entitled case, having found the Defendant, GLENFORD
17 ANTHONY BUDD, Guilty of COUNT 1 - MURDER OF THE FIRST DEGREE (Dajon
18 Jones, victim), COUNT 2 - MURDER OF THE FIRST DEGREE (Derrick Jones, victim),
19 and COUNT 3 - MURDER OF THE FIRST DEGREE (Jason Moore, victim) designate that
20 the following aggravating circumstance has been established beyond a reasonable doubt.
21

22 The murder was committed by a person who has, in the immediate proceeding, been
23 convicted of more than one offense of murder in the first or second degree.

24 DATED at Las Vegas, Nevada, this 15th day of December, 2005.

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Rachel Adams
FOREPERSON

RECEIVED

DEC 16 2005

COUNTY CLERK

EXHIBIT B6

EXHIBIT B6

1 VER

FILED IN OPEN COURT
DEC 16 2005

SHIRLEY J. PARRAGUIRRE, CLERK

B1 *Kristen M. Brown*

KRISTEN M. BROWN DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 GLENFORD ANTHONY BUDD,

11 Defendant.

Case No. C193182

Dept No. XVIII

13 PENALTY VERDICT - COUNT 1 (Dajon Jones, victim)

14 We, the Jury in the above entitled case, having found the Defendant, GLENFORD
15 ANTHONY BUDD, Guilty of COUNT 1 - MURDER OF THE FIRST DEGREE (Dajon
16 Jones, victim), and having found that the aggravating circumstance or circumstances
17 outweigh any mitigating circumstance or circumstances impose a sentence of,

19 _____ A definite term of 100 years imprisonment, with eligibility for parole
20 beginning when a minimum of 40 years has been served.

21 _____ Life imprisonment, with eligibility for parole beginning when
22 a minimum of 40 years has been served.

23 ☒ Life imprisonment without the possibility of parole.

24 _____ Death.

25 DATED at Las Vegas, Nevada, this 16th day of December, 2005

26 *Rachel Mahan*
FOREPERSON

COUNTY CLERK
DEC 16 2005

RECEIVED

1 VER

FILED IN OPEN COURT

DEC 16 2005

EMILEY B. PARRAGUIRRE, CLERK

BY Kristen M. Brown

KRISTEN M. BROWN DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

Case No. C193182

Dept No. XVIII

10 GLENFORD ANTHONY BUDD,

11 Defendant.

12
13 PENALTY VERDICT - COUNT 2 (Derrick Jones, victim)

14 We, the Jury in the above entitled case, having found the Defendant, GLENFORD
15 ANTHONY BUDD, Guilty of COUNT 2 - MURDER OF THE FIRST DEGREE (Derrick
16 Jones, victim), and having found that the aggravating circumstance or circumstances
17 outweigh any mitigating circumstance or circumstances impose a sentence of,
18

19 ☐ A definite term of 100 years imprisonment, with eligibility for parole
20 beginning when a minimum of 40 years has been served.

21 ☐ Life imprisonment, with eligibility for parole beginning when
22 a minimum of 40 years has been served.

23 ☒ Life imprisonment without the possibility of parole.

24 ☐ Death.

25 DATED at Las Vegas, Nevada, this 16th day of December, 2005

Nashel N. N. N.
FOREPERSON

COUNTY CLERK

DEC 16 2005

26 PREPARED

1 VER

FILED IN OPEN COURT
DEC 16 2005

SHIRLEY B. FARRAGUIRRE, CLERK

E: Kristen M. Brown

KRISTEN M. BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 GLENFORD ANTHONY BUDD,

11 Defendant.

Case No. C193182

Dept No. XVIII

13 PENALTY VERDICT - COUNT 3 (Jason Moore, victim)

14 We, the Jury in the above entitled case, having found the Defendant, GLENFORD
15 ANTHONY BUDD, Guilty of COUNT 3 - MURDER OF THE FIRST DEGREE (Jason
16 Moore, victim), and having found that the aggravating circumstance or circumstances
17 outweigh any mitigating circumstance or circumstances impose a sentence of,

18 _____ A definite term of 100 years imprisonment, with eligibility for parole
19 beginning when a minimum of 40 years has been served.

20 _____ Life imprisonment, with eligibility for parole beginning when
21 a minimum of 40 years has been served.

22 ☒ Life imprisonment without the possibility of parole.

23 _____ Death.

24 DATED at Las Vegas, Nevada, this 16th day of December, 2005

25 Rachel Alden
FOREPERSON

26 RECEIVED
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DEC 16 2005

COUNTY CLERK

EXHIBIT B7

EXHIBIT B7

1 VER

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6 DISTRICT COURT
CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 RICHARD EDWARD POWELL

12
13 Defendant.
14

Case No. C148936
Dept. No. XI

15 SPECIAL
16 VERDICT
(COUNT IV - JERMAINE M. WOODS)

17 We, the Jury in the above entitled case, having found the Defendant, RICHARD
18 EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A
19 DEADLY WEAPON, designate that the mitigating circumstance or circumstances which have
20 been checked below have been established.

- 21 _____ The Defendant has no significant history of prior criminal activity.
22 _____ The victim was a participant in the Defendant's criminal conduct or consented to
23 the act.
24 _____ The Defendant was an accomplice in a murder committed by another person and
25 his participation in the murder was relatively minor.
26 _____ Any other mitigating circumstances.
27 _____
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DATED at Las Vegas, Nevada, this 15 day of November, 2000.

[Signature]
FOREPERSON

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11-15-00

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Page 12

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6 DISTRICT COURT
CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 RICHARD EDWARD POWELL

12
13 Defendant.
14

Case No. C148936
Dept. No. XI

15 SPECIAL
16 VERDICT
(COUNT IV - JERMAINE M. WOODS)

17 We, the Jury in the above entitled case, having found the Defendant, RICHARD
18 EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A
19 DEADLY WEAPON, designate that the aggravating circumstance or circumstances which have
20 been checked below have been established beyond a reasonable doubt.

- 21 ✓
22 _____
23 ✓
24 _____
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1. The murder was committed while the person was engaged in the commission of or an attempt to commit any Burglary.
 2. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

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DATED at Las Vegas, Nevada, this 15 day of November, 2000.

FOREPERSON

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6 DISTRICT COURT
CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 RICHARD EDWARD POWELL

12
13 Defendant.
14

Case No. C148936
Dept. No. XI

15 SPECIAL
16 VERDICT
(COUNT I - SAMANTHA LATRELLE SCOTTI)

17 We, the Jury in the above entitled case, having found the Defendant, RICHARD
18 EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A
19 DEADLY WEAPON, designate that the mitigating circumstance or circumstances which have
20 been checked below have been established.

- 21 _____ The Defendant has no significant history of prior criminal activity.
22 _____ The victim was a participant in the Defendant's criminal conduct or consented to
23 the act.
24 _____ The Defendant was an accomplice in a murder committed by another person and
25 his participation in the murder was relatively minor.
26 _____ Any other mitigating circumstances.
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DATED at Las Vegas, Nevada, this 15 day of November, 2000.

FOREPERSON

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11-15-00 5:30 PM

John T. Brown

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff, "

-vs-

RICHARD EDWARD POWELL

Defendant.

Case No. C148936
Dept. No. XI

SPECIAL
VERDICT
(COUNT I - SAMANTHA LATRELLE SCOTT)

We, the Jury in the above entitled case, having found the Defendant, RICHARD EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON, designate that the aggravating circumstance or circumstances which have been checked below have been established beyond a reasonable doubt.

☒

1. The murder was committed while the person was engaged in the commission of or an attempt to commit any Burglary.

☒

2. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

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FOREPERSON

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6 DISTRICT COURT
CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 RICHARD EDWARD POWELL

12
13 Defendant.
14

Case No. C148936
Dept. No. XI

15 SPECIAL
16 VERDICT
(COUNT II - LISA RENEE BOYER)

17 We, the Jury in the above entitled case, having found the Defendant, RICHARD
18 EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A
19 DEADLY WEAPON, designate that the mitigating circumstance or circumstances which have
20 been checked below have been established.

- 21 _____ The Defendant has no significant history of prior criminal activity.
22 _____ The victim was a participant in the Defendant's criminal conduct or consented to
23 the act.
24 _____ The Defendant was an accomplice in a murder committed by another person and
25 his participation in the murder was relatively minor.
26 _____ Any other mitigating circumstances.
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DATED at Las Vegas, Nevada, this 15 day of November, 2000.

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Page 12

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICHARD EDWARD POWELL

Defendant.

Case No. C148936
Dept. No. XI

SPECIAL
VERDICT
(COUNT II - LISA RENEE BOYER)

We, the Jury in the above entitled case, having found the Defendant, RICHARD EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON, designate that the aggravating circumstance or circumstances which have been checked below have been established beyond a reasonable doubt.

✓

✓

1. The murder was committed while the person was engaged in the commission of or an attempt to commit any Burglary.
2. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

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✓ 3. The murder was committed to avoid or prevent a
lawful arrest.

DATED at Las Vegas, Nevada, this 1 day of November, 2000.

Stacy L. L.
FOREPERSON

1 VER

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6 DISTRICT COURT
CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff, -

10 -vs-

11 RICHARD EDWARD POWELL

12
13 Defendant.
14

Case No. C148936
Dept. No. XI

15 SPECIAL
16 VERDICT
(COUNT III - STEVEN LAWRENCE WALKER)

17 We, the Jury in the above entitled case, having found the Defendant, RICHARD
18 EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A
19 DEADLY WEAPON, designate that the mitigating circumstance or circumstances which have
20 been checked below have been established.

- 21 _____ The Defendant has no significant history of prior criminal activity.
22 _____ The victim was a participant in the Defendant's criminal conduct or consented to
23 the act.
24 _____ The Defendant was an accomplice in a murder committed by another person and
25 his participation in the murder was relatively minor.
26 _____ Any other mitigating circumstances.
27 _____
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DATED at Las Vegas, Nevada, this 15 day of November, 2000.

FLIP H. L.
FOREPERSON

1 VER

11-15-00

5:55 PM

Jay B. Dean

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICHARD EDWARD POWELL

Defendant.

Case No. C148936
Dept. No. XI

SPECIAL
VERDICT
(COUNT III - STEVEN LAWRENCE WALKER)

We, the Jury in the above entitled case, having found the Defendant, RICHARD EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON, designate that the aggravating circumstance or circumstances which have been checked below have been established beyond a reasonable doubt.

☒

1. The murder was committed while the person was engaged in the commission of or an attempt to commit any Burglary.

☒

2. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

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✓ 3. The murder was committed to avoid or prevent a
lawful arrest.

DATED at Las Vegas, Nevada, this 11 day of November, 2000.

[Signature]
FOREPERSON

EXHIBIT B8

EXHIBIT B8

1 VER

11-15-00 5:30 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Deje Breen

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 RICHARD EDWARD POWELL

12 Defendant.

Case No. C148936
Dept. No. XI

15 VERDICT
16 (COUNT IV - JERMAINE M. WOODS)

17 We, the Jury in the above entitled case, having found the Defendant, RICHARD
18 EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A
19 DEADLY WEAPON and having found that the aggravating circumstance or circumstances
20 outweigh any mitigating circumstance or circumstances impose a sentence of,

- 21 ☐ Life in Nevada State Prison With the Possibility of Parole.
22 ☒ Life in Nevada State Prison Without the Possibility of Parole.
23 ☐ Death.

24 DATED at Las Vegas, Nevada, this 15 day of November, 2000

26 *[Signature]*
27 FOREPERSON
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11-15-00 5:30 PM

John Brown

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICHARD EDWARD POWELL

Defendant.

Case No. C148936
Dept. No. XI

VERDICT
(COUNT I - SAMANTHA LATRELLE SCOTTI)

We, the Jury in the above entitled case, having found the Defendant, RICHARD EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of,

☒ Life in Nevada State Prison With the Possibility of Parole.

☐ Life in Nevada State Prison Without the Possibility of Parole.

☐ Death.

DATED at Las Vegas, Nevada, this 15 day of November, 2000

Clifford
FOREPERSON

1 VER

11-15-00 5:30 PM

Jorge Brown

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6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 RICHARD EDWARD POWELL

12
13 Defendant.
14

Case No. C148936
Dept. No. XI

15
16 VERDICT
(COUNT II - LISA RENEE BOYER)

17 We, the Jury in the above entitled case, having found the Defendant, RICHARD
18 EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A
19 DEADLY WEAPON and having found that the aggravating circumstance or circumstances
20 outweigh any mitigating circumstance or circumstances impose a sentence of,

- 21 ☐ Life in Nevada State Prison With the Possibility of Parole.
22 ☒ Life in Nevada State Prison Without the Possibility of Parole.
23 ☐ Death.

24 DATED at Las Vegas, Nevada, this 15 day of November, 2000

25
26 *[Signature]*
27 FOREPERSON
28

1 VER

11-15-00 5:30 PM

Jeff Brown

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICHARD EDWARD POWELL

Defendant.

Case No. C148936
Dept. No. XI

VERDICT
(COUNT III - STEVEN LAWRENCE WALKER)

We, the Jury in the above entitled case, having found the Defendant, RICHARD EDWARD POWELL, Guilty of MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of,

☐ Life in Nevada State Prison With the Possibility of Parole.

☒ Life in Nevada State Prison Without the Possibility of Parole.

☐ Death.

DATED at Las Vegas, Nevada, this 15 day of November, 2000

EAH
FOREPERSON

EXHIBIT B9

EXHIBIT B9

RECEIVED

JUL 10 1996

Federal Public Defender
Las Vegas, Nevada

ORIGINAL

FILED IN OPEN COURT

JUN 14 1996 19

LORETTA BOWMAN, CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

Cynthia Horton

Deputy

THE STATE OF NEVADA,

Plaintiff,

-vs-

PATRICK HENRY RANDLE

Defendant.

Case No. C121817
Dept. No. XV
Docket L

VERDICT

We, the Jury in the above entitled case, having found the Defendant, PATRICK HENRY RANDLE, Guilty of COUNT IV - MURDER OF THE FIRST DEGREE and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of,

- ☐ Life in Nevada State Prison With the Possibility of Parole.
- ☒ Life in Nevada State Prison Without the Possibility of Parole.
- ☐ Death.

DATED at Las Vegas, Nevada, this 13th day of June, 1996

[Signature]
FOREPERSON

JUL 10 1996

CLERK

JUL 11

EXHIBIT B10

EXHIBIT B10

1 VER

ORIGINAL

FILED IN OPEN COURT
JUN 14 1996 11

LORETTA A. HART, CLERK

BY CANCEL HART

DISTRICT COURT
CLARK COUNTY, NEVADA

Deput

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 PATRICK HENRY RANDLE

12 Defendant.

Case No. C121817
Dept. No. XV
Docket L

15 SPECIAL
16 VERDICT

17 We, the Jury in the above entitled case, having found the Defendant, PATRICK HENRY
18 RANDLE, Guilty of COUNT IV - MURDER OF THE FIRST DEGREE, designate that the aggravat
19 circumstance or circumstances which have been checked below have been established beyond
20 reasonable doubt.

21 X The murder was committed by a person under sentence of imprisonment, to-wit: Ass:
22 With a Firearm on a Person.

23 X The murder was committed by a person who was previously convicted of a fel.
24 involving the use or threat of violence to the person of another, to-wit: Attempt Robt
25 in the California Superior Court in 1978, Case No. A-522872.

26 X The murder was committed by a person who was previously convicted of a fel
27 involving the use or threat of violence to the person of another, to-wit: Attempt Robt
28 With a Deadly Weapon in the California Superior Court in 1978, Case No. A-6142

10537

- 1 X The murder was committed by a person who was previously convicted of a felony
2 involving the use or threat of violence to the person of another, to-wit: Robbery With
3 Deadly Weapon in the California Superior Court in 1983, Case Nos. A-455882.
4 X The murder was committed by a person who was previously convicted of a felony
5 involving the use or threat of violence to the person of another, to-wit: Assault With
6 Firearm on Person in the California Superior Court in 1989, Case Nos. A-650532.
7 X The murder was committed while the person was engaged in the commission of or
8 attempt to commit any Robbery.
9

10 DATED at Las Vegas, Nevada, this 13th day of June, 1996.
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13 FOREPERSON
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cc: [illegible]
[illegible]

Jun 5 '96


CLERK

EXHIBIT B11

EXHIBIT B11

ORIGINAL

VER

DISTRICT COURT

CLARK COUNTY, NEVADA

FILED IN OPEN COURT

JUN 6 1996

18

LORETTA BOWMAN, CLERK

BY

Cindy Horton

Deputy

THE STATE OF NEVADA,

Plaintiff,

-vs-

PATRICK HENRY RANDLE,

Defendant.

CASE NO. C121817
DEPT. NO. XV
DOCKET L

VERDICT

We, the jury in the above entitled case, find the Defendant,
PATRICK HENRY RANDLE, as to:

Guilty Not Guilty

COUNT I:

ROBBERY - Calvin Johnson

With Use of a Deadly Weapon

Without Use of a Deadly Weapon

COUNT II:

ATTEMPT MURDER - Calvin Johnson

With Use of a Deadly Weapon

Without Use of a Deadly Weapon

BATTERY WITH USE OF A DEADLY WEAPON

(Lesser included offense - you may
choose one only)

CE31

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Guilty Not Guilty

COUNT III:

ATTEMPT ROBBERY - Roger Champagne

With Use of a Deadly Weapon

Without Use of a Deadly Weapon

COUNT IV: Roger Champagne

(Choose one of the following)

MURDER OF THE FIRST DEGREE

MURDER OF THE SECOND DEGREE

With Use of a Deadly Weapon

Without Use of a Deadly Weapon

COUNT V:

ROBBERY - Lorette Champagne

With Use of a Deadly Weapon

Without Use of a Deadly Weapon

DATED: This 06 day of June, 1996.


FOREPERSON

RECEIVED
JUL 5 1996
CLERK

JUL 5 '96


CLERK

EXHIBIT B12

EXHIBIT B12

1 VER

MAY 4 1996

LORETTA B. ...
BY *[Signature]* Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 FERNANDO PADRON RODRIGUEZ

12 Defendant.

Case No. C130763
Dept. No. VI
Docket B

16 SPECIAL
17 VERDICT

18 We, the Jury in the above entitled case, having found the Defendant, FERNANDO PADRON
19 RODRIGUEZ, Guilty of COUNT II - MURDER OF THE FIRST DEGREE (Richley Miller), designate
20 that the mitigating circumstance or circumstances which have been checked below have been established.

21 ☐ The murder was committed while the defendant was under the influence of extreme mental
22 or emotional disturbance.

23 ☐ The defendant was an accomplice in a murder committed by another person and his
24 participation murder was relatively minor.

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CE31

1 The defendant acted under duress or under the domination of another person.

2 X Any other mitigating circumstances. (Meray)

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4 DATED at Las Vegas, Nevada, this 7 day of May, 1996.

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7 Jacques C. Sapre
8 FOREPERSON

1 VER

MAY 2 1996

LURETTA SCOTT, CLERK

BY

Copy

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

FERNANDO PADRON RODRIGUEZ

Defendant.

Case No. C130763
Dept. No. VI
Docket B

SPECIAL
VERDICT

We, the Jury in the above entitled case, having found the Defendant, FERNANDO PADRON RODRIGUEZ, Guilty of COUNT II - MURDER OF THE FIRST DEGREE (Richley Miller), designate that the aggravating circumstance or circumstances which have been checked below have been established beyond a reasonable doubt.

✓ The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another, to-wit: Robbery (Florida 1989).

✓ The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another, to-wit: Robbery (Florida 1989).

///

///

1 ✓ The murder was committed by a person who knowingly created a great risk of death to
2 more than one person by means of a weapon, device or course of action which would
3 normally be hazardous to the lives of more than one person.

4 ✓ The murder was committed to avoid or prevent a lawful arrest or to effect an escape from
5 custody.
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7 DATED at Las Vegas, Nevada, this 1 day of May, 1996.
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10 Jacques C. Sagne
FOREPERSON
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1 VER

CLERK OF DISTRICT COURT
MAY 7 1996

BY *[Signature]*
Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 FERNANDO PADRON RODRIGUEZ

12 Defendant.

Case No. C130763
Dept. No. VI
Docket B

16 SPECIAL
17 VERDICT

18 We, the Jury in the above entitled case, having found the Defendant, FERNANDO PADRON
19 RODRIGUEZ, Guilty of COUNT I - MURDER OF THE FIRST DEGREE (Brad Palcovic), designate
20 that the mitigating circumstance or circumstances which have been checked below have been established.

21 _____ The murder was committed while the defendant was under the influence of extreme mental
22 or emotional disturbance.

23 _____ The defendant was an accomplice in a murder committed by another person and his
24 participation murder was relatively minor.

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____ The defendant acted under duress or under the domination of another person.

X Any other mitigating circumstances. (Hercy)

DATED at Las Vegas, Nevada, this 7 day of May, 1996.

Jacques C. Sagul
FOREPERSON

CLERK

JUL 5 '96

CLERK

1 VER

FILED IN OPEN COURT

MAY 7 1996 19

LORETTA BOWMAN, CLERK

BY

Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 FERNANDO PADRON RODRIGUEZ

13 Defendant.

Case No. C130763
Dept. No. VI
Docket B

15 SPECIAL
16 VERDICT

17 We, the Jury in the above entitled case, having found the Defendant, FERNANDO PADRON
18 RODRIGUEZ, Guilty of COUNT I - MURDER OF THE FIRST DEGREE (Brad Palcovic), designate
19 that the aggravating circumstance or circumstances which have been checked below have been
20 established beyond a reasonable doubt.

21 ☒ The murder was committed by a person who was previously convicted of a felony
22 involving the use or threat of violence to the person of another, to-wit: Robbery (Florida
23 1989).

24 ☒ The murder was committed by a person who was previously convicted of a felony
25 involving the use or threat of violence to the person of another, to-wit: Robbery (Florida
26 1989).

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CE31

EXHIBIT B13

EXHIBIT B13

1 VER

MAY 1 1996

LORETTA J. GORDON

BY [Signature] Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

FERNANDO PADRON RODRIGUEZ

Defendant.

Case No. C130763
Dept. No. VI
Docket B

VERDICT

We, the Jury in the above entitled case, having found the Defendant, FERNANDO PADRON RODRIGUEZ, Guilty of COUNT II - MURDER OF THE FIRST DEGREE (Richley Miller) and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of,

 A definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has passed

 Life in Nevada State Prison With the Possibility of Parole.

X Life in Nevada State Prison Without the Possibility of Parole.

 Death.

DATED at Las Vegas, Nevada, this 7 day of May, 1996

[Signature]
FOREPERSON

CE31

1 VER

FILED IN DISTRICT COURT
MAY 4 1996

BY

John McKinley

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 FERNANDO PADRON RODRIGUEZ,

12 Defendant.

Case No. C130763
Dept. No. VI
Docket B

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16 VERDICT

17 We, the jury in the above entitled case, find the defendant FERNANDO PADRON
18 RODRIGUEZ, Guilty of COUNT I - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY
19 WEAPON. (Brad Palcovic)

20 DATED this 4 day of May, 1996.

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22 *James C. Sayre*
23 FOREPERSON
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CE19

1 VER

MAY 7 1996

BY [Signature]

Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 FERNANDO PADRON RODRIGUEZ

12 Defendant.

Case No. C130763
Dept. No. VI
Docket B

15 VERDICT

16 We, the Jury in the above entitled case, having found the Defendant, FERNANDO PADRON
17 RODRIGUEZ, Guilty of COUNT I - MURDER OF THE FIRST DEGREE (Brad Palcovic) and having
18 found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or
19 circumstances impose a sentence of,

20 A definite term of 50 years, with eligibility for parole beginning when a minimum of
21 20 years has passed

22 Life in Nevada State Prison With the Possibility of Parole.

23 X Life in Nevada State Prison Without the Possibility of Parole.

24 Death.

25 DATED at Las Vegas, Nevada, this 7 day of May, 1996

26
27 Jacques C. Sagne
28 FOREPERSON

EXHIBIT B14

EXHIBIT B14

DISTRICT COURT

FILED IN OPEN COURT
OCT 26 1995 19

CLARK COUNTY, NEVADA

LORETTA BOWMAN, CLERK

BY Cindy Horton Deputy

THE STATE OF NEVADA,

Plaintiff,

vs.

JONATHAN DANIELS,

Defendant.

CASE NO.: C126201

DEPT NO.: XV

DCKT NO.: "L"

VERDICT

We, the jury in the above entitled case, find the Defendant JONATHAN CORNELIUS DANIELS, as follows:

COUNT I

Murder of the First Degree (June Mildred Frye)

GUILTY

NOT
GUILTY

Murder of the Second Degree (June Mildred Frye)

In the event that you find the Defendant guilty of Count I, you must now decide whether the crime was committed WITH or WITHOUT the use of a deadly weapon. (circle one).

You may only find the Defendant guilty of one of the above.

COUNT II

Murder of the First Degree (Nicasio Diaz)

Murder of the Second Degree (Nicasio Diaz)

In the event that you find the Defendant guilty of Count II, you must now decide whether the crime was committed WITH or WITHOUT the use of a deadly weapon. (circle one).

You may only find the Defendant guilty of one of the above.

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COUNT III

GUILTY NOT
 GUILTY

First Degree Kidnapping

Second Degree Kidnapping

In the event that you find the Defendant guilty of Count III, you must now decide whether the crime was committed **WITH** or **WITHOUT** the use of a deadly weapon. (circle one).

You may only find the Defendant guilty of one of the above.

COUNT IV

Burglary

X

COUNT V

Robbery (June Mildred Frye)

X

In the event that you find the Defendant guilty of Count V, you must now decide whether the crime was committed **WITH** or **WITHOUT** the use of a deadly weapon. (circle one).

COUNT VI

Robbery (Nicasio Diaz)

X

In the event that you find the Defendant guilty of Count VI, you must now decide whether the crime was committed **WITH** or **WITHOUT** the use of a deadly weapon. (circle one).

DATED this 27 day of October, 1995.

Michael J. Engert
FOREPERSON

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DISTRICT COURT

CLARK COUNTY, NEVADA

C126201

THE STATE OF NEVADA,
Plaintiff,

-vs-

JONATHAN CORNELIUS DANIELS,
#1201050

Defendant.

CASE NO. -C1126201
DEPT. NO. XV
DOCKET NO. L

FILED IN OPEN COURT

NOV 01 1995 19

LORETTA BOWMAN, CLERK

BY Cindy Horton
Deputy

VERDICT

We, the Jury in the above entitled case, having found the Defendant, JONATHAN CORNELIUS DANIELS, Guilty of COUNT II - MURDER OF THE FIRST DEGREE (Nicasio Diaz) and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of,

_____ Life in Nevada State Prison With the Possibility of Parole.

X Life in Nevada State Prison Without the Possibility of Parole.

_____ Death.

DATED at Las Vegas, Nevada, this 1st day of ~~October~~ ^{NOVEMBER}, 1995

Michael T. Evans
FOREPERSON

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JONATHAN CORNELIUS DANIELS,
#1201050

Defendant.

C126201
CASE NO. 81126201

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEK COURT
NOV 01 1995 12

LORETTA BOWMAN, CLERK

Cindy Horton
Deputy

VERDICT

We, the Jury in the above entitled case, having found the Defendant, JONATHAN CORNELIUS DANIELS, Guilty of COUNT I - MURDER OF THE FIRST DEGREE (June Mildred Frye) and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of,

_____ Life in Nevada State Prison With the
Possibility of Parole.

X Life in Nevada State Prison Without
the Possibility of Parole.

_____ Death.

DATED at Las Vegas, Nevada, this 1st day of ^{NOVEMBER}~~OCTOBER~~, 1995

Michael T. Eason
FOREPERSON

EXHIBIT B15

EXHIBIT B15

DISTRICT COURT

CLARK COUNTY, NEVADA

C126201

THE STATE OF NEVADA,

Plaintiff,

-vs-

JONATHAN CORNELIUS DANIELS,
#1201050

Defendant.

CASE NO. C1126201

DEPT. NO. XV

DOCKET NO. L

FILED IN CLARK COUNTY
NOV 6 1995
Candy Horton

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, JONATHAN CORNELIUS DANIELS, Guilty of COUNT II - MURDER OF THE FIRST DEGREE (Nicasio Diaz), designate that the aggravating circumstance or circumstances which have been checked below have been established beyond a reasonable doubt.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while the person was engaged in the commission of or an attempt to commit any Robbery.

X

The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.

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X

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

DATED at Las Vegas, Nevada, this 1ST day of ~~October~~ ^{NOVEMBER}, 1995

Michael F. Eason
FOREPERSON

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_____ The youth of the defendant at the time of the crime.

X Any other mitigating circumstances.

DATED at Las Vegas, Nevada, this 15TH day of ^{NOVEMBER} ~~October~~, 1995.

Richard J. Lyons
FOREPERSON

DISTRICT COURT

CLARK COUNTY, NEVADA

C126201

THE STATE OF NEVADA,

Plaintiff,

-vs-

JONATHAN CORNELIUS DANIELS,
#1201050

Defendant.

CASE NO. C1126201

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT

NOV 01 1995 19

LORETTA BOWMAN, CLERK

BY Andy Horton
Deputy

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, JONATHAN CORNELIUS DANIELS, Guilty of COUNT I - MURDER OF THE FIRST DEGREE (June Mildred Frye), designate that the aggravating circumstance or circumstances which have been checked below have been established beyond a reasonable doubt.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while the person was engaged in the commission of or an attempt to commit any Robbery.

X

The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.

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X

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

DATED at Las Vegas, Nevada, this 1st day of ^{November}~~October~~, 1995

Michael T. Egan
FOREPERSON

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JONATHAN CORNELIUS DANIELS,
#1201050

Defendant.

) CASE NO. C1126201

) DEPT. NO. XV

) DOCKET NO. L

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, JONATHAN CORNELIUS DANIELS, Guilty of COUNT I - MURDER OF THE FIRST DEGREE (June Mildred Frye), designate that the mitigating circumstance or circumstances which have been checked below have been established.

— The defendant has no significant history of prior criminal activity.

X The murder was committed while the defendant was under the influence of extreme mental or emotional disturbance.

X The defendant acted under duress or under the domination of another person.

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_____ The youth of the defendant at the time of the crime.

X Any other mitigating circumstances.

DATED at Las Vegas, Nevada, this 1st day of ~~October~~ ^{NOVEMBER}, 1995.

Michael T. Engen
FOREPERSON

EXHIBIT B16

EXHIBIT B16

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONALD DUCKSWORTH, JR.,

Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT
OCT 28 1993 19

LORETTA BOWMAN, CLERK

BY Cindy Horton Deputy

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, RONALD DUCKSWORTH, JR., Guilty of COUNT II - MURDER OF THE FIRST DEGREE (Vikki Yvett Smith), designate that any aggravating circumstance which has been checked below has been established beyond a reasonable doubt and further find that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

X

The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while a person was engaged, alone or with another, in the commission

1 of or an attempt to commit any Burglary, and the
2 person charged:

3 (a) Killed the person murdered; or

4 (b) Knew or had reason to know that life would be
5 taken or lethal force used; or

6 (c) Acted with reckless indifference to human life
7 and was a major participant in the Burglary
8 committed.

9 X
10 The murder was committed while a person was
11 engaged, alone or with another, in the commission
12 of or an attempt to commit any First Degree
13 Kidnapping, and the person charged:

14 (a) Killed the person murdered; or

15 (b) Knew or had reason to know that life would be
16 taken or lethal force used; or

17 (c) Acted with reckless indifference to human life
18 and was a major participant in the First Degree
19 Kidnapping committed.

20 X
21 The murder was committed while a person was
22 engaged, alone or with another, in the commission
23 of or an attempt to commit any Robbery, and the
24 person charged:

25 (a) Killed the person murdered; or

26 (b) Knew or had reason to know that life would be
27 taken or lethal force used; or

28 (c) Acted with reckless indifference to human life
and was a major participant in the Robbery
committed.

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X

The murder was committed while a person was engaged, alone or with another, in the commission of or an attempt to commit any Sexual Assault, and the person charged:

- (a) Killed the person murdered; or
- (b) Knew or had reason to know that life would be taken or lethal force used; or
- (c) Acted with reckless indifference to human life and was a major participant in the Sexual Assault committed.

Y.

The murder involved torture, depravity of mind or the mutilation of the victim.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.

Richard M. [Signature]
FOREPERSON

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONALD DUCKSWORTH, JR.,

Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT

OCT 28 1993 19

LORETTA DOWMAN, CLERK

BY Candy Horton Deputy

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, RONALD DUCKSWORTH, JR., Guilty of COUNT I - MURDER OF THE FIRST DEGREE (Joseph Smith III), designate that any aggravating circumstance which has been checked below has been established beyond a reasonable doubt and further find that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

X

The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while a person was engaged, alone or with another, in the commission

1 of or an attempt to commit any Burglary, and the
2 person charged:

3 (a) Killed the person murdered; or

4 (b) Knew or had reason to know that life would be
5 taken or lethal force used; or

6 (c) Acted with reckless indifference to human life
7 and was a major participant in the Burglary
8 committed.

9 X
10 The murder was committed while a person was
11 engaged, alone or with another, in the commission
12 of or an attempt to commit any First Degree
13 Kidnapping, and the person charged:

14 (a) Killed the person murdered; or

15 (b) Knew or had reason to know that life would be
16 taken or lethal force used; or

17 (c) Acted with reckless indifference to human life
18 and was a major participant in the First Degree
19 Kidnapping committed.

20 L
21 The murder was committed while a person was
22 engaged, alone or with another, in the commission
23 of or an attempt to commit any Robbery, and the
24 person charged:

25 (a) Killed the person murdered; or

26 (b) Knew or had reason to know that life would be
27 taken or lethal force used; or

28 (c) Acted with reckless indifference to human life
and was a major participant in the Robbery
committed.

EXHIBIT B17

EXHIBIT B17

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONALD JR. DUCKSWORTH, aka
RONALD DUCKSWORTH, JR.,

Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT

OCT 28 1993 19

LORETTA BOWMAN, CLERK

BY Cindy Horton Deputy

VERDICT

We, the Jury in the above entitled case, having found the Defendant, RONALD JR. DUCKSWORTH, aka RONALD DUCKSWORTH, JR., Guilty, impose a sentence of:

COUNT I - Murder of the First Degree (Joseph Smith III)

X Life with the Possibility of Parole;

 Life without the Possibility of Parole;

 Death.

COUNT II - Murder of the First Degree (Vikki Smith)

X Life with the Possibility of Parole;

 Life without the Possibility of Parole;

 Death.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.

Charles W. O'H
FOREPERSON

EXHIBIT B18

EXHIBIT B18

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CARL LEE MARTIN,

Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT
OCT 28 1993

LORETTA BOWMAN, CLERK

BY Candy Horton
Deputy

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, CARL LEE MARTIN, Guilty of COUNT I - MURDER OF THE FIRST DEGREE (Joseph Smith III), designate that any aggravating circumstance which has been checked below has been established beyond a reasonable doubt and further find that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

X

The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while a person was engaged, alone or with another, in the commission

1 of or an attempt to commit any Burglary, and the
2 person charged:

3 (a) Killed the person murdered; or

4 (b) Knew or had reason to know that life would be
5 taken or lethal force used; or

6 (c) Acted with reckless indifference to human life
7 and was a major participant in the Burglary
8 committed.

9 X
10 The murder was committed while a person was
11 engaged, alone or with another, in the commission
12 of or an attempt to commit any First Degree
13 Kidnapping, and the person charged:

14 (a) Killed the person murdered; or

15 (b) Knew or had reason to know that life would be
16 taken or lethal force used; or

17 (c) Acted with reckless indifference to human life
18 and was a major participant in the First Degree
19 Kidnapping committed.

20 X
21 The murder was committed while a person was
22 engaged, alone or with another, in the commission
23 of or an attempt to commit any Robbery, and the
24 person charged:

25 (a) Killed the person murdered; or

26 (b) Knew or had reason to know that life would be
27 taken or lethal force used; or

28 (c) Acted with reckless indifference to human life
and was a major participant in the Robbery
committed.

The murder was committed while a person was engaged, alone or with another, in the commission of or an attempt to commit any Sexual Assault, and the person charged:

(a) Killed the person murdered; or

(b) Knew or had reason to know that life would be taken or lethal force used; or

(c) Acted with reckless indifference to human life and was a major participant in the Sexual Assault committed.

The murder involved torture, depravity of mind or the mutilation of the victim.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.

Charles M. O'S
FOREPERSON

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CARL LEE MARTIN,

Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT

OCT 28 1993 19

LORETTA COWMAN, CLERK

BY Audrey Horton Deputy

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, CARL LEE MARTIN, Guilty of COUNT II - MURDER OF THE FIRST DEGREE (Vikki Yvett Smith), designate that any aggravating circumstance which has been checked below has been established beyond a reasonable doubt and further find that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

X

The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while a person was engaged, alone or with another, in the commission

1 of or an attempt to commit any Burglary, and the
2 person charged:

3 (a) Killed the person murdered; or

4 (b) Knew or had reason to know that life would be
5 taken or lethal force used; or

6 (c) Acted with reckless indifference to human life
7 and was a major participant in the Burglary
8 committed.

9 X
10 The murder was committed while a person was
11 engaged, alone or with another, in the commission
12 of or an attempt to commit any First Degree
13 Kidnapping, and the person charged:

14 (a) Killed the person murdered; or

15 (b) Knew or had reason to know that life would be
16 taken or lethal force used; or

17 (c) Acted with reckless indifference to human life
18 and was a major participant in the First Degree
19 Kidnapping committed.

20 X
21 The murder was committed while a person was
22 engaged, alone or with another, in the commission
23 of or an attempt to commit any Robbery, and the
24 person charged:

25 (a) Killed the person murdered; or

26 (b) Knew or had reason to know that life would be
27 taken or lethal force used; or

28 (c) Acted with reckless indifference to human life
and was a major participant in the Robbery
committed.

1 X
2 The murder was committed while a person was
3 engaged, alone or with another, in the commission
4 of or an attempt to commit any Sexual Assault, and
5 the person charged:

6 (a) Killed the person murdered; or

7 (b) Knew or had reason to know that life would be
8 taken or lethal force used; or

9 (c) Acted with reckless indifference to human life
10 and was a major participant in the Sexual Assault
11 committed.

12 X
13 The murder involved torture, depravity of mind or
14 the mutilation of the victim.

15 DATED at Las Vegas, Nevada, this 2nd day of October, 1993.

16 C. Hach 11/10/93

17 FOREPERSON
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EXHIBIT B19

EXHIBIT B19

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
-vs-
CARL LEE MARTIN,
Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. I
FILED IN OPEN COURT

OCT 28 1993

LORETTA BOWMAN, CLERK

BY Cindy Horton
Deputy

VERDICT

We, the Jury in the above entitled case, having found the Defendant, CARL LEE MARTIN, Guilty, impose a sentence of:

COUNT I - Murder of the First Degree (Joseph Smith III)

X Life with the Possibility of Parole;
 Life without the Possibility of Parole;
 Death.

COUNT II - Murder of the First Degree (Vikki Smith)

 Life with the Possibility of Parole;
X Life without the Possibility of Parole;
 Death.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.

Charles W. Ott
FOREPERSON

CE

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 *****

3
4 **WILLIAM WITTER**

5 Appellant,

6 v.

7 **E.K. McDANIEL, Warden, and**
8 **CATHERINE CORTEZ MASTO**
9 **Attorney General of Nevada,**

10 Respondents.

Case No. 50447

REQUEST TO TAKE JUDICIAL
NOTICE

Electronically Filed
Nov 10 2009 09:05 a.m.
Tracie K. Lindeman

11 Appellant, William Witter, hereby requests that this Court take judicial notice
12 of the attached documents. The documents are court records, which are proper
13 subjects of judicial notice. Cannon v. Taylor, 88 Nev. 89, 92, 493 P.2d 1313 (1972);
14 NRS 47.130(2)(b), 47.150(2). These documents are relevant to the issue presented in
15 the petition for rehearing relating to the panel decision's reliance on reweighing to
16 uphold the death sentence after vacating two of three aggravating factors under
17 McConnell v. State, 120 Nev. 1043, 102 P.3d 606 (2004).

18 Dated this 9th day of November, 2009.

19 Respectfully submitted,

20 FRANNY A. FORSMAN
21 Federal Public Defender

22 Tiffani D. Hurst
23 Assistant Federal Public Defender
24 Nevada Bar No. 11027C
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26 Gerald Bierbaum
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Steven Owens, Deputy District Attorney
Catherine Cortez Masto, Attorney General

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