

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, a.k.a. "PE", a.k.a. "GEORGE"

DATE, JUDGE  
OFFICERS OF

PAGE FOUR - CORRECTED MINUTES (3/29/99)

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/11/99

JURY TRIAL

E. Nelson  
(Reporter)

Law Clerk Davis and Jury Commissioner Lopshire indicated that no jurors left their assigned room since roll was last taken. Respective counsel stipulated to the presence of the jury panel.

Eight additional names drawn. Frank X. Sotero, John W. Auld, Bo H. Larsson, Mary H. Schultz, Grace B. Mills, Randall A. McCargar, Alan R. Golbov and Stephen L. Sowers called, seated and generally examined by Court. Jury panel further generally examined by Court.

Upon discussion at the bench and no objection by respective counsel, COURT excused Jurors Schulz, Larsson, Burkeholder, Saputo, Judson, Timmerman, Sowers, Burke and Auld.

Nine additional names drawn. James G. Rumbaugh, Preston, E. O'Daye, George A. Decker, Rayetta Buckley, Rebeka A. Hilliary, John J. Giordano, Doris E. Roberts, Rhonda D. Pembroke and Peter G. Thomas called.

5:13 p.m. Court admonished and excused panel until January 12, 1999, at 9:30 a.m.

Outside the presence of the jury, respective counsel invoked the rule of exclusion with the exception of the witnesses to be used in penalty phase of the trial. If any person display any emotion whatsoever during the course of the trial, they will be removed from the courtroom and not allowed back in for the duration of the trial.

Discussion ensued regarding security.

EXHIBIT 7 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

5:30 p.m. Court recessed.

1/12/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

9:37 a.m. Court reconvened with all prospective jurors present except Juanita

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E. Nelson  
(Reporter)

Pierce.

Upon the Court being notified that Juror Pierce was hospitalized and no objection by respective counsel, COURT excused juror Pierce.

Upon discussion at the bench with juror Pembroke, COURT excused Pembroke.

Another name drawn. Jerome A. Moss called and seated.

Jury panel further generally examined by the Court.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Jury panel further generally examined by Court.

Juror Giordano excused due to hearing impairment.

Another name drawn. William V. King called, seated and generally examined by the Court.

Jury panel further generally examined by Court.

Juror Hilliary challenged for cause by State's counsel Stanton; objection by defense counsel Bosler; challenge granted; excused.

Another name drawn. Anita J. Cason called, seated and generally examined by the Court.

Upon discussion at the bench, Juror Cason excused.

Another name drawn. Paul E. Damoth called, seated and generally examined by the Court.

Upon direction of the Court, State's counsel Stanton specifically examined the panel.

Juror Mills challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

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E. Nelson  
(Reporter) Juror Buckley challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; challenge granted; excused.

Juror Gerbatz challenged for cause by defense counsel Bosler; objection by State's counsel; challenge denied.

Two additional names drawn. Menandro H. Domingo and Robin W. Sheets called, seated and generally examined by Court.

Juror Domingo challenged for cause by defense counsel Bosler; stipulation by State's counsel Stanton; challenge granted; excused.

Another name drawn. Sandra J. Ellin called, seated and generally examined by the Court.

Juror Ellin challenged for cause by defense counsel Bosler; traversed and no objection by State's counsel Stanton; challenge granted; excused.

Another name drawn. Gordon D. Berg called, seated and generally examined by the Court.

Jury panel further specifically examined by State's counsel.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

11:47 a.m. Jury admonished and excused. Outside the presence of the jury, defense counsel set forth arguments for certain challenges.

Juror Mueller challenged for cause by defense counsel Bosler; stipulation by State's counsel Stanton; challenge granted; excused.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Court informed respective counsel of voir dire questions that could be asked during specific voir dire.

Exhibit C marked by the Court.

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CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

12:25 p.m. Court recessed. Defendant remanded to the custody of the sheriff.  
1:13 p.m. Court reconvened with respective counsel and defendant present.  
Clerk called roll; all prospective jurors present.  
Based upon hearing outside the presence of the jury, Court excused Jurors Mueller and Rumbaugh.

Two additional names drawn. Shelby A. Denton and Julie C. Springer called, seated and generally examined by the Court.

Panel further specifically examined by State's counsel Stanton.

Upon direction of the Court, Defense counsel Bosler specifically examined the panel; passed for cause.

Court thanked and excused un-selected jurors.

Respective counsel exercised, silently, 8 peremptory challenges each as to the jury and 2 peremptory challenges each as to alternate jury.

EXHIBIT D marked by the Court.

The following twelve persons and four alternates were sworn to try this case:

Shelby Y. Denton

Cheryl L. Kominek

George A. Decker

Daniel M. Gerbatz

William V. King

Gordon D. Berg

James A. Stephenson

Victoria A. Lyman

Benilda G. Viernes

Randall A. McCargar

Lawrence L. Jones

Doris E. Roberts.

Alternates: Jerome A. Moss, Susan M. Frankel, Peter G. Thomas and  
James H. Dunn

5:30 p.m. Jury admonished; said admonishment administered prior to each recess throughout the trial. Jury excused.

Outside the presence of the jury, discussion ensued regarding the schedule of trial.

Court further instructed all persons present in the audience, that there may not be any visible reactions to any testimony during the trial.

5:35 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISL a.k.a. "PE", a.k.a. "GEORGE"

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CONTINUED JURY TRIAL

HONORABLE

CONNIE J.

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

E. Nelson

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

11:15 a.m. Court reconvened outside the presence of the jury.

Motion for Mistrial or in the alternative, Motion for Change of Venue by defense counsel Bosler; presented argument; objection and argument by State's counsel Stanton. COURT ENTERED ORDER denying the Motion for Mistrial and for Change of Venue.

Motion to use transparency during opening statement by defense counsel Bosler; objection and argument by State's counsel Stanton. COURT ENTERED ORDER allowing the use of the transparency with the words redacted off.

EXHIBIT 38 marked and offered by defense counsel Bosler; no objection by State's counsel; ordered admitted into evidence.

Exhibit 37 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

11:30 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court Clerk read the Information aloud and indicated that pleas of not guilty had previously been entered by the defendant.

State's counsel Gammick presented opening statement.

Defense counsel Bosler presented opening statement.

11:56 a.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

1:30 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Brenda Martinez called by State's counsel Gammick, sworn and testified.

EXHIBIT 6 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Martinez further direct examined; excused.

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(Reporter)

Carl Smith called by State's counsel Gammick, sworn and testified.

\*\*\*Record reflected identification of the Defendant.

Witness Smith further direct examined.

EXHIBITS 12 and 13 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 17A offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 15A offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 16A and 16B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 18 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 14A and 14B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined; cross-examined by defense counsel Specchio; redirect examined.

EXHIBITS 24A and 24B offered by State's counsel Gammick; no objection by

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E. Nelson  
(Reporter)

defense counsel Specchio; ordered admitted into evidence.

Witness Smith further redirect examined; excused.

3:00 p.m. Jury admonished and excused. Outside the presence of the jury, defense Bosler made statement regarding people in the audience making faces at the defendant.

3:05 p.m. Court recessed.

3:25 p.m. Court reconvened with respective counsel and defendant present.

Andrew Ciocca called by State's counsel Gammick, sworn and testified.

EXHIBITS 17B and 17C offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness further direct examined; cross-examined by defense counsel Specchio; excused.

Willie Stephenson called by State's counsel Gammick, sworn and testified.

\*\*\*Stipulation entered regarding this witness being a fingerprint expert.

Witness Stephenson further direct examined.

EXHIBIT 19 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Stephenson further direct examined.

EXHIBIT 17D marked by State's counsel Gammick.

Witness Stephenson further direct examined.

EXHIBIT 17D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Stephenson cross-examined by defense counsel Specchio; redirect examined; excused.

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E. Nelson  
(Reporter)

Mele Mavani called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; redirect examined; recross-examined; excused.

5:00 p.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

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1/14/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:25 a.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Sateki Taukieuvea called by State's counsel Stanton, sworn and testified.

EXHIBIT 36 offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Taukieuvea further direct examined.

(10:50 a.m. Steve Hopper - Court Clerk entered)

Witness Taukieuvea further direct examined; cross-examined by defense counsel Specchio; redirect examined; recross-examined; excused subject to recall.

11:55 a.m. Jury admonished. Court recessed.

1:40 p.m. (M. Stone - Court Clerk) Court reconvened outside the presence of the jury with respective counsel and defendant present.

Motion to endorse additional witness John Oakes, Esq., by State's counsel Stanton; presented argument; defense counsel stood moot. COURT ENTERED ORDER granting motion.

Upon request, COURT will give the jury an Instruction regarding stipulations.

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E. Nelson  
(Reporter)

Defense counsel Specchio did not wish a continuance due to the newly endorsed witness.

1:45 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

John Oakes called by State's counsel Stanton, sworn and testified; excused.

Maria Louis called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; excused.

Priscilla Endemann called by State's counsel Stanton, sworn and testified.

EXHIBIT 20A and 20B offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Endemann further direct examined; excused.

Manaoui Peaua called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; redirect examined; excused.

3:04 p.m. Jury admonished. Court recessed.

3:34 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Metuisei Tauveli called by State's counsel Stanton, sworn and testified.

EXHIBIT 8 offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Tauveli further direct examined; cross-examined by defense counsel Specchio; redirect examined; excused.

Jim Duncan called by State's counsel Gammick, sworn and testified.

EXHIBIT 24D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

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(Reporter)

Witness Duncan further direct examined.

EXHIBIT 21 offered by State's counsel Gammick; based on stipulation by defense counsel Specchio and discussion at bench, ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 23A and 23B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 11 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 25 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 29A and 29B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 15B, 15C and 15D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 22 and 26 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 16, 16A and 16B offered by State's counsel Gammick; no objection

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E. Nelson  
(Reporter)

by State's counsel; ordered admitted into evidence.

5:00 p.m. Jury admonished and excused. Outside the presence of the jury, Defendant canvassed by the Court regarding a stipulation to be read to the jury and jury instruction. Defense counsel opposed the use of a jury instruction at this time, but had no objection to a jury instruction regarding stipulations at the time of all the instructions.

5:05 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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1/15/99

E. Nelson  
(Reporter)

CONTINUED JURY TRIAL

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:10 a.m. Court reconvened outside the presence of the jury.

State's counsel Gammick made statement regarding statement made to police by Michelle Chaitra.

EXHIBIT A marked by State's counsel Gammick.

State's counsel made further statement.

EXHIBIT B and C marked by State's counsel Gammick.

State's counsel made further statement.

Motion for Mis-Trial by Defense counsel Specchio; presented argument; response by State's counsel Gammick.

Defense counsel Specchio stipulated that a Mis-Trial would not create a double jeopardy issue for the Defendant.

Defendant canvassed regarding a potential Mis-Trial and double jeopardy. Upon finding a manifest necessity, COURT ENTERED ORDER granting the Defense's Motion for Mis-Trial.

10:40 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

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1/15/99	<u>CONTINUED JURY TRIAL</u>	
E. Nelson	Court informed jury panel of Mis-Trial.	1/19/99
(Reporter)	10:45 a.m. Jury excused.	10:00 a.m.
	COURT ORDERED respective counsel to return on January 19, 1999, at 10:00	Hrg to Re-Set
	a.m. to re-set the matter for trial.	Trial
	10:55 a.m. Court recessed.	

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JURY TRIAL

HONORABLE

9:50 a.m. Court convened in chambers with respective counsel Stanton and Bosler. Discussion ensued regarding voir dire questions.

CONNIE

STEINHEIMER

10:00 a.m. Court recessed.

DEPT. NO.4

M. Stone

(Clerk)

E. Nelson

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:15 a.m. Court reconvened outside the presence of the jury.

Court canvassed Defendant regarding waiver of presence when Court excused Jurors Lyle (a.k.a. Agee) and Peak and during side bars during the course of the trial. Defendant waive right.

Discussion ensued regarding security of the Courtroom.

10:30 a.m. Court recessed.

10:55 a.m. Court reconvened with respective counsel and defendant present.

Prospective jurors present.

Court personnel, respective counsel and defendant introduced to the jury panel.

Roll taken of prospective jurors; all present. All prospective jurors sworn as to their qualifications to serve as trial jurors. Thirty-Six names drawn (Mueller, Guiler, Aguirre, Adamson, Hill, Hinxman, Kominek, Lafond, Burkholder, Sepahpour, Saputo, Judson, Gerbetz, Thomas, Getz, Stephenson, Barger, Arlitz, Lyman, Viernes, Kenny, Cadena, Frandsen, L. Jones, Battaglia, Furrie, Timmerman, Estey, Kizis, Imasaki, Turnage, Geach, Frankel, Booth, Burke and Dunn); jurors seated and generally questioned by the Court.

12:20 p.m. Jury excused. Seated Jury Panel to Department 9's Courtroom. Unselected Jury Panel to Department 3's Courtroom.

Outside the presence of the jury, Defense counsel Bosler objection to the jury selection process. State's counsel Stanton made statement. COURT ENTERED ORDER denying Motion regarding Jury Selection, with leave to renew at another time.

12:33 p.m. Court proceeded with individual voir dire.

Juror Aguirre entered; examined by Court, State's counsel Stanton and Defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; excused for cause.

Court addressed defendant about his presence during the excusing of the panels for lunch and roll call following the lunch. Defendant and counsel waived right to be present.

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CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

Juror Geach entered; examined by Court; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

12:46 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

12:50 p.m. Court reconvened in Department 3 with panel of un-selected jurors. Court excused panel for lunch to return at 1:45 p.m. in Department 9.

12:58 p.m. Court reconvened in Department 9 with panel of selected jurors. Court excused panel for lunch to return at 1:45 p.m. in Department 3's juryroom.

2:00 p.m. Court recessed.

1:45 p.m. Court reconvened in Department 3's juryroom; roll called, all 34 present of selected jury panel.

1:50 p.m. Court reconvened in Department 9; roll called, all present of un-selected jury panel, except Meidell.

2:00 p.m. Court reconvened with respective counsel and defendant present in Department 4.

Outside the presence of the jury, Court informed respective counsel of missing juror.

Juror J. Thomas entered; examined by Court and State's counsel Stanton; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

2:08 Juror Meidell present and excused to Department 9.

Juror Burke entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed by State's counsel Stanton; further examined by Court; challenge denied.

Juror Getz entered; examined by Court and State's counsel Stanton; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

Juror Adamson entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

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(Reporter)

Juror Hill entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge renewed by State's counsel Specchio; excused.

Juror Sepahpour entered; examined by Court and State's counsel Stanton challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused.

Juror Gerbatz entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Juror Cadena entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Outside the presence of the jury, Motion for Court to Modify Jury Selection by defense counsel Bosler granted. The Defense would be allowed to examine panel before the State.

Juror Battaglia entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed and objection by State's counsel Stanton; challenge denied.

Juror Kizis entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Juror Turnage entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed and no objection by State's counsel Stanton; excused.

Juror Kenny entered; examined by Court; stipulation to excuse by respective counsel Stanton and Bosler; excused.

3:45 p.m. Court recessed. Defendant remanded to the custody of the sheriff.  
4:07 p.m. Court reconvened with respective counsel and defendant present.  
Entire prospective panel present.

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JURY TRIAL

E. Nelson  
(Reporter)

Law Clerk Davis and Jury Commissioner Lopshire indicated that no jurors left their assigned room since roll was last taken. Respective counsel stipulated to the presence of the jury panel.

Eight additional names drawn. Frank X. Sotero, John W. Auld, Bo H. Larsson, Mary H. Schultz, Grace B. Mills, Randall A. McCargar, Alan R. Golbov and Stephen L. Sowers called, seated and generally examined by Court. Jury panel further generally examined by Court.

Upon discussion at the bench and no objection by respective counsel, COURT excused Jurors Schulz, Larsson, Burkeholder, Saputo, Judson, Timmerman, Sowers, Burke and Auld.

Nine additional names drawn. James G. Rumbaugh, Preston, E. O'Daye, George A. Decker, Rayetta Buckley, Rebeka A. Hilliary, John J. Giordano, Doris E. Roberts, Rhonda D. Pembroke and Peter G. Thomas called.

5:13 p.m. Court admonished and excused panel until January 12, 1999, at 9:30 a.m.

Outside the presence of the jury, respective counsel invoked the rule of exclusion with the exception of the witnesses to be used in penalty phase of the trial. If any person display any emotion whatsoever during the course of the trial, they will be removed from the courtroom and not allowed back in for the duration of the trial.

Discussion ensued regarding security.

EXHIBIT 7 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

5:30 p.m. Court recessed.

1/12/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

9:37 a.m. Court reconvened with all prospective jurors present except Juanita

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E. Nelson  
(Reporter)

Pierce.

Upon the Court being notified that Juror Pierce was hospitalized and no objection by respective counsel, COURT excused juror Pierce.

Upon discussion at the bench with juror Pembroke, COURT excused Pembroke.

Another name drawn. Jerome A. Moss called and seated.

Jury panel further generally examined by the Court.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Jury panel further generally examined by Court.

Juror Giordano excused due to hearing impairment.

Another name drawn. William V. King called, seated and generally examined by the Court.

Jury panel further generally examined by Court.

Juror Hilliary challenged for cause by State's counsel Stanton; objection by defense counsel Bosler; challenge granted; excused.

Another name drawn. Anita J. Cason called, seated and generally examined by the Court.

Upon discussion at the bench, Juror Cason excused.

Another name drawn. Paul E. Damoth called, seated and generally examined by the Court.

Upon direction of the Court, State's counsel Stanton specifically examined the panel.

Juror Mills challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

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E. Nelson  
(Reporter)

Juror Buckley challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; challenge granted; excused.

Juror Gerbatz challenged for cause by defense counsel Bosler; objection by State's counsel; challenge denied.

Two additional names drawn. Menandro H. Domingo and Robin W. Sheets called, seated and generally examined by Court.

Juror Domingo challenged for cause by defense counsel Bosler; stipulation by State's counsel Stanton; challenge granted; excused.

Another name drawn. Sandra J. Ellin called, seated and generally examined by the Court.

Juror Ellin challenged for cause by defense counsel Bosler; traversed and no objection by State's counsel Stanton; challenge granted; excused.

Another name drawn. Gordon D. Berg called, seated and generally examined by the Court.

Jury panel further specifically examined by State's counsel.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

11:47 a.m. Jury admonished and excused. Outside the presence of the jury, defense counsel set forth arguments for certain challenges.

Juror Mueller challenged for cause by defense counsel Bosler; stipulation by State's counsel Stanton; challenge granted; excused.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Court informed respective counsel of voir dire questions that could be asked during specific voir dire.

Exhibit C marked by the Court.

DATE, JUDGE  
OFFICERS OF

PAGE SEVEN

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/12/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

12:25 p.m. Court recessed. Defendant remanded to the custody of the sheriff.  
1:13 p.m. Court reconvened with respective counsel and defendant present.  
Clerk called roll; all prospective jurors present.  
Based upon hearing outside the presence of the jury, Court excused Jurors Mueller and Rumbaugh.

Two additional names drawn. Shelby A. Denton and Julie C. Springer called, seated and generally examined by the Court.

Panel further specifically examined by State's counsel Stanton.

Upon direction of the Court, Defense counsel Bosler specifically examined the panel; passed for cause.

Court thanked and excused un-selected jurors.

Respective counsel exercised, silently, 8 peremptory challenges each as to the jury and 2 peremptory challenges each as to alternate jury.

EXHIBIT D marked by the Court.

The following twelve persons and four alternates were sworn to try this case:

Shelby Y. Denton

Cheryl L. Kominek

George A. Decker

Daniel M. Gerbatz

William V. King

Gordon D. Berg

James A. Stephenson

Victoria A. Lyman

Benilda G. Viernes

Randall A. McCargar

Lawrence L. Jones

Doris E. Roberts

Alternates: Jerome A. Moss, Susan M. Frankel, Peter G. Thomas and  
James H. Dunn

5:30 p.m. Jury admonished; said admonishment administered prior to each recess throughout the trial. Jury excused.

Outside the presence of the jury, discussion ensued regarding the schedule of trial.

Court further instructed all persons present in the audience, that there may not be any visible reactions to any testimony during the trial.

5:35 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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DATE, JUDGE  
OFFICERS OF

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COURT PRESENT

APPEARANCES HEARING

CONT'D TC

1/13/99

CONTINUED JURY TRIAL

HONORABLE

CONNIE J.

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

E. Nelson

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

11:15 a.m. Court reconvened outside the presence of the jury.

Motion for Mistrial or in the alternative, Motion for Change of Venue by defense counsel Bosler; presented argument; objection and argument by State's counsel Stanton. COURT ENTERED ORDER denying the Motion for Mistrial and for Change of Venue.

Motion to use transparency during opening statement by defense counsel Bosler; objection and argument by State's counsel Stanton. COURT ENTERED ORDER allowing the use of the transparency with the words redacted off.

EXHIBIT 38 marked and offered by defense counsel Bosler; no objection by State's counsel; ordered admitted into evidence.

Exhibit 37 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

11:30 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court Clerk read the Information aloud and indicated that pleas of not guilty had previously been entered by the defendant.

State's counsel Gammick presented opening statement.

Defense counsel Bosler presented opening statement.

11:56 a.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

1:30 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Brenda Martinez called by State's counsel Gammick, sworn and testified.

EXHIBIT 6 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Martinez further direct examined; excused.



DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

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APPEARANCES-HEARING

CONT'D TC

1/13/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

Carl Smith called by State's counsel Gammick, sworn and testified.

\*\*\*Record reflected identification of the Defendant.

Witness Smith further direct examined.

EXHIBITS 12 and 13 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 17A offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 15A offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 16A and 16B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 18 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 14A and 14B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined; cross-examined by defense counsel Specchio; redirect examined.

EXHIBITS 24A and 24B offered by State's counsel Gammick; no objection by

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CONT'D TO

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CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

defense counsel Specchio; ordered admitted into evidence.

Witness Smith further redirect examined; excused.

3:00 p.m. Jury admonished and excused. Outside the presence of the jury, defense Bosler made statement regarding people in the audience making faces at the defendant.

3:05 p.m. Court recessed.

3:25 p.m. Court reconvened with respective counsel and defendant present.

Andrew Ciocca called by State's counsel Gammick, sworn and testified.

EXHIBITS 17B and 17C offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness further direct examined; cross-examined by defense counsel Specchio; excused.

Willie Stephenson called by State's counsel Gammick, sworn and testified.

\*\*\* Stipulation entered regarding this witness being a fingerprint expert.

Witness Stephenson further direct examined.

EXHIBIT 19 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Stephenson further direct examined.

EXHIBIT 17D marked by State's counsel Gammick.

Witness Stephenson further direct examined.

EXHIBIT 17D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Stephenson cross-examined by defense counsel Specchio; redirect examined; excused.

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TC

1/13/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

Mele Mavani called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; redirect examined; recross-examined; excused.

5:00 p.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

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1/14/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:25 a.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Sateki Taukieuvea called by State's counsel Stanton, sworn and testified.

EXHIBIT 36 offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Taukieuvea further direct examined.

(10:50 a.m. Steve Hopper - Court Clerk entered)

Witness Taukieuvea further direct examined; cross-examined by defense counsel Specchio; redirect examined; recross-examined; excused subject to recall.

11:55 a.m. Jury admonished. Court recessed.

1:40 p.m. (M. Stone - Court Clerk) Court reconvened outside the presence of the jury with respective counsel and defendant present.

Motion to endorse additional witness John Oakes, Esq., by State's counsel Stanton; presented argument; defense counsel stood moot. COURT ENTERED ORDER granting motion.

Upon request, COURT will give the jury an Instruction regarding stipulations.

DATE, JUDGE  
OFFICERS OF

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TC

1/14/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

Defense counsel Specchio did not wish a continuance due to the newly endorsed witness.

1:45 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

John Oakes called by State's counsel Stanton, sworn and testified; excused.

Maria Louis called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; excused.

Priscilla Endemann called by State's counsel Stanton, sworn and testified.

EXHIBIT 20A and 20B offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Endemann further direct examined; excused.

Manaoui Peaua called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; redirect examined; excused.

3:04 p.m. Jury admonished. Court recessed.

3:34 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Metuisel Tauveli called by State's counsel Stanton, sworn and testified.

EXHIBIT 8 offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Tauveli further direct examined; cross-examined by defense counsel Specchio; redirect examined; excused.

Jim Duncan called by State's counsel Gammick, sworn and testified.

EXHIBIT 24D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

DATE, JUDGE  
OFFICERS OF

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COURT PRESENT

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CONT'D TO

1/14/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

Witness Duncan further direct examined.

EXHIBIT 21 offered by State's counsel Gammick; based on stipulation by defense counsel Specchio and discussion at bench, ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 23A and 23B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 11 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 25 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 29A and 29B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 15B, 15C and 15D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 22 and 26 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 16, 16A and 16B offered by State's counsel Gammick; no objection

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/14/99

CONTINUED JURY TRIAL

E. Nelson

(Reporter)

by State's counsel; ordered admitted into evidence.

5:00 p.m. Jury admonished and excused. Outside the presence of the jury, Defendant canvassed by the Court regarding a stipulation to be read to the jury and jury instruction. Defense counsel opposed the use of a jury instruction at this time, but had no objection to a jury instruction regarding stipulations at the time of all the instructions.

5:05 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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1/15/99

CONTINUED JURY TRIAL

E. Nelson

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:10 a.m. Court reconvened outside the presence of the jury.

State's counsel Gammick made statement regarding statement made to police by Michelle Chaitra.

EXHIBIT A to the Motion for Mis-Trial marked by State's counsel Gammick.

State's counsel made further statement.

EXHIBIT B and C to the Motion for Mis-Trial marked by State's counsel Gammick.

State's counsel made further statement.

Motion for Mis-Trial by Defense counsel Specchio; presented argument; objection and argument by State's counsel Gammick.

Defense counsel Specchio stipulated that a Mis-Trial would not create a double jeopardy issue for the Defendant.

Defendant canvassed regarding a potential Mis-Trial and double jeopardy. Upon finding a manifest necessity, COURT ENTERED ORDER granting the Defense's Motion for Mis-Trial.

10:40 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISL a.k.a. "PE", a.k.a. "GEORGE"

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/15/99

CONTINUED JURY TRIAL

E. Nelson

Court informed jury panel of Mis-Trial.

1/19/99

(Reporter)

10:45 a.m. Jury excused.

10:00 a.m.

COURT ORDERED respective counsel to return on January 19, 1999, at 10:00 a.m. to re-set the matter for trial.

Hrg to Re-Se  
Trial

10:55 a.m. Court recessed.

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, a.k.a. "Pe", a.k.a.  
"GEORGE"

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/8/99

PRE-TRIAL HEARING

HONORABLE District Attorney Richard Gammick and Deputy District Attorney Gammick  
CONNIE represented the State. Defendant not present with counsel, Public

STEINHEIMER Defendant Michael Specchio and Deputy Public Defenders Steve Gregory  
DEPT. NO.4 and Jeremy Bosler.

M. Stone Defendant's appearance waived.

(Clerk) Discussion ensued regarding Jurors Peak and Agee (a.k.a. Lyle). Upon no  
K. Ramage objection, COURT ENTERED ORDER releasing Jurors Peak and Agee.  
(Reporter)

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CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISL a.k.a. "PE", a.k.a. "GEORGI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D T

1/7/99

CONTINUED VOIR DIRE (JURY SELECTION)

HONORABLE District Attorney Richard Gammick and Deputy District Attorney David

CONNIE Stanton represented the State. Defendant not present, appearance

STEINHEIMER previously waived, being represented by counsel, Public Defender Michael

DEPT. NO.4 Specchio and Deputy Public Defenders Steve Gregory and Jeremy Bosler.

M. Stone 8:40 a.m. Court convened.

(Clerk) Third panel of prospective jurors present.

E. Nelson Court addressed prospective jurors. Court personnel and respective counsel  
(Reporter) introduced to the jury panel.

Roll taken of prospective jurors.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

Third panel of prospective jurors excused to complete Special Juror

Instruction "A" and Special Juror Questionnaire.

8:50 a.m. Court recessed.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/4/99 VOIR DIRE (JURY SELECTION)  
HONORABLE District Attorney Richard Gammick and Deputy District Attorney David  
CONNIE Stanton represented the State. Defendant not present, appearance  
STEINHEIMER previously waived, being represented by counsel, Public Defender Michael  
DEPT. NO.4 Specchio and Deputy Public Defenders Steve Gregory and Jeremy Bosler.  
M. Stone 10:10 a.m. Court convened.  
(Clerk) First panel of prospective jurors present.  
D. Phipps Court addressed prospective jurors. Court personnel and respective counsel  
(Reporter) introduced to the jury panel.  
Roll taken of prospective jurors. Upon prospective juror Palmer having her  
children present, Prospective juror Palmer sworn by Court Clerk and excused  
to complete Special Juror Instruction "A" and Special Juror Questionnaire.  
Further roll taken of prospective jurors; all present except jurors Crook,  
Dallmann, Fratini, Garaventa, E. Green, Haskell, Latimore, Loring, Morancy,  
Munns, O'Daye, Polikalas, Ramsey and Saputo. Prospective jurors  
Armentrout and Domingo also present, although names not initially called in  
roll.  
Upon request, Juror Null sworn by affirmation.  
All prospective jurors sworn as to their qualifications to serve as trial jurors.  
First panel of prospective jurors excused to complete Special Juror Instruction  
"A" and Special Juror Questionnaire.  
10:30 a.m. Court recessed.  
10:45 a.m. Court reconvened with respective counsel present.  
Second panel of prospective jurors present.  
Court addressed prospective jurors. Court personnel and respective counsel  
introduced to the jury panel.  
Roll taken of prospective jurors; all present except jurors Bacigalupi, Brown,  
Ebright, Gibson, Malone, Meluis, Papas, Reinbold, Richter, Roberts, Rogers,  
Sheets, Sowers and Turnage. Prospective juror E. Green also present,  
although name was initially called with first panel of prospective jurors.  
Upon request, Juror Judson sworn by affirmation.  
All prospective jurors sworn as to their qualifications to serve as trial jurors.  
First panel of prospective jurors excused to complete Special Juror Instruction  
"A" and Special Juror Questionnaire.  
Defense counsel Gregory and Specchio set forth Defendant's waiver of right  
to be present.  
11:03 a.m. Juror Palmer re-entered Courtroom. Upon discussion at the bench  
and no objection by respective counsel, COURT ENTERED ORDER excusing  
juror Palmer.  
11:05 a.m. Court recessed.

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

12/30/98

TELEPHONIC HEARING REGARDING JURORS

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Public Defender Michael Specchio

STEINHEIMER

represented the Defendant, who was not present.

DEPT. NO.4

Court informed respective counsel of conflict with Juror Haskell. Upon no

M. Stone

objection by respective counsel, COURT ENTERED ORDER releasing Juror

(Clerk)

Haskell from reporting for Jury Service on January 4, 1999.

D. Phipps

Further discussion ensued regarding Jury Selection. Upon waiver and no

(Reporter)

objection by State's counsel, COURT ENTERED ORDER allowing the

Defendant to waive his presence at the January 4, 1999, hearing. Upon

request of State's counsel, the Defendant shall place his waiver on the

record at the January 7, 1999.

Upon discussion regarding the marking the exhibits for the trial, COURT

ENTERED ORDER that State's counsel provide a list of exhibits to the Clerk

to assist in marking the exhibits and that exhibits shall be marked on

January 8, 1999, at 2:00 p.m.

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DATE, JUDGE  
OFFICERS OF

**COURT PRESENT**

**APPEARANCES - HEARING**

**CONT'D TO**

12/10/98

**MOTION FOR JURY QUESTIONNAIRE**

HONORABLE  
C O N N I E  
STEINHEIMER

DEPT. NO. 4

S. Hopper

(Clerk)

L. Clarkson

(Reporter)

District Attorney Richard Gammick was present for the State. Defendant was present being represented by counsel, Public Defender Michael Specchio.

Counsel Specchio addressed the Court regarding the seating arrangements of counsel and the Defendant during trial. Counsel Specchio further addressed the Court regarding trial materials and the possibility of such materials remaining in the courtroom overnight during trial weeks.

COURT ORDERED: All of counsels' trial materials may remain in the courtroom.

Court addressed the security issue of firearms being checked in with the bailiff, Deputy Max Brocaw, when entering the courtroom.

Court further addressed counsel regarding pre-trial jury questionnaire and the approved Jury Questionnaire to be submitted to the Jury Commissioner by January 4th, 1999 at 1:30 p.m.

Court reviewed the jury confidentiality process and policy in Department Four (4).

Court further reviewed its ruling regarding the Motion in Limine as to the District Attorney's DNA expert.

Counsel Gammick addressed the Court regarding Exhibits 5 and 4 (b through j); said exhibits were returned to Clerk Hopper to be returned to Exhibit Clerk Dick Duer. Counsel Gammick further addressed the Court regarding the photos presented to the Public Defender pursuant to discovery.

Counsel Specchio addressed the Court regarding the security of the Defendant and his restraints.

Respective counsel further addressed the Court regarding the Jury Questionnaire; respective counsel shall prepare and submit their respective questions for approval by Wednesday, December 16th, 1998.

SO APPROVED. Defendant was in custody.

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CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/24/98

PRE-TRIAL MOTIONS

HONORABLE

District Attorney Richard A. Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Defendant present with counsel, Public

STEINHEIMER

Defender Michael Specchio and Deputy Public Defender Steve Gregory.

DEPT. NO.4

M. Stone

Discussion ensued regarding the order in which the Motions shall be heard.

(Clerk)

D. Phipps

(Reporter)

Respective counsel Gammick and Specchio made statement regarding the use of Jury Questionnaires and Individual Voir Dire. COURT ORDERED that decision on this Motion shall be held in abeyance pending receipt by the Court of a Recommendation being prepared by a Jury Consultant. COURT FURTHER ORDERED matter set for hearing on December 10, 1998, at 10:00 a.m.

Upon agreement of respective counsel, Motion to Avoid Death Penalty is submitted for decision on the pleadings, without oral argument.

Motion to preclude photographs and T.V. Reporters by defense counsel Specchio; presented argument. COURT ENTERED ORDER denying the Motion to preclude photographs and T.V. Reporters in the Courtroom, as long as they abide by the rules and regulations set out by the Court. If there is any violations of those rules, the photographers shall be removed from the Courtroom. COURT FURTHER ENTERED ORDER that reporters, with or without cameras may not congregate outside the Courtroom, or be on the floor, with the exception of the one in the Courtroom.

Jeff Riolo called by State's counsel Stanton, sworn and testified.

Exhibits 1, 2 and 3 marked and offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Riolo further direct examined; cross-examined by defense counsel Specchio; redirect examined; examined by the Court; excused.

Exhibits 4A-4J marked.

Dr. Ellen Clark called by State's counsel Stanton, sworn and testified.

Exhibit 4A withdrawn.

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/24/98

CONTINUED PRE-TRIAL MOTIONS

D. Phipps

(Reporter)

Witness Clark further direct examined.

Exhibit 5 marked as demonstrative by State's counsel.

Witness Clark further direct examined; cross-examined; excused.

Motion in Limine regarding Gruesome Photographs by defense counsel Specchio; presented argument; objection and argument by State's counsel Stanton. Upon finding the photographs necessary during the testimony of the Pathologist, COURT ENTERED ORDER denying Motion and allowing the use of pictures marked as Exhibits 4B - 4 J during trial.

Request to Use the Doar System to Display exhibits during trial, including photographs, by State's counsel Stanton; presented argument; objection and argument by defense counsel. Upon finding that the photographs were not any more gruesome when used with the Doar System, COURT ENTERED ORDER granting request. Defense counsel's Objection is noted for the record and shall continue through trial.

Motion in Limine regarding the State's DNA Expert by defense counsel; presented argument; objection and argument by State's counsel. COURT took matter under advisement and ORDERED counsel to provide copies of cases cited to the Law Clerk.

Discussion ensued regarding the Motion in Limine regarding the Arrest of the Defendant.

Exhibit A marked.

COURT ORDERED that any statements against interest made by the Defendant, stated in a report or not in a report, must be disclosed in a hearing outside the presence of the jury to determine its admissibility.

12:00 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

1:40 p.m. Court reconvened with respective counsel and defendant

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

PAGE THREE

DATE,JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/24/98

CONTINUED PRE-TRIAL MOTIONS

D. Phipps  
(Reporter)

present.

12/10/98  
10:00 a.m.  
Status Hrg  
Re: Jury  
Question-  
naire

Motion in limine regarding prior bad acts and any gang affiliations of the Defendant by defense counsel; presented argument; argument by State's counsel Stanton. Upon agreement by respective counsel, COURT ORDERED that testimony of Vienga Kinney-Kinney be redacted to exclude any reference to gang activity; and if necessary, the State may lead this witness during direct examination. COURT FURTHER ORDERED that the prior bad act regarding the religion of Mormons, be held in abeyance pending progress of trial.

Court reviewed the Motions filed and decided with counsel.

Upon Motion by State's counsel and no objection by defense counsel, COURT ORDERED exhibits 4B-4J and 5 released to the State once copied by the Clerk of the Court.

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CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/10/98 HEARING REGARDING COUNSEL FOR DEFENDANT

HONORABLE District Attorney Richard Gammick and Deputy District Attorney David  
CONNIE Stanton represented the State. Defendant present with counsel, Public  
STEINHEIMER Defender, Michael Specchio.

DEPT. NO.4 11:00 a.m. Court convened.

M. Stone Defendant indicated to the Court that he wants Public Defender Specchio  
(Clerk) and his Office to represent him at trial.

E. Nelson Upon request of State's counsel, COURT FURTHER advised the defendant  
(Reporter) that any future requests for new counsel or to represent himself will be  
denied, if those requests are made solely to continue the trial and/or if they  
are not made timely prior to trial.

11:10 a.m. Court recessed. Defendant remanded to the custody of the  
sheriff.

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CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/6/98

REPORT ON PSYCHIATRIC EVALUATION REPORTS

HONORABLE

District Attorney Richard Gammick represented the State. Defendant present with counsel, Public Defender, Michael Specchio.

CONNIE

STEINHEIMER

Court noted receipt of reports from psychiatrists; advised counsel of findings set forth therein.

DEPT. NO. 4

M. Stone

(Clerk)

C. Brown

(Reporter)

COURT ENTERED ORDER finding defendant competent to stand trial and to aid counsel in preparation of that trial pursuant to statute.

Court further entered ORDER that the Psychiatric Reports be marked and admitted as exhibits.

Exhibits A and B marked and admitted into evidence.

Discussion ensued regarding the Defendant obtaining private counsel or representing himself. Defendant made statement.

COURT ORDERED matter set for hearing on November 10, 1998, at 11:00 a.m. Defendant must speak with counsel Specchio to weigh his options. Defendant remanded to the custody of the sheriff.

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CASE NO. CR98-0516 STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/28/98

STATUS HEARING

HONORABLE  
CONNIE J.

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State.

11/6/98

STEINHEIMER

Defendant was present with counsel, Chief Public Defender Michael Specchio and Deputy Public Defender Steve Gregory.

3:00 p.m.

DEPT. NO. 4

Respective counsel stipulated to the Defendant's submitting to a psychological evaluation.

Report on

B. Walker

COURT ORDERED: Two (2) Psychiatrists or Psychologists appointed to evaluate the Defendant.

Psych. Eval.

(Clerk)

Matter continued.

L. Clarkson

Defendant in custody.

(Reporter)

CASE NO. CR98-0516 STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/4/98

**STATUS HEARING**

HONORABLE  
CONNIE

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State.

STEINHEIMER

Defendant was present with counsel, Public Defender Michael Specchio.

DEPT. NO. 4

Court furnished a file stamped copy of the Order dated August 4, 1998 to respective counsel and discussed the rulings therein.

B. Walker

Regarding the Motion in Limine as to Prior Bad Acts, District Attorney

(Clerk)

Gammick addressed the Court stating he feels this motion is "moot" and if they come across something, they will produce same to the Court and

E. Nelson

Defense counsel; Public Defender Specchio requested the Court to "reserve ruling" on this matter.

(Reporter)

Deputy District Attorney Stanton addressed the Court as to the housing of the Defendant who is presently housed in the Nevada State Prison for security reasons, because the Washoe County Jail is having difficulty with the situation; response by Public Defender Specchio who stated he doesn't have the luxury of driving to Carson City and wants to have the Defendant transferred back to the Washoe County Jail.

COURT ORDERED: The Department of Prisons to provide copies of any evaluation to the State and the Public Defender's office and copies be ongoing. Respective counsel to be notified of any disciplinary action or notes taken by prison officials.

Deputy District Attorney Stanton addressed the Court, requesting any competency issues be placed on the record.

COURT will contact Sheriff Means to discuss the housing of the Defendant.

Public Defender Specchio addressed the Court requesting the personnel file of Sgt. Sullivan; response by District Attorney Gammick, who suggested meeting to discuss the matter.

Defendant remanded to the custody of the Sheriff.

**11/24/98 at 10:00 a.m.**

Motion in Limine Re: Reference to Gang Affiliation

Motion in Limine Re: Arrest of Defendant

**11/24/98 at 1:30 p.m.**

Motion to Avoid Death-Prone Jury

Motion to Preclude Photographs and Television in the Courtroom

Motion for Individual voir dire of Prospective Jurors

**3:30 p.m.**

Motion in Limine Re: State's DNA Expert

**11/25/98 at 10:00 a.m.** Motion in Limine Re: Prior Bad Acts

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE,JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/19/98	<u>MOTION TO SET TRIAL</u>	
HONORABLE	District Attorney Richard Gammick and Deputy District Attorney David	7/23/98
CONNIE	Stanton represented the State. Defendant present with counsel, Public	4:00 p.m.
STEINHEIMER	Defender Michael Specchio and Deputy Public Defender Walter Fey.	Status Conf.
DEPT. NO.4	Upon discussion, COURT ENTERED ORDER setting the jury trial and	
M. Stone	briefing schedule.	11/23/98
(Clerk)	COURT FURTHER ENTERED ORDER finding all counsel involved qualified to	10:00 a.m.
D. Phipps	try a death penalty case pursuant to Rule 250.	Pre-Trial Mtgs
(Reporter)	Defendant remanded to the custody of the sheriff.	
		1/7/99
		9:00 am
		Motion to
		Confirm/Pre-
		Trial Motions
		1/11/99
		10:00 am
		Jury Trial

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CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISL a.k.a. PE, a.k.a. GEORGE

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/10/98	<u>ARRAIGNMENT</u>	
HONORABLE	District Attorney Dick Gammick and Deputy District Attorney David Stanton	3/19/98
CONNIE	represented the State. Defendant present with counsel, Public Defender,	9:00 am
STEINHEIMER	Michael Specchio, and Deputy Public Defender, Walter Fey.	Motion to
DEPT. NO.4	Defendant handed copy of Information; indicated to the Court that name as	Set Trial
M. Stone	set forth on same was his true name; waived reading and stood mute. Upon	
(Clerk)	the Defendant standing mute, Court entered a plea of not guilty to the	
K. Bokelmann	charges set forth in the Information.	
(Reporter)	Defendant did waive the 60-Day Rule and COURT ORDERED this matter	
	continued for jury trial and a briefing schedule to be set.	
	Upon a notice of intent to seek the death penalty being filed, State's counsel	
	Gammick set forth aggravating circumstances. State's counsel Gammick	
	further reserved right to file any additional aggravating circumstances if	
	necessary.	
	Defendant remanded to the custody of the sheriff.	

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Case No. CR98-0516

STATE OF NEVADA -VS- SIAOSI VANISI, AKA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

09/04/98

STATUS HEARING

HONORABLE

C O N N I E

STEINHEIMER

DEPT. NO. 4

S. Hopper

(Clerk)

E. Nelson

(Reporter)

District Attorney Richard Gammick was present for the State. Defendant was present being represented by counsel, Washoe County Public Defender Michael Specchio.

Court reviewed the letters and memos between counsel.

Counsel Gammick addressed the Court regarding jury questionnaires and evidence. Court further reviewed personal profile of Sergeant Sullivan.

Counsel Specchio addressed the Court regarding custody status of the Defendant at Washoe County Jail/Nevada State Prison.

COURT ORDERED: Defendant shall be incarcerated at the Washoe County Jail per Captain Means.

Counsel Specchio further addressed the Court regarding a psychiatric evaluation of the Defendant.

COURT ORDERED: Matter continued. Defendant was in custody.

09/28/98

9:00 a.m.

Status Hearing/

Motion for

Psych Eval

[illegible]

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

2/09/99 13:54

PAGE: 5

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SIAOSI VANISI  
Dept: 4 Addl Info:

At issue: 00/00/00  
Clerk: MB

Trial: 09/07/99 JURY TRIAL

E X H I B I T S

ID	Description	Type	Relshp	Dept	Clr
1	CURRICULUM VITAE - JEFFREY RIOLO Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
2	U.S. DEPT. OF JUSTICE FEDERAL BUREAU OF INVESTIGATION - QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LAB Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
3	THE EVALUATION OF FORENSIC DNA EVIDENCE BY NATIONAL RESEARCH COUNCIL Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.A	PIECE OF PAPER ACCIDENTALLY MARKED Intro: 11/24/98 Off/Obj: Disp: E01 11/24/98 WITHDRAWN	01	STATE	4	MT
4.B	PHOTOGRAPH - FACE OF VICTIM Intro: 11/24/98 Off/Obj: OFF'D/OBJ. Loc: EXHIBIT ROOM	01	STATE	4	MT
4.C	PHOTOGRAPH - LEFT HAND OF VICTIM Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
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4.K	PHOTOGRAPH - RIGHT FACE OF VICTIM Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
4.L	PHOTOGRAPH - TOP Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
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7	DIAGRAM - UNR CAMPUS Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
8	MAP OF AREA Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT



SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
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Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL  
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16.A	RADIO OF VICTIM Intro: 01/13/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
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17.D	PHOTOGRAPH - CAR WITH RED YARN MARKING SPOTS ON GROUND Intro: 01/13/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18	RPD DISPATCH TAPE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19	CRIME SCENE VIDEO Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
20.A	PHOTOGRAPH - HATCHET Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

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PAGE: 1

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL  
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20.B	PHOTOGRAPH - CLOSEUP OF HATCHET Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
21	HATCHET Intro: 01/08/99 Off/Obj: STIPULATED	01	STATE	4	MT
22	PHOTOGRAPH - WHITE PLASTIC BAG Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
23.A	PHOTOGRAPH - JACKET Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
23.B	PHOTOGRAPH - JACKET & GLOVE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
24.A	PHOTOGRAPH - DEFENDANT BEFOR TRIM Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
24.B	PHOTOGRAPH - DEFENDANT AFTER TRIM Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
24.C	PHOTOGRAPH - BOOKING OF DEFENDANT Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
24.D	PHOTOGRAPH - DEFENDANT'S PASSPORT Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
25	DEFENDANT'S TAN LEATHER GLOVES Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
26	PHOTOGRAPH - WHITE PLASTIC BAG AT 1098 ROCK Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
27	PHOTOGRAPH - DEFENDANT IN JACKSON'S FOOD MART Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
28	PHOTOGRAPH - GUN IN SLC Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
29.A	PHOTOGRAPH - DEFENDANT'S CLOTHES FROM SLC Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
29.B	PHOTOGRAPH - DEFENDANT'S CLOTHES FROM SLC Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
30	DNA TABLES AND RESULTS Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
31.A	PHOTOGRAPH - BEANIE Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
31.B	PHOTOGRAPH - BEANIE Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
31.C	PHOTOGRAPH - WIG Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
31.D	PHOTOGRAPH - WIG Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
31.E	PHOTOGRAPH - ORR DITCH Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
31.F	PHOTOGRAPH - BEANIE IN ORR DITCH Intro: 01/08/99 Off/Obj:	01	STATE	4	MT

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SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

PAGE:

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Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

## ----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
31.G	PHOTOGRAPH - WIG IN ORR DITCH Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
32.A	PHOTOGRAPH - CAR WITH COVER Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
32.B	PHOTOGRAPH - CAR WITHOUT COVER Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
33.A	PHOTOGRAPH - INSIDE OF KINIKINI HOUSE Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
33.B	PHOTOGRAPH - INSIDE OF KINIKINI HOUSE HALL Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
33.C	PHOTOGRAPH - KINIKINI HOME/GARAGE Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
33.D	PHOTOGRAPH - KINIKINI HOME/INSIDE GARAGE Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
34.A	PHOTOGRAPH - SWAT OFFICER Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
34.B	PHOTOGRAPH - SWAT OFFICER Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
35	STIPULATION REGARDING THE CHAIN OF CUSTODY Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
36	JANUARY 1998 CALENDAR Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
37	TIMES OF EVENTS Intro: 01/13/99 Off/Obj: STIPULATION	01	STATE	4	MT
38	OVERHEAD TRANSPARENCY - PHOTOGRAPHS OF DEFENDANT IN HIGH SCHOOL Intro: 01/13/99 Off/Obj: OFF'D/OBJ.OVRD	01	DEF:	4	MT
A	JURY LIST Intro: 01/04/99 Off/Obj: STIP.	01	COURT	4	MT
C	DEFENSE'S VOIR DIRE QUESTIONS (PROPOSED) Intro: 01/09/99 Off/Obj:	01	COURT	4	MT
A1-A150	JURY QUESTIONIONNAIRES (JURY SELECTION) Intro: 01/04/99 Off/Obj: STIP.	01	COURT	4	MT

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

11/02/99 10:26

PAGE: 1

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SIAOSI VANISI  
Dept: 4 Addl Info:

At issue: 00/00/00  
Clerk: MB

Trial: 11/22/99 HEARING - SENTENCING

This case is exempt from purge

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6	COMPOSITE BY BRENDA MARTINEZ Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
7	DIAGRAM - AERIAL PHOTOGRAPH Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
8	MAP OF AREA Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

## SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

11/02/99 10:26

FULL CASE HISTORY

PAGE:

2

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

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18	RPD DISPATCH TAPE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18.A	TRANSCRIPT OF RPD 911 DISPATCH TAPE Intro: 09/27/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19	CRIME SCENE VIDEO Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
20.A	PHOTOGRAPH - HATCHET Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

11/02/99 10:26

PAGE: 3

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL  
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26	PHOTOGRAPH - WHITE PLASTIC BAG AT 1098 ROCK Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
27	PHOTOGRAPH - DEFENDANT IN JACKSON'S FOOD MART Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
28	PHOTOGRAPH - GUN IN SLC Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
29.A	PHOTOGRAPH - DEFENDANT'S CLOTHES FROM SLC Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
29.B	PHOTOGRAPH - DEFENDANT'S CLOTHES FROM SLC Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
30	DNA TABLES AND RESULTS Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
31.A	PHOTOGRAPH - BEANIE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
31.B	PHOTOGRAPH - BEANIE Intro: 01/08/99 Off/Obj: OFF'D/	01	STATE	4	MT
31.C	PHOTOGRAPH - WIG Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
31.D	PHOTOGRAPH - WIG Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
31.E	PHOTOGRAPH - ORR DITCH Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
31.F	PHOTOGRAPH - BEANIE IN ORR DITCH Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

## SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

11/02/99 10:26

## FULL CASE HISTORY

PAGE: 4

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

## ----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
31.G	PHOTOGRAPH - WIG IN ORR DITCH Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
32.A	PHOTOGRAPH - CAR WITH COVER Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
32.B	PHOTOGRAPH - CAR WITHOUT COVER Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33.A	PHOTOGRAPH - INSIDE OF KINIKINI HOUSE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33.B	PHOTOGRAPH - INSIDE OF KINIKINI HOUSE HALL Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33.C	PHOTOGRAPH - KINIKINI HOME/GARAGE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33.D	PHOTOGRAPH - KINIKINI HOME/INSIDE GARAGE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
34.A	PHOTOGRAPH - SWAT OFFICER Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
34.B	PHOTOGRAPH - SWAT OFFICER Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
35	STIPULATION REGARDING THE CHAIN OF CUSTODY Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
36	JANUARY 1998 CALENDAR Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
37	TIMES OF EVENTS Intro: 01/13/99 Off/Obj:	01	STATE	4	MT
38	OVERHEAD TRANSPARENCY - PHOTOGRAPHS OF DEFENDANT IN HIGH SCHOOL Intro: 01/13/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
39	STIPULATION DATED 1/14/99 Intro: 01/14/99 Off/Obj:	01	STATE	4	MT
40	BLOW-UP Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
41.A	PHOTOGRAPH OF DOG Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
41.B	PHOTOGRAPH OF DOG Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
42	VIDEO TAPE OF 7-11 ROBBERY Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.A	"DNA" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.B	"WHERE CAN DNA BE FOUND" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.C	"WHERE DOES DNA COME FROM?" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.D	"DNA - THE MOLECULE" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.E	"ISOLATION" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

11/02/99 10:26

PAGE: 5

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
43.F	"AMPLIFICATION - THE CYCLES"	01	STATE	4	MT
	Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/22/99	
43.G	"PCR - SEQUENCE DETECTION"	01	STATE	4	MT
	Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/22/99	
44	PHOTOGRAPH OF DEFENDANT AT WCJ	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj:		Admit:	00/00/00	
45	VIDEO OF VICTIM'S FAMILY GATHERINGS	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.A	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.B	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.C	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.D	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.E	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
47	CERTIFICATE FOR FRESH-SOPH TRACK & FIELD	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
48	CERTIFICATE FRESH-SOPH WRESTLING	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
49	CERTIFICATE VARSITY FOOTBALL 87-88	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
50	CERTIFICATE VASITY FOOTBALL 88-89	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
51.A	PHOTOGRAPH OF DEFENDANT	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
51.B	PHOTOGRAPH OF DEFENDANT	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
51.C	PHOTOGRAPH OF DEFENDANT	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
52	PHOTOGRAPH - CAPUCHINO HIGH SCHOOL 86-87 FOOTBALL TEAM	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/04/99	
53	DIAGRAM DRAWN BY WITNESS WILEY	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
54	DIAGRAM WITH QUOTES FROM KERRY KENNEDY CUOMO, AND CORETTA SCOTT KING	01	DEF:	4	MT
	Intro: 10/06/99 Off/Obj: OFF'D/OBJ.SUSTAINED		Admit:	00/00/00	
A	PSYCHIATRIC EVALUATION BY DR. PHILIP RICH	04	COURT	4	MT
	Intro: 11/06/98 Off/Obj: ADMITTED		Admit:	11/06/98	
A	UTAH WITNESS LIST	071	STATE	4	MT
	Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.		Admit:	11/24/98	
A	RPD TRANSCRIPT OF CHAITRA HANKE DATE 1/13/98 (EXHIBIT TO MTN FOR MISTRIAL)	071	STATE	4	MT
	Intro: 01/15/99 Off/Obj: OFF'D/NO OBJ.		Admit:	01/15/99	



11/02/99 10:26

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

PAGE: 6

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

## ----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
A	JURY LIST	04	COURT	4	MT
B	Intro: 01/04/99 Off/Obj: STIP. PSYCHIATRIC EVALUATION BY DR. RICHARD LEWIS	04	COURT	4	MT
	Intro: 11/06/98 Off/Obj: ADMITTED				Admit: 11/06/98
B	Disp: E01 01/19/99 RELEASED PER COURT ORDER LIST OF ABSENT JURORS	04	COURT	4	MT
B	Intro: 01/07/99 Off/Obj: NO OBJ. AUDIO TAPE OF STATEMENT BY CHAITRA HANKE (EXH. TO MTN FOR MISTRIAL)	071	STATE	4	MT
C	Intro: 01/15/99 Off/Obj: OFF'D/NO OBJ. VIDEO TAPE OF STATEMENT BY CHAITRA HANKE (EXH. TO MTN FOR MISTRIAL)	071	STATE	4	MT
	Intro: 01/15/99 Off/Obj: OFF'D/NO OBJ. Disp: E01 01/19/99 RELEASED PER COURT ORDER				Admit: 01/15/99
C	DEFENSE'S VOIR DIRE QUESTIONS (PROPOSED)	04	COURT	4	MT
D	Intro: 01/09/99 Off/Obj: JURY SELECTION PEREMPTORY CHALLENGES	04	COURT	4	MT
F	Intro: 01/12/99 Off/Obj: STIPULATED BACKGROUND SEARCH INFORMATION TRIAL #2	04	STATE	4	MT
F	Intro: 09/20/99 Off/Obj: STIPULATED MEMORANDUM TO GAMMICK/STANTON FROM BOSLER/GREGORY - LIST OF MITIGATION WITNESSES	04	STATE	4	MT
G	Intro: 09/30/99 Off/Obj: OFF'D PEREMPTORY CHALLENGES TRIAL #2	04	COURT	4	MT
H	Intro: 09/21/99 Off/Obj: STIPULATED WASHOE COUNTY PUBLIC DEFENDER PEOPLE VS. SIAOSI VANISI WITNESS LIST	04	STATE	4	MT
I	Intro: 09/30/99 Off/Obj: OFF'D E-MAIL TO STANTON FROM CRYSTAL CALDERON RE: TWO WITNESSES	04	STATE	4	MT
J	Intro: 09/30/99 Off/Obj: OFF'D E-MAIL TO GAMMICK/STANTON FROM SPECCHIO RE: WITNESSES/EXHIBITS	04	STATE	4	MT
K	Intro: 09/30/99 Off/Obj: OFF'D/ VICTIM IMPACT STATEMENT BY CAROLYN SULLIVAN - REDATED 10/1/99	04	STATE	4	MT
L	Intro: 09/30/99 Off/Obj: OFF'D/OBJECTION VICTIM IMPACT STATEMENT BY DEBRA MANN	04	STATE	4	MT
M	Intro: 09/30/99 Off/Obj: OFF'D/OBJ. DOCUMENTS SENT TO THE SUPREME COURT PURSUANT TO ORDER DATED 9/9/99	04	COURT	4	MT
V.1	Intro: 09/15/99 Off/Obj: SCR 250 TIME RECORD BY MICHAEL R. SPECCHIO	071	DEF:	4	MT
	Intro: 06/23/99 Off/Obj:				Admit: 00/00/00

## SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

11/02/99 10:26

## FULL CASE HISTORY

PAGE: 7

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

## ----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
AA	WCSO MEMORANDUM REGARDING DEFENDANTS BEHAVIOR IN THE WCJ	04	STATE	4	MT
	Intro: 05/12/99 Off/Obj:		Admit:	00/00/00	
A1-A150	JURY QUESTIONNAIRES (JURY SELECTION)	04	COURT	4	MT
	Intro: 01/04/99 Off/Obj: STIP.		Admit:	01/04/99	
E1-E144	JUROR QUESTIONNAIRES FROM TRIAL #2	04	COURT	4	MT
	Intro: 09/13/99 Off/Obj: STIPULATED		Admit:	09/13/99	

**FILED**

NOV 28 2007

HOWARD W. CONYERS, CLERK  
By: *[Signature]*  
DEPUTY CLERK

1350

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

**SIAOSI VANISI,**

**Appellant(s)**

**Case No. CR98P0516**

**vs.**

**Dept. No. 4**

**THE STATE OF NEVADA,**

**Respondent(s)**

**CERTIFICATE OF CLERK**

I hereby certify that the enclosed documents are certified copies of the original pleadings on file with the Second Judicial District Court, in accordance with the Revised Rules of Appellant Procedure Rule D(1).

**Dated: November 28, 2007**

**Howard W. Conyers, Clerk of the Court,**

By: *[Signature]*  
**Cathy Kepler, Appeals Clerk**

**FILED**

NOV 28 2007

HOWARD W. CONYERS, CLERK  
By: *[Signature]*  
DEPUTY CLERK

1365

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

**SIAOSI VANISI,**

**Appellant(s)**

**Case No. CR98P0516**

**vs.**

**Dept. No. 4**

**THE STATE OF NEVADA,**

**Respondent(s)**

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that the enclosed the Notice of Appeal and other required documents (certified copies) were delivered to the Second Judicial District Court mailroom system for transmittal to the Nevada Supreme Court.

**Dated: November 28, 2007**

**Howard W. Conyers, Clerk of the Court,**

By: *[Signature]*  
**Cathy Kepler, Appeals Clerk**

**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

SIAOSI VANISI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 50607**  
District Court Case No. CR980516

**RECEIPT FOR DOCUMENTS**

TO: Scott W. Edwards  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Howard W. Conyers, District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

11/30/07      Filing Fee Waived: Criminal.

11/30/07      Filed Certified Copy of Notice of Appeal.  
Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel  
for appellant.)

DATE: November 30, 2007

Janette M. Bloom, Clerk of Court

By: NH  
Deputy Clerk

ORIGINAL

FILED

2007 NOV 28 PM 1:12

HOWARD W. CONYERS

BY *[Signature]* DEPUTY

CODE: 2010 2515  
Scott W. Edwards  
Bar Number 3400  
729 Evans Ave, Reno, NV 89512  
(775) 786-4300  
Attorney for Petitioner

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

SIAOSI VANISI,

Petitioner,

VS.

THE STATE OF NEVADA,

Respondent.

No. 50607

Case No. CR98P-0516

Dept. No. 4

FILED

NOV 30 2007

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

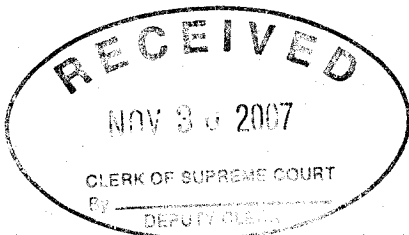
**NOTICE OF APPEAL TO SUPREME COURT**  
**(DEATH PENALTY CASE)**

COMES NOW, Petitioner, SIAOSI VANISI, by and through appointed counsel, SCOTT W. EDWARDS, and hereby appeals the district court denial of his petition for writ of habeas corpus (post-conviction) to the Nevada Supreme Court. Notice of Entry of the Order denying relief was mailed November 19, 2007.

DATED this 27<sup>th</sup> day of November, 2007.

*[Signature]*

SCOTT EDWARDS, ESQ.  
Nevada Bar No. 3400  
Attorney for Petitioner  
729 Evans Avenue  
Reno, Nevada 89512  
Telephone: (775) 786-4300



CERTIFICATE OF SERVICE BY MAIL

I, Sherri Whelan, hereby certify pursuant to N.R.C.P. 5, that on this 28<sup>th</sup> day of November, 2007, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL TO SUPREME COURT addressed to:

Siaosi Vanisi #63376

ESP

P.O. Box 1989

Ely, NV 89301

Washoe County District Attorney

Appellate Division

P.O. Box 30083

Reno, NV 89520

1 SCOTT W. EDWARDS, ESQ. (SBN 3400)  
729 Evans Avenue  
2 Reno, NV 89512  
Telephone: (775) 786-4300  
3 Facsimile: (775) 324-5444

4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
5 IN AND FOR THE COUNTY OF WASHOE

6 **AFFIRMATION**  
7 **Pursuant to NRS 239B.030**

8 The undersigned does hereby affirm that the preceding document: NOTICE OF  
9 APPEAL TO SUPREME COURT (DEATH PENALTY CASE) filed in case number: CR98P-  
0516

10  
11 ☒ Document does NOT contain the social security number of any person

12 **OR**

13 ☐ Document does contain the social security number of any person

14 **OR**

15 ☐ A specific state or federal law, to wit:

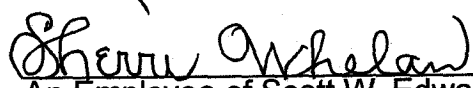
16  
17 \_\_\_\_\_  
18 **OR**

19 ☐ For the administration of a public program

20 **OR**

21 ☐ For an application for a federal or state grant  
22

23 **DATED** this 28<sup>th</sup> day of November, 2007.

24   
25 An Employee of Scott W. Edwards, Esq.

26 Attorney for: SIAOSI VANISI  
27  
28



ORIGINAL

FILED

2007 NOV 28 PM 1:12

HOWARD H. CONYERS

DEPUTY

CODE: 1310  
Scott W. Edwards  
Bar Number 3400  
729 Evans Ave, Reno, NV 89512  
(775) 786-4300  
Attorney for Petitioner

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

SIAOSI VANISI,

Petitioner,

VS.

THE STATE OF NEVADA,

Respondent.

Case No. CR98P-0516

Dept. No. 4

CASE APPEAL STATEMENT

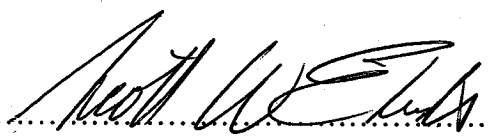
1. Name of appellant filing this case appeal statement: Siaoisi Vanisi.
2. Identify the judge issuing the decision, judgment, or order appealed from: Honorable Connie Steinheimer.
3. Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited): Siaoisi Vanisi, Petitioner, vs. The State of Nevada, Respondent, represented by Washoe County District Attorney.
4. Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited): Siaoisi Vanisi, Petitioner, vs. The State of Nevada, Respondent.
5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent: Scott W. Edwards, 729 Evans Avenue, Reno, NV 89512, (775)786-4300, represents Appellant. District Attorney of Washoe County, P.O. Box 30083, Reno, NV 89520-3083, (775)328-3200, represents Respondent.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appellant was represented by appointed counsel in the district court.

1 7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appellant is  
2 represented by appointed counsel on appeal.

3 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of  
4 the district court order granting such leave: Appellant was granted leave to proceed in forma pauperis at  
5 the time counsel was appointed to represent him in habeas proceedings.

6 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment,  
7 information, or petition was filed): Original Petition for Writ of Habeas Corpus (Post-Conviction) filed  
8 January 18, 2002.

9  
10 Dated this 27<sup>th</sup> day of November, 2007.

11  
12  
13   
14 Scott W. Edwards

15 Attorney for Appellant

16 Nevada Bar Identification No. 3400

17 729 Evans Avenue

18 Reno, NV 89512

19 (775) 786-4300  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE BY MAIL

I, Sherri Whelan....., hereby certify pursuant to N.R.A.P. 25, that on this 28<sup>TH</sup> day  
of November, 2007, I mailed a true and correct copy of the foregoing CASE APPEAL STATEMENT  
addressed to:

Siaosi Vanisi #63376

ESP

P.O. Box 1989

Ely, NV 89301

Washoe County District Attorney

Appellate Division

P.O. Box 30083

Reno, NV 89520

1 SCOTT W. EDWARDS, ESQ. (SBN 3400)  
729 Evans Avenue  
2 Reno, NV 89512  
Telephone: (775) 786-4300  
3 Facsimile: (775) 324-5444

4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
5 IN AND FOR THE COUNTY OF WASHOE

6 **AFFIRMATION**  
7 **Pursuant to NRS 239B.030**

8 The undersigned does hereby affirm that the preceding document: CASE APPEAL  
9 STATEMENT filed in case number: CR98P-0516

10  
11 ☒ Document does NOT contain the social security number of any person

12 **OR**

13 ☐ Document does contain the social security number of any person

14 **OR**

15 A specific state or federal law, to wit:

16 ☐

17 **OR**

18 For the administration of a public program

19 ☐

20 **OR**

21 For an application for a federal or state grant

22 ☐

23 **DATED** this 28<sup>th</sup> day of November, 2007.

24   
An Employee of Scott W. Edwards, Esq.

25 Attorney for: SIAOSI VANISI  
26  
27  
28

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE

Case History - CR98-0516

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time  
11/28/2007  
3:35:29PM

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Case ID: CR98-0516	Case Description: STATE VS SIAOSI VANISI (D4) CRIMINAL	Initial Filing Date: 2/26/1998
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Type: Parties

PLTF	STATE OF NEVADA - STATE
DA	Richard Allen Gammick, Esq. - 1510
DEFT	SIAOSI VANISI - @104848
PD	Stephen Douglas Gregory, Esq. - 2217

---

Charges

Charge No.	Charge Code	Charge Date		Charge Description
1	F720	2/26/1998	INF	MURDER IN THE FIRST DEGREE
2	F960	2/26/1998	INF	ROBBERY WITH THE USE OF A DEADLY WEAPON
3	F960	2/26/1998	INF	ROBBERY WITH THE USE OF A FIREARM
4	F960	2/26/1998	INF	ROBBERY WITH THE USE OF A FIREARM
5	F520	2/26/1998	INF	GRAND LARCENY

---

Plea Information

Charge No.	Plea Code	Plea Date	Plea Description
1	F720	3/10/1998	PLED NOT GUILTY
2	F960	3/10/1998	PLED NOT GUILTY
3	F960	3/10/1998	PLED NOT GUILTY
4	F960	3/10/1998	PLED NOT GUILTY
5	F520	3/10/1998	PLED NOT GUILTY

---

Sentences

Date	Charge No.	Charge Desc	Time Served	Sentence Text
11/22/1999	1 - Death		DEATH	
11/22/1999	2 - Nevada State Prison		NSP MAX 180 MOS, MIN PAROLE 72 MOS, W/CONSEC LIKE TERM FOR USE, CONSEC TO CT I + \$10,000 FINE + \$25 AAF + DNA TESTING	
11/22/1999	3 - Nevada State Prison		NSP MAX 180 MOS, MIN PAROLE 72 MOS W/CONSEC LIKE TERM FOR USE, CONSEC TO CTS I & II + \$750 ATTY FEE + \$250 DNA FEE	
11/22/1999	4 - Nevada State Prison		NSP MAX 180 MOS, MIN PAROLE 72 MOS, W/CONSEC LIKE TERM, CONSEC TO CTS I, II & III	
11/22/1999	5 - Nevada State Prison		NSP MAX 120 MOS, MIN PAROLE 48 MOS, CONSEC TO CTS I, II, III & IV	

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<b>Case ID:</b> CR98-0516	<b>Case Description:</b> STATE VS SIAOSI VANISI (D4) CRIMINAL	<b>Initial Filing Date:</b> 2/26/1998
	<b>Case Type:</b>	

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*Custody Status*      **Release Information**

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**Hearings**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
1 D4	TRIAL - JURY	12/11/2001 11:00:00

Extra Text:

**Disposition:**

D895 12/11/2001 JURY TRIAL HELD SEPTEMBER 20,  
1999 THROUGH OCTOBER 6, 1999  
IN D4  
FOUND GUILTY BY JURY ON  
9/27/99 ON ALL COUNTS

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
2 D4	HEARING...	1/18/2002 13:15:00

Extra Text: TO SET EXECUTION DATE

**Disposition:**

D435 1/18/2002 COURT ENTERED EXECUTION  
DATE/MOTION FOR STAY  
PENDING POST CONVICTION  
MUST BE PLACED IN WRITING

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**Agency Cross Reference**

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 45061

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<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Actions</i>	<i>Text</i>
11/22/1999	1315	** Case Closed		
9/7/2001	CMS	**See CMS Prior to 12/13/99		
12/11/2001	1250	Application for Setting	1/18/02	
12/11/2001	1325	** Case Reopened		
12/11/2001	1260	Application Produce Prisoner		
12/12/2001	3340	Ord to Produce Prisoner		
1/18/2002	1315	** Case Closed	NEW EXECUTION DATE SET	
1/18/2002	3143	Order of Execution		
1/18/2002	3138	Order of Committal		
1/18/2002	4292	Warrant of Execution		
2/19/2002	4185	Transcript ...	IN-CHAMBERS HEARING & HEARING SETTING EXECUTION DATE JAN 18 2002	

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Case ID:	CR98-0516	Case Description:	STATE VS SIAOSI VANISI (D4)	Initial Filing Date: 2/26/1998
		Type:	CRIMINAL	
<u>3/11/2002</u>	3370	Order ...	(FOR POST CONVICTION APPT OF COUNSEL) STAYING EXECUTION	
<u>2/20/2003</u>	4185	Transcript ...	02/05/03 - CONFERENCE CALL - IN CHAMBERS	
<u>3/9/2005</u>	3105	Ord Granting ...	COMPENSATION (QUALLS)	
<u>8/16/2005</u>	PAYRC	**Payment Receipted	A Payment of -\$52.97 was made on receipt DCDC147003.	

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NOT FOR DISTRIBUTION  
TO THE PUBLIC

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE

Case History - CR98P0516

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time  
11/28/2007  
3:36:08PM

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<b>Case ID:</b>	<b>CR98P0516</b>	<b>Case Description:</b>	<b>POST: SIAOSI VANISI (D4)</b>	<b>Initial Filing Date:</b>	<b>1/18/2002</b>
		<b>Case Type:</b>	<b>POST CONVICTION</b>		
			<b>Parties</b>		

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PATY	Scott W. Edwards, Esq. - 3400
RESP	STATE OF NEVADA - STATE
APPE	SIAOSI VANISI - @104848
PETR	SIAOSI VANISI - @104848
DA	Richard Allen Gammick, Esq. - 1510
DATY	Gary Howard Hatlestad, Esq. - 1525
CAA	Scott W. Edwards, Esq. - 3400
CAA	Thomas Qualls, Esq. - 8623

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**Charges**

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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**Plea Information**

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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**Release Information**

*Custody Status*

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**Hearings**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
1 D4	Tickle Start Code	2/6/2002 07:00:00

Extra Text: pull file, check for petitioner's response, or verification of petition. do order appting counsel with pd to provide record to new counsel

**Disposition:**  
T200 2/6/2002

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
2 D4	STATUS HEARING	7/1/2002 13:30:00

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<b>Case ID:</b> CR98P0516	<b>Case Description:</b> POST: SIAOSI VANISI (D4) POST CONVICTION	<b>Initial Filing Date:</b> 1/18/2002
<b>Extra Text:</b>	<b>Type:</b>	<b>Disposition:</b> D435 7/1/2002 DISCUSSION ENSUED REGARDING RULE 250 MEMO AND DISCOVERY/IF PETITIONER'S COUNSEL DOES NOT RECEIVE ALL INFORMATION, MAY REQUEST A RECORDS DEPOSITION.

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
3 D4	CONFERENCE CALL	1/29/2003 15:00:00

**Extra Text:** COURT TO INITIATE

**Disposition:**  
D435 1/29/2003 DISCUSSION ENSUED REGARDING  
THE MOTION TO WITHDRAW AS  
COUNSEL/CNSL EDWARDS TO  
ATTEMPT TO FIND COUNSEL TO  
ASSIST HIM, PRIOR TO DECISION  
OF MTN TO WITHDRAW BEING  
DECIDED

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
4 D4	CONFERENCE CALL	2/5/2003 15:30:00

**Extra Text:** (MOTION TO WITHDRAW AS COUNSEL)

**Disposition:**  
D435 2/5/2003 MOTION TO WITHDRAW AS  
COUNSEL BY PICKER  
GRANTED/EDWARDS TO  
PROCEED WITH PARALEGAL  
ASSISTANCE/INTERIM BILLING  
TO BE ALLOWED/EDWARDS TO  
OBTAIN APPROVAL FOR  
PARALEGAL FEE FROM THE  
STATE PUBLIC DEFENDER

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
5 D4	Tickle Start Code	4/30/2004 07:00:00

**Extra Text:** HAS ORAL ARGUMENTS BEEN SET?

**Disposition:**  
T200 4/30/2004 HEARING SET

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
6 D4	PETITION FOR POST CONVICTION	11/22/2004 10:00:00

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-REPORT MAY CONTAIN SEALED CASE INFORMATION-**

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<b>Case ID:</b> CR98P0516	<b>Case Description:</b> POST: SIAOSI VANISI (D4) POST CONVICTION	<b>Initial Filing Date:</b> 1/18/2002
Extra Text: (2 DAYS)	<b>Type:</b>	<b>Disposition:</b> D435 11/22/2004 MOTION FOR PSYCH. EVAL. OF PETITIONER GRANTED/MOTION FOR TRANSFER TO LAKE'S CROSSING DENIED/MOTION FOR PERMANENT STAY DENIED/PETITIONER'S COUNSEL ORDERED TO HAVE ANY SUPPLEMENT PETITION WITH REGARDS TO CLAIMS THAT THE PETITIONER'S ASSISTANCE IS NOT NEEDED PREPARED AND READY TO FILE AT NEXT HEARING

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
7 D4	IN-CHAMBERS CONFERENCE	1/19/2005 15:45:00

Extra Text: RE: DR. AMAZAGA

**Disposition:**  
D435 1/20/2005 UPON DR. AMEZAGA' REQUEST, COURT ORDERED PETITIONER'S COUNSEL TO FORWARD A COPY OF THE ORIGINAL ORDER FOR PSYCH. EVAL. TO THE DR. FOR EVALUATION PURPOSES AND REVIEW OF RECORDS/COURT ADVISED COUNSEL THAT THE PREVIOUSLY MARKED RECORDS WILL BE COPIED BY THE END OF THE WEEK/COURT FURTHER ORDERED THAT DR. ARE REQUIRED TO ATTEND THE HEARING ON 1/27/05 UPON REQUEST OF PETITIONER'S COUNSEL

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
8 D4	IN-CHAMBERS CONFERENCE	1/24/2005 13:30:00

Extra Text: RE: DR. AMEZAGA

**Disposition:**  
D435 1/27/2005

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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>
9 D4	REPORT PSYCHIATRIC EVALUATION	1/27/2005 14:00:00

Extra Text:

**Disposition:**  
D435 1/27/2005 TESTIMONY PRESENTED FROM DR. BITTKER/HEARING BIFURCATED FOR DR. AMEZAGA

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-REPORT MAY CONTAIN SEALED CASE INFORMATION-**

Case ID: CR98P0516		Case Description: POST: SIAOSI VANISI (D4)	Initial Filing Date: 1/18/2002
Department		Event Description	Sched. Date & Time
10	D4	REPORT PSYCHIATRIC EVALUATION	2/18/2005 13:30:00
Extra Text:		Disposition: D414 2/18/2005 TO PROCEED WITH POST CONVICTION PROCEEDINGS/STATE MUST PREPARE FINDINGS BY 5 PM ON 2/22/05 MOTION FOR STAY PENDING APPEAL DENIED SUPPLEMENTAL PETITION MUST BE FILED BY 5 PM ON 2/22/05 STATE MUST RESPOND TO SUPPLEMENT PETITION W/IN 45 DAYS	
Department		Event Description	Sched. Date & Time
11	D4	CONFERENCE CALL	4/25/2005 14:30:00
Extra Text: RE: SCHEDULE OF EVIDENTIARY HEARING		Disposition: D435 4/25/2005 COURT AND COUNSEL DISCUSSED SCHEDULE OF POST CONVICTION HEARINGS SET FOR 5/2/05	
Department		Event Description	Sched. Date & Time
12	D4	PETITION FOR POST CONVICTION	5/2/2005 09:00:00
Extra Text:		Disposition: D498 5/2/2005	
Department		Event Description	Sched. Date & Time
13	D4	HEARING ONGOING	5/18/2005 10:00:00
Extra Text: PETITION FOR POST CONVICTION/MOTION TO DISMISS		Disposition: D840 5/18/2005	
Department		Event Description	Sched. Date & Time
14	D4	Tickle Start Code	2/15/2006 07:00:00
Extra Text: HAS DECISION BEEN ENTERED?		Disposition: T200 2/15/2006	

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Case ID: CR98P0516      Case Description: POST: SIAOSI VANISI (D4)  
Type: POST CONVICTION      Initial Filing Date: 1/18/2002

Department      Event Description      Sched. Date & Time  
15   D4      PETITION FOR POST CONVICTION      4/2/2007   13:30:00

Extra Text: ORAL ARGUMENTS

Disposition:  
D435 4/2/2007      STATE TO SUBMIT RESPONSE TO  
DEFENSE BRIEF W/IN 10 DAYS.

Department      Event Description      Sched. Date & Time  
16   D4      Tickle Start Code      4/12/2007   07:00:00

Extra Text: PULL FILE FOR JUDGE (RESPONSE DUE FROM  
STATE)

Disposition:  
T200 4/12/2007

Department      Event Description      Sched. Date & Time  
17   D4      DECISION      9/7/2007   09:00:00

Extra Text: TELEPHONIC

Disposition:  
D435 9/7/2007      PETITION FOR POST CONVICTION  
DENIED AS TO ALL CLAIMS  
STATE TO PREPARE FINDINGS OF  
FACT, CONCLUSIONS OF LAW  
AND ORDER  
UPON ENTRY OF WRITTEN  
DECISION A HEARING SHALL BE  
HELD WHEREIN A NEW  
EXECUTION DATE SHALL BE SET

Department      Event Description      Sched. Date & Time  
18   D4      Tickle Start Code      11/16/2007   07:00:00

Extra Text: HAS ORDER DENYING PETITION FOR POST  
CONVICTION BEEN SIGNED?

Disposition:  
T200 11/8/2007

#### Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 45061

#### Actions

Action Entry Date	Code	Code Description	Text
1/18/2002	2490	Motion ...	FOR APPOINTMENT OF POST CONVICTION COUNSEL
1/18/2002	3585	Pet Writ Habeas Corpus	
1/22/2002	3880	Response...	TO MOTION FOR APPOINTMENT OF POST-CONVICTION COUNSEL

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Case ID: CR98P0516		Case Description:	POST: SIAOSI VANISI (D4)	Initial Filing Date: 1/18/2002
		Type:	POST CONVICTION	
<u>1/22/2002</u>	3862	**Criminal Submit	DOCUMENT TITLE: POST CONVICTION PARTY SUBMITTING: VANISI DATE SUBMITTED: 1/22/02 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE:1/23/02 PREMATURE SUBMIT	
<u>2/1/2002</u>	3795	Reply...	FILED DATE & TITLE OF ORDER: TO MOTION FOR APPOINTMENT OF POST-CONVICTION COUNSEL AND VERIFICATION ADDENDUM TO WRIT	
<u>2/4/2002</u>	3862	**Criminal Submit	DOCUMENT TITLE: REPLY TO MOTION FOR APPT PARTY SUBMITTING: VANISI DATE SUBMITTED: 2/4/02 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE:2/5/02 FILED DATE & TITLE OF ORDER:3/11/02 ORDER APPOINTING	
<u>2/6/2002</u>	T200	Tickle End Code		
<u>3/11/2002</u>	2745	Ord Appointing ...	MARC PICKER TO REPRESENT, FOR PD TO PROVIDE COPY OF FILE TO ATTORNEY, FOR 45 DAYS TO FILE SUPPLEMENT TO PET FOR WRIT AND FOR RESPONSE TO PET/NON PETITION AND TO STAY EXECUTION FOR EXTENSION OF TIME TO FILE SUPPLEMENT (DEADLINE10/01/02)	
<u>3/18/2002</u>	3980	Stip and Order...	EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL & AFFIDAVID OF COUNSEL ORDER APPROVING FEES OF COURT-APPOINTED ATTORNEYS	
<u>6/14/2002</u>	1670	Ex-Parte Mtn...	STATUS HEARING JULY 1 2002	
<u>6/19/2002</u>	3105	Ord Granting ...	TO FILE SUPPLEMENTAL MATERIALS (POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS) FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL MATERIALS	
<u>8/1/2002</u>	4185	Transcript ...	TO WITHDRAW AS COUNSEL OF RECORD	
<u>10/23/2002</u>	2075	Mtn for Extension of Time	TO WITHDDRAW AS COUNSEL OF RECORD	
<u>11/1/2002</u>	2645	Opposition to Mtn ...	IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL OF RECORD	
<u>12/18/2002</u>	2490	Motion ...	DOCUMENT TITLE: MTN TO W/D AS COUNSEL PARTY SUBMITTING: DA DATE SUBMITTED: 1/6/03 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE:1/8/03	
<u>12/23/2002</u>	2645	Opposition to Mtn ...	MOTION TO WITHDRAW AS COUNSEL OF RECORD AND APPOINTING THE PUBLIC DEFENDER'S OFFICE GRANTING MOTION TO WITHDRAW AS COUNSEL OF RECORD (MARK PICKER)	
<u>12/27/2002</u>	3795	Reply...	RESCINDING ORDER RE: PUBLIC DEFENDER'S OFFICE	
<u>1/6/2003</u>	3860	Request for Submission	1/28/03 POST CONVICTION	
<u>2/10/2003</u>	3105	Ord Granting ...		
<u>2/10/2003</u>	3370	Order ...		
<u>2/10/2003</u>	3370	Order ...		
<u>2/14/2003</u>	4185	Transcript ...		

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Case ID: CR98P0516		Case Description: Case Type:	POST: SIAOSI VANISI (D4) POST CONVICTION	Initial Filing Date: 1/18/2002
<u>3/25/2003</u>	3370	Order ...	GRANTING COMPENSATION FOR SERVICES RENDERED	
<u>3/27/2003</u>	2490	Motion ...	EX PARTE MOTION FILED UNDER SEAL TO PROVIDE COPIES OF SEALED ORDER AND TRANSCRIPTS (POST CONVICTION PET FOR WRIT) (DEATH PENALTY CASE) ***SEALED***	
<u>4/2/2003</u>	3105	Ord Granting ...	FEES OF COURT-APPOINTED ATTORNEYS (DEATH PENALTY CASE)	
<u>4/2/2003</u>	2010	Mtn for Attorney's Fee	2ND INTERIM BILL	
<u>4/23/2003</u>	3370	Order ...	GRANTING MOTION TO PROVIDE SEALED DOCUMENTS TO ATTORNEY SCOTT EDWARDS, ONLY	
<u>7/1/2003</u>	2010	Mtn for Attorney's Fee		
<u>7/2/2003</u>	3370	Order ...	GRANTING COMPENSATION FOR SERVICES RENDERED	
<u>10/30/2003</u>	2490	Motion ...	FOR ORDER APPOINTING CO-COUNSEL	
<u>11/20/2003</u>	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR ORDER APPOINTING CO-COUNSEL PARTY SUBMITTING: SCOTT EDWARDS, ESQ. DATE SUBMITTED: 11-21-03 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: 11-24-03 THOMAS QUALLS, ESQ. SECOND CHAIR	
<u>12/23/2003</u>	2745	Ord Appointing ...		
<u>3/17/2004</u>	3347	Order to Set		
<u>4/1/2004</u>	2605	Notice to Set		
<u>4/21/2004</u>	1250	Application for Setting	(NOVEMBER 22, 2004)	
<u>4/30/2004</u>	T200	Tickle End Code	HEARING SET	
<u>5/6/2004</u>	3340	Ord to Produce Prisoner		
<u>5/6/2004</u>	1260	Application Produce Prisoner		
<u>11/9/2004</u>	2195	Mtn for Stay ...	MOTION FOR STAY OF POST-CONVICTION HABEAS CORPUS PROCEEDINGS AND FOR TRANSFER OF PETITIONER TO LAKES CROSSING FOR PSYCHOLOGICAL EVALUATION AND TREATMENT (HEARING REQUESTED)	
<u>11/15/2004</u>	3880	Response...	RESPONSE TO MOTION FOR STAY OF POST-CONVICTION HABEAS PROCEEDINGS	
<u>11/17/2004</u>	3795	Reply...	REPLY TO RESPONSE TO MOTION FOR STAY OF POST CONVICTION PROCEEDINGS AND FOR TRANSFER OF PETITIONER TO LAKES CROSSING FOR PSYCH EVAL AND TREATMENT (HEARING REQUESTED)	
<u>11/17/2004</u>	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR STAY OF POST-CONVICTION HABEAS CORPUS PROCEEDINGS PARTY SUBMITTING: SCOTT EDWARDS, ESQ. DATE SUBMITTED: 11-18-04 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: OF SUPPLEMENTAL AUTHORITIES	
<u>11/19/2004</u>	2610	Notice ...		

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Case ID: CR98P0516		Case Description	Case Type	POST: SIAOSI VANISI (D4)	Initial Filing Date: 1/18/2002
11/22/2004	3370	Order ...		POST CONVICTION	
				NO PERSONS OTHER THAN SWORN PERSONNEL SPECIFICALLY ASSIGNED TO SECURITY FOR THIS HEARING SHALL BE ALLOWED TO BRING A WEAPON INTO THE COURT ROOM	
11/22/2004	1695	** Exhibit(s) ...		A and B - ADMITTED	
11/23/2004	4185	Transcript ...		POST-CONVICTION 11-22-04	
11/29/2004	4185	Transcript ...		POST-CONVICTION NOVEMBER 22, 2004	
12/13/2004	2525	Notice of Change of Address		THOMAS L. QUALLS, ESQ.	
12/14/2004	1670	Ex-Parte Mtn...		EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL	
12/17/2004	2777	Order Approving ...		FEES OF COURT-APPOINTED ATTORNEYS	
12/27/2004	2960	Ord Psychiatric Evaluation			
1/14/2005	1670	Ex-Parte Mtn...		EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
1/18/2005	3862	**Criminal Submit		DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
				PARTY SUBMITTING: THOMAS QUALLS, ESQ.	
				DATE SUBMITTED: 1-18-05	
				SUBMITTED BY: GVELARDE	
				DATE RECEIVED JUDGE'S OFFICE:	
				C - ADMITTED UNDER SEAL	
1/19/2005	1695	** Exhibit(s) ...			
1/27/2005	4185	Transcript ...		01/24/05 - IN-CHAMBERS CONFERENCE	
1/28/2005	2777	Order Approving ...		TRANSCRIPTION FEES (2)	
1/31/2005	4185	Transcript ...		01/27/05 - REPORT ON PSYCHIATRIC EVALUATION	
2/4/2005	3105	Ord Granting ...		CLAIM FOR COMPENSATION (QUALLS)	
2/4/2005	1670	Ex-Parte Mtn...		FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL	
2/16/2005	4185	Transcript ...		IN CHAMBERS HEARING1-19-05	
2/16/2005	4505	Crt Ord Psych Eval - Conf. Env		DR AMEZAGA	
2/22/2005	4105	Supplemental ...		SUPPLEMENTAL POINTS & AUTHORITIES TO PETITION FOR POST CONVICTION	
				(UNSEALED BY ORDER OF COURT FILED 4/28/05)	
2/22/2005	3862	**Criminal Submit		DOCUMENT TITLE: SUPPLEMENTAL POINTS & AUTHORITIES TO PETITION FOR POST CONVICTION	
				PARTY SUBMITTING: SCOTT EDWARDS, ESQ.	
				DATE SUBMITTED: 2-22-05	
				SUBMITTED BY: GVELARDE	
				DATE RECEIVED JUDGE'S OFFICE:	
2/22/2005	4185	Transcript ...		02/18/05 - POST CONVICTION - REPORT ON PSYCHIATRIC EVALUATION	
2/23/2005	2165	Mtn for Protective Ord			

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Case ID: CR98P0516		Case Description: Case Type:	POST: SIAOSI VANISI (D4)	Initial Filing Date: 1/18/2002
2/23/2005	1670	Ex-Parte Mtn...	POST CONVICTION	
			FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL	
2/28/2005	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
3/1/2005	3105	Ord Granting ...	FEES & COSTS (EDWARDS)	
3/1/2005	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
			PARTY SUBMITTING: THOMAS QUALLS, ESQ.	
			DATE SUBMITTED: 3-2-05	
			SUBMITTED BY: GVELARDE	
			DATE RECEIVED JUDGE'S OFFICE:	
3/7/2005	3105	Ord Granting ...	FEES & COSTS OF COURT APPOINTED ATTY (EDWARDS)	
3/7/2005	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL	
			FEES & COSTS FOR ATTY (EDWARDS)	
3/9/2005	3105	Ord Granting ...		
3/9/2005	3880	Response...	RESPONSE TO MOTION FOR A PROTECTIVE ORDER	
3/14/2005	3860	Request for Submission	FOR PAYMENT OF TRANSCRIPTION FEES	
3/16/2005	3370	Order ...	ORDER FINDING PETITIONER COMPETENT TO PROCEED	
3/16/2005	3795	Reply...	REPLY TO STATE'S RESPONSE TO MOTION FOR PROTECTIVE ORDER	
3/16/2005	4105	Supplemental ...	SUPPLEMENTAL RESPONSE TO MOTION FOR A PROTECTIVE ORDER	
3/18/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PROTECTIVE ORDER	
			PARTY SUBMITTING: SCOTT EDWARDS, ESQ.	
			DATE SUBMITTED: 3-21-05	
			SUBMITTED BY: GVELARDE	
			DATE RECEIVED JUDGE'S OFFICE: 3/30/05	
4/14/2005	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES & COSTS	
			PARTY SUBMITTING: SCOTT EDWARDS, ESQ.	
			DATE SUBMITTED: 4-15-05	
			SUBMITTED BY: GVELARDE	
			DATE RECEIVED JUDGE'S OFFICE:	
4/14/2005	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 45061	
4/14/2005	1670	Ex-Parte Mtn...	FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL	
4/14/2005	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 45061	
4/20/2005	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 45061	
			ORDER DENYING PETITION	
4/21/2005	3105	Ord Granting ...	FEES AND COSTS OF COURT-APPOINTED ATTYS	
4/21/2005	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS AND SUPPLEMENTAL POINTS AND AUTHORITIES TO PETITION FOR HABEAS CORPUS (POST CONVICTION)	
4/21/2005	2300	Mtn to Dismiss Pet		

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Case ID: CR98P0516		Case Description: Case Type:	POST: SIAOSI VANISI (D4) POST CONVICTION	Initial Filing Date: 1/18/2002
4/26/2005	2280	Mtn to Continue	EVIDENTIARY HEARING	
4/26/2005	4185	Transcript ...	04/25/05 - IN CHAMBERS CONFERENCE CALL	
4/27/2005	3880	Response...	TO MOTION TO CONTINUE	
4/28/2005	3370	Order ...	PETITIONER'S MOTION FOR PROTECTIVE ORDER IS DENIED. SUPPLEMENTAL POINTS & AUTHORITIES TO PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) AND THE ATTACHED EXHIBITS FILED UNDER SEAL ON 022205 IS HEREBY UNSEALED.	
4/29/2005	3370	Order ...	PETITIONER'S MOTION TO CONTINUE EVIDENTIARY HEARING IS DENIED IN PART. THE HEARING WILL BEGIN 050205 AND MAY BE CONTINUED TO ANOTHER DATE.	
5/3/2005	4185	Transcript ...	05/02/05 - POST-CONVICTION HEARING	
5/6/2005	2645	Opposition to Mtn ...	TO DISMISS	
5/6/2005	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES TO EXPERT WITNESS	
5/9/2005	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION PARTY SUBMITTING: THOMAS QUALLS, ESQ. DATE SUBMITTED: 5-9-05 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE:	
5/9/2005	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
5/12/2005	3105	Ord Granting ...	QUALLS .	
5/18/2005	3370	Order ...	OF PMT OF TRANSCRIPTION FEES THROUGH STATE PD	
5/18/2005	4133	Supreme Court Notice	SUPREME COURT CASE NO. 45061 NOTICE IN LIEU OF REMITTITUR	
5/20/2005	4185	Transcript ...	05/18/05 - CONTINUED POST-CONVICTION HEARING	
5/25/2005	1670	Ex-Parte Mtn...	FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL	
5/31/2005	1665	Ex-Parte Application...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
6/7/2005	3105	Ord Granting ...	FEES & COSTS OF COURT-APPOINTER ATTORNEYS (SCOTT EDWARDS, ESQ.)	
6/7/2005	3897	Return		
6/14/2005	3105	Ord Granting ...	CLAIM FOR COMPENSATION (T. QUALLS)	
7/15/2005	3060	Ord Granting Mtn ...	FOR ATTY'S FEES (MR EDWARDS FOR EXP WIT RICHARD CORNELL)	
8/31/2005	3370	Order ...	PMT OF TRANSCRIPTION FEES IS GRANTED AND THE STATE PD TO PAY CAPTIONS UNLIMITED (051805 HRNG)	
2/15/2006	T200	Tickle End Code		
3/14/2007	1260	Application Produce Prisoner		
3/15/2007	1250	Application for Setting	POST CONVICTION - ORAL ARGUMENTS - 4/2/07 AT 1:30 P.M.	
3/21/2007	3340	Ord to Produce Prisoner		

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Case ID: CR98P0516		Case Description:	Case Type:	POST: SIAOSI VANISI (D4)	Initial Filing Date: 1/18/2002
3/28/2007	3370	Order ...		POST CONVICTION	
				NO PERSONS OTHER THAN SWORN PERSONNEL SPECIFICALLY ASSIGNED TO SECURITY FOR THIS HEARING SHALL BE ALLOWED TO BRING WEAPONS INTO THE COURTROOM DURING THE HEARINGS OF THIS MATTER OF LAW REGARDING MCCONNELL ERROR	
3/28/2007	1960	Memorandum ...			
4/2/2007	MIN	**Minutes		PETITION FOR POST CONVICTION	
4/3/2007	4185	Transcript ...		04/02/07 - POST CONVICTION HEARING	
4/6/2007	1960	Memorandum ...		STATE'S MEMORANDUM OF LAW CONCERNING THE RETROACTIVE APPLICATION OF MCCONNELL EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
4/6/2007	1670	Ex-Parte Mtn...		DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
4/6/2007	3862	**Criminal Submit		PARTY SUBMITTING: THOMAS L. QUALLS DATE SUBMITTED: 4/13/07 SUBMITTED BY: YLLOYD DATE RECEIVED JUDGE'S OFFICE:	
4/11/2007	3370	Order ...			
4/12/2007	T200	Tickle End Code			
4/16/2007	3862	**Criminal Submit		DOCUMENT TITLE: EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL PARTY SUBMITTING: SCOTT EDWARDS DATE SUBMITTED: 4/18/07 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE:	
4/16/2007	1670	Ex-Parte Mtn...		EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL (POST-CONVICTION FOR WRIT OF HABEAS CORPUS)-9TH INTERIM BILL (DEATH PENALTY CASE)	
6/4/2007	3105	Ord Granting ...		FEES AND COSTS OF COURT-APPOINTED ATTORNEY FOR SCOTT EDWARDS, ESQ. IN THE AMOUNT OF \$1,875.00	
6/4/2007	3105	Ord Granting ...		CLAIM FOR COMPENSATION OF ATTORNEY FEES FOR THOMAS QUALLS, ESQ. IN THE AMOUNT OF \$2,750.00	
8/21/2007	1250	Application for Setting		TELEPHONIC DECISION - 9/7/07 @ 9:00 A.M.	
9/9/2007	4185	Transcript ...		ORAL DECISION - SEPTEMBER 7, 2007 - Transaction 46553 - Approved By: TPRINCE : 09-10-2007:07:22:36	
9/18/2007	3370	Order ...		PAYMENT OF TRANSCRIPTION FEES BE GRANTED AND THAT THE STATE PUBLIC DEFENDER PAY CAPTIONS UNLIMITED OF NEVADA, INC. THE SUM OF \$344.40	
11/6/2007	MIN	**Minutes		DECISION ON PETITION FOR POST CONVICTION (TELEPHONIC) - 9/7/07 - Transaction 80766 - Approved By: NOREVIEW : 11-06-2007:16:31:16	
11/8/2007	1315	** Case Closed			
11/8/2007	1750	Findings, Conclusions & Judg		PETITION FOR WRIT OF HABEAS CORPUS DENIED	

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Case ID:	CR98P0516	Case Description:	POST: SIAOSI VANISI (D4) POST CONVICTION	Initial Filing Date: 1/18/2002
<u>11/8/2007</u>	T200	Tickle End Code		
<u>11/19/2007</u>	2540	Notice of Entry of Ord		
<u>11/28/2007</u>	2515	Notice of Appeal Supreme Court		
<u>11/28/2007</u>	1365	Certificate of Transmittal		
<u>11/28/2007</u>	1350	Certificate of Clerk		
<u>11/28/2007</u>	1310	Case Appeal Statement		

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ORIGINAL

FILED

CODE: 1750

NOV 08 2007

HOWARD W. CONYERS, CLERK

By: *[Signature]*  
DEPUTY CLERK

CR98P0516  
DC-9900001996-239  
POST: SIAOSI VANISI (D4) 15 Pages  
District Court 11/08/2007 03:56 PM  
Washoe County 1750  
MOTU

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF WASHOE

\*\*\*

SIAOSI VANISI,

Petitioner,

v.

Case No. CR98P0516

WARDEN, ELY STATE PRISON,  
AND THE STATE OF NEVADA,

Dept. No. 4

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

This cause is before the court upon a petition for writ of habeas corpus. Petitioner Vanisi was represented by the Washoe County Public Defender on charges including murder stemming from the attack on University Police Sergeant George Sullivan. The case has a lengthy procedural history including pre-trial writs and appeals. Ultimately, the case was tried and Vanisi was sentenced to death. He appealed but the judgment was affirmed. *Vanisi v. State*, 117 Nev. 330, 22 P.3d 1164 (2001). In the course of affirming, the Court noted, inter alia, that the evidence of Vanisi's guilt was "overwhelming."

1 Vanisi later filed a petition for writ of habeas corpus (post-conviction). This  
2 court appointed counsel and allowed a supplemental petition. Before counsel filed  
3 the supplement, however, counsel filed a motion in which they suggested that Vanisi  
4 was incompetent and that the cause should be stayed indefinitely until he regained  
5 competence. Counsel suggested that they should not be required to file a  
6 supplement because there could be other claims that would come to light only if  
7 Vanisi was competent. The State opposed the motion and suggested that even if  
8 Vanisi were incompetent, that would not lead to indefinitely staying the proceedings.  
9 On February 18, 2005, the court conducted a hearing on the issue. Upon  
10 considering all the evidence, the court determined as a matter of fact that Vanisi  
11 was not incompetent. Consequently, it was not necessary to decide the  
12 consequences of the alleged incompetence. The court then directed counsel to file  
13 the supplement. The original petition had no specific claims for relief and so the  
14 only claims were presented in the supplement.

16 The State filed its motion to dismiss, but the court held that motion in  
17 abeyance and allowed petitioner to present evidence concerning all of the claims.  
18 At the close of that hearing, the court initially took the matter under advisement.  
19 Before any ruling, however, the Supreme Court issued its ruling in *Bejarano v. State*,  
20 \_\_\_ Nev. \_\_\_, 146 P.3d 265 (2006). Accordingly, the court called for additional  
21 arguments relating to the application of that case to the instant case. Afterwards,  
22 the court again took the matter under advisement. After careful consideration of all  
23 the arguments and evidence, including the demeanor of the witnesses, the court  
24 makes these findings.

26 ///

1           The first claim involved the Vienna Convention on Consular relations. Vanisi  
2 alleged that he is a Tongan national and that when he was initially arrested in Salt  
3 Lake City, officials failed to inform him of his right to contact the Tongan consulate.  
4 There was evidence in earlier proceedings establishing that Vanisi was a citizen of  
5 Tonga, and the State has not seriously disputed that allegation. However, the court  
6 notes that there was no evidence presented in the habeas corpus hearing tending to  
7 establish that he was not informed of his right to contact the consulate. He had a  
8 full and fair opportunity to present whatever evidence he wished, but made no effort  
9 to support this claim. Thus, the factual predicate for the claim remains unproven.  
10 Nevertheless, the court will address some of the other issues.

12           The claim concerning the Vienna Convention was raised as a stand-alone  
13 claim for relief as well as part of a claim of ineffective assistance of trial counsel and  
14 of appellate counsel. The stand-alone claim will not be considered for reasons  
15 presented in the State's motion to dismiss. The claim will be heard, however, in the  
16 context of a claim of ineffective assistance of counsel. The claim of ineffective  
17 assistance of counsel requires the petitioner to prove by a preponderance of the  
18 evidence that the specific acts or omissions by counsel fell below an objective  
19 standard of reasonableness. In addition, the petitioner must show resulting  
20 prejudice. *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984). In the  
21 case of trial counsel, the petitioner must show that but for the failings of counsel a  
22 different result was reasonably likely. *Id.* In the case of claims omitted by appellate  
23 counsel, the petitioner must show that the claim had a reasonable probability of  
24 success on appeal. *Kirksey v. State*, 112 Nev. 980, 998, 923 P.2d 1102, 1114  
25 (1996). Here, the court finds that neither counsel was ineffective. Appellate counsel  
26

1 testified credibly that he made a strategic choice concerning what issues to raise,  
2 and did not wish to bury what he believed to be a viable issue within a pile of less  
3 meritorious issues. The court also notes that petitioner's expert agreed that the  
4 issue was not one that would inspire reasonable counsel to raise the issue. The  
5 court also notes that the state of the law was such that reasonable counsel would  
6 not be inclined to devote any resources to developing the claim. See *Garcia v.*  
7 *State*, 117 Nev 124, 17 P.3d 994 (2001).  
8

9 In addition, the court finds a lack of prejudice. Michael Specchio testified  
10 credibly that very early on in the litigation his office contacted the Tongan consulate  
11 but that the representative of Tonga expressed absolutely no interest in rendering  
12 any sort of assistance to Vanisi or to his counsel. The court also notes that no  
13 consular or diplomatic officials appeared at the habeas corpus hearing. There was  
14 no evidence presented tending to show that this case would have been affected in  
15 any way if Vanisi had been told upon his arrest that he had the right to contact the  
16 consulate that had no interest in assisting him. Accordingly, this court finds as a  
17 matter of fact that Vanisi was not prejudiced in any way due to the alleged lack of  
18 advisement of his right to contact his consulate, or due to the failure of counsel to  
19 raise an issue concerning the Vienna Convention in the trial court or on appeal.  
20

21 Vanisi next claims that the death sentence must be set aside because the  
22 charging document included a felony-murder theory and the jury found that same  
23 underlying felony as an aggravating circumstance. The argument is dependent on a  
24 change in the law occurring after the direct appeal in this matter. *McConnell v.*  
25 *State*, 120 Nev. \_\_\_, 102 P.3d 606 (2004), *rehearing denied*, 120 Nev. \_\_\_, 107  
26 P.3d 1287 (2005), marked a distinct change in the law. Nevertheless, the Supreme

1 Court subsequently ruled in *Bejarano* that the *McConnell* decision would be applied  
2 retroactively.

3 There is little question that *McConnell* applies. The court finds however, that  
4 application of the *McConnell* decision does not affect the outcome of this case.  
5

6 The charging instrument alleged both premeditated murder and felony  
7 murder. The felony murder stemmed from the robbery charge. The robbery charge  
8 arose because when Vanisi attacked Sergeant Sullivan, he stole the officer's service  
9 weapon. The jury did not return a special verdict. At sentencing, the jury found that  
10 the aggravating circumstances included the same robbery allegation as was alleged  
11 in the portion of the charging instrument alleging the felony-murder theory. In  
12 *Bejarano*, however, the Court ruled that the error can be harmless. In *Brown v.*  
13 *Sanders*, 546 U.S. 212, 126 S.Ct. 884 (2006), the Court indicated that the analysis  
14 of harmlessness is akin to the traditional analysis of prejudice commonly applied by  
15 Nevada trial courts in post-conviction actions. The Court ruled that where the facts  
16 concerning the invalid aggravating circumstance are nevertheless available to be  
17 considered when weighing a valid aggravating circumstance, then the invalidation of  
18 the aggravating circumstance ought to be seen as non-prejudicial. Here, the invalid  
19 aggravator involved robbery. The nature of the robbery involved the theft of the  
20 service weapon of a uniformed police officer. Those facts were still available to the  
21 jury even after eliminating the aggravating circumstance of robbery. The facts  
22 concerning the invalid aggravator (robbery) could nevertheless be given aggravating  
23 weight under the rubric of a valid aggravator (killing and mutilating an officer). The  
24 ferocity of the attack, and its attendant mutilation, rendered Sergeant Sullivan  
25 unable to resist the theft of his service weapon. The theft was part and parcel of the  
26



1 killing and the killing included the theft. The theft, the killing and the mutilation were  
2 all temporally and geographically contemporaneous and so the jury, in considering  
3 what weight to assign to the valid aggravators, could certainly have considered the  
4 facts and circumstances of those valid aggravators as they included the theft and  
5 the officer's inability to resist the theft. The court also notes that the aggravator  
6 involving the killing of a police officer required the State to prove that the defendant  
7 knew or should have known that the victim was a police officer performing his  
8 duties. The theft of the service weapon certainly is available as part of the proof that  
9 Vanisi knew he was killing a police officer who was performing his duties. Thus,  
10 under the analysis of *Brown v. Sanders*, this court finds that there is no likelihood of  
11 a different result by the retroactive application of *McConnell*. Whether the nature of  
12 the crime amounted to one aggravating circumstance or a dozen, the facts and the  
13 attending weight remain unchanged. Therefore, the claim concerning the retroactive  
14 application of *McConnell* is denied.  
15

16 Vanisi next argues that this court erred in denying his motion for self-  
17 representation. That claim was considered and rejected on direct appeal and thus  
18 is barred under the "law of the case." See *Hall v. State*, 91 Nev. 314, 535 P.2d. 797  
19 (1975).  
20

21 The next claim is that counsel operated under a conflict of interest. Ordinarily  
22 that would be a troubling allegation. In the instant case, however, petitioner goes on  
23 to identify the alleged conflict as being nothing more than the fact that the lawyers  
24 felt bound by the rules of ethics. That is, he contends that a lawyer who feels bound  
25 by the rules of ethics has a conflict of interest and cannot stay on a case. In other  
26 words, Vanisi contends that he is entitled to an attorney who feels that the rules of

1 ethics do not apply to him. There is no such right. See *Nix v. Whiteside*, 475 U.S.  
2 157, 106 S.Ct. 988 (1986). A lawyer is bound to zealously advocate within the  
3 bounds of the law but there is no right to be represented by a lawyer who is willing to  
4 operate beyond the bounds of the law.

5 The Court also finds that the claim is based entirely on the record and  
6 therefore could have been raised on direct appeal. There are no specific facts  
7 alleged or proven that would lead to the conclusion that reasonable appellate  
8 counsel would have raised this argument to the Supreme Court and so the claim is  
9 denied.  
10

11 The next claim concerns trial counsel's motion to withdraw. According to the  
12 petition, at some point Vanisi admitted to his attorneys that he had indeed killed Sgt.  
13 Sullivan, but that he proposed to testify that someone else had committed the crime.  
14 Petitioner alleges that counsel revealed that little problem in chambers in an effort  
15 to withdraw. There is nothing wrong with that procedure. *Nix v. Whiteside*, 475 U.S.  
16 157, 106 S.Ct. 988 (1986). The court also notes that defense counsel was advised  
17 by bar counsel to reveal the nature of the problem to the court *in camera* and did  
18 just that. To the extent that he claims that the procedure inhibited his ability to  
19 commit perjury with impunity, the court holds that there is no right to commit perjury  
20 and there is no right to a lawyer who will facilitate perjury. To the extent that  
21 petitioner contends that defense counsel revealed confidential information to the  
22 prosecution, that claim is untrue. The record reveals that the *in camera* conference  
23 was sealed and was not made available to the prosecution. There was no evidence  
24 introduced to contradict the record and so this court finds the allegation to be untrue.  
25  
26

1 Vanisi next makes a somewhat generic argument that counsel failed to  
2 investigate and develop a defense. However, he failed to show what evidence  
3 might have been uncovered through additional investigation, or what defense might  
4 have been developed. The record reveals that defense counsel did little during the  
5 guilt phase of the trial, but Mr. Gregory explained that they were hampered because  
6 Vanisi kept insisting that he had many defenses but that he would not reveal them to  
7 his attorneys. However, once the trial entered into the penalty phase, counsel was  
8 able to become much more aggressive. The court finds that trial counsel in the guilt  
9 phase did the best they could with what they had to work with. They were  
10 hampered because Vanisi would not allow them to pursue any defense based on  
11 the premise that he had committed the homicidal act, but then would not help in  
12 pursuing any other line of defense. Because Vanisi has not shown that any  
13 additional evidence was available, or that any additional questioning would have had  
14 any impact on this case, this claim is denied.  
15

16 Ground 7 consists of a series of brief assertions that Nevada's death penalty  
17 scheme is unconstitutional. To the extent that these are stand-alone claims, each is  
18 barred for failure to raise it on direct appeal. NRS 34.810. To the extent that the  
19 claim is a claim of ineffective assistance of appellate counsel, the Court first notes  
20 that the mere existence of an argument, even a non-frivolous argument, does not  
21 mean that appellate counsel is required to raise the argument. Instead, reasonable  
22 lawyers may, and should, pick their best arguments and take their best shot.  
23 *Hernandez v. State*, 117 Nev. 463, 24 P.3d 767 (2001). Appellate counsel, John  
24 Petty, testified credibly that he was familiar with the various arguments but that he  
25 made a tactical decision to focus his efforts on the assertion that the court erred in  
26

1 denying self-representation. Strategic and tactical decisions are virtually  
2 unchallengeable absent extraordinary circumstances. *Lara v. State*, 120 Nev. 177,  
3 180, 87 P.3d 528, 530 (2004). Vanisi has not proved any facts that would lead to  
4 the conclusion that some extraordinary circumstance exists that would allow the  
5 court to second-guess appellate counsel and so the court will not do so. Instead,  
6 the court finds that Mr. Petty made reasonable, tactical decisions concerning what  
7 issues to raise.

8  
9 Furthermore, each argument has been repeatedly rejected. See *McConnell*  
10 *v. State, supra*; *Hernandez v. State*, 118 Nev. 513, 50 P.3d 1100 (2002); *Rhyne v.*  
11 *State*, 118 Nev. 1, 38 P.3d 163 (2002); *Evans v. State, supra*; *Leonard v. State*, 117  
12 Nev. 53, 17 P.3d 397 (2001)(and cases cited therein); *Crump v. Warden*, 113 Nev.  
13 293, 934 P.2d 247 (1997). Thus, the court also finds that the various arguments  
14 were not likely to succeed.

15 Ground 8 is a contention that the death penalty is unconstitutional in all cases  
16 as it is cruel and unusual. That claim suffers from all the same defects as ground 7.  
17 It is also incorrect. *McConnell v. State, supra*.

18 Ground 9 includes the assertion that the death penalty violates the  
19 International Covenant on Civil and Political Rights. That claim suffers the same  
20 deficiencies as grounds 1, 7 and 8. In addition, the court notes that the Covenant  
21 does not preclude the death penalty for adults. Finally, there is a debate about  
22 whether the United States is a signatory to the Covenant. See *Roper v. Simmons*,  
23 125 S.Ct. 1183, 1226 (2005)(Scalia, J., Dissenting). The Covenant was drafted in a  
24 manner by which each country must either accept it or reject it. The Senate  
25 "reserved" a clause but attempted to ratify the rest. It is at least arguable, therefore,  
26

1 that the Covenant has never been ratified in this country. Either way, no relief is  
2 warranted.

3 Ground 10 is a claim that the sentence calling for death by lethal injection  
4 must be vacated because the death penalty might be applied in a manner that could  
5 be more serene. That argument has also been rejected by the Nevada Supreme  
6 Court. *McConnell, supra*. The court finds that appellate counsel was not ineffective  
7 in failing to raise this argument and that the argument was not likely to succeed.  
8 The court is aware that both the United States Supreme Court and the Nevada  
9 Supreme Court have agreed to examine the question, but the court finds that the  
10 fact that a reviewing court has agreed to hear a case has no precedential value.  
11 Accordingly, that claim is denied.  
12

13 Ground 11 mentions that Vanisi might someday become incompetent to be  
14 executed but he seeks no relief based on that allegation. Therefore, no relief is  
15 warranted.

16 Ground 12 is an assertion that the conviction and sentence are invalid  
17 because the judicial officer presiding over the trial was an elected judge. The court  
18 finds that counsel was not ineffective in failing to raise this issue and that it had no  
19 reasonable likelihood of success. *See McConnell, supra*. Accordingly, that claim is  
20 denied.  
21

22 Vanisi next claims that the death sentence must be set aside because there  
23 is a possibility that an innocent person might be executed. The court notes that  
24 there is no doubt that Vanisi is not one of those innocent persons. The court finds  
25 that counsel was not ineffective in failing to raise this issue and that it had no  
26 reasonable likelihood of success. Accordingly, that claim is denied.

1           The 14th claim is an argument that the death penalty is prohibited by the Due  
2 Process clause because it is not rationally related to any legitimate government  
3 goal. This claim suffers from all the defects found in parts 7 through 13. It is also  
4 legally wrong. In addition to the other factors, our legislature could legitimately  
5 determine that the death penalty is a way to advance society's interests in deterring  
6 others, in preventing future crimes by the murderer and in punishing the wrongdoer.  
7

8           The 15th claim is a compilation of some of the arguments already discussed.  
9 No further discussion is warranted.

10          Ground 16 includes the defects found in parts 7 through 15. The court finds  
11 that counsel was not ineffective in failing to raise these arguments and that they had  
12 no reasonable likelihood of success.

13          Ground 17 fares no better than grounds 7 through 16. It is an argument to the  
14 effect that a "death qualified" jury, a jury that agrees to follow the law, prevents a fair  
15 trial. This claim has been repeatedly rejected by the courts that have considered it.  
16 The constitution does not demand that the jury pool be limited to those who will not  
17 agree to follow the law presented by the judge. *See McKenna v. State*, 103 Nev.  
18 227, 737 P.2d 508 (1987). Vanisi has not directed any of his arguments to the jury  
19 that actually heard this case. He presents only generic arguments that ought to be  
20 presented to the legislature. The Court finds that counsel was not ineffective in  
21 failing to advance this argument and that it was not reasonably likely to be  
22 successful.  
23

24          Ground 18 is a claim that the death sentence was imposed due to passion,  
25 prejudice or some arbitrary factor. That claim was considered and rejected on direct  
26 appeal. This claim is barred by the doctrine of the law of the case.

1           Ground 19 of the supplement is a claim that the conviction must be set aside  
2 because the statutes in effect at the time of the trial precluded a defense based on  
3 insanity and the decision of the Supreme Court invalidating that statute was not  
4 issued until after Vanisi's trial. Trial counsel testified, however, that they were aware  
5 of the potential challenges to the statute but did not attempt to present an insanity  
6 plea because they had no basis for the plea. Furthermore, there was no evidence  
7 presented in the habeas corpus hearing supporting such a defense. There was  
8 some evidence that Vanisi was bi-polar, but nothing supporting a potential defense  
9 of insanity. Therefore, the court remains confident of the verdict and finds that  
10 neither trial counsel nor appellate counsel were ineffective. The court further finds  
11 that Vanisi was not prejudiced by the alleged failings of counsel.  
12

13           The next claim in the supplement asserts a claim of ineffective assistance of  
14 counsel in that it is framed in terms of counsel's failure to investigate potential  
15 mitigating evidence. The court finds that there was no significant additional  
16 mitigating evidence presented in the habeas corpus hearing and thus finds that  
17 there is no reason to believe that counsel could have obtained additional evidence  
18 or that Vanisi was prejudiced by the alleged failure to investigate.  
19

20           Vanisi also suggests that trial counsel should have retained a mitigation  
21 specialist. However, there was no evidence presented tending to show that such a  
22 person could have done more than was already done. Trial counsel testified to a  
23 fairly extensive investigation and the court finds that there is no reason to believe  
24 that someone else would have conducted the investigation differently or would have  
25 discovered additional mitigating evidence. The record reveals that the defense  
26 presented the testimony of Dr. Ole Theinhaus at sentencing. That witness

1 discussed Vanisi's mental illness. Other witnesses discussed his drug and alcohol  
2 abuse and his declining condition in the months preceding the murder. However,  
3 there is still no new significant mitigating evidence and so this claim is also denied.

4       The next claim is an assertion that but for the collective failures of counsel,  
5 Vanisi would have mounted a more meaningful defense, although the nature of that  
6 defense is still not identified. The court notes that Vanisi did not testify in the  
7 habeas corpus hearing and thus there is no evidence tending to support this claim.  
8 Instead, the testimony established that Vanisi prohibited any defense such as self-  
9 defense, provocation and coercion and refused to cooperate in presenting any  
10 defense except his false claim that he did not participate in the killing of Sergeant  
11 Sullivan. The court finds no evidence supporting the notion that counsel's alleged  
12 failings were the cause for the lack of a viable defense. Instead, the cause for the  
13 lack of any viable defense was that no such defense existed and Vanisi refused to  
14 cooperate in presenting any defense.  
15

16       Ground 22 is a catch-all assertion that counsel was ineffective on appeal in  
17 failing to raise each and every issue raised in the supplement. The court finds,  
18 again, that appellate counsel made reasonable tactical decisions concerning the  
19 issues to raise, and that none of the various potential issues were reasonably likely  
20 to succeed.

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1           The court has considered all the evidence and the arguments of counsel but  
2 remains unpersuaded that Vanisi is entitled to relief. Vanisi bore the burden of proof  
3 and at the close of the evidence the court was not persuaded of the validity of any of  
4 the claims for relief. Because Vanisi failed in his burden, the petition is denied.  
5

6           DATED this 8 day of November, 2007:

7                                 Connie J. Steinheim  
8                                 DISTRICT JUDGE  
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**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of SECOND JUDICIAL DISTRICT COURT; and that, on the 8<sup>th</sup> day of November, 2007, I deposited in the county mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the foregoing document, addressed as follows:

Scott W. Edwards, Esq.  
729 Evans Avenue  
Reno, NV 89512

Thomas L. Qualls, Esq.  
216 E. Liberty Street  
Reno, NV 89501

Siaosi Vanisi #63376  
Ely State Prison  
P.O. Box 1989  
Ely, NV 89301

Terrence P. McCarthy, Esq.  
Appellate Duty  
District Attorney's Office  
Via Inter-Office Mail

  
\_\_\_\_\_  
Tracy L. Purves  
Judicial Assistant

CR98P0516  
DC-9900002046-049  
POST: SIAOSI VANISI (D4)  
District Court 11/19/2007 04:26 PM  
Washoe County 2540  
hnc

CODE: 2540

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2007 NOV 19 PM 4:26

HOWARD W. CONYERS

BY [Signature]  
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

\*\*\*

SIAOSI VANISI,

Petitioner,

CASE NO: CR98P0516

VS.

DEPT. NO.: 4

THE STATE OF NEVADA,

Respondent,

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that on November 8, 2007 the Court entered a decision or Order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of the Court. If you wish to appeal, you must file a notice of appeal with the Clerk of this Court within thirty-Three (33) days, after the date this notice is mailed to you. This notice was mail on November 19, 2007.

HOWARD W. CONYERS

Clerk of the Court

By [Signature]

Deputy Clerk

ORIGINAL

FILED

CODE: 1750

NOV 08 2007

HOWARD W. CONYERS, CLERK  
By: H. Conyers  
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF WASHOE

\*\*\*

SIAOSI VANISI,

Petitioner,

v.

Case No. CR98P0516

WARDEN, ELY STATE PRISON,  
AND THE STATE OF NEVADA,

Dept. No. 4

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

This cause is before the court upon a petition for writ of habeas corpus. Petitioner Vanisi was represented by the Washoe County Public Defender on charges including murder stemming from the attack on University Police Sergeant George Sullivan. The case has a lengthy procedural history including pre-trial writs and appeals. Ultimately, the case was tried and Vanisi was sentenced to death. He appealed but the judgment was affirmed. *Vanisi v. State*, 117 Nev. 330, 22 P.3d 1164 (2001). In the course of affirming, the Court noted, inter alia, that the evidence of Vanisi's guilt was "overwhelming."

1 Vanisi later filed a petition for writ of habeas corpus (post-conviction). This  
2 court appointed counsel and allowed a supplemental petition. Before counsel filed  
3 the supplement, however, counsel filed a motion in which they suggested that Vanisi  
4 was incompetent and that the cause should be stayed indefinitely until he regained  
5 competence. Counsel suggested that they should not be required to file a  
6 supplement because there could be other claims that would come to light only if  
7 Vanisi was competent. The State opposed the motion and suggested that even if  
8 Vanisi were incompetent, that would not lead to indefinitely staying the proceedings.  
9 On February 18, 2005, the court conducted a hearing on the issue. Upon  
10 considering all the evidence, the court determined as a matter of fact that Vanisi  
11 was not incompetent. Consequently, it was not necessary to decide the  
12 consequences of the alleged incompetence. The court then directed counsel to file  
13 the supplement. The original petition had no specific claims for relief and so the  
14 only claims were presented in the supplement.

16 The State filed its motion to dismiss, but the court held that motion in  
17 abeyance and allowed petitioner to present evidence concerning all of the claims.  
18 At the close of that hearing, the court initially took the matter under advisement.  
19 Before any ruling, however, the Supreme Court issued its ruling in *Bejarano v. State*,  
20 \_\_\_\_ Nev. \_\_\_\_, 146 P.3d 265 (2006). Accordingly, the court called for additional  
21 arguments relating to the application of that case to the instant case. Afterwards,  
22 the court again took the matter under advisement. After careful consideration of all  
23 the arguments and evidence, including the demeanor of the witnesses, the court  
24 makes these findings.

26 ///

1           The first claim involved the Vienna Convention on Consular relations. Vanisi  
2 alleged that he is a Tongan national and that when he was initially arrested in Salt  
3 Lake City, officials failed to inform him of his right to contact the Tongan consulate.  
4 There was evidence in earlier proceedings establishing that Vanisi was a citizen of  
5 Tonga, and the State has not seriously disputed that allegation. However, the court  
6 notes that there was no evidence presented in the habeas corpus hearing tending to  
7 establish that he was not informed of his right to contact the consulate. He had a  
8 full and fair opportunity to present whatever evidence he wished, but made no effort  
9 to support this claim. Thus, the factual predicate for the claim remains unproven.  
10 Nevertheless, the court will address some of the other issues.

12           The claim concerning the Vienna Convention was raised as a stand-alone  
13 claim for relief as well as part of a claim of ineffective assistance of trial counsel and  
14 of appellate counsel. The stand-alone claim will not be considered for reasons  
15 presented in the State's motion to dismiss. The claim will be heard, however, in the  
16 context of a claim of ineffective assistance of counsel. The claim of ineffective  
17 assistance of counsel requires the petitioner to prove by a preponderance of the  
18 evidence that the specific acts or omissions by counsel fell below an objective  
19 standard of reasonableness. In addition, the petitioner must show resulting  
20 prejudice. *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984). In the  
21 case of trial counsel, the petitioner must show that but for the failings of counsel a  
22 different result was reasonably likely. *Id.* In the case of claims omitted by appellate  
23 counsel, the petitioner must show that the claim had a reasonable probability of  
24 success on appeal. *Kirksey v. State*, 112 Nev. 980, 998, 923 P.2d 1102, 1114  
25 (1996). Here, the court finds that neither counsel was ineffective. Appellate counsel  
26

1 testified credibly that he made a strategic choice concerning what issues to raise,  
2 and did not wish to bury what he believed to be a viable issue within a pile of less  
3 meritorious issues. The court also notes that petitioner's expert agreed that the  
4 issue was not one that would inspire reasonable counsel to raise the issue. The  
5 court also notes that the state of the law was such that reasonable counsel would  
6 not be inclined to devote any resources to developing the claim. See *Garcia v.*  
7 *State*, 117 Nev 124, 17 P.3d 994 (2001).  
8

9 In addition, the court finds a lack of prejudice. Michael Specchio testified  
10 credibly that very early on in the litigation his office contacted the Tongan consulate  
11 but that the representative of Tonga expressed absolutely no interest in rendering  
12 any sort of assistance to Vanisi or to his counsel. The court also notes that no  
13 consular or diplomatic officials appeared at the habeas corpus hearing. There was  
14 no evidence presented tending to show that this case would have been affected in  
15 any way if Vanisi had been told upon his arrest that he had the right to contact the  
16 consulate that had no interest in assisting him. Accordingly, this court finds as a  
17 matter of fact that Vanisi was not prejudiced in any way due to the alleged lack of  
18 advisement of his right to contact his consulate, or due to the failure of counsel to  
19 raise an issue concerning the Vienna Convention in the trial court or on appeal.  
20

21 Vanisi next claims that the death sentence must be set aside because the  
22 charging document included a felony-murder theory and the jury found that same  
23 underlying felony as an aggravating circumstance. The argument is dependent on a  
24 change in the law occurring after the direct appeal in this matter. *McConnell v.*  
25 *State*, 120 Nev. \_\_\_, 102 P.3d 606 (2004), *rehearing denied*, 120 Nev. \_\_\_, 107  
26 P.3d 1287 (2005), marked a distinct change in the law. Nevertheless, the Supreme

1 Court subsequently ruled in *Bejarano* that the *McConnell* decision would be applied  
2 retroactively.

3 There is little question that *McConnell* applies. The court finds however, that  
4 application of the *McConnell* decision does not affect the outcome of this case.

5 The charging instrument alleged both premeditated murder and felony  
6 murder. The felony murder stemmed from the robbery charge. The robbery charge  
7 arose because when Vanisi attacked Sergeant Sullivan, he stole the officer's service  
8 weapon. The jury did not return a special verdict. At sentencing, the jury found that  
9 the aggravating circumstances included the same robbery allegation as was alleged  
10 in the portion of the charging instrument alleging the felony-murder theory. In  
11 *Bejarano*, however, the Court ruled that the error can be harmless. In *Brown v.*  
12 *Sanders*, 546 U.S. 212, 126 S.Ct. 884 (2006), the Court indicated that the analysis  
13 of harmlessness is akin to the traditional analysis of prejudice commonly applied by  
14 Nevada trial courts in post-conviction actions. The Court ruled that where the facts  
15 concerning the invalid aggravating circumstance are nevertheless available to be  
16 considered when weighing a valid aggravating circumstance, then the invalidation of  
17 the aggravating circumstance ought to be seen as non-prejudicial. Here, the invalid  
18 aggravator involved robbery. The nature of the robbery involved the theft of the  
19 service weapon of a uniformed police officer. Those facts were still available to the  
20 jury even after eliminating the aggravating circumstance of robbery. The facts  
21 concerning the invalid aggravator (robbery) could nevertheless be given aggravating  
22 weight under the rubric of a valid aggravator (killing and mutilating an officer). The  
23 ferocity of the attack, and its attendant mutilation, rendered Sergeant Sullivan  
24 unable to resist the theft of his service weapon. The theft was part and parcel of the  
25  
26



1 killing and the killing included the theft. The theft, the killing and the mutilation were  
2 all temporally and geographically contemporaneous and so the jury, in considering  
3 what weight to assign to the valid aggravators, could certainly have considered the  
4 facts and circumstances of those valid aggravators as they included the theft and  
5 the officer's inability to resist the theft. The court also notes that the aggravator  
6 involving the killing of a police officer required the State to prove that the defendant  
7 knew or should have known that the victim was a police officer performing his  
8 duties. The theft of the service weapon certainly is available as part of the proof that  
9 Vanisi knew he was killing a police officer who was performing his duties. Thus,  
10 under the analysis of *Brown v. Sanders*, this court finds that there is no likelihood of  
11 a different result by the retroactive application of *McConnell*. Whether the nature of  
12 the crime amounted to one aggravating circumstance or a dozen, the facts and the  
13 attending weight remain unchanged. Therefore, the claim concerning the retroactive  
14 application of *McConnell* is denied.

15  
16 Vanisi next argues that this court erred in denying his motion for self-  
17 representation. That claim was considered and rejected on direct appeal and thus  
18 is barred under the "law of the case." See *Hall v. State*, 91 Nev. 314, 535 P.2d. 797  
19 (1975).

20 The next claim is that counsel operated under a conflict of interest. Ordinarily  
21 that would be a troubling allegation. In the instant case, however, petitioner goes on  
22 to identify the alleged conflict as being nothing more than the fact that the lawyers  
23 felt bound by the rules of ethics. That is, he contends that a lawyer who feels bound  
24 by the rules of ethics has a conflict of interest and cannot stay on a case. In other  
25 words, Vanisi contends that he is entitled to an attorney who feels that the rules of  
26

1 ethics do not apply to him. There is no such right. See *Nix v. Whiteside*, 475 U.S.  
2 157, 106 S.Ct. 988 (1986). A lawyer is bound to zealously advocate within the  
3 bounds of the law but there is no right to be represented by a lawyer who is willing to  
4 operate beyond the bounds of the law.

5 The Court also finds that the claim is based entirely on the record and  
6 therefore could have been raised on direct appeal. There are no specific facts  
7 alleged or proven that would lead to the conclusion that reasonable appellate  
8 counsel would have raised this argument to the Supreme Court and so the claim is  
9 denied.  
10

11 The next claim concerns trial counsel's motion to withdraw. According to the  
12 petition, at some point Vanisi admitted to his attorneys that he had indeed killed Sgt.  
13 Sullivan, but that he proposed to testify that someone else had committed the crime.

14 Petitioner alleges that counsel revealed that little problem in chambers in an effort  
15 to withdraw. There is nothing wrong with that procedure. *Nix v. Whiteside*, 475 U.S.  
16 157, 106 S.Ct. 988 (1986). The court also notes that defense counsel was advised  
17 by bar counsel to reveal the nature of the problem to the court *in camera* and did  
18 just that. To the extent that he claims that the procedure inhibited his ability to  
19 commit perjury with impunity, the court holds that there is no right to commit perjury  
20 and there is no right to a lawyer who will facilitate perjury. To the extent that  
21 petitioner contends that defense counsel revealed confidential information to the  
22 prosecution, that claim is untrue. The record reveals that the *in camera* conference  
23 was sealed and was not made available to the prosecution. There was no evidence  
24 introduced to contradict the record and so this court finds the allegation to be untrue.  
25  
26

1 Vanisi next makes a somewhat generic argument that counsel failed to  
2 investigate and develop a defense. However, he failed to show what evidence  
3 might have been uncovered through additional investigation, or what defense might  
4 have been developed. The record reveals that defense counsel did little during the  
5 guilt phase of the trial, but Mr. Gregory explained that they were hampered because  
6 Vanisi kept insisting that he had many defenses but that he would not reveal them to  
7 his attorneys. However, once the trial entered into the penalty phase, counsel was  
8 able to become much more aggressive. The court finds that trial counsel in the guilt  
9 phase did the best they could with what they had to work with. They were  
10 hampered because Vanisi would not allow them to pursue any defense based on  
11 the premise that he had committed the homicidal act, but then would not help in  
12 pursuing any other line of defense. Because Vanisi has not shown that any  
13 additional evidence was available, or that any additional questioning would have had  
14 any impact on this case, this claim is denied.  
15

16 Ground 7 consists of a series of brief assertions that Nevada's death penalty  
17 scheme is unconstitutional. To the extent that these are stand-alone claims, each is  
18 barred for failure to raise it on direct appeal. NRS 34.810. To the extent that the  
19 claim is a claim of ineffective assistance of appellate counsel, the Court first notes  
20 that the mere existence of an argument, even a non-frivolous argument, does not  
21 mean that appellate counsel is required to raise the argument. Instead, reasonable  
22 lawyers may, and should, pick their best arguments and take their best shot.  
23 *Hernandez v. State*, 117 Nev. 463, 24 P.3d 767 (2001). Appellate counsel, John  
24 Petty, testified credibly that he was familiar with the various arguments but that he  
25 made a tactical decision to focus his efforts on the assertion that the court erred in  
26

1 denying self-representation. Strategic and tactical decisions are virtually  
2 unchallengeable absent extraordinary circumstances. *Lara v. State*, 120 Nev. 177,  
3 180, 87 P.3d 528, 530 (2004). Vanisi has not proved any facts that would lead to  
4 the conclusion that some extraordinary circumstance exists that would allow the  
5 court to second-guess appellate counsel and so the court will not do so. Instead,  
6 the court finds that Mr. Petty made reasonable, tactical decisions concerning what  
7 issues to raise.

8  
9 Furthermore, each argument has been repeatedly rejected. See *McConnell*  
10 *v. State, supra*; *Hernandez v. State*, 118 Nev. 513, 50 P.3d 1100 (2002); *Rhyne v.*  
11 *State*, 118 Nev. 1, 38 P.3d 163 (2002); *Evans v. State, supra*; *Leonard v. State*, 117  
12 Nev. 53, 17 P.3d 397 (2001)(and cases cited therein); *Crump v. Warden*, 113 Nev.  
13 293, 934 P.2d 247 (1997). Thus, the court also finds that the various arguments  
14 were not likely to succeed.

15 Ground 8 is a contention that the death penalty is unconstitutional in all cases  
16 as it is cruel and unusual. That claim suffers from all the same defects as ground 7.  
17 It is also incorrect. *McConnell v. State, supra*.

18 Ground 9 includes the assertion that the death penalty violates the  
19 International Covenant on Civil and Political Rights. That claim suffers the same  
20 deficiencies as grounds 1, 7 and 8. In addition, the court notes that the Covenant  
21 does not preclude the death penalty for adults. Finally, there is a debate about  
22 whether the United States is a signatory to the Covenant. See *Roper v. Simmons*,  
23 125 S.Ct. 1183, 1226 (2005)(Scalia, J., Dissenting). The Covenant was drafted in a  
24 manner by which each country must either accept it or reject it. The Senate  
25 "reserved" a clause but attempted to ratify the rest. It is at least arguable, therefore,  
26

1 that the Covenant has never been ratified in this country. Either way, no relief is  
2 warranted.

3 Ground 10 is a claim that the sentence calling for death by lethal injection  
4 must be vacated because the death penalty might be applied in a manner that could  
5 be more serene. That argument has also been rejected by the Nevada Supreme  
6 Court. *McConnell, supra*. The court finds that appellate counsel was not ineffective  
7 in failing to raise this argument and that the argument was not likely to succeed.  
8 The court is aware that both the United States Supreme Court and the Nevada  
9 Supreme Court have agreed to examine the question, but the court finds that the  
10 fact that a reviewing court has agreed to hear a case has no precedential value.  
11 Accordingly, that claim is denied.  
12

13 Ground 11 mentions that Vanisi might someday become incompetent to be  
14 executed but he seeks no relief based on that allegation. Therefore, no relief is  
15 warranted.

16 Ground 12 is an assertion that the conviction and sentence are invalid  
17 because the judicial officer presiding over the trial was an elected judge. The court  
18 finds that counsel was not ineffective in failing to raise this issue and that it had no  
19 reasonable likelihood of success. *See McConnell, supra*. Accordingly, that claim is  
20 denied.

21 Vanisi next claims that the death sentence must be set aside because there  
22 is a possibility that an innocent person might be executed. The court notes that  
23 there is no doubt that Vanisi is not one of those innocent persons. The court finds  
24 that counsel was not ineffective in failing to raise this issue and that it had no  
25 reasonable likelihood of success. Accordingly, that claim is denied.  
26

1           The 14th claim is an argument that the death penalty is prohibited by the Due  
2 Process clause because it is not rationally related to any legitimate government  
3 goal. This claim suffers from all the defects found in parts 7 through 13. It is also  
4 legally wrong. In addition to the other factors, our legislature could legitimately  
5 determine that the death penalty is a way to advance society's interests in deterring  
6 others, in preventing future crimes by the murderer and in punishing the wrongdoer.  
7

8           The 15th claim is a compilation of some of the arguments already discussed.  
9 No further discussion is warranted.

10          Ground 16 includes the defects found in parts 7 through 15. The court finds  
11 that counsel was not ineffective in failing to raise these arguments and that they had  
12 no reasonable likelihood of success.

13          Ground 17 fares no better than grounds 7 through 16. It is an argument to the  
14 effect that a "death qualified" jury, a jury that agrees to follow the law, prevents a fair  
15 trial. This claim has been repeatedly rejected by the courts that have considered it.  
16 The constitution does not demand that the jury pool be limited to those who will not  
17 agree to follow the law presented by the judge. *See McKenna v. State*, 103 Nev.  
18 227, 737 P.2d 508 (1987). Vanisi has not directed any of his arguments to the jury  
19 that actually heard this case. He presents only generic arguments that ought to be  
20 presented to the legislature. The Court finds that counsel was not ineffective in  
21 failing to advance this argument and that it was not reasonably likely to be  
22 successful.  
23

24          Ground 18 is a claim that the death sentence was imposed due to passion,  
25 prejudice or some arbitrary factor. That claim was considered and rejected on direct  
26 appeal. This claim is barred by the doctrine of the law of the case.

1           Ground 19 of the supplement is a claim that the conviction must be set aside  
2 because the statutes in effect at the time of the trial precluded a defense based on  
3 insanity and the decision of the Supreme Court invalidating that statute was not  
4 issued until after Vanisi's trial. Trial counsel testified, however, that they were aware  
5 of the potential challenges to the statute but did not attempt to present an insanity  
6 plea because they had no basis for the plea. Furthermore, there was no evidence  
7 presented in the habeas corpus hearing supporting such a defense. There was  
8 some evidence that Vanisi was bi-polar, but nothing supporting a potential defense  
9 of insanity. Therefore, the court remains confident of the verdict and finds that  
10 neither trial counsel nor appellate counsel were ineffective. The court further finds  
11 that Vanisi was not prejudiced by the alleged failings of counsel.  
12

13           The next claim in the supplement asserts a claim of ineffective assistance of  
14 counsel in that it is framed in terms of counsel's failure to investigate potential  
15 mitigating evidence. The court finds that there was no significant additional  
16 mitigating evidence presented in the habeas corpus hearing and thus finds that  
17 there is no reason to believe that counsel could have obtained additional evidence  
18 or that Vanisi was prejudiced by the alleged failure to investigate.  
19

20           Vanisi also suggests that trial counsel should have retained a mitigation  
21 specialist. However, there was no evidence presented tending to show that such a  
22 person could have done more than was already done. Trial counsel testified to a  
23 fairly extensive investigation and the court finds that there is no reason to believe  
24 that someone else would have conducted the investigation differently or would have  
25 discovered additional mitigating evidence. The record reveals that the defense  
26 presented the testimony of Dr. Ole Theinhaus at sentencing. That witness

1 discussed Vanisi's mental illness. Other witnesses discussed his drug and alcohol  
2 abuse and his declining condition in the months preceding the murder. However,  
3 there is still no new significant mitigating evidence and so this claim is also denied.

4 The next claim is an assertion that but for the collective failures of counsel,  
5 Vanisi would have mounted a more meaningful defense, although the nature of that  
6 defense is still not identified. The court notes that Vanisi did not testify in the  
7 habeas corpus hearing and thus there is no evidence tending to support this claim.  
8 Instead, the testimony established that Vanisi prohibited any defense such as self-  
9 defense, provocation and coercion and refused to cooperate in presenting any  
10 defense except his false claim that he did not participate in the killing of Sergeant  
11 Sullivan. The court finds no evidence supporting the notion that counsel's alleged  
12 failings were the cause for the lack of a viable defense. Instead, the cause for the  
13 lack of any viable defense was that no such defense existed and Vanisi refused to  
14 cooperate in presenting any defense.  
15

16 Ground 22 is a catch-all assertion that counsel was ineffective on appeal in  
17 failing to raise each and every issue raised in the supplement. The court finds,  
18 again, that appellate counsel made reasonable tactical decisions concerning the  
19 issues to raise, and that none of the various potential issues were reasonably likely  
20 to succeed.

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The court has considered all the evidence and the arguments of counsel but remains unpersuaded that Vanisi is entitled to relief. Vanisi bore the burden of proof and at the close of the evidence the court was not persuaded of the validity of any of the claims for relief. Because Vanisi failed in his burden, the petition is denied.

DATED this 8 day of November, 2007:

Connie J. Steinheim  
DISTRICT JUDGE

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of SECOND JUDICIAL DISTRICT COURT; and that, on the 8<sup>th</sup> day of November, 2007, I deposited in the county mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the foregoing document, addressed as follows:

Scott W. Edwards, Esq.  
729 Evans Avenue  
Reno, NV 89512

Thomas L. Qualls, Esq.  
216 E. Liberty Street  
Reno, NV 89501

Siaosi Vanisi #63376  
Ely State Prison  
P.O. Box 1989  
Ely, NV 89301

Terrence P. McCarthy, Esq.  
Appellate Duty  
District Attorney's Office  
Via Inter-Office Mail

  
\_\_\_\_\_  
Tracy L. Purves  
Judicial Assistant

1  
2 **CERTIFICATE OF SERVICE**

3 Case No. CR98P0516

4 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second  
5 Judicial District Court, and that on the 19<sup>th</sup> day of November, 2007, I deposited in the  
6 Washoe County mailing system for postage and mailing with the U.S. Postal Service in  
7 Reno, Nevada, a true copy of the attached document, addresses to:

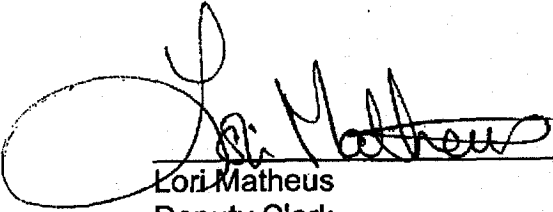
8 WASHOE COUNTY DISTRICT  
9 ATTORNEY'S OFFICE  
10 APPELLATE DIVISION  
(Inter-office mail)

11 ATTORNEY GENERAL'S OFFICE  
12 100 N. CARSON STREET  
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18 SIAOSI VANISI #63376  
19 ELY STATE PRISON  
20 P.O. BOX 1989  
ELY, NV 89301

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24 Lori Matheus  
25 Deputy Clerk  
26  
27  
28

**FILED**

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Howard W. Conyers  
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Transaction # 80766

CASE NO. CR98P0516     **TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/7/07

**DECISION ON PETITION FOR POST CONVICTION (TELEPHONIC)**

HONORABLE

Counsel Scott Edwards, Esq., represented the Petitioner. Deputy District Attorney Terrence McCarthy represented the State.

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

Captions

Unlimited

(Reporter)

Based on the arguments presented in the pleadings and at the hearing and on finding that the State's arguments were more persuasive than the Petitioners and further, the Court relied on the cases of *Later vs. Warden* and *Strickland*, **COURT ENTERED ORDER** denying the Petition for Post Conviction.

Discussion ensued regarding this Court's Order finding the Petitioner competent to proceed with Petition for Post Conviction. Although the State indicates that it prepared a written order for this Court's signature, this Court did not receive the Order. This Court finds that a ruling that the Petitioner is competent and that ruling was made part of the record of the hearing through the minutes and the transcript.

State's counsel shall prepare the written order denying the Petition for Post Conviction which shall include the procedural history of the case, the findings made by this Court in this hearing and a hearing date for this Court to set a new execution date.

Court advised counsel that a Motion to Stay Execution Date may be heard at that next hearing.

---

CASE NO. CR98P0516

TITLE: POST: SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

4/2/07

PETITION FOR POST CONVICTION

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO. 4

Petitioner presented, being represented by Petitioner's counsel, Thomas Qualls, Esq., and Scott W. Edward, Esq. Terrence McCarthy, Esq., present on behalf of the State.

R. Cotter

(Clerk)

Captions

Unlimited

(Reporter)

Discussion ensued regarding Petitioner's counsels briefs submitted by Petitioner.

Motion to Strike by State's counsel; presented argument; objection and argument by Plaintiff's counsel.

**COURT ORDERED** State's counsel to submit Response to Petitioner's Brief within ten (10) days of the date of this hearing, at which time briefs will be submitted to Court for decision.

CR98P0516  
DC-9900001140-213  
POST: SIAOSI VANISI (04)  
District Court  
Washoe County  
MIN  
RCOTTER  
04/02/2007 01:30 PM  
Page 1

By R. Cotter  
6/13/2007

DATE, JUDGE  
OFFICERS OF

PAGE ONE

COURT PRESENTAPPEARANCES-HEARINGCONT'D TO

5/18/05

ONGOING PETITION FOR POST CONVICTION/MOTION TO DISMISS

HONORABLE Petitioner Siaoisi Vanisi present with counsel Scott Edwards, Esq., and  
CONNIE Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy, Esq.,  
STEINHEIMER represented the State.

DEPT. NO.4

M. Stone

(Clerk)

D. Phipps

(Reporter)

Michael Specchio called by Petitioner's counsel Edwards, sworn and  
testified; cross-examined; redirect examined; recross-examined; excused.

Motion to Exclude Testimony of Richard Cornell by State's counsel  
Edwards; presented argument; objection and argument by State's counsel.  
COURT ENTERED ORDER allowing the Testimony of Richard Cornell.  
Should the State determine that a rebuttal witness is necessary, then a  
continuance would be granted.

Richard Cornell called by Petitioner's counsel Qualls, sworn and testified.

Request for Witness to be deemed an Expert as to Trial Counsels  
Effectiveness by Petitioner's counsel Qualls; presented argument; objection  
and argument by State's counsel. COURT ENTERED ORDER granting  
Motion as the answer only goes to the weight of the testimony.

Witness Cornell further direct examined; cross-examined; redirect  
examined; excused.

11:28 a.m. Court recessed.

11:37 a.m. Court reconvened with counsel and petitioner present.

State's counsel withdrew any Motion to Dismiss issues as to Appellate  
Counsel.

Motion to Dismiss by State's counsel; presented argument; objection and  
argument by Petitioner's counsel Edwards. COURT TOOK MATTER  
UNDER ADVISEMENT.

Petition for Post Conviction by Petitioner's counsel Edwards; presented  
argument; objection and argument by State's counsel.

Petitioner's counsel Qualls advised the Court that he is not available this  
afternoon due trial commencing in Department 10 at 1:00 p.m.

11:58 a.m. Court recessed.

CASE NO. CR98P0516     TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE  
OFFICERS OF

PAGE TWO

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/18/05

ONGOING PETITION FOR POST CONVICTION/MOTION TO DISMISS

D. Phipps  
(Reporter)

1:17 p.m. Court reconvened with respective counsel, except Petitioner's counsel Qualls, and Petitioner present.

Objection and argument by State's counsel; reply by Petitioner's counsel Edwards. COURT TOOK MATTER UNDER ADVISEMENT.

1:45 p.m. Court recessed.

---

CASE NO. CR98P0516      TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/2/05

PETITION FOR POST CONVICTION

HONORABLE  
CONNIE  
STEINHEIMER

Petitioner present with counsel Scott Edwards, Esq., and Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy, Esq., represented the State.

DEPT. NO.4

M. Stone

(Clerk)

D. Phipps

(Reporter)

Upon request of Defense counsel, COURT will allow another hearing to be set for testimony from Michael Specchio, Esq., and arguments on the Motion to Dismiss and Petition for Post Conviction.

Stephen Gregory, Esq., called by Petitioner's counsel Edwards, sworn and testified; cross-examined; redirect examined; recross-examined; excused, subject to recall on another day.

12:00 a.m. Court recessed.

2:20 p.m. Court reconvened with respective counsel and petitioner present.

Respective counsel stipulated to this Court taking Judicial Notice of the Rule 250 Memorandum filed by Stephen Gregory, Esq., and Jeremy Bosler, Esq., and further stipulated that the document be unsealed.

Jeremy Bosler, Esq., called by Petitioner's counsel, sworn and testified; cross-examined; redirect examined; excused.

3:22 p.m. Court recessed.

3:58 p.m. Court reconvened with respective counsel and petitioner present. COURT set ongoing hearing on Petition for Post Conviction for May 18, 2005, at 10:00 a.m.

**EXHIBIT J** marked, and upon no objection by counsel, ordered admitted under seal.

Laura Bielser called by State's counsel, sworn and testified; cross-examined by Petitioner's counsel Edwards; redirect examined; recross-examined; excused.

4:15 p.m. Court recessed.

5/18/05

10:00 a.m.

Ongoing  
Petition for  
Post  
Conviction



CASE NO. CR98P0516     TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

4/25/05

TELECONFERENCE REGARDING SCHEDULE OF EVIDENTIARY

HONORABLE

HEARING

CONNIE

Counsel Thomas Qualls, Esq., present on behalf of the Petitioner. Deputy District Attorney Terrence McCarthy, Esq., represented the State.

DEPT. NO.4

Defendant appearance waived for the purposes of this administrative hearing.

M. Stone

(Clerk)

Court advised counsel that a Decision shall be made this week as to the Motion for Protective Order.

D. Phipps

(Reporter)

State's counsel advised that Court that Petitioner's counsel Edwards had agreed that the Answer to the Petition for Post Conviction could be filed after the deadline previously given by the Court.

COURT ORDERED Petitioner's counsel to file the Response to the Motion to Dismiss by April 29, 2005.

Petitioner's counsel advised the Court that a Motion to Continue Hearing may be filed by the Petitioner. State's counsel would not objection to a Motion for Order Shortening Time to File a Response to a Motion to Continue Hearing.

Respective counsel advised the Court that should it be determined that Michael Specchio's Testimony is necessary, they would stipulate to a bifurcated hearing, due to the Witnesses unavailability.

Court recessed.

5/2/05

9:00 a.m.

Evidentiary

Hearing on

Petition for

Post

Conviction

DATE, JUDGE  
OFFICERS OF

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/18/05

REPORT ON PSYCHIATRIC EVALUATION

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

J. Kernan

(Reporter)

Petitioner present with counsel Scott Edwards, Esq., and Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy, Esq., represented the State.

Court noted receipt of Evaluation from Dr. Alfredo Amezaga, Jr.

**EXHIBIT E** marked by Court; offered by Petitioner's counsel; no objection by State's counsel; ordered admitted into evidence under seal.

Dr. Alfredo Amezaga, Jr., called by Petitioner's counsel Edwards, sworn and testified.

2:43 p.m. Court recessed.

2:53 p.m. Court reconvened with respective counsel and Petitioner present.

Dr. Amezaga, Jr., heretofore sworn, resumed stand and was cross-examined; redirect examined.

**EXHIBITS F, G and H** marked and offered by Petitioner's counsel; no objection by State's counsel; ordered admitted into evidence.

Petitioner for Defendant to be determined incompetent to proceed with post conviction by Petitioner's counsel Qualls; presented argument; objection and argument by State's counsel; reply by Petitioner's counsel Qualls.

COURT ENTERED FINDINGS that the Motion for change of Petitioner's medications administered by the Prison should be brought before the Court in the County in which the Petitioner is housed; that this Court must follow all decisions made by the 9<sup>th</sup> Circuit Court of Appeals until they are overturned; and that based upon review of the Petitioner's Medical Records, testimony presented at each hearing and written evaluations, COURT ENTERED ORDERED that the Petitioner is competent to proceed with the Petition for Post Conviction and any hearing set in the matter.

Motion for Stay of Proceedings for Petitioner to appeal decision to the Supreme Court by Petitioner's counsel Edwards; objection by State's counsel. COURT ENTERED ORDER denying Stay of Proceedings.

Motion for an additional 30 days to file a Supplemental Petition for Post Conviction by Petitioner's counsel Edwards; presented argument; objection and argument by State's counsel. COURT ENTERED ORDER denying Motion for Additional Time. COURT FURTHER ENTERED ORDER that Petitioner's Supplemental Petition for Post Conviction must be filed by

CASE NO. CR98P0516     TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

PAGE TWO

APPEARANCES-HEARING

CONT'D TO

2/18/05

REPORT ON PSYCHIATRIC EVALUATION

J. Kernan  
(Reporter)

February 22, 2005, at 5:00 p.m.; that the State shall have 45 days thereafter to file a responsive pleading; and that oral arguments on the Petition for Post Conviction is set for May 2, 2005, at 9:00 a.m.

5/2/05  
9:00 a.m.  
Petition for  
Post  
Conviction

**EXHIBIT I** marked and offered by State's counsel; no objection by Defense counsel; ordered admitted into evidence.

Court recessed.

---

CASE NO. CR98P0516     TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/27/05

REPORT ON PSYCHIATRIC EVALUATION

HONORABLE

Petitioner present with counsel Scott Edwards, Esq. Deputy District

CONNIE

Attorney Terrence McCarthy, Esq., represented the State.

STEINHEIMER

Court noted receipt of Evaluation from Dr. Thomas Bittker.

DEPT. NO.4

M. Stone

**EXHIBIT D** marked by Court; offered by Defense counsel; no objection by State's counsel; ordered admitted into evidence under seal.

(Clerk)

D. Arnaud

(Reporter)

Dr. Thomas Bittker called by Petitioner's counsel Edwards, sworn and testified; cross-examined.

2:50 p.m. Petitioner's counsel Thomas Qualls, Esq., present.

Dr. Bittker further cross-examined; redirect examined; recross-examined; excused.

Motion to Bifurcate Hearing by Defense counsel; objection and argument by State's counsel. COURT ENTERED ORDER granting Motion and continued hearing for report from Dr. Amezaga.

2/18/05

1:30 p.m.

Rpt on

Psych. Eval.

CASE NO. CR98P0516      TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/24/05      IN CHAMBERS CONFERENCE REGARDING LETTER FROM DR. A.M.  
HONORABLE      AMEZAGA, JR.  
CONNIE      Petitioner, whose appearance was waived upon this being a procedural  
STEINHEIMER      hearing, not present being represented by counsel Scott Edwards, Esq.,  
DEPT. NO.4      and Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy,  
M. Stone      Esq., represented the State.  
(Clerk)      Court advised counsel of Letter from Dr. Amezaga indicating the Petitioner's  
D. Arnaud      unwillingness to meet for evaluation.  
(Reporter)      Discussion ensued regarding the Findings of Dr. Bittker.  
Motion to Vacate Hearing, change medications pursuant to Dr. Bittker's  
Report, and have the Defendant re-evaluation in 90 days by Petitioner's  
counsel Qualls; presented argument; objection and argument by State's  
counsel.  
COURT ENTERED ORDER denying continuance of hearing and denying  
motion for change of medication.  
Upon further discussions, Petitioner's counsel shall contact client and  
advise him of the importance of the evaluation by Dr. Amezaga; and Dr.  
Amezaga shall attempt to meet with the Defendant one more time and  
evaluate him.  
COURT FURTHER ENTERED ORDER that the hearing on January 31,  
2005, shall proceed as scheduled. If necessary it may be bifurcated to hear  
Dr. Amezaga's report at a later date.

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CASE NO. CR98P0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/19/05

TELEPHONIC CONFERENCE RE: LETTER FROM DR. A.M. AMEZAGA

HONORABLE

Petitioner Siasosi Vanisi, not present being represented by counsel, Scott

CONNIE

Edwards, Esq. Deputy District Attorney Terrence McCarthy, Esq.

STEINHEIMER

DEPT. NO.4

Court advised counsel of Letter received by Dr. A.M. Amezaga requesting access to the Petitioner's medical records at the Nevada State Prison.

M. Stone

(Clerk)

J.Schonlau

**EXHIBIT C** marked by the Court; no objection respective counsel; ordered admitted into evidence under seal.

(Reporter)

COURT ENTERED ORDER that Petitioner's counsel shall facsimile a copy of the Original Order entered that allowed for access to the Petitioner's medical records at the Nevada State Prison.

COURT further advised counsel that the Clerk would have the copies of previously marked Exhibit A available for counsel by the end of the week.

Upon discussion regarding the testimony of the Doctors at the hearing scheduled on January 27, 2005, and request of Petitioner's counsel, COURT ENTERED ORDER requiring the Doctors to be present and that the bill for testimony shall be sent to Petitioner's counsel and paid by the State Public Defender.

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CASE NO. CR98P0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/22/04

PETITION FOR POST CONVICTION

HONORABLE  
CONNIE  
STEINHEIMER

Petitioner, Siaosi Vanisi, present with counsel, Scott Edwards, Esq., and  
Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy, Esq.

1/27/05  
2:00 p.m.  
RPT ON  
PSYCH.  
EVAL.

DEPT. NO.4

Motion for Psychiatric Evaluation of Petitioner and Stay of Proceedings by  
Petitioner's counsel Edwards; presented argument.

M. Stone

(Clerk)

M. Ferrell

(Reporter)

**EXHIBIT A and B** marked and offered by Petitioner's counsel Edwards;  
objection and argument by State's counsel; ordered admitted into evidence  
of over objection.

Further argument by Petitioner's counsel Edwards; objection and argument  
by State's counsel; reply by Petitioner's counsel Qualls; further argument by  
respective counsel.

COURT ENTERED ORDER granting Petitioner's Motion for Psychiatric  
Evaluation for determination of whether the Petitioner is competent to aid  
and assist counsel in the preparation of the Petition and whether the  
Petitioner is competent to testify as a Witness in these proceedings;  
denying Petitioner's Motion for Transfer to Lake's Crossing; granting  
Petitioner's Motion for Stay pending outcome of Psychiatric Evaluations;  
and denying Petitioner's Motion for Permanent Stay.

Motion for Petitioner's counsel to file the Supplemental Petition as to Claims  
that do not need the Petitioner's assistance or competency by State's  
counsel; presented argument; objection and argument by Petitioner's  
counsel Edwards.

COURT ORDERED Petitioner's counsel to prepare and have a  
Supplemental Petition ready for filing at the next hearing.

---

CASE NO. CR98P0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES HEARING

CONT'D TO

7/1/02

STATUS HEARING – IN CHAMBERS

HONORABLE Counsel Marc Picker, Esq., represented the Petitioner. Deputy District Attorney

CONNIE Terrence McCarthy, Esq., represented the State.

STEINHEIMER Petitioner's counsel advised Court of delaying the Discovery of this Case and receipt  
DEPT. NO.4 of Rule 250 Memorandum.

M. Stone

(Clerk)

Not Reported

**EXHIBIT Z1** marked by Petitioner's counsel.

State's counsel made statement.

COURT ADVISED counsel that if issues continue as to the receipt of records, a  
records deposition may be allowed.

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**STATE OF NEVADA**

**Case No. CR98-0516**

**-vs-**

**SIAOSI VANISI, a.k.a.**

**"Pe", a.k.a. "George"**

**Trial Date: September 20, 1999, through October 6, 1999**

**Judge: Connie J. Steinheimer**

**Dept. No. 4**

**D.A.: Richard Gammick and Dave Stanton**

**Deft's Atty: Stephen Gregory and Jeremy Bosler Type: Public Defender**

**Clerk: M. Stone**

**Reporter: Sierra Nevada Reporters**

**VERDICT(S):**

**Count I: Murder of the First Degree - Guilty/Jury sentenced Death**

**Count II: Robbery with the use of a Deadly Weapon - Guilty**

**Count III: Robbery with the use of a Deadly Weapon - Guilty**

**Count IV: Robbery with the use of a Deadly Weapon - Guilty**

**Count V: Grand Larceny - Guilty**

**Sentencing and Imposition of Death Warrant Date and Time:**

**November 22, 1999, at 10:00 a.m.**

**PSI request sent: October 7, 1999**

# CRIMINAL PROGRESS SHEET

Case No. CR98-0516

STATUS: Custody ☒ NIC ☐  
Bail ☐ OR ☐

SIAOSI VANISI (FNU)

Bail Amount: \_\_\_\_\_

aka "PE", aka "George"

Date Inf/Ind filed: 2.26.98

Amended Inf. filed: \_\_\_\_\_

Arraignment Date: 3.10.98

Dept. No: 4

Reporter: ~~Robert K. Bolman~~

True Name: ☒ Same as above

Handed Copy ☒

Not Guilty ☒ By: entered by Court

Waived Reading ☒

Requested Time to Plea ☐

Waived PSI ☐

Guilty ☐ Nolo ☐ To: \_\_\_\_\_

Juv. Ref. \_\_\_\_\_

P & P Ref. \_\_\_\_\_

Waived 60 Day: Yes ☐  
Date \_\_\_\_\_ No ☐

Continued To: 3.19.98 9:00

For: mtg to set trial

11.10.98 11:00 hr

7.23.98 4:00

For: status conference

6.1.99 9:00 pre-trial mtg

11.23.98 10:00

For: pretrial mtg

8.30.99/9.2.99 jury Quad.

1.7.99 1:30

For: mtg/pretrial mtg

9.2.99 mtg

1.11.99 10:00

For: Jury Trial

9.7.99 10:00 trial

Sentencing Date: 11.22.99

Dept. No. 4

Reporter: E. Nelson

Disposition: \$250 agf, \$750 atty fees, \$10,000 fine, \$250 DNA fee, DNA testing;  
Ct I- Death, Ct II- max 180 mos, min 72 mos, w/concor. like term, conor  
w/Ct I; Ct III- max 180 mos, min 72 mos, w/concor like term, conor w/Ct  
I+II; Ct IV- max 180 mos, min 72 mos, w/concor like term, conor w/Ct  
I, II & III, Ct V- max 180 mos, min 72 mos, conor  
Time Served: 6067 Bail Exonerated ☐

Motions: 3.10.98 Deft w/stand mute & Ct entered nq plea  
3.19.98 trial & Briefing schedule set. All w/ol determine  
to qualify to try death penatty case purs. to  
Rule 250

11.6.98 deft ind competent to aid & assist cnol; Ct set  
matter for hrg re: private counsel/proper

11.10.98 deft req that P.D. Sparchio & his office remain  
as attorney of record; Ct indicated that any future req  
would be denied if creates a cont of trial unless  
there is a legal basis

11.24.98 orders entered (see minutes)

12.10.98 Orders entered (Please see separate minutes)  
12.30.98 teleconference; Juror excused; deft's <sup>presence</sup> waived  
~~presence~~ at 1.4.99 by (jury questionnaire); cnl to  
provide exh list to Ct & exhibits to be marked  
1.8.99 at 2:00  
1.15.99 mistrial declared  
1.19.99 trial set  
5.12.99 deft to remain at MSP until 6.1.99 at which  
time housing shall be re-evaluated  
6.1.99 request for psych eval granted  
6.23.99 deft found competent; orders entered  
8.3.99 Order for meds w/d  
8.10.99 mtn for self representation under submission  
8.11.99 mtn for self representation denied; mtn for release  
of psych. evals. ~~denied~~ under submission  
8.26.99 mtn to w/d as cnl ~~denied~~ under submission  
8.30.99 mtn to w/d as cnl denied; contd trial  
for 2 wks; all witnesses held to subpoenas  
9.13.99 jury panel filled out questionnaires  
9.17.99 3 jurors excused; orders entered  
9.27.99 jury verdicts; Guilty all 5 Counts  
10.6.99 jury verdict; Death - Ct T

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, also known as  
"GEORGE", also known as "PE"

DATE, JUDGE  
OFFICERS OF

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/22/99

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

District Attorney Richard Gammick represented the State. Defendant present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler. Probation Officer Robert Tucker also present.

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

E. Nelson

(Reporter)

Court noted receipt of report. Defense counsel Gregory had no factual corrections to the report and submitted matter on the Report. State's counsel concurred with the recommendation. Probation Officer Tucker stood on recommendation. Respective counsel made statement regarding entry of the Order for Execution. Defendant declined to make a statement on his own behalf.

COURT ORDERED JUDGMENT ENTERED and sentenced defendant to the punishment of Death for Count I; by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months, with a consecutive like term for the use of a deadly weapon, for Count II, to be served consecutively to sentence in Count I; by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months, with a consecutive like term for the use of a firearm, for Count III, to be served consecutively to sentences in Counts I and II; by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months, with a consecutive like term for the use of a firearm, for Count IV, to be served consecutively to sentences in Counts I, II and III; and by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred twenty (120) months with the minimum parole eligibility of forty-eight (48) months, for Count V, to be served consecutively to sentences in Counts I, II, III and IV. Defendant shall receive credit for six hundred sixty seven (667) days time served. Defendant is further punished by payment of a fine in the amount of Ten Thousand Dollars (\$10,000.00); and by submission to a DNA Analysis Test for the purpose of determining genetic markers. Defendant shall reimburse the Washoe County Public Defender attorney's fees in the amount of Seven Hundred Fifty Dollars (\$750.00). Defendant is further ordered to pay a Twenty-Five Dollar (\$25.00) administrative assessment fee and a Two Hundred Fifty Dollar (\$250.00) DNA analysis fee to the Clerk of the Second Judicial District Court.

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, also known as  
"GEORGE", also known as "PE"

DATE, JUDGE  
OFFICERS OF

PAGE TWO

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/22/99

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

COURT FURTHER ORDERED that the sentence of Death take place during  
the week commencing on Monday, the 24th day of January, 2000.

CONNIE

STEINHEIMER

Upon request by defense counsel, COURT ENTERED ORDER staying

DEPT. NO.4

execution pending direct appeal.

M. Stone

(Clerk)

E. Nelson

(Reporter)

DATE, JUDGE  
OFFICERS OF

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/20/99

JURY TRIAL

HONORABLE  
CONNIE  
STEINHEIMER

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Deputies Public Defender, Steve Gregory and Jeremy Bosler.

DEPT. NO.4

9:53 a.m. Court reconvened outside the presence of the jury.

M. Stone

(Clerk)

Court canvassed Defendant regarding waiver of presence when Court excused Jurors Boynton, Faehling and Kidder and during side bars during the course of the trial. Defendant waive right.

SNR

(Reporter)

Court advised counsel of additional issues with regard to Jurors Carsten, Rameriz, Scrottish and Barrientos. Upon no objections, COURT ENTERED ORDER excusing Jurors Carsten and Rameriz, upon receipt of medical releases.

Discussion ensued regarding the lack of Defense Witnesses. Court advised Defense counsel that Robert Bare, Legal Counsel for the State Bar of Nevada, is available to them for advice anytime during this trial.

Request of In-Camera Hearing by Defense counsel Gregory.

10:01 a.m. Court recessed.

10:11 a.m. Court reconvened with respective Defense counsel Gregory, Bosler and John Petty present.

Defense counsel Petty requested matter sealed. COURT ENTERED ORDER sealing hearing.

Defense counsel made statement regarding the representation of the Defendant.

Matter unsealed. State's counsel Gammick and Stanton present.

Rule of Exclusion invoked. Upon discussion regarding witnesses, COURT ORDERED that all Penalty Phase witnesses and Carolyn and Meghan Sullivan are excluded from the Rule of Exclusion.

Discussion ensued regarding voir dire questions regarding Aggravators and Mitigators. COURT ENTERED ORDER that Defense counsel Bosler may not ask specific questions of each juror in this regard, but may ask a general question of the entire panel.

10:31 a.m. Court recessed.

10:58 a.m. Court reconvened with respective counsel and Defendant present. Prospective jurors present.

Court personnel, respective counsel and Defendant introduced to the jury panel.

Roll taken of prospective jurors; all present except Barrientos and Doiron. All prospective jurors sworn as to their qualifications to serve as trial jurors. Thirty-Six names drawn (James, Kersbergen, Patch, Ziler, N. Jones,

DATE, JUDGE  
OFFICERS OF

PAGE TWO

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/20/99

JURY TRIAL

SNR  
(Reporter)

Caramella, Grate, Minassian, Mullins, Ralston, Ashley, Sheahan, Sharkey, Bell, Jones, Grider, Johnson, Ayers, O'Keefe, Kruse, Salais, Buck, S. Butler, Scolari, Hodges, Estes, Tower, Carmichael, Hullin, Petrillak, Magnin, Whitmore, Beers-Diaz, Williams, D. Smith and Webb); jurors seated and generally questioned by the Court.

Juror Caramella challenged for cause by Defense counsel Bosler; objection by State's counsel Stanton; examined by the Court; challenge denied.

Jury panel further generally examined by the Court.

Juror Williams challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. Lori T. Frazer called, seated and generally examined by Court.

Jury panel further generally examined by the Court.

Upon stipulation of respective counsel, Court excused Juror N. Jones due to language barrier.

Another name drawn. Tish A. Kelly called, seated and generally examined by the Court.

Jury panel further generally examined by the Court.

Upon no objection by respective counsel, Court excused Juror Caramella due to Husband's scheduled surgery.

Juror Grate challenged for cause by Defense counsel Bosler; objection by State's counsel Stanton; examined by the Court; challenge denied.

Another name drawn. Nettie Horner called and seated.

Jury panel further generally examined by the Court.

Juror Sharkey challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. William R. Meyers called and seated.

Jury panel further generally examined by the Court.

Juror O'Keefe challenged for cause by Defense counsel Bosler; traversed by State's counsel Stanton; examined by the Court; challenge denied.

Jury panel further generally examined by the Court.

Juror Hullin challenged for cause by Defense counsel Bosler; objection by State's counsel Stanton; challenge granted.

Another name drawn. Marria L. Knight called and seated.

Jury panel further generally examined by the Court.

Juror Meyer challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. Mary E. Callahan called, seated and generally examined by the Court.

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JURY TRIAL

SNR

12:41 p.m. Jury admonished. Court recessed.

(Reporter)

1:48 p.m. Court reconvened with respective counsel and Defendant present.

Clerk called roll; all present, except Juror Gilmore.

Upon stipulation of respective counsel, COURT excused Juror Ray.

Court waited for the presence of Juror Gilmore.

2:01 p.m. Juror Gilmore present.

Jury panel further generally examined by the Court.

Upon discussion at the bench, COURT excused Juror Beers-Diaz.

Another name drawn. Joann Shively called and seated.

Jury panel further generally examined by the Court.

Upon discussion at the bench, COURT excused Juror Whitmore.

Another name drawn. Donna J. Marting called and seated.

Jury panel further generally examined by the Court.

Upon direction of the Court, State's counsel Stanton specifically examined the panel.

Juror Magnin challenged for cause by State's counsel Stanton; examined by Defense counsel Bosler; challenge granted.

Jury panel further specifically examined by State's counsel Stanton.

Juror Morris challenged for cause by State's counsel Stanton; no objection by Defense counsel Bosler; challenge granted.

Two additional name drawn. Pete S. Costello and Dianne M. Smith called, seated and generally examined by Court.

Jury panel further specifically examined by State's counsel Stanton.

Juror Kelley challenged for cause by State's counsel Stanton; examined and submitted by Defense counsel Bosler; challenge granted.

Jury panel further specifically examined by State's counsel Stanton.

Jurors Ashley, Salais and Hodges challenged for cause by State's counsel Stanton; objection by Defense counsel Bosler; challenge granted as to Jurors Ashley and Salais, denied as to Juror Hodges.

Three additional names drawn. John E. Kennedy, James D. McMorran and Bruce C. Miller called, seated and generally examined by the Court and State's counsel Stanton.

4:00 p.m. Court recessed.

4:21 p.m. Court reconvened with respective counsel, Defendant and Jurors present.

Upon direction of the Court, Defense counsel Bosler specifically examined the panel.

Juror Knight challenged for cause by Defense counsel Bosler; traversed by State's counsel Stanton.



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SNR

4:55 p.m. Jury panel admonished. Court recessed.

(Reporter)

5:08 p.m. Court reconvened with respective counsel and Defendant present. Court addressed respective counsel regarding an Instruction regarding Mitigating and Aggravating Circumstances.

Request to Specifically examined the Jury panel regarding Information received from Outside Resources.

Discussion ensued regarding schedule of witnesses and use of peremptory challenges.

5:20 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

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CONTINUED JURY TRIAL

M. Stone

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

(Clerk)

SNR

10:29 a.m. Court reconvened.

(Reporter)

Clerk called roll; all present.

Court read Instruction regarding Mitigators and Aggravators.

Jury panel further specifically examined by Defense counsel Bosler.

Juror Grate challenged for cause by Defense counsel Bosler; objection and examination by State's counsel Stanton; challenge denied.

Jury panel further specifically examined by Defense counsel Bosler.

12:05 p.m. Jury panel admonished. Court recessed.

1:11 p.m. Court reconvened with respective counsel and Defendant present.

Clerk called roll; all present.

Jury panel further specifically examined Defense counsel Bosler.

Juror O'Keefe challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. Connie E. Ryan called, seated and generally examined by the Court and State's counsel Stanton.

Juror Ryan challenged for cause by State's counsel Stanton; no objection by Defense counsel Bosler; challenge granted.

Another name drawn. Kevin M. Stevens called, seated and generally examined by the Court and State's counsel Stanton.

Jury panel further specifically examined by Defense counsel Bosler.

Juror Butler challenged for cause by defense counsel Bosler; examination

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(Reporter)

and no objection by State's counsel Stanton; challenge granted.

Another name drawn. Shawna L. Mefford called, seated and generally examined by the Court and State's counsel Stanton.

Juror Mefford challenged by State's counsel Stanton; examination by Defense counsel Bosler; challenge granted.

Another name drawn. Raul V. Frias called, seated and generally examined by the Court, State's counsel Stanton and Defense counsel Bosler.

Juror Frias challenged by State's counsel Stanton; examination and objection by State's counsel; challenge granted.

Another name drawn. Susan E. Johnson called, seated and generally examined by the Court.

3:03 p.m. Court recessed.

3:20 p.m. Court reconvened with respective counsel and Defendant present. Motion for Material Witness Order by State's counsel Gammick; present argument. COURT ENTERED ORDER granting Material Witness Warrant and setting the bail at \$50,000.00.

3:23 p.m. Court recessed.

3:31 p.m. Court reconvened with respective counsel, Defendant and Jury panel present.

Juror Johnson specifically examined by State's counsel Stanton.

Jury panel further specifically examined by Defense counsel Bosler.

Juror Petrillak challenged for cause by Defense counsel Bosler; examined and no objection by State's counsel Stanton; challenge granted.

Another name drawn. Kerry L. Humphries called, seated and generally examined by the Court and State's counsel Stanton.

Juror Humphries challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. Holly R. Jenkins called, seated and generally examined by the Court, State's counsel Stanton and Defense counsel Bosler.

Panel further specifically examined by Defense's counsel Bosler.

Jurors Grate, Ziler and Patch challenged for cause by Defense counsel Bosler; traversed by State's counsel Stanton; challenge denied.

Respective counsel passed the jury panel for cause.

Court thanked and excused un-selected jurors.

4:55 p.m. Jury admonished. Court recessed.

5:15 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Respective counsel exercised, silently, 8 peremptory challenges each as to the jury and 2 peremptory challenges each as to alternate jury.

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(Reporter)

EXHIBIT G marked by the Court.

The following twelve persons and four alternates were sworn to try this case:

Bonnie K. James

Lauren Ziler

Nettie Horner

Shaylene J. Grate

Jeannette L. Minassian

Larry F. Mullins

James D. McMorran

Michael Sheahan

Alice J. Bell

Leslie C. Johnson

James L. Ayers

Robert T. Buck

Alternates: Richard A. Tower, Shaun L. Carmichael, Pete S. Costello  
and Lori T. Frazier

5:50 p.m. Jury admonished; said admonishment administered prior to each recess throughout the trial. Jury excused.

Outside the presence of the jury, Defense counsel Bosler set forth objections to Jury panel as sworn.

Motion for Objection to Jury panel and/or Mis-Trial by Defense counsel Bosler; presented argument; objection and argument by State's counsel. COURT ENTERED ORDER denying Motion.

Discussion ensued Motion for Change of Venue.

5:57 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

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CONTINUED JURY TRIAL

SNR

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

9:11 a.m. Court reconvened outside the presence of the jury.

Court read letter from Juror Ziler.

Juror Ziler entered, seated, examined by Court, and excused.

Defense counsel Bosler objected to the release of the Juror.

State's counsel Stanton had no objection to release of Juror.

COURT ENTERED ORDER releasing the Juror from any further service due to the stress creating a serious mental state.

Defense counsel Bosler did not have a Motion to Mis-Trial to present.

Respective counsel had no objection to Information as shown being read.

9:20 a.m. Court recessed.

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(Reporter)

10:13 a.m. Court reconvened with respective counsel and Defendant present.

Respective counsel stipulated to the presence of the jury.

Court Clerk read the Information aloud and indicated that pleas of not guilty had previously been entered by the defendant.

State's counsel Gammick presented opening statement.

Defense counsel Gregory waived opening statement.

Ellen Clark called by State's counsel Gammick, sworn and testified.

EXHIBIT 9 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Clark further direct examined.

EXHIBITS 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K and 4L offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Clark further direct examined.

EXHIBITS 5 offered by State's counsel Gammick for demonstrative purposes; submitted by Defense counsel Gregory; ordered admitted into evidence for demonstrative purposes only.

Witness Clark further direct examined; excused.

11:18 a.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

11:34 a.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Brenda Martinez called by State's counsel Gammick, sworn and testified.

EXHIBIT 7 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Martinez further direct examined.

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EXHIBITS 41A and 41B offered by State's counsel Gammick; submitted by Defense counsel; ordered admitted into evidence.

Witness Martinez further direct examined.

EXHIBIT 6 offered by State's counsel Gammick; submitted by Defense counsel; ordered admitted into evidence.

Witness Martinez further direct examined; cross-examined by Defense counsel Gregory; excused.

11:56 a.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

1:42 a.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Carl Smith called by State's counsel Gammick, sworn and testified.

EXHIBIT 8 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

\*\*\*Record reflected identification of the Defendant.

Witness Smith further direct examined.

EXHIBIT 12 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 17A offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 10A and 10B offered by State's counsel Gammick; submitted by

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Defense counsel Gregory; ordered admitted into evidence.

(Reporter)

Witness Smith further direct examined.

EXHIBITS 16, 16A and 16B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 14A and 14B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 18 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 17B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence,

Witness Smith further direct examined; cross-examined by Defense counsel Gregory; redirect examined; excused.

Andrew Ciocca called by State's counsel Gammick, sworn and testified.

EXHIBIT 17C offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Ciocca further direct examined; excused.

Willie Stephenson called by State's counsel Gammick, sworn and testified.

EXHIBIT 19 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Stephenson further direct examined.

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EXHIBIT 17D offered by State's counsel Gammick; submitted by defense counsel Gregory; ordered admitted into evidence.

Witness Stephenson further direct examined.

EXHIBIT 30 offered by State's counsel Gammick; stipulated by Defense counsel Gregory; ordered admitted into evidence.

Witness Stevenson further direct examined; excused.

3:27 p.m. Jury admonished. Court recessed.

3:56 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Jeff Riolo called by State's counsel Stanton, sworn and testified.

EXHIBIT 40 offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Riolo further direct examined.

EXHIBITS 43A - 43G offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Riolo excused.

Mele Maveni called by State's counsel Stanton, sworn and testified.

EXHIBIT 24A offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Maveni further direct examined; excused, subject to recall.

4:55 a.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding transcript of exhibit 18. Upon no objection of respective counsel, COURT ORDERED exhibit 18 released to State's Investigator for copying. Once tape transcribed, the Transcript shall be marked and admitted into evidence.

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5:00 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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CONTINUED JURY TRIAL

M. Stone

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Deputies Public Defender, Steve Gregory and Jeremy Bosler.

(Clerk)

SNR

2:09 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

(Reporter)

Makaleta Kauapalu called by State's counsel Stanton, sworn and testified; excused.

Sateki Taukieuvea called by State's counsel Stanton, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Taukieuvea further direct examined; excused.

Renee Peaua called by State's counsel Stanton, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Peaua further direct examined; excused, subject to recall.

3:37 p.m. Jury admonished. Court recessed. Defendant remanded into the custody of the Sheriff.

4:06 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Maria Louis called by State's counsel Stanton, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Louis further direct examined.

EXHIBITS 23A and 23B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.



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HONORABLE Witness Louis further direct.

CONNIE

STEINHEIMER EXHIBIT 27 offered by State's counsel Stanton; submitted by Defense counsel

DEPT. NO.4 Gregory; ordered admitted into evidence.

M. Stone

(Clerk)

Witness Louis further direct examined.

SNR

(Reporter)

EXHIBIT 24B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Louis further direct examined.

EXHIBIT 26 offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Louis further direct examined; cross-examined by defense counsel Gregory; redirect examined; recross-excused; excused.

William Louis called by State's counsel Stanton, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Louis further direct examined.

EXHIBITS 20A and 20B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Louis further direct examined; excused.

Priscilla Endemann called by State's counsel Stanton, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Endemann further direct examined; excused.

Manouei Peaua called by State's counsel Stanton, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

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Witness Peaua further direct examined; excused.

(Reporter)

5:05 p.m. Jury admonished and excused. Outside the presence of the jury, Court set forth for the record that when the Defense requested the Court indulgence, Defense counsel was having a conversation with the Defendant. Discussion ensued regarding the admission of exhibits 33A. COURT ORDERED that the Exhibit shall not be admitted in the State's case-in-chief, but may be re-addressed for Rebuttal Witnesses.

5:17 p.m. Court recessed.

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CONTINUED JURY TRIAL

9/24/99

M. Stone

(Clerk)

SNR

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siaso Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

9:10 a.m. Court reconvened. Respective counsel stipulated to the presence of the jury.

Jim Duncan called by State's counsel Gammick, sworn and testified.

EXHIBIT 11 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 25 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 21 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 29A and 29B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

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HONORABLE

Witness Duncan further direct examined.

CONNIE

STEINHEIMER

EXHIBIT 24C offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

DEPT. NO.4

M. Stone

(Clerk)

Witness Duncan further direct examined.

SNR

(Reporter)

EXHIBIT 15A, 15B and 15C offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Duncan further direct examined; excused.

Fernando Moreira called by State's counsel Gammick.

EXHIBITS 31E and 31F offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Moreira further direct examined.

EXHIBITS 31A and 31B offered by State's counsel Gammick; submitted by Defense counsel Gregory; exhibit 31A ordered admitted into evidence.

Witness Moreira further direct examined.

EXHIBITS 31C, 31D and 31G offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Moreira further direct examined; excused.

Louis Hill called by State's counsel Gammick, sworn and testified.

EXHIBITS 32A and 32B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Hill excused.

10:07 a.m. Jury admonished. Court recessed.

10:26 a.m. Court reconvened with respective counsel and Defendant present.

Respective counsel stipulated to the presence of the jury.

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Patricia Masito called by State's counsel Gammick, sworn and testified.

(Reporter)

\*\*\*Record reflects identification of the Defendant.

Witness Masito further direct examined.

EXHIBIT 42 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Masito further direct examined; excused.

Kaleb Bartelheim called by State's counsel Gammick, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Bartelheim cross-examined by Defense counsel Gregory; redirect examined; recross-examined; excused.

Dianna Shouse called by State's counsel Gammick, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Shouse excused.

10:51 a.m. Jury admonished and excused. Outside the presence of the jury, Court made additional record regarding the Defense's "Court's Indulgence". Discussion ensued regarding Jury Instructions.

10:52 a.m. Court recessed. Defendant remanded into the custody of the Sheriff.

1:24 Court reconvened outside the presence of the jury with respective counsel and Defendant present. Respective counsel and Court settled Jury Instructions. Defendant offered three Instructions; presented argument; objection and argument by State's counsel Stanton. COURT ENTERED ORDER marking the Instructions "Defendant's Offered Instructions A, B and C" and denied their use.

Respective counsel had no additional instructions to offer.

Discussion ensued regarding Defense Witnesses. COURT ORDERED the District Attorney's Investigator and the Public Defender's Investigator to meet and exchange contacts with the Defense Witness to assist in locating all

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M. Stone

Witnesses.

(Clerk)

Court advised counsel of Question No. 1 received for a Juror.

SNR

2:18 p.m. Court recessed. Defendant remanded into the custody of the

(Reporter)

Sheriff.

9/27/99

CONTINUED JURY TRIAL

M. Stone

District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siasosi Vanisi present with counsel, Deputies Public Defenders, Stephen Gregory and Jeremy Bosler.

(Clerk)

SNR

9:20 a.m. Court reconvened. Respective counsel stipulated to the presence of the Jury.

(Reporter)

David Kinikini called by State's counsel Stanton, sworn and testified.

EXHIBITS 33C and 33D offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Kinikini further direct examined; excused, subject to recall.

Keith Stevens called by State's counsel, sworn and testified.

\*\*\*Record reflects identification of Defendant.

Witness Stevens further direct-examined.

EXHIBIT 28 offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Stevens further direct-examined; excused.

Craig Meyer called by State's counsel, sworn and testified.

EXHIBITS 34A and 34B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Meyer further direct examined.

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(Reporter)

EXHIBIT 33B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Meyer further direct examined.

\*\*\*Record reflects identification of the Defendant.

Witness Meyer further direct examined; cross-examined; excused.

Vainga Kinikini called by State's counsel Stanton, sworn and testified.

10:39 a.m. Jury admonished. Court recessed.

10:58 a.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

State's counsel notified the Court and Defense counsel that Witness Kinikini is the last State's Witness.

Court canvassed Defendant as to his 5th Amendment Right.

Defendant made statement and waived right to testified.

Court further canvassed the Defendant.

Defense counsel Gregory requested an In-Camera Hearing.

11:03 a.m. Jury entered. Respective counsel stipulated to the presence of the Jury.

Witness Kinikini, heretofore sworn, resumed stand and was further direct examined.

EXHIBITS 15C and 15D offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Kinikini further direct examined; excused.

EXHIBITS 35, 36 and 37 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

State rested.

11:35 a.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued at the Bench.

11:37 a.m. Court recessed. Defendant remanded to the custody of the

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SNR

Sheriff.

(Reporter)

11:52 a.m. Court reconvened in-camera outside the presence of the Jury with Defense counsel Gregory and Bosler and Defendant present.

Discussion ensued regarding the Defense of this case.

Court canvassed the Defendant.

12:06 p.m. Jury entered. State's counsel also entered. Respective counsel stipulated to the presence of the Jury.

Defense counsel Gregory waived opening statement.

Defense rested.

12:09 p.m. Jury admonished and excused. Outside the presence of the jury, further discussion ensued regarding the Jury Instruction.

Defense counsel Bosler had no additional Instructions to offer, with the exception of the Instruction regarding the Defendant's right to not testify.

Respective counsel had no further Instructions or Objections to offer to the Instructions.

12:15 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

1:29 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Court reviewed order of Instructions.

Respective counsel had no further Instructions nor Objections to offer.

Respective counsel had no objection to the Verdict forms.

1:32 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

1:41 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

EXHIBIT 18A (transcript of Exhibit 18) marked and offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence, but not to jury.

Court advised respective counsel of the procedure used regarding the evidence that is ammunition.

1:44 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court read answer to Question No. 1 aloud to the Jury.

Court read Instructions to the Jury.

State's counsel Gammick presented opening argument.

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Defense counsel waived answering argument.

(Reporter)

2:38 p.m. Bailiff and Law Clerk sworn and jury retired for deliberations.

Outside the presence of the jury, Court advised counsel of clerical errors in the Instructions.

2:40 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

3:23 p.m. Court reconvened in chambers with respective counsel present.

Defense counsel Gregory waived Defendant's appearance for the purpose of answering a question from the Jury.

Court read Question to counsel. Upon agreement of counsel, COURT ORDERED answer to Question No. 2 delivered to the Jury.

3:30 p.m. Court recessed.

4:31 p.m. Court reconvened with respective counsel and Defendant present.

Respective counsel stipulated to the presence of the jury.

Clerk called Roll.

Jury returned the following verdicts:

### VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of MURDER.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres  
FOREPERSON

Having found the defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or Murder of the Second Degree?

X Murder of the First Degree  
X Murder of the Second Degree

(Sgd) James L. Ayres  
FOREPERSON

If you have found the defendant the defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the



CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, a.k.a. "PE", a.k.a.  
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commission of this Murder as defined in these instructions?

(Reporter)

Yes X No    

(Sgd) James L. Ayres  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of COUNT II. ROBBERY.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres  
FOREPERSON

If you have found the defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

Yes X No    

(Sgd) James L. Ayres  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of COUNT III. ROBBERY.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres  
FOREPERSON

If you have found the defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of

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this Robbery as defined in these instructions?

(Reporter)

Yes X No    

(Sgd) James L. Ayres  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of COUNT IV. ROBBERY.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres  
FOREPERSON

If you have found the defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

Yes X No    

(Sgd) James L. Ayres  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of COUNT V. GRAND LARCENY.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres  
FOREPERSON

Court inquired of the jurors as a whole if this was the verdict to which they

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agreed and there were no negative responses.  
Neither counsel requested the Jury polled.  
COURT ORDERED jurors to contact the Court's Chambers on September 28, 1999, between 4:00 p.m. and 5:00 p.m. for further instructions regarding when they must report back to Court for the Penalty Phase of the Trial.  
4:50 p.m. Jury admonished and excused. Outside the presence of the jury, COURT ORDERED respective counsel to return to Court on September 28, 1999, at 1:30 p.m. to give the Court a report on the availability of witnesses.

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CONTINUED JURY TRIAL

M. Stone  
(Clerk)  
SNR  
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.  
1:38 p.m. Court reconvened outside the presence of the Jury.  
Court advised counsel of her conversations with the Judge handling the Motions to Compel Witnesses to Testify in San Mateo.  
Defense counsel Bosler made statement.  
Upon request by State's counsel Gammick and no objection by the Defense, COURT ENTERED ORDER that the Penalty Phase shall begin on October 1, 1999, at 9:00 a.m.  
COURT FURTHER ENTERED ORDER that respective counsel must submit their Penalty Phase Instructions to the Court by 4:00 p.m. on September 30, 1999.  
Upon Request by State's counsel Gammick, COURT ORDERED Defense counsel to provide the State with all defense witnesses immediately following this hearing.  
1:55 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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9/30/99

CONTINUED JURY TRIAL

M. Stone  
(Clerk)  
SNR  
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.  
3:40 Court reconvened outside the presence of the jury.

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Court advised respective counsel that all but one witnesses was Ordered by the California Judge to appear for trial.

State's counsel Gammick made statement regarding Defense witnesses.

EXHIBITS H and I marked by State's counsel Gammick.

State's counsel Gammick presented argument regarding Notice and timeliness of Defense Witnesses. Defense counsel Gregory presented argument. State's counsel Gammick presented further argument.

EXHIBIT J marked by State's counsel Gammick.

State's counsel Gammick presented further argument.

UPON COURT ORDER, Defense counsel Gregory presented the names of which Witnesses where to be called and the general topic of their testimony.

Motion in Limine to exclude Defense Witnesses from testifying as to the sentence the Defendant should receive by State's counsel Gammick; presented argument; no objection by Defense counsel Gregory. COURT ENTERED ORDER granting Motion.

State's counsel Stanton provided Court with proposed Jury Instructions. Discussion ensued regarding Victim Impact Statements.

EXHIBITS K & L marked by State's counsel Gammick.

Upon discussion regarding redactions to the Victim Impact Statements, COURT ORDERED counsel to be prepared to argue the issues at 8:30 a.m. on October 1, 1999.

Defense counsel Bosler provided Court with proposed Jury Instructions. Discussion ensued regarding the admissibility of Exhibit 33A. State's counsel put the Defense on notice of potential use of that exhibit. Discussion ensued regarding the photograph taken of the Defendant at the Washoe County Jail.

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(Reporter)

EXHIBIT 44 marked by State's counsel Stanton.

COURT ENTERED ORDER that in light of all the other evidence the State has against the Defendant, exhibit 44 is not admitted into evidence.

EXHIBIT 45 marked and offered by State's counsel Gammick; objection by Defense counsel Gregory; Court reserved ruling pending review of the video tape and the Defense providing the law their objections are based on.

EXHIBITS 46A - 46E marked and offered by State's counsel Gammick; no objection by Defense counsel Gregory; ordered admitted into evidence upon the testimony.

Discussions ensued regarding the Victim Impact Statements and the testimony of Deputy Ellis.

4:50 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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M. Stone

(Clerk)

SNR

(Reporter)

CONTINUED JURY TRIAL

District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

8:30 a.m. Court reconvened outside the presence of the jury.

Discussion ensued regarding Victim Impact Statement. Upon no objections, all redactions were made by the Court to Exhibit K by interlineation.

Motion in Limine to exclude State's counsel Gammick of making comments about his law enforcement background during closing arguments by Defense counsel Gregory; presented argument; no objection by State's counsel Stanton. COURT ENTERED ORDER granting Motion.

Upon review of all cases provided by the Defense and arguments made by respective counsel, COURT ENTERED ORDER finding the victim impact

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statements admissible as redacted.

(Reporter)

Defense counsel Gregory made statement regarding the number of uniformed police officers in the Courtroom.

Court indicated that the number of uniformed Police Officers in the Courtroom was not noticeable with the number of civilian Persons.

EXHIBIT 47 - 52 marked by Defense counsel Bosler.

9:22 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

State's counsel Stanton presented opening statement.

Defense counsel Gregory presented opening statement.

EXHIBITS PREVIOUSLY ADMITTED offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence for the Penalty Phase.

Michael Wiley called by State's counsel Stanton, sworn and testified; cross-examined by Defense counsel Gregory.

EXHIBIT 53 marked and offered by Defense counsel Gregory; one objection by State's counsel Stanton; ordered admitted into evidence.

Witness Wiley further cross-examined; redirect examined; recross-examined; excused.

David Molnar called by State's counsel Stanton, sworn and testified; cross-examined by Defense counsel Gregory; excused.

Debra Mann called by State's counsel Stanton, sworn and testified; cross-examined; excused.

10:39 a.m. Jury admonished. Court recessed.

11:01 a.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Deputy James Ellis called by State's counsel, sworn and testified; cross-

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examined by Defense counsel Gregory; excused.

(Reporter)

Viangra Kinikini, heretofore sworn, called by State's counsel Stanton and direct examined; cross-examined by Defense counsel Gregory; redirect examined; excused, subject to recall.

11:40 a.m. Jury admonished. Court recessed.

1:09 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Lt. Geoffrey Wise called by State's counsel Stanton, sworn and testified; cross-examined by Defense counsel Gregory; redirect examined; recross-examined; excused.

Sue Millard called by State's counsel Stanton, sworn and testified.

EXHIBIT 46A - 46E offered by State's counsel Stanton; no objection by Defense counsel Gregory; ordered admitted into evidence.

Witness Millard further direct examined; excused.

Steve Sauter called by State's counsel, sworn and testified; excused.

2:16 p.m. Jury admonished. Outside the presence of the jury, Defense counsel Gregory set forth for the record that the last two witnesses and gallery were emotional.

Discussion ensued regarding the Victim impact statement. COURT ORDERED that the word "savagely" be stricken from the statement.

2:30 p.m. Court recessed.

2:45 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Carolyn Sullivan called by State's counsel Stanton, sworn and testified.

EXHIBIT 45 offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Sullivan further direct examined.

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3:38 p.m. Jury admonished. Court recessed.

(Reporter)

3:56 p.m. Court reconvened outside the presence of the jury with  
respective counsel and Defendant present.

Defense counsel set forth for the record the emotional state of the  
witnesses, the Jury and the Audience during last testimony.

3:57 p.m. Jury entered. Respective counsel stipulated to the presence of  
the jury.

Witness Sullivan, heretofore sworn, resumed stand and was further direct  
examined; excused.

Meaghan Sullivan called by State's counsel Stanton, sworn and testified;  
excused.

State's counsel rested.

Sione Peaua called by Defense counsel Bosler, sworn and testified.

EXHIBIT 51B offered by Defense counsel Bosler; no objection by State's  
counsel; ordered admitted into evidence.

Witness Peaua cross-examined by State's counsel Stanton; redirect  
examined; excused.

Renee Peaua, heretofore sworn, called by Defense counsel Gregory and  
direct examined.

EXHIBIT 51A offered by Defense counsel Gregory; no objection by State's  
counsel Gammick; ordered admitted into evidence.

Witness further direct- examined; cross-examined; excused.

4:36 Jury admonished and excused. Outside the presence of the jury,  
Discussion ensued regarding the schedule of witnesses. Defense counsel  
provided the Court and the State with a list of witnesses.

4:40 p.m. Court recessed.

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\*\*\*Record reflects identification of the Defendant.

Witness Tonga further direct examined.

EXHIBIT 33A offered by Defense counsel Gregory; no objection by State's counsel Stanton; ordered admitted into evidence.

Witness Tonga further direct examined; cross-examined by State's counsel Stanton; redirect examined; excused.

11:59 a.m. Jury admonished and excused. Outside the presence of the jury, Court advised respective counsel that Tui Finau will be sworn to interpret the proceedings for the witnesses if necessary.

12:03 p.m. Court recessed.

1:35 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Brian Verna called by Defense counsel Bosler, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Verna further direct examined; cross-examined by State's counsel Stanton; excused.

Kurt Krueger called by Defense counsel Bosler, sworn and testified.

EXHIBIT 38 offered by Defense counsel Bosler; no objection by State's counsel Stanton; ordered admitted into evidence.

Witness Krueger further direct examined; cross-examined by State's counsel Stanton; redirect examined; excused.

Judith Celeste called by Defense counsel Bosler, sworn and testified.

\*\*\*Record reflects identification of the Defendant.

Witness Celeste further direct examined; excused.

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(Reporter)

6:38 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present. Upon review of case law, Respective counsel and Court settled Jury Instructions. COURT ENTERED ORDER denying use of Offered Instructions F and H. Defendant offered seven additional Instructions; presented argument; objection and argument by State's counsel Stanton. COURT ENTERED ORDER marking the Instructions "Defendant's Offered Instructions I, J, K, L, M, N and O" and denied their use. Upon arguments, COURT ENTERED ORDER allowing for a modification of Defendant's Offered Instruction H. Defense counsel Bosler objected to the verdict forms as offered by the State. 7:55 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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10/5/99

CONTINUED JURY TRIAL

M. Stone  
(Clerk)  
SNR  
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler. 10:41 a.m. Court reconvened. Respective counsel stipulated to the presence of the jury.

Kathy Peaua called by Defense counsel Gregory, sworn and testified.

\*\*\*Record reflects Identification of the Defendant.

Witness Peaua further direct examined; cross-examined by State's counsel Stanton; excused.

Renee Peaua, heretofore sworn, called by Defense counsel Gregory and direct examined; cross-examined by State's counsel Stanton; redirect examined; excused.

Sateki Taukieuvea, heretofore sworn, called by Defense counsel Gregory and direct examined; cross-examined by State's counsel Stanton;

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(Reporter)

Ole Thienhaus called by Defense counsel Gregory, sworn and testified; cross-examined by State's counsel Stanton; redirect examined; recross-examined; further examined by Defense counsel Gregory; excused.

3:04 p.m. Jury admonished and excused. Outside the presence of the Jury, Discussion ensued regarding the Interpreter.

3:05 p.m. Court recessed.

3:30 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Tui Finau sworn to interpret the proceedings for any witness needing the services.

3:35 p.m. Court recessed.

3:50 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Deanne Vanacey called by Defense counsel Bosler, sworn and testified; cross-examined; redirect examined; recross-examined; excused.

Toa Vimahi called by Defense counsel Bosler, assisted by an Interpreter, sworn and testified; excused.

Louisa Tafuna called by Defense counsel Bosler, sworn and testified; cross-examined by State's counsel Stanton; excused.

5:02 p.m. Jury admonished and excused. Outside the presence of the jury, State's counsel Stanton set forth a standing objection to further testimony regarding the Defendant's Sister's wedding, the custom of raising children and the use of first names. COURT ENTERED ORDER that all witnesses must be addressed by their Sir-Names.

5:05 Court recessed.

5:37 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Court set forth order of Instructions. Respective counsel and Court settled Jury Instructions. Defendant offered five Instructions; presented argument; objection and argument by State's counsel Stanton. COURT ENTERED ORDER marking the Instructions "Defendant's Offered Instructions D, E, F, G and H" and denied use of Offered Instructions D, E and G.

6:24 p.m. Court recessed.

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CONTINUED JURY TRIAL

M. Stone

District Attorney Richard Gammick and Deputy District Attorney Dave

(Clerk)

Stanton represented the State. Defendant, Siasosi Vanisi, present with

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counsel, Deputies Public Defender, Steven Gregory and Jeremy Bosler.

(Reporter)

9:40 Court reconvened. Respective counsel stipulated to the presence of the jury.

Matthew McGinn called by Defense counsel Bosler, sworn and testified.

EXHIBIT 52 offered by Defense counsel Bosler; no objection by State's counsel Stanton; ordered admitted into evidence.

Witness McGinn further direct examined.

\*\*\*Record reflects identification of the Defendant.

Witness McGinn cross-examined by State's counsel Stanton; excused.

LeAnn Jones called by Defense counsel Bosler, sworn and testified; cross-examined by State's counsel Stanton; excused.

Tupouhea Luae called by Defense counsel Bosler, sworn and testified; cross-examined by State's counsel Stanton; excused.

Sitiveni Tafuna called by Defense counsel Bosler, sworn and testified; cross-examined; excused.

Anna Marie Jones called by Defense counsel Bosler, sworn and testified; excused.

Sela Oto Ota DeBruce called by Defense counsel Bosler, sworn and testified; excused.

11:08 a.m. Jury admonished. Court recessed.

11:33 a.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the Jury.

Nifai Tonga called by Defense counsel Gregory, sworn and testified.

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excused.

(Reporter)

Mele Mauveni, heretofore sworn, called by defense counsel Gregory and direct examined.

11:00 a.m. Jury admonished and excused.

Witness Mauveni examined by State's counsel Gammick; excused.

Motion for Sanctions and a Curative Instruction by State's counsel Gammick; presented argument; objection and argument by Defense counsel Gregory.

COURT HELD matter under abeyance pending receipt of the transcript of Witness Mauveni's direct examination.

11:25 a.m. Court recessed.

11:56 a.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury. Court admonished and excused jury for lunch.

11:57 a.m. Court recessed.

1:43 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present. Court noted receipt of the Transcript of Witness Mauveni's direct examination.

1:44 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Mauveni, heretofore, resumed stand and was cross-examined by State's counsel Gammick; redirect-examined; recross-examined; further examined by Defense counsel Gregory; excused.

David Kinikini, heretofore sworn, called by Defense counsel Gregory and direct examined; cross-examined by State's counsel Stanton; redirect examined; excused.

Toeumu Tafuna called by Defense counsel Gregory, assisted by an interpreter, sworn and testified; cross-examined by State's counsel Stanton; excused.

Crystal Calderon called by Defense counsel Gregory, sworn and testified;

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cross-examined by State's counsel Gammick; excused.

(Reporter)

Defense rested.

2:27 p.m. Jury admonished and excused. Outside the presence of the jury, COURT canvassed the Defendant as to his right to testify. Defendant advised the Court of his wish to not testify, but make a Statement in Allocution.

2:33 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

David Jenkins called in rebuttal by State's counsel Stanton, sworn and testified; cross-examined by Defense counsel Gregory; redirect examined; excused.

State's counsel rested rebuttal.

3:00 p.m. Jury excused. Outside the presence of the jury, COURT advised the Defendant of the parameters of a Statement in Allocution.

3:03 Court recessed.

3:26 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Defendant advised Court further of his wish to make a Statement in Allocution.

3:29 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Defendant made Statement in Allocution.

3:31 p.m. Jury admonished. Court recessed.

3:53 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present to finalize jury instructions.

Court review order of Instructions.

Defense counsel Bosler withdrew request for 5th Amendment Instruction.

Respective counsel had no further Instruction or Objections to offer.

Defense counsel Bosler had one Verdict form to offer; presented argument; objection and argument by State's counsel Stanton. COURT ORDERED proposed Verdict marked "Defendant Offered Verdict Form P" and denied request.

Upon stipulation of respective counsel, COURT ORDERED packet of

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Instructions, Verdict form and all admitted exhibits to be delivered to the jury upon their deliberations.

Discussion ensued regarding whether or not the Guilt Phase Jury Instructions should be delivered to the Jury for their deliberations.

4:30 p.m. Court recessed.

4:54 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

State's counsel presented the Court with a Corrected Verdict Form.

Upon agreement of counsel, COURT ENTERED ORDER that the Guilt Phase Jury Instructions will not be delivered to the Jury.

5:00 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

10/6/99

CONTINUED JURY TRIAL

M. Stone  
(Clerk)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant, Siaosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

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(Reporter)

9:12 a.m. Court reconvened outside the presence of the jury.

Discussion ensued regarding the State's Closing Arguments.

Motion to Seal Courtroom by Defense counsel Gregory; presented argument; objection and argument by State's counsel.

COURT ENTERED ORDER that the State may not commit prosecutorial mis-conduct and that if a person from the gallery leaves the Courtroom they may not re-enter until the next recess.

Court advise counsel of a clerical correction made to Instruction No. 7.

9:17 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court read instructions aloud.

State's counsel Stanton presented opening argument.

Defense counsel Bosler presented answering argument.

EXHIBIT 54 marked and offered at bench conference by Defense counsel Bosler; objection by State's counsel Stanton; denied.

Defense counsel Bosler further presented answering argument.

11:00 a.m. Jury admonished. Court recessed.

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11:25 a.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury. State's counsel Stanton presented closing argument.

12:05 p.m. Bailiff and Law Clerk sworn and jury retired for deliberations. Outside the presence of the jury, Court advised counsel of clerical errors in the Instructions.

Court advised gallery that they must leave the fourth floor during the jury's deliberations.

12:09 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

2:31 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Court read Question to counsel. Upon agreement of counsel, COURT ORDERED answer to Question No. 3 delivered to the Jury.

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2:39 p.m. Court recessed.

M. Stone  
(Clerk)

4:07 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

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(Reporter)

Clerk called Roll.

Jury returned the following verdict:

### VERDICT

We, the jury in the above-entitled matter, having previously found the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", guilty of murder in the first degree, find that the following aggravating circumstance exists, to wit:

1. The murder of SGT. GEORGE SULLIVAN was committed by defendant SIAOSI VANISI, also known as "PE", also known as "GEORGE", in the commission of or attempt to commit the crime of Robbery With the Use of a Deadly Weapon.

Yes X No     

2. The murder of SGT. GEORGE SULLIVAN was committed by defendant SIAOSI VANISI, also known as "PE", also known as "GEORGE", upon a peace officer who was engaged in the performance of his official



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duty and the defendant knew or reasonably should have known that the victim was a peace officer.

Yes X No     

3. The murder involved mutilation of SGT. GEORGE SULLIVAN.

Yes X No     

4. The murder of SGT. GEORGE SULLIVAN was committed by defendant SIAOSI VANISI, also known as "PE", also known as "GEORGE", because of the actual or perceived race, color, religion or national origin of SGT. GEORGE SULLIVAN.

Yes      No X

The jury further finds that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found, and, therefore, set the penalty to be imposed upon the defendant at DEATH.

DATED this 6th day of October, 1999.

(Sgd) James L. Ayres  
FOREPERSON

Court inquired of the jurors as a whole if this was the verdict to which they agreed and there were no negative responses.

Upon motion by defense counsel Gregory, COURT ORDERED THE JURY POLLED. To the question, "Is this your verdict as read?", posed to each of the jurors individually, as to each Defendant, each responded "Yes".

Court thank and excused the Jurors from further jury service.

Motion to Waive PSI by Defense counsel Gregory; presented argument; no objection by State's counsel.

COURT ENTERED ORDER denying motion. The Division of Parole and Probation may contact the Defendant through the Shift Supervisor at the Washoe County Jail. The Defendant may refuse to talk to the Division of Parole and Probation.

COURT ORDERED Defendant referred to Probation Department for PSI on Counts II, III, IV and V and continued for entry of judgment, consideration of probation report and imposition of sentences on Counts I, II, III and IV.

COURT FURTHER ORDERED that the imposition of the Death Sentence shall be held in abeyance pending sentencing on the other charges.

Discussion ensued regarding Motion for Sanctions and Motions for

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI a.k.a. "PE", a.k.a.  
"GEORGE"

DATE, JUDGE  
OFFICERS OF

PAGE THIRTY-FOUR

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

10/5/99	<u>JURY TRIAL</u>	
SNR	Prosecutorial Misconduct. COURT ORDERED that all motions must be	11/22/99
(Reporter)	filed and personally served by October 18, 1999, at 4:00 p.m., all	10:00 a.m.
	Responses must be filed and personally served by October 22, 1999, at	Sentencing/
	5:00 p.m., and all Replies must be filed and personally served by October	Imposition of
	26, 1999, at 4:00 p.m. If counsel wants oral arguments on the Motions, then	Death
	Counsel must request an hearing in their pleadings.	Sentence
	4:35 p.m. Court recessed. Defendant remanded to the custody of the	
	sheriff.	

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/17/99

PRE-TRIAL MOTIONS/STATUS HEARING

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

D. Phipps

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Deputies Public Defender Stephen Gregory and Jeremy Bosler.

Discussion ensued regarding releasing Jurors. Upon stipulation of respective counsel, COURT ENTERED ORDER releasing Jurors Boynton, Faehling and Kidder.

Defense counsel Bosler informed the Court that he had completed the appropriate CLE Classes for the Rule 250 requirements.

Discussion ensued regarding the Exhibits. Defense counsel Gregory would not stipulate to any evidence being admitted into evidence.

EXHIBITS 40 - 43G marked by State's counsel Gammick.

Discussion ensued regarding stipulations entered during the First Trial. COURT ORDERED that all previously entered Stipulations shall remain in effect unless notified otherwise.

Court recessed.

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DATE, JUDGE  
OFFICERS OF

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/13/99

VOIR DIRE (JURY SELECTION)

HONORABLE  
CONNIE  
STEINHEIMER  
DEPT. NO.4

M. Stone  
(Clerk)  
E. Nelson  
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant not present, appearance previously waived, being represented by counsel, Public Defender Michael Specchio and Deputies Public Defender Steve Gregory and Jeremy Bosler.

9:58 a.m. Court convened outside the presence of the jury.

Defense counsel Bosler set forth objections to Question Nos. 4 and 9 of the Juror Questionnaire. State's counsel Gammick made statement. Upon finding that the Defense did not object to Question No. 4 in the previous trial nor was an objection made in a timely fashion, COURT ENTERED ORDER denying the Request for Modification of the Juror Questionnaire.

10:05 a.m. Court recessed.

10:11 a.m. Court reconvened with respective counsel present.

First panel of prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Billbao, Easterly, Hite, Lombardo, Ohotto, Phillips, Prater, Shutts, Simpson and Vermeys.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

10:20 a.m. Court recessed.

10:36 a.m. Court reconvened with respective counsel present.

Second panel of prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Basinger, Doreen, Fiechtl, Germano, Leonard, McKittrick, Oberg, Rosa, Salley, Smith and Tsatso.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

10:50 a.m. Court recessed.

2:20 p.m. Court reconvened in chambers with District Attorney Gammick and Deputy Public Defender Gregory present via telephone.

Defense counsel Gregory waived Defendant's right to be present.

Court advised counsel as to issues regarding Juror Boynton's Questionnaire.

Defense counsel Gregory set forth objection to release of Juror. State's counsel Gammick presented non-objection to release of Juror. Upon objection by Defense counsel, COURT ENTERED ORDER that Juror Boynton

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIOASI VANISI a.k.a. "PE", a.k.a. "GEORGE"

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COURT PRESENT

APPEARANCES HEARING

CONT'D TO

9/13/99 VOIR DIRE (JURY SELECTION)

HONORABLE must remain on the Jury Panel.

CONNIE  
STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

E. Nelson

(Reporter)

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TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE,JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/30/99	<u>MOTION TO WITHDRAW AS COUNSEL</u>	
HONORABLE	District Attorney Richard Gammick and Deputy District Attorney David	9/13/99
CONNIE	Stanton represented the State. Defendant present with counsel, Deputies	10:00 a.m.
STEINHEIMER	Public Defender Steve Gregory and Jeremy Bosler.	Jury Selection
DEPT. NO.4	COURT ENTERED ORDER denying Motion to Withdraw as Counsel made	
M. Stone	by Defense counsel. COURT FURTHER ENTERED ORDER that the Trial is	9/20/99
(Clerk)	continued for a period of two weeks for Defense counsel to file documents	10:00 a.m.
E. Nelson	with the Supreme Court of Nevada or be prepared for Trial.	Jury Trial
(Reporter)	State's counsel Gammick made statement. COURT FURTHER ORDERED	
	that all witnesses are held to their subpoenas.	

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CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/26/99

EX-PARTE MOTION TO WITHDRAW AS COUNSEL

HONORABLE

District Attorney Richard A. Gammick and Deputy District Attorney David L.

CONNIE

Stanton represented the State. Defendant present with counsel, Deputies

STEINHEIMER

Public Defender Steve Gregory and Jeremy Bosler.

DEPT. NO.4

7:00 a.m. Court convened.

M. Stone

Discussion ensued regarding whether or not the Courtroom should be

(Clerk)

sealed for the following proceedings.

E. Nelson

Request for In-Camera Inspection by Defense counsel Gregory; objection

(Reporter)

by State's counsel.

Motion to continue by Representative Mike Henderson, on behalf of Reno

Newspaper, Inc. COURT ENTERED ORDER denying Motion to Continue

upon counsel of record not being present to provide legal basis.

7:15 a.m. Court recessed.

7:21 a.m. Court reconvened with respective counsel and Defendant

present.

Upon finding that an Ex-Parte Hearing is needed for Defense counsel to set

forth the ethical consideration for the Motion, COURT ENTERED ORDER

granting the Request for a sealed hearing.

Court admonished Court Security and personnel as to confidentiality of the

following proceedings.

COURTROOM SEALED.

Motion to Withdraw as Counsel of Record by Defense counsel Gregory

and Bosler; presented argument.

COURT took matter under advisement.

8:15 a.m. Court recessed.

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TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/11/99

MOTION FOR RELEASE OF PSYCHIATRIC EVALUATIONS

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Deputies Public Defender Steven Gregory and Jeremy Bosler. Reno Newspapers, Inc., represented by counsel, Phillip Bartlett.

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

D. Phipps

(Reporter)

COURT ENTERED ORDER denying Motion for Self Representation.

Request for Stay pending Decision whether or not to file a Writ of Mandamus by Defense counsel Gregory; presented argument; objection and argument by State's counsel Gammick. COURT ENTERED ORDER denying Request for Stay.

Motion for Release of Psychiatric Evaluations by counsel Bartlett; presented argument; objection and argument by State's counsel Gammick; Defense counsel Bosler stood on written Opposition; reply by counsel Bartlett.

COURT took matter under advisement.

Discussion ensued regarding letter requesting a hearing prior to any in chambers/closed hearings by Reno Newspapers, Inc.

Motion for Request to be submitted in writing by Defense counsel Gregory.

COURT took motion under advisement.

Request for a Hearing prior to any In chambers/Closed Hearings by counsel Bartlett. Upon issues involved in the Request, COURT ORDERED counsel to reduce the request to writing, with responses to follow. If requested, Court will allow for a shortened Briefing Schedule.

11:00 a.m. Court recessed.

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TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/10/99

MOTION FOR SELF REPRESENTATION

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

8/11/99

CONNIE

Stanton represented the State. Defendant present with counsel, Deputies

10:00 a.m.

STEINHEIMER

Public Defender Steven Gregory and Jeremy Bosler.

Motions Re:

DEPT. NO.4

Court made inquiries of the Defendant pursuant to Rule 256. Upon

Media

M. Stone

direction of the Court, State's counsel Stanton suggested additional

(Clerk)

questions for the Court. Defense counsel Gregory declined to make any

K. Yates

suggestions to the Court.

(Reporter)

11:55 a.m. Court recessed. Defendant remanded to the custody of the sheriff.

12:02 p.m. Court reconvened with respective counsel and Defendant present.

Respective counsel Stanton and Gregory made statements regarding the Motion

EXHIBIT A marked and offered by State's counsel Stanton; objection by Defense counsel Gregory; ordered admitted into evidence over objection only for the purpose of the intent of the statement, not the demeanor of the Defendant.

Respective counsel Stanton and Gregory made further statements.

12:23 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

3:10 p.m. Court reconvened with respective counsel and Defendant present.

Dr. Ole Thienhaus called by Court, sworn; examined by State's counsel; excused.

Defendant made statement regarding statements made on video tape (Exhibit A).

Respective counsel Stanton and Gregory made further statements regarding the Motion.

COURT took matter under advisement.

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TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/3/99

HEARING REGARDING MEDICATIONS

HONORABLE District Attorney Richard Gammick and Deputy District Attorney David  
CONNIE Stanton represented the State. Defendant present with counsel, Deputies  
STEINHEIMER Public Defender Steven Gregory and Jeremy Bosler.

DEPT. NO.4 Discussion ensued regarding the Ex-Parte Order for Medication.

M. Stone Court canvassed Defendant regarding the Voluntariness of taking  
(Clerk) Medication.

K. Yates Upon withdraw of the Ex-Parte Order by Defense counsel Gregory, COURT  
(Reporter) advised Defense counsel to consider a Release of Information for Dr. Lind  
to release information to the Washoe County Jail Personnel and, if  
requested, Court would visit the issue of medication for the Defendant at a  
later date.

Upon request by Defense counsel Gregory, COURT ORDERED the  
Courtroom closed and sealed the transcript.

All personnel admonished regarding the confidentiality of the following  
proceedings.

Motion for Self Representation by Defendant; presented argument.

COURT ORDERED Defendant to place the Motion in writing and a hearing  
would be set.

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DATE, JUDGE  
OFFICERS OF

PAGE ONE

COURT PRESENTAPPEARANCES-HEARINGCONT'D TO

6/23/99

REPORT ON PSYCHIATRIC EVALUATION/PRE-TRIAL MOTIONS

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

E. Nelson

(Reporter)

District Attorney Richard A. Gammick and Deputy District Attorney David L. Stanton represented the State. Defendant present with counsel, Public Defender, Michael R. Specchio, and Deputies Public Defender Jeremy Bosler.

Court noted receipt of Psychiatric Evaluations. Upon no objections, COURT ENTERED ORDER finding the Defendant competent to aid and assist counsel in preparation of trial.

COURT ORDERED Courtroom closed and following proceedings sealed. Court Security Detail and Personnel sworn as to the rules of a sealed hearing.

Motion to Dismiss Counsel by Defendant; presented argument. Defense counsel Specchio made statement.

EXHIBIT V1 marked by Defense counsel Specchio.

Defense counsel Specchio made further statement.

Defendant presented further argument. COURT ENTERED ORDER denying Motion to Dismiss Counsel.

Upon request of Defense counsel Gregory, COURT ENTERED ORDER denying any Request for Medication to be Administered to Defendant. If the NSP and/or WCJ Medical Personnel examine the Defendant and decide it is necessary to medicate the Defendant, Counsel must request a hearing.

2:27 p.m. Court recessed.

2:50 p.m. Court reconvened with respective counsel and Defendant present. Courtroom unsealed.

Upon submission on the pleadings by respective counsel, COURT took the Motion for Additional Peremptory Challenges and the Motion to Declare Adverse Witnesses under advisement.

Motion for Sequestered Individual Voir Dire by Defense counsel Bosler; presented argument; objection and argument by State's counsel Stanton; Reply by Defense counsel Bosler. COURT ENTERED ORDER denying Motion.

Request for Challenges of the Jury Panel to be made outside the presence of the Jury made by Defense counsel Bosler denied.

Motion for Defendant to be transported back to the Washoe County Jail by Defense counsel Gregory; present argument; response by State's counsel

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

6/23/99	<u>REPORT ON PSYCHIATRIC EVALUATION/PRE-TRIAL MOTIONS</u>	
HONORABLE	Stanton; reply by Defense counsel Gregory. COURT ENTERED ORDER	8/5/99
CONNIE	that the Defendant be transported back to the Washoe County Jail on July	2:00 p.m.
STEINHEIMER	15, 1999, where he shall remain until the completion of this case. The	Hearing Re:
DEPT. NO.4	Washoe County Sheriff has the authority to transport the Defendant back	Press
M. Stone	to the Nevada State Prison, if it is deemed by him that the Defendant is a	
(Clerk)	threat to his facility or that of this community.	
E. Nelson	3:14 p.m. Court recessed. Defendant remanded to the custody of the	
(Reporter)	sheriff.	
	3:36 p.m. Court reconvened with respective counsel and Defendant	
	present.	
	Motion to Reconsider use of Photographs by State's counsel Gammick;	
	presented argument; no objection by Defense counsel. COURT ENTERED	
	ORDER allowing the use of Exhibits 4B, 4C, 4D, 4G, 4H, 4I, 4J, 4K and 4L;	
	and that the Photographs be displayed on the poster board without the use	
	of the DOAR System, for purposes of Dr. Ellen Clark's Testimony.	
	Upon discussion, COURT ORDERED that counsel brief the issue regarding	
	whether or not the Psychiatric Evaluations should be released to the Press	
	and whether or not the press should be allowed to attend In-Chambers	
	Meetings; and set the matter for hearing.	
	3:50 p.m. Court recessed. Defendant remanded to the custody of the	
	sheriff.	

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CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE,JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

6/1/99	<u>PRE-TRIAL MOTIONS</u>	6/23/99
HONORABLE	District Attorney Richard Gammick and Deputy District Attorney David L.	1:15 p.m.
CONNIE	Stanton represented the State. Defendant present with counsel, Deputy	Report on
STEINHEIMER	Public Defenders Steven Gregory and Jeremy Bosler.	Psych. Eval./
DEPT. NO.4	Motion for Psychiatric Evaluation by defense counsel Gregory; presented	Pre-Trl Mtngs
M. Stone	argument; no objection by State's counsel Stanton. Court canvassed	
(Clerk)	Defendant.	
E. Nelson	COURT ENTERED ORDER granting the Motion for Psychiatric Evaluation;	
(Reporter)	and appointing two Doctors to evaluate the Defendant.	
	Court informed counsel that any motions could be submitted without oral	
	argument.	

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CASE NO. CV98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/12/99 IN CHAMBERS REVIEW HEARING

HONORABLE District Attorney Richard Gammick represented the State. Defendant not  
CONNIE present being represented by counsel, Deputy Public Defenders Steve  
STEINHEIMER Gregory and Jeremy Bosler.

DEPT. NO.4 Discussion ensued regarding the Defendant's actions at the Washoe  
M. Stone County Jail

(Clerk) Upon stipulation, COURT ORDERED Defendant to remain at the Nevada

N. Alexander State Prison until 6/1/99, at which time the Defendant's Housing shall be re-  
(Reporter) evaluation.

Respective counsel Gammick and Gregory made further statements.

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CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, a.k.a. "PE", a.k.a. "GEOR

DATE,JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
1/19/99	<u>HEARING TO RESET TRIAL</u>	
HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) K. Bokelmann (Reporter)	District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio and Deputy Public Defender Steve Gregory. Upon discussion regarding trial date, COURT ENTERED ORDER setting the trial for September 7, 1999, for a period of 3 weeks. Discussion ensued regarding the new Rule 250. COURT ORDERED that all parties must comply with the rules as set forth in the new Rule 250 and all deadlines must be met with the starting date of January 30, 1999, as set forth in the Rule. Upon discussion, COURT set out the new briefing schedule. COURT FURTHER ORDERED that all new motions must be filed by April 15, 1999. Upon request of respective counsel, COURT ENTERED ORDER that all witnesses are held to their original subpoenas. COURT FURTHER ENTERED ORDER that all prior Motions and their Rulings will remain. Upon request by the State and no objection by Defense counsel, COURT ENTERED ORDER that the tapes marked B and C are released to the State's Investigator for copying and then returned to the Clerk of the Court. Discussion ensued regarding discovery, COURT ORDERED all video and audio tapes to be copied and provided to the defense, then it is the Defenses responsibility to check if the transcript matches the actual tape. 11:00 a.m. Court recessed. Defendant remanded to the custody of the Sheriff.	6/1/99 9:00 a.m. Pre-Trial Mtns  8/30/99 9/2/99 at 10:00 a.m. Jury Quest.  9/2/99 11:00 a.m. Mtn to Confirm  9/2/99 2:00 p.m. Exhibits  9/7/99 10:00 a.m. Jury Trial

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, a.k.a. "PE", a.k.a. "GEORGE"

DATE, JUDGE  
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PAGE ONE - CORRECTED MINUTES (3/29/99)

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/11/99 JURY TRIAL waived right  
HONORABLE 9:50 a.m. Court convened in chambers with respective counsel Stanton and to be present.  
CONNIE Bosler. Discussion ensued regarding voir dire questions.

STEINHEIMER 10:00 a.m. Court recessed.

DEPT. NO.4 District Attorney Richard Gammick and Deputy District Attorney David  
M. Stone Stanton represented the State. Defendant present with counsel, Public  
(Clerk) Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory  
E. Nelson and Jeremy Bosler.

(Reporter) 10:15 a.m. Court reconvened outside the presence of the jury.  
Court canvassed Defendant regarding waiver of presence when Court  
excused Jurors Lyle (a.k.a. Agee) and Peak and during side bars during the  
course of the trial. Defendant waive right.

Discussion ensued regarding security of the Courtroom.

10:30 a.m. Court recessed.

10:55 a.m. Court reconvened with respective counsel and defendant present.  
Prospective jurors present.

Court personnel, respective counsel and defendant introduced to the jury  
panel.

Roll taken of prospective jurors; all present. All prospective jurors sworn as  
to their qualifications to serve as trial jurors. Thirty-Six names drawn  
(Mueller, Guiler, Aguirre, Adamson, Hill, Hinxman, Kominek, Lafond,  
Burkholder, Sepahpour, Saputo, Judson, Gerbetz, Thomas, Getz,  
Stephenson, Barger, Arlitz, Lyman, Viernes, Kenny, Cadena, Frandsen, L.  
Jones, Battaglia, Furrie, Timmerman, Estey, Kizis, Imasaki, Turnage, Geach,  
Frankel, Booth, Burke and Dunn); jurors seated and generally questioned by  
the Court.

12:20 p.m. Jury excused. Seated Jury Panel to Department 9's Courtroom. Un-  
selected Jury Panel to Department 3's Courtroom.

Outside the presence of the jury, Defense counsel Bosler objection to the jury  
selection process. State's counsel Stanton made statement. COURT  
ENTERED ORDER denying Motion regarding Jury Selection, with leave to  
renew at another time.

12:33 p.m. Court proceeded with individual voir dire.

Juror Aguirre entered; examined by Court, State's counsel Stanton and  
Defense counsel Bosler; challenged for cause by defense counsel Bosler;  
objection by State's counsel Stanton; excused for cause.

Court addressed defendant about his presence during the excusing of the  
panels for lunch and roll call following the lunch. Defendant and counsel



DATE, JUDGE  
OFFICERS OF

PAGE TWO - CORRECTED MINUTES (3/29/99)

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/11/99

CONTINUED JURY TRIAL

E. Nelson  
(Reporter)

Juror Geach entered; examined by Court; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

12:46 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

12:50 p.m. Court reconvened in Department 3 with panel of un-selected jurors. Court excused panel for lunch to return at 1:45 p.m. in Department 9.

12:58 p.m. Court reconvened in Department 9 with panel of selected jurors. Court excused panel for lunch to return at 1:45 p.m. in Department 3's juryroom.

2:00 p.m. Court recessed.

1:45 p.m. Court reconvened in Department 3's juryroom; roll called, all 34 present of selected jury panel.

1:50 p.m. Court reconvened in Department 9; roll called, all present of un-selected jury panel, except Meidell.

2:00 p.m. Court reconvened with respective counsel and defendant present in Department 4.

Outside the presence of the jury, Court informed respective counsel of missing juror.

Juror J. Thomas entered; examined by Court and State's counsel Stanton; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

2:08 Juror Meidell present and excused to Department 9.

Juror Burke entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed by State's counsel Stanton; further examined by Court; challenge denied.

Juror Getz entered; examined by Court and State's counsel Stanton; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

Juror Adamson entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

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DATE, JUDGE  
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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/11/99

JURY TRIAL

E. Nelson  
(Reporter)

Juror Hill entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge renewed by State's counsel Specchio; excused.

Juror Sepahpour entered; examined by Court and State's counsel Stanton challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused.

Juror Gerbatz entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Juror Cadena entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Outside the presence of the jury, Motion for Court to Modify Jury Selection by defense counsel Bosler granted. The Defense would be allowed to examine panel before the State.

Juror Battaglia entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed and objection by State's counsel Stanton; challenge denied.

Juror Kizis entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Juror Turnage entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed and no objection by State's counsel Stanton; excused.

Juror Kenny entered; examined by Court; stipulation to excuse by respective counsel Stanton and Bosler; excused.

3:45 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

4:07 p.m. Court reconvened with respective counsel and defendant present. Entire prospective panel present.