

1 **NOAS**

2 KRISTINA WILDEVELD, ESQ.

3 Nevada Bar #5825

4 1100 South 10th St.

5 Las Vegas, Nevada 89104

6 (702) 257-9500

7 Attorney for Defendant

FILED

APR 30 3 45 PM '08

CR
CLERK COURT

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

No. 51549

10 THE STATE OF NEVADA,)

Case No. C212667

11 Plaintiff,)

Dept. No. XXI

12 vs.)

FILED

13 KENNETH COUNTS,)

MAY 07 2008

14 Defendant.)

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. [Signature]*
DEPUTY CLERK

15 TO: THE STATE OF NEVADA

16 DAVID ROGER, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA
17 and DEPARTMENT XXI OF THE EIGHTH JUDICIAL DISTRICT
18 COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF
19 CLARK.

20 NOTICE is hereby given that KENNETH COUNTS, presently
21 incarcerated in the Nevada State Prison, appeals to the Supreme
22 Court of the State of Nevada from the Judgment of Conviction
23 entered against said Defendant on the 31st day of March, 2008,
24 whereby he was convicted of conspiracy to commit murder and
25 sentenced to a minimum of ninety-six (96) months to a maximum

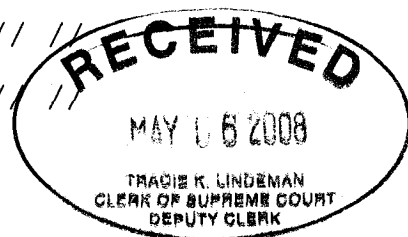
26 // //

27 // //

28 // //

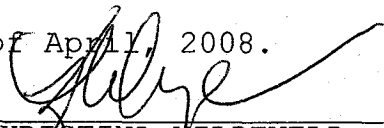
// //

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1 of two hundred forty (240) months to run consecutively to
2 Defendant's cases in California; credit for time served in the
3 amount of 1,029 days.

4 DATED this 30th day of April, 2008.

5 
6 KRISTINA WILDEVELD, ESQ.
7 Nevada Bar #5825
8 1100 South 10th St.
9 Las Vegas, Nevada 89104
10 (702) 257-9500

11 **DECLARATION OF MAILING**

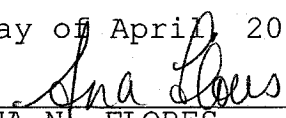
12 ANA N. FLORES, an employee of Kristina Wildeveld,
13 Esq., hereby declares that she is, and was when the herein
14 described mailing took place, a citizen of the United States,
15 over 21 years of age, and not a party to, nor interested in, the
16 within action; that on the 30th day of April, 2008, declarant
17 deposited in the United States mail at Las Vegas, Nevada, a copy
18 of the Notice of Appeal in the case of State of Nevada vs.
19 Kenneth Counts, Case No. C212667, enclosed in a sealed envelope
20 upon which first class postage was fully prepaid, addressed to:

21 Kenneth Counts, #1017559 David Roger
22 High Desert State Prison Clark County District Attorney
23 P.O. Box 650 200 E. Lewis Ave.
24 Indian Springs, Nevada 89018 Las Vegas, Nevada 89155

25 That there is a regular communication by mail between the
26 places of mailing and the places so addressed.

27 I declare under penalty of perjury that the foregoing
28 is true and correct.

EXECUTED on the 30th day of April, 2008.


ANA N. FLORES

1 **CAS**
KRISTINA WILDEVELD, ESQ.
2 Nevada Bar #5825
1100 So. 10th St.
3 Las Vegas, Nevada 89104
(702) 257-9500
4 Attorney for Defendant

FILED

APR 30 3 45 PM '08

CLERK OF COURT

6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,) Case No. C212667
9)
Plaintiff,) Dept. No. XXI
10 vs.)
11 KENNETH COUNTS,)
12 Defendant.)

13
14 CASE APPEAL STATEMENT

15 1. Appellant filing this case appeal statement: Kenneth
16 Counts.

17 2. Judge issuing the decision, judgment, or order
18 appealed from: Valerie Adair.

19 3. All parties to the proceedings in the district court
20 (the use of et al. To denote parties is prohibited): The State of
21 Nevada, Plaintiff; vs. Kenneth Counts, Defendant, Luis Hidalgo,
22 Defendant, Anabel Espindola, Defendant, and Deangelo Carroll,
23 Defendant.

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

27 // //

28 // //

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

3 KRISTINA WILDEVELD, ESQ.
4 Nevada Bar #5825
5 1100 So. 10th St.
6 Las Vegas, Nevada 89104
7 (702) 257-9500

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

6 Attorney for Appellant

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

Counsel for Respondent


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

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

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

17 9. Date proceedings commenced in the district court
18 (e.g., date complaint, indictment, information, or petition was
19 filed): Information filed on June 20, 2005.

20 DATED this 30th day of April, 2008.

21
22 
23 KRISTINA WILDEVELD, ESQ.
24 Nevada Bar #5825
25 1100 South 10th St.
26 Las Vegas, Nevada 89104
27 (702) 257-9500
28

1 CERTIFICATE OF SERVICE

2 I certify that on the 30th day of April, 2008, I deposited a true
3 and correct copy of the above and foregoing **Case Appeal Statement** in
4 the Post Office at Las Vegas, Nevada, enclosed in a sealed envelope
5 upon which first-class postage was fully prepaid, addressed to the
6 following:

7 Kenneth Counts, #1017559
8 High Desert State Prison
9 P.O. Box 650
Indian Springs, Nevada 89018

10 David Roger
11 Clark County District Attorney
200 E. Lewis Ave.
Las Vegas, Nevada 89155

12 DATED this 30th day of April, 2008.

13 
14 ANA FLORES

DATE: 04/30/08
CASE NO. 05-C-212667-C

I N D E X

TIME 4:23 PM
JUDGE:Adair, Valerie

STATE OF NEVADA

[] vs Counts, Kenneth

[E]

0001 D1 Kenneth Counts

?????? ## UNKNOWN ##

0002 D Luis A Hidalgo

001923 Gentile, Dominic P.
NO. 2 Dominic P Gentile Ltd
3960 Howard Hughes Pkwy #850
Las Vegas, NV 89109

000041 Stein, Stephen
Law Offices of Stephen Stein
520 S. Fourth
Las Vegas, NV 89101

0003 D Anabel Espindola

009617 Lloyd-Robinson, Jennifer R.
NO. 2 Pezzillo Robinson
6750 Via Austi Parkway
Suite 170
Las Vegas, NV 89119

004771 Thomas, Jonell
616 S. 8th Street
Las Vegas, NV 89101

0004 D Deangelo R Carroll

004264 Figler, Dayvid J.
NO. 2 Alternative Municipal Ct Judge
Dept 1 400 Stewart Ave
Las Vegas, NV 89101

005594 Bunin, Joseph D.
Bunin & Bunin Ltd
626 S. Third St
Las Vegas, NV 89101

0005 D Jayson Taoipu

000854 Jackson, Terrence M.
NO. 1 624 S Ninth St
Las Vegas, NV 89101

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	06/17/05	CBO /CRIMINAL BINDOVER Fee \$0.00	0001			
0002	06/17/05	ARRN/INITIAL ARRAIGNMENT	AL		06/27/05	
0003	06/17/05	CBO /CRIMINAL BINDOVER FEE \$0.00	0002			
0004	06/17/05	CBO /CRIMINAL BINDOVER FEE \$0.00	0003			
0005	06/17/05	CBO /CRIMINAL BINDOVER FEE \$0.00	0004			
0006	06/17/05	CBOR/CRIMINAL BINDOVER RECEIPT	0001			
0007	06/17/05	CBOR/CRIMINAL BINDOVER RECEIPT	0003			
0008	06/17/05	CBOR/CRIMINAL BINDOVER RECEIPT	0002			
0009	06/20/05	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			06/17/05	
0010	06/17/05	CBOR/CRIMINAL BINDOVER RECEIPT	0004			
0011	06/20/05	INFO/INFORMATION	AL		06/20/05	
0012	06/20/05	APPL/EX PARTE APPLICATION FOR CONTACT VISIT	0003			
0013	06/23/05	ORDR/ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT	0003		06/23/05	

(Continued to page 2)

05-C-212667-C		(Continuation	Page	2)
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
0014	06/27/05	CALC/CALENDAR CALL	AL	VC 08/23/05
		VJ 8/4/05	AL	
0015	06/27/05	JURY/TRIAL BY JURY	AL	VC 08/29/05
		VJ 8/4/05	AL	
0016	07/01/05	TRAN/REPORTER'S TRANSCRIPT PRELIMINARY	AL	06/13/05
		HEARING	AL	
0017	07/06/05	HEAR/STATE'S REQUEST FOR APPOINTMENT OF	AL	07/11/05
		COUNSEL / STATUS	AL	
0018	07/06/05	NISD/NOTICE OF INTENT TO SEEK DEATH PENALTY	0001	
0019	07/06/05	NISD/NOTICE OF INTENT TO SEEK DEATH PENALTY	0002	
0020	07/06/05	NISD/NOTICE OF INTENT TO SEEK DEATH PENALTY	0004	
0021	07/06/05	NISD/NOTICE OF INTENT TO SEEK DEATH PENALTY	0003	
0022	07/11/05	HEAR/STATE'S REQUEST FOR APPOINTMENT OF	0002	10/06/05
		COUNSEL/STATUS	0002	
0023	07/11/05	HEAR/STATE'S REQUEST FOR APPOINTMENT OF	0003	10/06/05
		COUNSEL/STATUS	0003	
0024	07/11/05	OCAL/STATUS CHECK: TRIAL	AL	10/06/05
0025	07/12/05	TRAN/REPORTER'S TRANSCRIPT STATES REQUEST FOR	AL	07/11/05
		APPOINTMENT OF COUNSEL/STATUS	AL	
0026	07/14/05	MOT /ALL PENDING MOTIONS 7/14/05	AL	07/14/05
0027	07/14/05	ORDR/ORDER FOR TRANSCRIPT	AL	07/14/05
0028	07/15/05	TRAN/REPORTER'S TRANSCRIPT STATUS CHECK TRIAL	AL	07/14/05 Y
		SETTING STATES REQUEST FOR	AL	
		APPOINTMENT OF COUNSEL		
0029	07/21/05	MOT /STATE'S MTN TO COMPEL HANDWRITING	0002	GR 08/04/05
		EXAMPLES/09	0002	
0030	07/20/05	MOT /STATE'S MTN TO COMPEL HANDWRITING	0003	08/04/05
		EXAMPLES/10	0003	
0031	07/20/05	MOT /STATE'S MTN TO COMPEL HANDWRITING	0004	08/04/05
		EXAMPLES/11	0004	
0032	08/01/05	MOT /DEFT'S MTN FOR REDUCTION IN BAIL OR FOR	0001	DN 08/11/05
		RELEASE ON HOUSE ARREST/12	0001	
0033	08/03/05	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13	0002	DN 10/06/05
0034	08/03/05	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14	0003	DN 10/06/05
0035	08/04/05	MOT /ALL PENDING MOTIONS 8/4/05	AL	08/04/05
0036	08/04/05	CRTF/CERTIFICATE OF SERVICE	MP	08/03/05
0037	08/09/05	ARGU/ARGUMENT ON WRITS	AL	09/27/05
0038	08/09/05	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR	0001	Y
		REDUCTION IN BAIL OR IN THE	0001	
		ALTERNATIVE FOR RELEASE ON HOUSE ARREST		
0039	08/10/05	APPL/EX PARTE APPLICATION FOR CONTACT VISIT	0003	
0040	08/10/05	ORDR/ORDER THAT WRIT OF HABEAS CORPUS ISSUE	MP	08/10/05
0041	08/10/05	ORDR/ORDER GRANTING EX PARTE APPLICATION FOR	0002	08/10/05
		CONTACT VISIT	0002	
0042	08/11/05	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS /17	0001	10/06/05
0043	08/11/05	ROC /RECEIPT OF COPY	MP	08/11/05
0044	08/11/05	ROC /RECEIPT OF COPY	0001	08/11/05
0045	08/15/05	TRAN/REPORTER'S TRANSCRIPT DEFENDANT COUNTS	AL	08/12/05 Y
		MOTION FOR REDUCTION IN BAIL OR IN THE	AL	
		ALTERNATIVE FOR RELEASE ON HOUSE ARREST		
0046	08/16/05	ORDR/ORDER GRANTING MOTION TO COMPEL	MP	08/16/05 Y
		PRODUCTION OF HANDWRITING	MP	

(Continued to page 3)

05-C-212667-C		(Continuation Page 3)	
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR OC SCH/PER C
SAMPLES			
0047	08/16/05	ORDR/ORDER DENYING DEFENANTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST	0001 08/16/05 Y 0001
0048	08/11/05	SUPP/SUPPLEMENT TO KENNETH COUNTS MOTION FOR A REDUCTION IN BAIL AND/OR HOUSE ARREST	0001 0001
0049	08/19/05	PET /PETITION FOR WRIT OF HABEAS CORPUS	0002
0050	08/19/05	PET /PETITION FOR WRIT OF HABEAS CORPUS	0003
0051	08/24/05	WRIT/RETURN TO WRIT OF HABEAS CORPUS	0001
0052	08/25/05	ORDR/ORDER	0001 08/25/05
0053	08/25/05	ROC /RECEIPT OF COPY	0001 08/25/05
0054	08/25/05	WRIT/WRIT OF HABEAS CORPUS	0001 08/25/05
0055	08/30/05	WRIT/RETURN TO WRIT OF HABEAS CORPUS	MP
0056	08/31/05	RAO /MEDIA REQUEST AND ORDER	GR 08/31/05
0057	08/31/02	NOTC/NOTIFICATION OF MEDIA REQUEST	0001
0058	09/16/05	MOT /DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18	0002 10/06/05 0002
0059	09/16/05	ORDR/NUNC PRO TUNC ORDER APPOINTING ATTORNEY DANIEL M BUNIN AND ATTORNEY DAYVID J	0004 09/16/05 Y 0004
FIGLER			
0060	09/23/05	RPLY/REPLY TO RETURN TO WRIT OF HABEAS CORPUS	MP MP
0061	09/27/05	MOT /ALL PENDING MOTIONS 9/27/05	AL 09/27/05
0062	09/22/05	TRAN/REPORTER'S TRANSCRIPT OF DEFENDANT'S MOTION FOR APPOINTMENT OF CO-COUNSEL	0002 09/21/05 Y 0002
DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS			
0063	10/06/05	MOT /ALL PENDING MOTIONS 10/6/05	AL 10/06/05
0064	10/06/05	CALC/CALENDAR CALL (VJ 6/26/06 DEFTS 1,2&3)	AL VC 07/18/06
0065	10/06/05	JURY/TRIAL BY JURY (VJ 6/26/06 DEFTS 1,2&3)	AL VC 07/24/06
0066	10/07/05	ORDR/ORDER FOR TRANSCRIPT	AL 10/07/05
0067	10/07/05	TRAN/REPORTER'S TRANSCRIPT PETITION FOR WRIT OF HABEAS CORPUS	AL 10/06/05 AL
0068	10/13/05	ORDR/ORDER APPOINTING COUNSEL	0002 10/13/05
0069	10/19/05	ORDR/ORDER DENYING DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS	MP 10/19/05 MP
0070	10/21/05	ORDR/ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT	0003 10/21/05 0003
0071	10/21/05	ORDR/ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT	0002 10/21/05 0002
0072	10/24/05	APPL/EX PARTE APPLICATION FOR CONTACT VISIT	0003
0073	10/26/05	APPL/EX PARTE APPLICATION FOR CONTACT VISIT	0002
0074	11/09/05	MOT /STATE'S MTN TO FILE AMENDED NTC ALLEGING AN ADDITIONAL AGGRAVATION /23	0001 GR 12/12/05 0001
0075	11/10/05	APPL/EX PARTE APPLICATION FOR DEFENSE COUNSEL TO OBTAINCOPIES OF SCOPES FOR	0001 Y 0001
ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS			
0076	11/10/05	APPL/EX PARTE APPLICATION FOR APPOINTMENT OF INVESTIGATOR	0001 0001
0077	11/14/05	MOT /DEFT'S MTN TO SEVER /24	0001 DN 12/12/05
0078	11/14/05	EXPT/AMENDED EX PARTE APPLICATION FOR DEFENSE COUNSEL TO OBTAIN COPIES OF SCOPES FOR	0001 Y 0001
ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS			

(Continued to page 4)

05-C-212667-C		(Continuation Page 4)	
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR OC SCH/PER C
0079	11/23/05	OPPS/STATES OPPOSITION TO DEFENDANTS COUNTS	0001
		MOTION TO SEVER	0001
0080	11/28/05	MOT /ALL PENDING MOTIONS 11/28/05	0001 11/28/05
0081	11/23/05	RSPN/STATES RESPONSE TO DEFENDANTS AMENDED	0001 Y
		EX PARTE APPLICATION FOR DEFENSE	0001
COUNSEL TO OBTAIN COPIES OF SCOPEN FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS			
0082	11/28/05	OPPS/KENNETH COUNTS OPPOSITION TO MOTION TO	0001 Y
		FILE AMENDED NOTICE ALLEGING AN	0001
ADDITIONAL AGGRAVATING CIRCUMSTANCE AND MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES			
0083	12/01/05	RPLY/KENNETH COUNTS REPLY TO STATES	0001 Y
		OPPOSITION TO KENNETH COUNTS MOTION TO	0001
SEVER DEFENDANTS			
0084	12/08/05	APPL/EX PARTE APPLICATION FOR CONTACT VISIT	0002
0085	12/09/05	ARRN/INITIAL ARRAIGNMENT	0005 12/21/05
0086	12/09/05	CBO /CRIMINAL BINDOVER	0005
0087	12/09/05	APPL/EX PARTE APPLICATION FOR CONTACT VISIT	0003
0088	12/09/05	CBOR/CRIMINAL BINDOVER RECEIPT	0005
0089	12/12/05	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT	12/09/05
0090	12/12/05	MOT /DEFT'S MTN TO STRIKE /27	0002 03/17/06
0091	12/12/05	MOT /ALL PENDING MOTIONS 12/12/05	0001 12/12/05
0092	12/12/05	INFO/INFORMATION	0005 12/12/05
0093	12/12/05	NISD/AMENDED NOTICE OF INTENT TO SEEK DEATH	0001
		PENALTY	0001
0094	12/13/05	ROC /RECEIPT OF COPY	MP 12/13/05
0095	12/15/05	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001 12/12/05
0096	12/16/05	ORDR/ORDER TO ALLOW RICHARD FRANKY LPI AND/OR	0004 12/16/05 Y
		AN AGENT OF RDF INVESTIGATIVE	0004
AGENCY SPECIFICALLY INVESTIGATOR LIZA GRIPENTROG WHO ARE EMPLOYED AS THE INVESTIGATORS BY THE LAW OFFICES OF BUNIN & BUNIO LTD CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER			
0097	12/16/05	ORDR/ORDER	0004 12/16/05
0098	12/16/05	EXPT/EX PARTE APPLICATION TO APPOINT	0004
		INVESTIGATOR	0004
0099	12/19/05	ORDR/ORDER GRANTING THE STATES MOTION TO	0001 12/19/05 Y
		AMEND THE NOTICE OF INTENT TO SEEK	0001
THE DEATH PENALTY			
0100	12/19/05	ORDR/ORDER DENYING DEFENDANTS MOTION TO SEVER	0001 12/19/05
0101	12/21/05	CALC/CALENDAR CALL (VJ 6/30/06)	0005 VC 07/18/06
0102	12/21/05	JURY/TRIAL BY JURY (VJ 6/30/06)	0005 VC 07/24/06
0103	12/22/05	MOT /DEFT'S MTN TO STRIKE	0003 03/17/06
0104	12/21/05	OPPS/STATES OPPOSITION TO DEFENDANTS	MP Y
		HIDALGOS AND ESPINDOLAS MOTION TO	MP
STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY			
0105	12/23/05	TRAN/REPORTER'S TRANSCRIPT OF DEFENDANTS	0001 12/22/05 Y
		MOTION TO STRIKE NOTICE OF INTENT TO	0001
SEEK DEATH PENALTY			
0106	01/05/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION	MP Y
		TO STRIKE NOTICE OF INTENT TO SEEK	MP
DEATH PENALTY			
0107	01/11/06	APPL/EX PARTE APPLICATION FOR APPOINTMENT OF	
		INVESTIGATOR	

(Continued to page 5)

05-C-212667-C		(Continuation	Page	5)
NÖ.	FILED/REC	CODE	REASON/DESCRIPTION	FOR OC SCH/PER C
0108	01/19/06	MOT	/ALL PENDING MOTIONS 1/19/06	AL 01/19/06
0109	01/26/06	ORDR	/ORDER	0001 01/26/06
0110	01/26/06	ORDR	/ORDER	0001 01/26/06
0111	02/02/06	MOT	/ALL PENDING MOTIONS 2/2/06	AL 02/02/06
0112	02/09/06	ORDR	/ORDER	0001 02/09/06
0113	02/09/06	APPL/EX	PARTE APPLICATION FOR ORDER FOR CONTACT VISITS	0001 0001
0114	02/10/06	MOT	/DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT PENALTY PHASE/34	0001 DN 03/17/06
0115	02/10/06	MOT	/DEFT'S MTN TO FEDERALIZE ALL MTNS/35	0001 DN 03/17/06
0116	02/10/06	MOT	/DEFT'S MTN FOR INDIVIDUAL VOIR DIRE/36	0001 DN 03/17/06
0117	02/10/06	MOT	/DEFT'S MTN IN LIMINE TO INCLUDE AUTOPSY, CRIME SCENE & OTHER PHOTOGRAPHS/37	0001 MR 03/17/06
0118	02/10/06	MOT	/DEFT'S MTN IN LIMINE TO PRECLUDE INTRODUCTION OF VICTIM IMPACT EVID/38	0001 MR 03/17/06
0119	02/10/06	MOT	/DEFT'S MTN IN LIMINE TO PROHIBIT ANY REF TO FIRST PHRASE/39	0001 DN 03/17/06
0120	02/10/06	MOT	/DEFT'S MTN TO BIFURCATE PENALTY PHASE/40	0001 DN 03/17/06
0121	02/10/06	MOT	/DEFT'S MTN IN LIMINE TO BAR IMPROPER PROSEC ARGUMNT/41	0001 GR 03/17/06
0122	02/10/06	MOT	/DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION/42	0001 GP 03/17/06
0123	02/10/06	MOT	/DEFT'S MTN FOR DISCOVERY & EVID HEARING/43	0001 DN 03/17/06
0124	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0125	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0126	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0127	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0128	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0129	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0130	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0131	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0132	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0133	02/10/06	ROC	/RECEIPT OF COPY	0001 02/10/06
0134	02/13/06	MOT	/DEFT'S MTN FOR DISQUALIFICATION FROM THE JURY VENIRE/44	0001 GR 03/17/06
0135	02/13/06	ROC	/RECEIPT OF COPY	0001 02/13/06
0136	02/15/06	RSPN	/STATES RESPONSE TO DEFENDANTS MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE	0001 Y
0137	02/15/06	OPPS	/STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES	0001 Y
0138	02/15/06	OPPS	/STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO FEDERALIZE ALL MOTIONS	0001 Y
OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE				
0139	02/15/06	RSPN	/STATES RESPONSE TO DEFENDANTS MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE GUILT PHASE	0001 Y
0140	02/15/06	OPPS	/STATES OPPOSITION TO DEFENDANTS MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE	0001

(Continued to page 6)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0141	02/15/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE AUTOPSY CRIME	0001 0001			Y
		SCENE AND OTHER GRUESOME PHOTOGRAPHS				
0142	02/15/06	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE	0001 0001			Y
		OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER				
0143	02/15/06	OPPS/OPPOSITION TO DEFENDANTS MOTION TO BIFURCATE PENALTY PHASE	0001 0001			
0144	02/15/06	OPPS/OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL	0001 0001			Y
		ARGUMENT				
0145	02/15/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY AND EVIDENTIARY HEARING	0001 0001			Y
		REGARDING THE MANNEER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT				
0146	02/15/06	OPPS/OPPOSITION TO DEFENDANTS MOTION TO ARGUE LAST AT THE PENALTY PHASE	0001 0001			
0147	02/22/06	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	0005 0005		12/06/05	
0148	02/28/06	ORDR/ORDER	0005		02/28/06	
0149	03/03/06	ORDR/ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT	0003 0003		03/03/06	
0150	03/03/06	ORDR/ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT	0002 0002		03/03/06	
0151	03/10/06	ROC /RECEIPT OF COPY	0001		03/10/06	
0152	03/10/06	RPLY/KENNETH COUNTS REPLY TO STATES OPPOSITION TO DEFENDANT COUNTS MOTION	0001 0001			Y
		IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES				
0153	03/15/06	MOT /DEFT'S MTN FOR SEVERANCE/45	0005	GR	04/21/06	
0154	03/15/06	APPR/NOTICE OF APPEARANCE OF COUNSEL	0003			
0155	03/15/06	NOTC/NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANTS MOTION TO STRIKE	MP MP			Y
		NOTICE OF INTENT TO SEEK DEATH PENALTY				
0156	03/16/06	MOT /DEFT'S MTN TO SUPPRESS STATEMENT/46	0005	DN	04/21/06	
0157	03/17/06	MOT /ALL PENDING MOTIONS 3/17/06	AL		03/17/06	
0158	03/17/06	HEAR/EVIDENTIARY HEARING	0005		04/21/06	
0159	03/21/06	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	MP		03/17/06	
0160	03/27/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO SUPPRESS STATEMENT	0005 0005			
0161	04/05/06	HEAR/STATE'S REQUEST FOR CLARIFICATION OF RULING	0001 0001	MR	04/11/06	
0162	04/20/06	SUBP/SUBPOENA	0005	SH	04/21/06	
			0005	SV	04/18/06	
0163	04/20/06	SUBP/SUBPOENA	0004	SH	04/21/06	
			0004	SV	04/18/06	
0164	04/20/06	SUBP/SUBPOENA	0005	SH	04/21/06	
			0005	SV	04/18/06	
0165	04/21/06	APPL/EX PARTE APPLICATION FOR REQUEST OF FUNDS	0001 0001			
0166	04/21/06	ORDR/ORDER FOR REQUEST FOR FUNDS	0001		04/21/06	

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER C
0167	04/26/06	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			04/21/06
0168	04/24/06	TRAN/REPORTER'S TRANSCRIPT EVIDENTIARY	0005		04/21/06 Y
		HEARING DEFENDANTS MOTION FOR	0005		
		SEVERANCE AND MOTION TO SUPPRESS STATEMENT			
0169	05/01/06	MOT /ALL PENDING MOTIONS 4/21/06	0005		04/21/06
0170	05/19/06	ORDR/ORDER FOR EXCESS FEES	0001		05/19/06
0171	05/19/06	APPL/EX PARTE APPLICATION FOR EXCESS FEES	0001		
0172	06/15/06	MOT /DEFT'S MTN TO PRECLUDE USE OF	0002	DN	08/31/06
		PEREMPTORY CHALLENGES/51	0002		
0173	06/15/06	MOT /DEFT'S MTN TO PRECLUDE USE OF	0003	DN	08/31/06
		PEREMPTORY CHALLENGE/52	0003		
0174	06/15/06	MOT /DEFT'S MTN TO PROHIBIT ARGUMENT ON	0002	DN	08/31/06
		DETERRENCE /53	0002		
0175	06/15/06	MOT /DEFT'S MTN TO PROHIBIT ARGUMENT ON	0003	DN	08/31/06
		DETERRENCE/54	0003		
0176	06/15/06	MOT /DEFT'S MTN TO PROHIBIT USE OF IMPUTED	0002	GR	08/31/06
		AGGRAVATING CIRCUMSTANCES /55	0002		
0177	06/15/06	MOT /DEFT'S MTN TO PROHIBIT USE OF IMPUTED	0003	GR	08/31/06
		AGGRAVATING CIRCUMSTANCES /56	0003		
0178	06/15/06	MOT /DEFT'S MTN TO STRIKE DEATH PENALTY BASED	0002	DN	08/31/06
		UPON UNCONSTITUTIONALITY /57	0002		
0179	06/15/06	MOT /DEFT'S MTN TO STRIKE DEATH PENALTY BASED	0003	DN	08/31/06
		UPON UNCONSTITUTIONALITY /58	0003		
0180	06/15/06	MOT /DEFT'S MTN TO PROHIBIT INTRO OF VICTIM	0002	MT	08/31/06
		IMPACT EVID DURING GUILT PHASE /59	0002		
0181	06/15/06	MOT /DEFT'S MTN TO PROHIBIT INTRO OF VICTIM	0003	MT	08/31/06
		IMPACT EVID DURING GUILT PHASE /60	0003		
0182	06/15/06	MOT /DEFT'S MTN TO STRIKE NTC OF INTENT TO	0002	DN	08/31/06
		SEEK DEATH /61	0002		
0183	06/15/06	MOT /DEFT'S MTN TO STRIKE NTC OF INTENT TO	0003	DN	08/31/06
		SEEK DEATH /62	0003		
0184	06/15/06	MOT /DEFT'S MTN TO CONDUCT VOIR DIRE ON	0002	DN	08/31/06
		POSSIBLE RACIAL BIAS & PREJUDICE /63	0002		
0185	06/15/06	MOT /DEFT'S MTN TO CONDUCT VOIR DIRE ON	0003	DN	08/31/06
		POSSIBLE RACIAL BIAS & PREJUDICE /64	0003		
0186	06/15/06	MOT /DEFT'S MTN TO PRECLUDE COURT FROM	0002	DN	08/31/06
		PARTICIPATING IN REHAB OF JURORS /65	0002		
0187	06/15/06	MOT /DEFT'S MTN TO PRECLUDE COURT FROM	0003	DN	08/31/06
		PARTICIPATING IN REHAB OF JURORS /66	0003		
0188	06/15/06	MOT /DEFT'S MTN TO STRIKE DEATH PENALTY AS	0002	DN	08/31/06
		UNCONSTITUTIONAL /67	0002		
0189	06/15/06	MOT /DEFT'S MTN TO STRIKE DEATH PENALTY AS	0003	DN	08/31/06
		UNCONSTITUTIONAL /68	0003		
0190	06/15/06	MOT /DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE	0002	DN	08/31/06
		COMPLETED BY JURY VENIRE 1 WEEK PRIOR/69	0002		
0191	06/15/06	MOT /DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE	0003	DN	08/31/06
		COMPLETED BY JURY VENIRE 1 WEEK PRIOR/70	0003		
0192	06/15/06	MOT /DEFT'S MTN TO DECLARE UNCONSTITUTIONAL	0002	DN	08/31/06
		THE DISCRETION TO SEEK DEATH PENALTY /71	0002		
0193	06/15/06	MOT /DEFT'S MTN TO DECLARE UNCONSTITUTIONAL	0003	DN	08/31/06
		THE DISCRETION TO SEEK DEATH PENALTY /72	0003		
0194	06/15/06	MOT /DEFT'S MTN FOR PROCEDURES REGARDING	0002	DN	08/31/06
		BAILIFFS & OTHER COURT PERSONNEL /73	0002		

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NÖ.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
0195	06/15/06	MOT /DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS & OTHER COURT PERSONNEL /74	0003	DN 08/31/06
0196	06/15/06	MOT /DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /75	0002	DN 08/31/06
0197	06/15/06	MOT /DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /76	0003	DN 08/31/06
0198	06/15/06	MOT /DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /77	0002	DN 08/31/06
0199	06/15/06	MOT /DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /78	0003	DN 08/31/06
0200	06/15/06	MOT /DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /79	0002	DN 08/31/06
0201	06/15/06	MOT /DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /80	0003	DN 08/31/06
0202	06/15/06	MOT /DEFT'S MTN FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL /81	0002	DN 08/31/06
0203	06/15/06	MOT /DEFT'S MTN FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL /82	0003	DN 08/31/06
0204	06/15/06	MOT /DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /83	0002	DN 08/31/06
0205	06/15/06	MOT /DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /84	0003	DN 08/31/06
0206	06/15/06	MOT /DEFT'S MTN TO PROHIBIT EVID & ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/85	0002	MR 08/31/06
0207	06/15/06	MOT /DEFT'S MTN TO PROHIBIT EVID & ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/86	0003	MR 08/31/06
0208	06/15/06	MOT /DEFT'S MTN TO DECLARE NRS 704.206 UNCONSTITUTIONAL /87	0002	DN 08/31/06
0209	06/15/06	MOT /DEFT'S MTN TO DECLARD NRS 704.206 UNCONSTITUTIONAL /88	0003	DN 08/31/06
0210	06/15/06	MOT /DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS' PERSONAL & PROF EXPERIENCE /89	0002	DN 08/31/06
0211	06/15/06	MOT /DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS PER & PROF EXPERIENCE /90	0003	DN 08/31/06
0212	06/15/06	MOT /DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /91	0002	DN 08/31/06
0213	06/15/06	MOT /DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /92	0003	DN 08/31/06
0214	06/26/06	MOT /ALL PENDING MOTIONS 6/26/06	AL	06/26/06
0215	06/26/06	OCAL/STATUS CHECK: TRIAL DATE	0004	06/30/06
0216	06/26/06	OCAL/STATUS CHECK: TRIAL DATE	0005	06/30/06
0217	06/26/06	CALC/CALENDAR CALL (#1) (VJ 6/30/06)	0001	VC 04/10/07
0218	06/26/06	JURY/TRIAL BY JURY (#1) (VJ 6/30/06)	0001	VC 04/16/07
0219	06/26/06	CALC/CALENDAR CALL (#1) (VJ 6/30/06)	0002	VC 04/10/07
0220	06/26/06	JURY/TRIAL BY JURY (#1) (VJ 6/30/06)	0002	VC 04/16/07
0221	06/26/06	CALC/CALENDAR CALL (#1) (VJ 6/30/06)	0003	VC 04/10/07
0222	06/26/06	JURY/TRIAL BY JURY (#1) (VJ 6/30/06)	0003	VC 04/16/07
0223	06/26/06	CALC/CALENDAR CALL (VJ 6/30/06)	0004	VC 07/18/06
0224	06/26/06	JURY/TRIAL BY JURY (VJ 6/30/06)	0004	VC 07/24/06
0225	06/27/06	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001	06/26/06
0226	06/29/06	MOT /DEFT'S MTN TO VACATE TRIAL DATE /104 (VJ 6/30/06)	0005	VC 07/10/06

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NÖ.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
0227	06/28/06	RAO /MEDIA REQUEST AND ORDER		GR 06/28/06
0228	06/30/06	CALC/CALENDAR CALL (#1)	0004	VC 04/10/07
0229	06/30/06	JURY/TRIAL BY JURY (#1)	0004	VC 04/16/07
0230	06/30/06	CALC/CALENDAR CALL (#1)	0001	VC 04/17/07
0231	06/30/06	JURY/TRIAL BY JURY (#1)	0001	VC 04/23/07
0232	06/30/06	CALC/CALENDAR CALL (#1)	0002	VC 04/17/07
0233	06/30/06	JURY/TRIAL BY JURY (#1)	0002	VC 04/17/07
0234	06/30/06	CALC/CALENDAR CALL (#1)	0003	VC 04/17/07
0235	06/30/06	JURY/TRIAL BY JURY (#1)	0003	VC 04/23/07
0236	06/30/06	CALC/CALENDAR CALL (#1) (VJ 7/10/06)	0005	VC 05/08/07
		TRANSFERRED TO NEW CASE NUMBER	0005	
0237	06/30/06	JURY/TRIAL BY JURY (#1) (VJ 7/10/06)	0005	VC 05/14/07
		TRANSFERRED TO NEW CASE NUMBER	0005	
0238	07/03/06	LIST/NOTICE OF WITNESSES	MP	
0239	07/03/06	LIST/NOTICE OF EXPERT WITNESSES	MP	
0240	07/06/06	MOT /ALL PENDING MOTIONS 6/30/06	AL	06/30/06
0241	07/05/06	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	MP	06/30/06
0242	07/27/06	MOT /DEFT'S MTN IN LIMINE TO PRECLUDE	0001	DN 09/08/06
		ADMISSION OF EVID OF ARREST/FLIGHT /116	0001	
0243	07/27/06	MOT /DEFT'S MTN TO DISMISS DEATH PENALTY DUE	0001	DN 08/31/06
		TO FED DUE PROCESS VIOLATIONS /117	0001	
0244	07/27/06	MOT /DEFT'S MTN FOR REDUCTION OF BAIL /	0001	DN 09/08/06
		RELEASE ON HOUSE ARREST /118	0001	
0245	07/27/06	MOT /DEFT'S MTN IN LIMINE TO PRECLUDE	0001	DN 09/08/06
		ADMISSION OF PHONE/119	0001	
0246	07/27/06	MOT /DEFT'S MTN FOR RELEASE OF JUVENILE	0001	GR 09/08/06
		RECORDS /120	0001	
0247	07/27/06	MOT /DEFT'S MTN FOR DISCLOSURE OF EXCULPATORY	0001	DN 08/31/06
		EVID /121	0001	
0248	07/27/06	MOT /DEFT'S MTN FOR JURY QUESTIONNAIRE /122	0001	DN 08/31/06
0249	07/27/06	MOT /DEFT'S MTN FOR ORDER PERMITTING DISC OF	0001	DN 08/31/06
		RECORDS PERTAINING TO FAMILY LIFE /123	0001	
0250	07/27/06	MOT /DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF	0001	DN 09/08/06
		DEFT'S PRIOR FELONY CONVICTIONS /124	0001	
0251	07/27/06	MOT /DEFT'S JOINDER TO OTHER DEFTS' MTNS/125	0001	GR 08/31/06
0252	07/27/06	REQT/KENNETH COUNTS RENEWED MOTION TO SEVER	0001	
		DEFENDANTS	0001	
0253	07/28/06	APPL/EX PARTE APPLICATION FOR REQUEST FOR	0001	
		FUNDS	0001	
0254	07/28/06	ORDR/ORDER FOR FUNDS	0001	07/28/06
0255	08/01/06	ORDR/ORDER	0001	08/01/06
0256	08/09/06	RSPN/STATES RESPONSE TO DEFENDANTS HIDALGO	MP	
		AND ESPINDOLAS MOTION TO CONDUCT FULL	MP	
		VOIR DIRE ON POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES		
0257	08/09/06	RSPN/STATES RESPONSE TO DEFENDANTS MOTION	MP	
		FOR JURY QUESTIONNAIRE TO BE COMPLETED	MP	
		BY JURY VENIRE ONE WEEK PRIOR TO TRIAL		
0258	08/09/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGO	MP	SH 08/31/06 Y
		AND EXPINDOLAS MOTION FOR COURT TO	MP	
		ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND		
		ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE		
0259	08/09/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGOS	MP	SH 08/31/06 Y
		AND ESPINDOLAS MOTION TO STRIKE DEATH	MP	

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
PENALTY BASED UPON UNCONSTITUTIONALITY						
0260	08/09/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO STRIKE NOTICE	MP MP	SH	08/31/06	Y
OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION						
0261	08/09/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO DETERMINE ADMISSIBILITY OF STATES	MP MP	SH	08/31/06	Y
HEARSAY EVIDENCE BEFORE TRIAL						
0262	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO PRECLUDE THE	MP MP	SH	08/31/06	Y
INTRODUCTION OF HEARSAY DURING SENTENCING						
0263	08/09/06	RSPN/STATES RESPONSE TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO DECLARE NRS	MP MP			Y
704.206 UNCONSTITUTIONAL						
0264	08/09/06	RSPN/STATES RESPONSE TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO CONDUCT VOIR	MP MP			Y
DIRE ON POSSIBLE BIAS AND PREJUDICE						
0265	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO DECLARE AS	MP MP			Y
UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY						
0266	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO PROHIBIT	MP MP			Y
ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE						
0267	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO PROHIBIT USE	MP MP			Y
OF IMPUTED AGGRAVATING CIRCUMSTANCES						
0268	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO STRIKE THE	MP MP			Y
DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE						
0269	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO SUPPRESS EVIDENCE	0001 0001			Y
OF THE DEFENDANTS PRIOR FELONY CONVICTIONS						
0270	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR DISCLOSURE OF EXCULPATORY	0001 0001			Y
EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXECUTION UPON VICTIMS FAMILY MEMBERS						
0271	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR AN ORDER PERMITTING	0001 0001			Y
DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM						
0272	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR REDUCTION IN BAIL OR IN THE	0001 0001			Y
ALTERNATIVE FOR RELEASE ON HOUSE ARREST						
0273	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO PRECLUDE ADMISSION	0001 0001			Y
OF PHONE CONVERSATIONS						
0274	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO PRECLUDE USE	MP MP	SH	08/31/06	Y
OF PEREMPTORY CHALLENGES						
0275	08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO STRIKE NOTICE	MP MP	SH	08/31/06	Y

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NÖ. FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION			
0276 08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS	0001	SH 08/31/06
	RENEWED MOTION TO SEVER	0001	
0277 08/10/06	OPPS/STATES OPPOSITION TO DEFENDANTS COUNTS	0001	SH 08/31/06 Y
	MOTION TO DISMISS THE DEATH PENALTY	0001	
DUE TO FEDERAL DUE PROCESS VIOLATIONS			
0278 08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS	0001	SH 08/31/06 Y
	MOTION IN L LIMINE TO PRECLUDE	0001	
ADMISSION OF EVIDENCE OF ARREST OR FLIGHT			
0279 08/10/06	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS	0001	SH 08/31/06
	MOTION FOR RELEASE OF JUVENILE RECORDS	0001	
0280 08/09/06	RSPN/STATES RESPONSE TO DEFENDANTS HIDALGO	MP	Y
	AND ESPINDOLAS MOTION TO PRECLUDE THE	MP	
COUNT FROM PARTICIPATION IN REHABILITATION OF POTENTIAL JURORS			
0281 08/10/06	OPPS/STATES OPPOSITION TO DEFENDANTS	MP	Y
	HIDALGOS AND ESPINDOLAS MOTION TO	MP	
PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATION CIRCUMSTANCES			
0282 08/10/06	OPPS/OPPOSITION TO DEFENDANT HIDALGOS AND	MP	Y
	ESPINDOLAS MOTION TO BIFURCATE PENALTY	MP	
PHASE			
0283 08/10/06	OPPS/STATES OPPOSITION TO DEFENDANTS	MP	Y
	HIDALGOS AND ESPINDOLAS MOTION TO	MP	
PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILT PHASE			
0284 08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION	0002	08/31/06 Y
	TO STRIKE THE DEATH PENALTY AS	0002	
UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE			
0285 08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION	0002	08/31/06 Y
	TO STRIKE NOTICE OF INTENT TO SEEK	0002	
DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION			
0286 08/24/06	RPLY/REPLY TO STATES RESPONSE TO MOTION TO	0002	08/31/06 Y
	PRECLUDE THE COURT FORM	0002	
PARTICIPATING IN THE REHABILITATION OF POTENTIAL JURORS			
0287 08/24/06	RPLY/REPLY TO STATES RESPONSE TO MOTION FOR	0002	08/31/06 Y
	JURY QUESTIONNAIRE TO BE COMPLETED	0002	
BY JURY VENIRE ONE WEEK PRIOR TO TRIAL			
0288 08/24/06	RPLY/REPLY TO STATES RESPONSE TO MOTION TO	0002	08/31/06 Y
	CONDUCT FULL VOIR DIRE ON	0002	
POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES			
0289 08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION	0002	08/31/06 Y
	TO STRIKE NOTICE OF INTENT TO	0002	
SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION			
0290 08/24/06	RPLY/REPLY TO STATES OPPOSITON TO MOTION TO	0002	08/31/06 Y
	BIFURCATE PENALTY PHASE	0002	
PROCEEDINGS			
0291 08/24/06	RPLY/REPLY TO STATES RESPONSE TO MOTION TO	0002	08/31/06
	DECLARE NRS 704.206 UNCONDITIONAL	0002	
0292 08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION	0002	08/31/06 Y
	TO PRECLUDE USE OF PEREMPTORY	0002	
CHALLENGES			
0293 08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION	0002	08/31/06 Y
	TO DETEREMINE ADMISSIBILIITY OF STATES	0002	
HEARSY EVIDENCE BEFORE TRIAL			

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0294	08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES	0002 0002		08/31/06	Y
0295	08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE	0002 0002		08/31/06	Y
0296	08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING	0002 0002		08/31/06	Y
0297	08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE	0002 0002		08/31/06	Y
0298	08/24/06	RPLY/REPLY STATES OPPOSITON TO MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY	0002 0002		08/31/06	Y
0299	08/27/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION FOR COURT OT ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE	0002 0002		08/31/06	Y
0300	08/24/06	RPLY/REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES	MP MP			Y
0301	08/28/06	RPLY/KENNETH COUNTS REPLY TO STATES OPPOSITION TO RENEWED MOTION TO SEVER	0001 0001			
0302	08/28/06	RPLY/KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO SUPPRESS EVIDENCE OF DEFENDANTS PRIOR FELONY CONVICTIONS	0001 0001			Y
0303	08/28/06	RPLY/KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS	0001 0001			Y
0304	08/28/06	RPLY/KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION FOR RELEASE OF JUVENILE RECORDS	0001 0001			Y
0305	08/28/06	RPLY/KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT	0001 0001			Y
0306	08/31/06	OCAL/STATUS CHECK: STATUS CHECK: TRIAL	AL		09/08/06	
0307	09/06/06	RPLY/KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE OF HOUSE ARREST	0001 0001			Y
0308	09/01/06	TRAN/REPORTER'S TRANSCRIPT OF DEFENDANTS MOTIONS	*D *D		08/31/06	
0309	09/08/06	MOT /ALL PENDING MOTIONS 8/31/06	AL		08/31/06	
0310	09/08/06	MOT /DEFT'S RENEWED MTN TO SEVER DEFENDANTS	0001	DN	09/08/06	
0311	09/11/06	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	*D		09/08/06	
0312	09/11/06	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	*D		09/08/06	
0313	09/26/06	OCAL/STATE'S REQUEST FOR STATUS CHECK	0004	MR	10/04/06	
0314	09/30/06	MOT /ALL PENDING MOTIONS 9/8/06	AL		09/08/06	
0315	10/03/06	ORDR/ORDER	MP		10/03/06	
0316	10/05/06	TRAN/REPORTER'S TRANSCRIPT STATES REQUEST FOR STATUS CHECK	0004 0004		10/04/06	
0317	11/01/06	OCAL/MINUTE ORDER RE: RECUSAL- DEPT 14	AL		11/01/06	

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0318	11/02/06	ASSG/RECUSAL OF JUDGE Mosley REASSIGNED TO JUDGE Adair				
0319	11/02/06	NDR /NOTICE OF DEPARTMENT REASSIGNMENT			11/02/06	Y
		000854004264004349006275005825FC				
		005825006275004349004264000854				
0320	11/08/06	ORDR/ORDER FOR VISITATION	0001		11/08/06	
0321	11/17/06	ORDR/EX PARTE APPLICATION AND ORDER FOR A CONTACT VISIT WITH A TAPE RECORDING	0001		11/17/06	Y
		0001				
		DEVICE				
0322	11/17/06	ORDR/EX PARTE APPLICATION AND ORDER FOR CONTACT VISITS	0001		11/17/06	
		0001				
0323	11/17/06	RAO /MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS	0002		04/10/07	
		0002				
0324	11/29/06	HEAR/TRIAL SETTING	AL	MH	12/07/06	
0325	12/07/06	CALC/CALENDAR CALL (VJ 05-21-07)	0001	VC	05/31/07	
0326	12/07/06	JURY/TRIAL BY JURY (VJ 05-21-07)	0001	VC	06/04/07	
0327	12/07/06	CALC/CALENDAR CALL (VJ 05-21-07)	0002	VC	05/31/07	
0328	12/07/06	JURY/TRIAL BY JURY (VJ 05-21-07)	0002	VC	06/04/07	
0329	12/07/06	CALC/CALENDAR CALL (VJ 05-21-07)	0003	VC	05/31/07	
0330	12/07/06	JURY/TRIAL BY JURY (VJ 05-21-07)	0003	VC	06/04/07	
0331	12/07/06	CALC/CALENDAR CALL (VJ 05-21-07)	0004	VC	05/17/07	
0332	12/07/06	JURY/TRIAL BY JURY (VJ 05-17-07)	0004	VC	05/21/07	
0333	12/07/06	CALC/CALENDAR CALL (VJ 05-21-07)	0005	VC	08/02/07	
0334	12/07/06	JURY/TRIAL BY JURY (VJ 05-21-07)	0005	VC	08/06/07	
0335	12/08/06	ORDR/KENNETH COUNTS EX PARTE APPLICATION AND ORDER FOR CONTACT VISITS	0001		12/08/06	
		0001				
0336	12/26/06	SUBT/SUBSTITUTION OF ATTORNEY	0002			
0337	01/19/07	MOT /DEFT'S MTN TO DISMISS /143	0005	OC	02/27/07	
0338	01/25/07	APPL/EX PARTE APPLICATION FOR EXCESS FEES FOR INVESTIGATOR	0001			
		0001				
0339	01/25/07	ORDR/ORDER FOR EXCESS FEES INVESTIGATOR	0001		01/25/07	
0340	01/30/07	OCAL/STATUS CHECK: DISCUSSION WITH WITNESS	0005	OC	02/27/07	
0341	02/05/07	OTTE/EX PARTE ORDER TO TRANSPORT	0001	SH	02/13/07	
0342	02/27/07	MOT /ALL PENDING MOTIONS 2/27/07	0005		02/27/07	
0343	04/09/07	MOT /DEFT'S MTN TO RECONSIDER /146	0001	DN	05/15/07	
0344	04/09/07	MOT /DEFT'S MTN TO RECONSIDER TO ALLOW DEFENSE TO ARGUE/147	0001	DN	05/15/07	
		0001				
0345	04/09/07	MOT /DEFT'S MTN TO RECONSIDER MTN IN LIMINE/148	0001	DN	05/15/07	
		0001				
0346	04/09/07	MOT /DEFT'S MTN TO RECONSIDER MTN TO DISMISS/149	0001	DN	05/15/07	
		0001				
0347	04/09/07	MOT /DEFT'S MTN TO RECONSIDER DISCLOSURE/150	0001	DN	05/15/07	
0348	04/09/07	MOT /DEFT'S MTN TO RECONSIDER MTN IN LIMINE TO PRECLUDE/151	0001	DN	05/15/07	
		0001				
0349	04/09/07	MOT /DEFT'S MTN TO RECONSIDER MTN FOR DISCOVERY/152	0001	DN	05/15/07	
		0001				
0350	04/09/07	MOT /DEFT'S MTN TO RECONSIDER MTN TO STRIKE/153	0001	DN	05/15/07	
		0001				
0351	04/09/07	MOT /DEFT'S MTN TO RECONSIDER MTN FOR INDIVIDUAL VOIR DIRE/154	0001	DN	05/15/07	
		0001				
0352	04/09/07	MOT /DEFT'S MTN TO RECONSIDER TO BAR IMPROPER/155	0001	GR	05/15/07	
		0001				

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0353	04/09/07	MOT	/DEFT'S MTN TO RECONSIDER MTN TO FEDERALIZE/156	0001	DN	05/15/07	
0354	04/09/07	MOT	/DEFT'S MTN TO RECONSIDER MTN IN LIMINE/157	0001	DN	05/15/07	
0355	04/09/07	MOT	/DEFT'S MTN TO RECONSIDER MTN IN LIMINE/158	0001	DN	05/15/07	
0356	04/10/07	MOT	/DEFT'S MTN TO RECONSIDER MTN IN LIMINE/159	0001	DN	05/15/07	
0357	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0358	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0359	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0360	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0361	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0362	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0363	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0364	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0365	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0366	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0367	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0368	04/10/07	ROC	/RECEIPT OF COPY	0001		04/10/07	
0369	04/11/07	REQT	/KENNETH COUNTS MOTION TO RECONSIDER MOTION TO SEVER DEFENDANTS	0001	SH	05/15/07	
0370	04/12/07	ORDR	/ORDER FOR CONTINUATION OF VISITATION	0001		04/12/07	
0371	04/12/07	APPL	/EX PARTE APPLICATION FOR EXTENSION OF VISITATION	0001			
0372	04/16/07	APPL	/EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION	0001			
0373	04/16/07	EXPR	/EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION	0001		04/16/07	
0374	04/18/07	APPL	/EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION	0001			
0375	04/18/07	EXPR	/EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION	0001		04/18/07	
0376	04/25/07	LIST	/SUPPLEMENTAL NOTICE OF EXPERT WITNESSES	MP			
0377	04/26/07	OPPS	/STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER TO DISMISS THE	0001			Y
			DEATH PENALTY DUE TO FEDERAL DUE PROCESS	0001			
0378	04/26/07	OPPS	/STATES OPPOSITION TO DEFENDANT COUNTS SECOND MOTION TO RECONSIDER HIS MOTION	0001			Y
			TO SEVER				
0379	04/26/07	OPPS	/STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION TO BIFURCATE	0001			Y
			PENALTY PHASE				
0380	04/26/07	OPPS	/STATES OPPOSITION TO DEFENDANTS COUNTS MOTION TO RECONSIDER MOTION FOR	0001			Y
			DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXXECUTION UPON VICTIMS FAMILY MEMBERS				
0381	04/26/07	OPPS	/STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION FOR INDIVIDUAL	0001			Y
			SEQUESTERED VOIR DIRE				
0382	04/26/07	OPPS	/STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE	0001			Y

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS						
0383	04/26/07	RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO RECONSIDER MOTION TO PRECLUDE THE	0001			Y
INTRODUCTION VICTIM IMPACT EVIDENCE						
0384	04/26/07	APPL/EX PARTE APPLICATION FOR REQUEST FOR FUNDS	0001			
0385	04/26/07	OPPS/OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION TO ARGUE LAST AT THE	0001			Y
PENALTY PHASE						
0386	04/26/07	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION FOR DISCOVERY AND	0001			Y
EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT						
0387	04/26/07	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE	0001			Y
TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT						
0388	04/26/07	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION TO STRIKE	0001			Y
NOTICE OF INTENT TO SEEK THE DEATH PENALTY						
0389	04/26/07	OPPS/OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION IN LIMINE TO BAR	0001			Y
IMPROPER PROSECUTORIAL ARGUMENT						
0390	04/26/07	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE	0001			Y
TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY AND HANDLING OF GUNS						
0391	04/26/07	OPPS/STATES OPPOSITION TO DEFENDANT COURTS MOTION TO RECONSIDER MOTION TO	0001			Y
FEDERALIZE ALL MOTIONS OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE						
0393	05/01/07	NOTC/NOTICE OF EVIDENCE IN AGGRAVATION	0004			
0394	05/01/07	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	MP			
0395	05/04/07	MOT /DEFT'S MTN TO CONTINUE /161	0003	DN	05/15/07	
0396	05/04/07	ROC /RECEIPT OF COPY	0003		05/04/07	
0397	05/08/07	ORDR/ORDER FOR FUNDS	0001		05/08/07	
0398	05/08/07	ORDR/EX PARTE APPLICATION AND ORDER FOR A CONTACT VISIT WITH A TAPE RECORDING	0001		05/08/07	Y
DEVICE						
0399	05/08/07	ORDR/ORDER FOR CONTACT VISIT	0001		05/08/07	
0400	05/11/07	HEAR/AT THE REQUEST OF THE COURT TO ADDRESS DEFT'S CUSTODY STATUS IN THIS CASE	0005		05/15/07	
0401	05/14/07	APPL/EX PARTE APPLICATION FOR REQUEST OF FUNDS	0001			
0402	05/14/07	APPL/EX PARTE APPLICATION FOR REQUEST FOR FUNDS	0001			
0403	05/15/07	MOT /ALL PENDING MOTIONS 05-15-07	0001		05/15/07	
0404	05/15/07	MOT /DEFT'S MTN TO CONTINUE TRIAL/164	0004		05/17/07	
0405	05/16/07	MOT /DEFT'S MTN TO DISMISS /165	0001	OC	05/29/07	
0406	05/16/07	ROC /RECEIPT OF COPY	0001		05/14/07	
0407	05/18/07	OCAL/STATUS CHECK: TRIAL SETTING	AL		05/21/07	
0408	05/17/07	LIST/NOTICE OF DEFENDANTS EXPERT WITNESSES	0001			
0409	05/17/07	NOTC/NOTICE OF EVIDENCE IN AGGRAVATION	0001			
0410	05/17/07	NOTC/NOTICE OF EVIDENCE IN AGGRAVATION	0002			

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0411	05/17/07	LIST/SUPPLEMENTAL NOTICE OF DEFENDANTS EXPERT WITNESSES	0001				
0412	05/17/07	ROC /RECEIPT OF COPY	0001			05/17/07	
0413	05/17/07	ROC /RECEIPT OF COPY	0001			05/17/07	
0414	05/17/07	NOTC/NOTICE OF EVIDENCE IN AGGRAVATION	0003				
0415	05/18/07	MOT /ALL PENDING MOTIONS (05-17-07)	0004			05/17/07	
0416	05/18/07	ORDR/ORDER FOR REQUEST FOR FUNDS	0001			05/18/07	
0417	05/18/07	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	AL				
0418	05/18/07	ORDR/ORDER FOR FUNDS	0001			05/18/07	
0419	05/18/07	LIST/SUPPLEMENTAL NOTICE OF EXPERT WITNESSES	AL				
0420	05/18/07	LIST/NOTICE OF WITNESSES	0002				
0421	05/15/07	MOT /ALL PENDING MOTIONS 05-15-07	AL			05/15/07	
0422	05/21/07	OCAL/STATUS CHECK: TRIAL SETTING	0001			05/24/07	
0423	05/21/07	CALC/CALENDAR CALL (VJ 8/28/07)	0002	VC		01/24/08	
0424	05/21/07	JURY/TRIAL BY JURY (VJ 8/28/07)	0002	VC		01/28/08	
0425	05/21/07	CALC/CALENDAR CALL (VJ 8/28/07)	0003	VC		01/24/08	
0426	05/21/07	JURY/TRIAL BY JURY (VJ 8/28/07)	0003	VC		01/28/08	
0427	05/21/07	CALC/CALENDAR CALL (VJ 8/28/07)	0004	VC		08/16/07	
0428	05/21/07	JURY/TRIAL BY JURY (VJ 8/28/07)	0004	VC		08/20/07	
0429	05/21/07	CALC/CALENDAR CALL (VJ 06-06-07)	0005	VC		03/06/08	
0430	05/21/07	JURY/TRIAL BY JURY (VJ 06-06-07)	0005	VC		03/10/08	
0431	05/21/07	LIST/NOTICE OF EXPERT WITNESSES	0002				
0432	05/24/07	JURY/TRIAL BY JURY VJ 5/31/07	0001	VC		06/04/07	
0433	05/24/07	OCAL/STATUS CHECK: JURY QUESTIONNAIRE	0001	MH		05/25/07	
0434	05/24/07	NOTC/NOTICE OF ALIBI WITNESS	0001				
0435	05/25/07	ORDR/ORDER FOR TRANSCRIPT	0001			05/25/07	
0436	05/25/07	ORDR/EX PARTE APPLICATION AND ORDER FOR A HAIRCUT BY A BARBER	0001			05/25/07	
0437	05/25/07	TRAN/REPORTER'S TRANSCRIPT CALENDAR CALL	0004			08/17/07	
0438	05/29/07	CALC/CALENDAR CALL	0001			05/31/07	
0439	05/29/07	ORDR/ORDER FOR FUNDS	0001			05/29/07	
0440	05/29/07	ROC /RECEIPT OF COPY	0001			05/29/07	
0441	05/29/07	ROC /RECEIPT OF COPY	0001			05/29/07	
0442	05/29/07	APPL/EX PARTE APPLICATION FOR REQUEST OF FUNDS	0001				
0443	05/29/07	LIST/NOTICE OF WITNESSES	0001				
0444	05/29/07	NOTC/DISCLOSURE OF DEFENDANTS EVIDENCE	0001				
0445	05/31/07	JURY/TRIAL BY JURY	0001			06/06/07	
0446	05/31/07	JURY/TRIAL BY JURY (VA 05-31-07)	AL	VC		06/05/07	
0447	06/01/07	ORDR/NUNC PRO TUNC ORDER OF APPOINTMENT	0004			06/01/07	
0448	06/01/07	EIE /ENTRY IN ERROR	0004				
0449	06/05/07	PLEA/CHANGE OF PLEA	0005	MH		06/06/07	
0450	06/05/07	TRB /TRIAL BEGINS	0001				
0451	06/06/07	LIST/NOTICE OF WITNESSES	MP				
0452	06/06/07	TRAN/REPORTER'S TRANSCRIPT RE HEARING TRIAL PROCEEDINGS DAY 1	0001			06/05/07	
0453	06/08/07	COA /NOTICE OF CHANGE OF ADDRESS TELEPHONE AND FACSIMILE NUMBERS	0005				
0454	06/08/07	ORDR/ORDER	0001			06/08/07	
0455	06/14/07	TRE /TRIAL ENDS	0001			06/06/07	
0456	06/18/07	HEAR/AT REQUEST OF COURT: IN-COURT DEPOSITION	0001	MH		06/26/07	
0457	06/18/07	HEAR/AT REQUEST OF COURT: IN-COURT DEPOSITION	0002	MH		06/26/07	

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0458	06/18/07	HEAR/AT REQUEST OF COURT: IN-COURT DEPOSITION	0003	MH	06/26/07		
0459	06/19/07	SENT/SENTENCING	0005	GR	03/25/08		
0460	06/19/07	OCAL/STATUS CHECK	0001	MH	06/26/07		
0461	06/06/07	INFO/AMENDED INFORMATION	0005		06/06/07		
0462	06/06/07	FUS /FILED UNDER SEAL GUILTY PLEA AGREEMENT	0005				
0463	06/06/07	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0005				
0464	06/26/07	MOT /ALL PENDING MOTIONS 6-26-07	AL		06/26/07		
0465	06/26/07	CALC/CALENDAR CALL (VJ 8/28/07)	0001	VC	01/24/08		
0466	06/26/07	JURY/TRIAL BY JURY (VJ 8/28/07)	0001	VC	01/28/08		
0467	06/25/07	TRAN/REPORTER'S TRANSCRIPT TRIAL BY JURY	0001		06/06/07		
0468	06/25/07	TRAN/REPORTER'S TRANSCRIPT STATUS CHECK JURY QUESTIONNAIRE	0001		05/25/07		
0469	06/25/07	TRAN/REPORTER'S TRANSCRIPT TRIAL SETTING ALL	AL		05/21/07		
0470	06/25/07	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS MOTION FOR DISMISSAL ALL	AL		05/29/07		
0471	06/25/07	TRAN/REPORTER'S TRANSCRIPT MOTIONS	MP		05/15/07		
0472	06/25/07	TRAN/REPORTER'S TRANSCRIPT OF HEARING RE STATU CHECK TRIAL SETTING	0001		05/24/07		
0473	07/05/07	MOT /STATES MTN TO CONDUCT VIDEOTAPED TEST/192	0001	GR	07/26/07		
0474	07/12/07	OPPS/LUIS HIDALGO IIIS OPPOSITION TO THE STATES MOTION TO CONDUCT VIDEO TAPED TESTIMONY OF A WITNESS	0002				Y
0475	07/13/07	NOTC/NOTICE OF JOINDER IN DEFENDANTS LUIS HIDALGO IIIS OPPOSITION TO THE STATES MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A WITNESS	0001				Y
0476	07/16/07	ROC /RECEIPT OF COPY	0001		07/16/07		
0477	07/17/07	ROC /RECEIPT OF COPY	MP		07/12/07		
0478	07/19/07	EXPT/EX PARTE APPLICAITON FOR INTERIM COMPENSATION	0001				
0479	07/26/07	OCAL/STATUS CHECK: OPEN/SEALED DEPOSITIONS	NP		08/13/07		
0480	07/26/07	HEAR/DEPOSITIONS HEARING	AL	OC	08/27/07		
0481	07/30/07	NOEV/NOTICE OF EXHIBITS IN THE VAULT			01/30/07		
0482	08/13/07	NOTC/SUPPLEMENTAL NOTICE OF WITNESSES	0001				
0483	08/14/07	NOTC/NOTICE OF CHANGE IN STATUS OF COUNSEL FOR PETITIONER	0003				
0484	08/15/07	LIST/NOTICE OF WITNESSES AND OR EXPERT WITNESSES	0004				
0485	08/16/07	SUPP/SUPPLEMENTAL NOTICE OF WITNESSES	0004				
0486	08/16/07	REQT/MOTION TO STRIKE DEATH PENALTY AGGRAVATORS OR IN THE ALTERNATIVE MOTION FOR CONTINUANCE AND/OR MOTION FOR STAY	0004				Y
0487	08/21/07	TRAN/REPORTER'S TRANSCRIPT STATES MOTION TO CONDUCT VIDEOTAPED TEST	0001		07/24/07		
0488	08/20/07	TRAN/REPORTER'S TRANSCRIPT CALENDAR CALL	0004		08/16/07		
0489	08/21/07	TRAN/REPORTER'S TRANSCRIPT STATES MOTION TO CONDUCT VIDEOTAPED TEST	0001		07/26/07		
0490	08/23/07	OCAL/STATUS CHECK: TRIAL STATUS	0001	MH	08/28/07		
0491	08/23/07	OCAL/STATUS CHECK: TRIAL STATUS	0002	MH	08/28/07		
0492	08/23/07	OCAL/STATUS CHECK: TRIAL STATUS	0003	MH	08/28/07		
0493	08/23/07	OCAL/STATUS CHECK: TRIAL STATUS	0004	MH	08/28/07		
0494	08/27/07	TRAN/REPORTER'S TRANSCRIPT CALENDAR CALL	0004		08/20/07		

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0495	08/28/07	MOT	/ALL PENDING MOTIONS (8/28/07)	AL		08/28/07	
0496	08/28/07	CALC	/CALENDAR CALL	0001		01/15/08	
0497	08/28/07	JURY	/TRIAL BY JURY VH 1/15/08	0001	VC	01/22/08	
0498	08/28/07	CALC	/CALENDAR CALL	0002		01/15/08	
0499	08/28/07	JURY	/TRIAL BY JURY VH 1/15/08	0002	VC	01/22/08	
0500	08/28/07	CALC	/CALENDAR CALL	0003		01/15/08	
0501	08/28/07	JURY	/TRIAL BY JURY VH 1/15/08	0003	VC	01/22/08	
0502	08/28/07	CALC	/CALENDAR CALL	0004		11/29/07	
0503	08/28/07	JURY	/TRIAL BY JURY VH 11/29/07	0004	VC	12/03/07	
0504	08/16/07	MOT	/DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208	0004	DN	10/11/07	
0505	08/29/07	MOT	/DEFT'S MTN FOR DISCOVERY /209	0001	GR	09/11/07	
0506	08/30/07	TRAN	/REPORTER'S TRANSCRIPT STATUS CHECK TRIAL SETTING	MP MP		08/28/07	
0507	09/05/07	ORDR	/ORDER APPOINTING PSYCHIATRIST FOR DEATH PENALTY MITIGATION	0004 0004		09/05/07	
0508	09/11/07	APPL	/EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION	0001 0001			
0509	09/11/07	EXPR	/EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION	0001 0001		09/11/07	
0510	09/11/07	ORDR	/ORDER FOR EXCESS FEES	0001		09/11/07	
0511	09/20/07	ORDR	/ORDER FOR EXCESS FEES	0001		09/20/07	
0512	09/20/07	ORDR	/ORDER FOR REQUEST FOR INTERIM COMPENSATION	0001 0001		09/20/07	
0513	09/27/07	TRAN	/REPORTER'S TRANSCRIPT DEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY	0004 0004		09/20/07	Y
AGGRAVATORS							
0514	10/02/07	SUBT	/SUBSTITUTION OF ATTORNEY	0003			
0515	10/04/07	OPPS	/STATES OPPOSITION TO DEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY	0004 0004			Y
AGGRAVATORS							
0516	10/09/07	APPL	/EX PARTE APPLICATION FOR EXTENSION OF VISITATION	0001 0001			
0517	10/09/07	ORDR	/ORDER FOR CONTINUATION OF VISITATION	0001		10/09/07	
0518	10/24/07	MOT	/DEFT'S PRO PER MTN ON PTN TO MARRY/210	0005	GR	11/06/07	
0519	11/09/07	LIST	/NOTICE OF EXPERT WITNESS	0004			
0520	11/14/07	NOTC	/AMENDED NOTICE OF EVIDENCE IN AGGRAVATION	0004 0004			
0521	11/20/07	SUBT	/SUBSTITUTION OF ATTORNEY	0002			
0522	11/21/07	CRTF	/CERTIFICATE OF SERVICE	0002		11/21/07	
0523	11/21/07	NCA	/PROPOSED JURY QUESTIONNAIRE	0004			
0524	11/21/07	ROC	/RECEIPT OF COPY	0004		11/21/07	
0525	11/26/07	RAO	/MEDIA REQUEST AND ORDER	0004			
0526	11/27/07	ORDR	/ORDER DENYING DEFENDANTS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS	0004 0004	HG	10/11/07	
0527	11/27/07	ORDR	/ORDER FOR DAILY TRANSCRIPTS	0004		11/27/07	
0528	11/29/07	JURY	/TRIAL BY JURY VJ 12/3/07	0004	VC	12/06/07	
0529	12/07/07	RAO	/MEDIA REQUEST AND ORDER	AL			
0530	01/02/08	REQT	/MOTION REQUESTING ADDITIONAL FUNDS FOR INVESTIGATION	0005 0005			
0531	01/05/08	HEAR	/STATE'S REQUEST STATUS CHECK - AGREED	0001	MH	01/15/08	
0532	01/07/08	MOT	/DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213	0002 0002		02/14/08	

(Continued to page 19)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0533	01/08/08	MOT	/DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214	0002		02/14/08	
0534	01/08/08	MOT	/DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215	0003		02/05/08	
0535	01/08/08	MOT	/DFT'S MTN TO JOIN HIDALGO'S MTN FOR SEVERANCE/216	0003	GR	01/15/08	
0536	01/08/08	MOT	/DEFT'S MTN TO SET BAIL /217	0002	MH	01/15/08	
0537	01/08/08	MOT	/DEFT'S MTN FOR SEVERANCE FROM CAPITL/218	0002	GR	01/15/08	
0538	01/08/08	MOT	/DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES	0001	DN	01/23/08	
0539	01/09/08	NOTC	/AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATION CIRCUMSTANCES	0004			
0540	01/09/08	NOTC	/AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0002			
0541	01/10/08	NOTC	/SECOND AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001			
0542	01/09/08	NOTC	/AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001			
0543	01/10/08	REQT	/NOTICE OF MOTION AND MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE	MP			Y
0544	01/09/08	NOTC	/AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0003			
0545	01/11/08	MOT	/DEFT'S MTN TO JOIN IN MTN TO SET BAIL/220	0003	VC	01/29/08	
0546	01/15/08	MOT	/ALL PENDING MOTIONS 1/15/08	AL		01/15/08	
0547	01/15/08	JURY	/TRIAL BY JURY VY 1/23/08	0001	VC	01/28/08	
0548	01/15/08	JURY	/TRIAL BY JURY	0002	VC	02/11/08	
0549	01/15/08	JURY	/TRIAL BY JURY VJ 2/4/08	0003	VC	02/11/08	
0550	01/14/08	ROC	/RECEIPT OF COPY	0003		01/14/08	
0551	01/14/08	LIST	/DEFENDANT LUIS A HIDALGO III'S NOTICE OF WITNESSES	0002			
0552	01/18/08	OPPS	/OPPOSITION TO DEFTS SECOND MOTION TO RECONSIDER MOTION TO STRIEK	0001			Y
0553	01/17/08	REQT	/EX PARTE MOTION REQUESTING ADDITIONAL FUNDS FOR INVESTIGATION AND ORDER	0005			
0554	01/23/08	JURY	/TRIAL BY JURY	0001	JV	02/08/08	
0555	01/22/08	LIST	/DEFENDANT LUIS A HIDALGO III S NOTICE OF EXPERT WITNESSES	0002			
0556	01/22/08	TRAN	/REPORTER'S TRANSCRIPT CALENDAR CALL	0004		11/29/07	
0557	01/24/08	OCAL	/MINUTE ORDER RE: RE: BAIL FOR DEFTS. HILDALGO AND	AL		01/24/08	
0558	01/22/08	TRAN	/REPORTER'S TRANSCRIPT DEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY	0004		10/09/07	Y
0559	01/23/08	ORDR	/ORDER DENYING MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES	0001		01/23/08	
0560	01/24/08	LIST	/DEFENDANT LUIS A HIDALGO IIIS SUPPLEMENTAL NOTICE OF EXPERT WITNESSES	0002			
0561	01/23/08	ORDR	/ORDER FOR DAILY TRANSCRIPTS	0001		01/23/08	
0562	01/25/08	MOT	/DEFT'S MTN IN LIMINE TO ALLOW STATEMENT/227	0001	MT	02/05/08	

(Continued to page 20)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0563	01/24/08	OPPS/STATES	OPPOSITION TO DEFENDANTS MOTION	0002			
			TO SUPPRESS HIS CUSTODIAL STATEMENTS	0002			
0564	01/25/08	LIST/SUPPLEMENTAL	NOTICE OF WITNESSES	0001			
0565	01/25/08	TRAN/REPORTER'S	TRANSCRIPT MOTIONS	AL		01/15/08	
0566	01/25/08	ORDR/EX PARTE	APPLICATION AND ORDER FOR A	0001		01/25/08	
			HAIRCUT BY A BARBER	0001			
0567	01/29/08	TRB /TRIAL	BEGINS			01/29/08	
0568	01/30/08	MOT /ALL	PENDING MOTIONS 1/29/08	AL		01/29/08	
0569	01/29/08	INFO/SECOND	AMENDED INFORMATION	0001		01/29/08	
0570	02/01/08	MOT /DEFT'S	MTN TO SET BAIL /229	0002	DN	02/07/08	
0571	02/04/08	OCAL/STATUS	CHECK:SENTENCING	0003	OC	04/15/08	
0572	01/30/08	TRAN/REPORTER'S	TRANSCRIPT JURY TRIAL JURY	0001		01/29/08	
			VOIR DIRE DAY ONE	0001			
0573	01/30/08	OTTE/EX PARTE	ORDER TO TRANSPORT	0001	SH	02/01/08	
0574	01/30/08	OTTE/EX PARTE	ORDER TO TRANSPORT	0001	SH	02/01/08	
0575	02/04/08	PLEA/CHANGE	OF PLEA	0003		02/04/08	
0576	01/30/08	OTTE/EX PARTE	ORDER TO TRANSPORT	0001	SH	02/01/08	
0577	01/31/08	PROF/OFFER	OF PROOF	0001			
0578	01/31/08	ROC /RECEIPT	OF COPY	0001		01/31/08	
0579	01/31/08	ROC /RECEIPT	OF COPY	0001		01/31/08	
0580	01/31/08	LIST/NOTICE	OF WITNESS FOR PENALTY PHASE	0001			
0581	01/31/08	TRAN/REPORTER'S	TRANSCRIPT JURY TRIAL JURY	0001		01/30/08	
			VOIR DIRE DAY TWO	0001			
0582	01/31/08	LIST/NOTICE	OF DEFTS EXPERT WITNESS FOR	0001			
			PENALTY PHASE	0001			
0583	02/05/08	MOT /ALL	PENDING MOTIONS 2/5/08	AL		02/05/08	
0584	02/04/08	LIST/SUPPLEMTNTAL	NOTICE OF WITNESSES	0002			
0585	02/04/08	TRAN/REPORTER'S	TRANSCRIPT EXCERPT OF	0001		02/01/08	
			PROCEEDINGS TESTIMONY OF RONTEA ZONE	0001			
0586	02/01/08	TRAN/REPORTER'S	TRANSCRIPT JURY TRIAL DAY	0001		01/31/08	
			THREE	0001			
0587	02/04/08	TRAN/REPORTER'S	TRANSCRIPT DEPOSITION OF OMAR	0001		06/26/07	
			MANOR	0001			
0588	02/04/08	TRAN/REPORTER'S	TRANSCRIPT JURY TRIAL DAY	0001		02/01/08	
			FOUR	0001			
0589	02/05/08	LIST/SUPPLEMENTAL	NOTICE OF WITNESSES	0002			
0590	02/05/08	TRAN/REPORTER'S	TRANSCRIPT JURY TRIAL DAY	0001		02/04/08	
			FIVE	0001			
0591	02/05/08	TRAN/REPORTER'S	TRANSCRIPT JURY TRIAL DAY	0001		02/04/08	
			FIVE JAYSON TAOIPUS TESTIMONY	0001			
0592	02/05/08	OTTE/ORDER	TO TRANSPORT	0001		02/05/08	
0593	02/05/08	REQT/MOTION	TO PRECLUDE TESTIMONY FROM	0001			
			DETECTIVES RE THEIR INTERPRETATION OF	0001			
			THIRD PHONE CONVERSATIONS				
0594	02/05/08	TRAN/REPORTER'S	TRANSCRIPT JURY TRIAL DAY	0001		01/31/08	
			THREE	0001			
0595	02/08/08	MOT /DEFT'S	MTN FOR DISCLOSURE/233	0002		02/14/08	
0596	02/08/08	MOT /DEFT'S	MTN FOR DISCLOSURE OF THE	0002		02/14/08	
			EXISTENCE/234	0002			
0597	02/08/08	MOT /DEFT'S	MTN TO COMPEL PRODUCTION OF	0002		02/14/08	
			HANDWRITTEN NOTES/235	0002			
0598	02/08/08	SENT/SENTENCING		0001	GR	03/20/08	

(Continued to page 21)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0599	02/07/08	LIST/DEFENDANT LUIS A HIDALGO III S		0002			
		SUPPLEMENTAL NOTICE OF WITNESSES		0002			
0600	01/31/08	JLST/DISTRICT COURT JURY LIST		0001			
0601	02/08/08	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL DAY EIGHT		0001		02/07/08	
				0001			
0602	02/07/08	LIST/DEFENDANT LUIS A HIDALGO III S		0001			
		SUPPLEMENTAL NOTICE OF EXPERT WITNESSES		0001			
0603	02/07/08	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL DAY SEVEN		0001		02/06/08	
				0001			
0604	02/07/08	TRAN/REPORTER'S TRANSCRIPT ESPINDOLA PLEA		0003		02/04/08	
0605	02/08/08	OTTE/ORDER TO TRANSPORT		0002	SH	02/08/08	
				0002	SH	02/10/08	
0606	02/11/08	JURY/TRIAL BY JURY VH 2/14/08		0002	VC	02/19/08	
0607	02/11/08	HEAR/HEARING: POTENTIAL CONFLICT		0002	MH	02/14/08	
0608	02/11/08	TRE /TRIAL ENDS				02/08/08	
0609	02/08/08	JMNT/VERDICT (COUNT 1)		0001		02/12/08	
0610	02/08/08	JMNT/VERDICT (COUNT 2)		S		02/12/08	
0611	02/08/08	INST/INSTRUCTIONS TO THE JURY		AL		02/08/08	
0612	02/11/08	LIST/DEFT LUIS A HIDALGO III'S SECOND SUPPLEMENTAL NTC OF WITNESSES		MP		02/11/08	
				MP			
0613	02/04/08	INFO/THIRD AMENDED INFORMATION		0003		02/04/08	
0614	02/04/08	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT		0003			
0615	02/11/08	NOTC/NOTICE OF HABITUAL CRIMINALITY		0001			
0616	02/12/08	MEMO/MEMORANDUM OF LAW REGARDING JOINT REPRESENTATION OF CO DEFENDANTS		0002			
				0002			
0617	02/13/08	MOT /ALL PENDING MOTIONS 2/7/08		AL		02/07/08	
0618	02/12/08	LIST/DEFENDANT LUIS A HIDALGO III S THIRD SUPPLEMENTAL NOTICE OF WITNESSES		0002			
				0002			
0619	02/14/08	JURY/TRIAL BY JURY		0002		02/21/08	
0620	02/14/08	MOT /ALL PENDING MOTIONS 2/11/08		0002		02/11/08	
0621	02/13/08	RSPN/RESPONSE TO STATE OF NEVADAS MEMORANDUM OF LAW REGARDING JOINT REPRESENTATION OF CO DEFENDANTS		0002			Y
				0002			
0622	02/15/08	MOT /DEFT'S MTN FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING/242		0001	DN	03/11/08	
				0001			
0623	02/15/08	TRAN/REPORTER'S TRANSCRIPT VERDICT		0001		02/08/08	
0624	02/20/08	MOT /DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243		0002		05/22/08	
				0002			
0626	02/21/08	JURY/TRIAL BY JURY VJ 2/21/08		0002	VC	02/22/08	
0627	02/22/08	CALC/CALENDAR CALL		0002		05/22/08	
0628	02/22/08	JURY/TRIAL BY JURY		0002		05/27/08	
0629	02/20/08	ROC /RECEIPT OF COPY		0001		02/15/08	
0630	02/06/08	TRAN/REPORTER'S TRANSCRIPT HEARING RE JURY TRIAL DAY SIX		0001		02/05/08	
				0001			
0631	02/22/08	OPPS/STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR NEW TRIAL		0001			
				0001			
0632	02/26/08	MOT /ALL PENDING MOTIONS 2/26/08		0001		02/26/08	
0633	03/06/08	NISD/NOTICE OF INTENT TO SEEK DEATH PENALTY		0002		03/06/08	
0634	03/10/08	MOT /ALL PENDING MOTIONS 2/14/08		0002		02/14/08	
0635	03/14/08	ORDR/ORDER DENYING DEFENDANTS MOTION FOR NEW TRIAL		0001	HG	03/11/08	
				0001			
0636	03/20/08	TRAN/REPORTER'S TRANSCRIPT CHANGE OF PLEA		0005		06/06/07	

(Continued to page 22)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0637	03/25/08		NOEV/NOTICE OF EXHIBITS IN THE VAULT				01/29/08
0638	03/25/08		NOEV/NOTICE OF EXHIBITS IN THE VAULT				03/20/08
0639	03/28/08		SRCC/SENTENCE TO RUN CONSECUTIVE TO CALIFORNIA TIME	0001			
				0001			
0640	03/28/08		ORDR/ORDER	0001			
0641	03/28/08		ORDR/ORDER	0001			
0642	03/31/08		JMNT/JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	0001			04/01/08
0643	03/31/08		JMNT/JUDGMENT OF CONVICTION/GENETIC TESTING	0001			04/01/08
0644	03/31/08		JMNT/JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	0005			04/01/08
0645	03/31/08		JMNT/JUDGMENT OF CONVICTION/GENETIC TESTING	0005			04/01/08
0646	04/07/08		EXPR/EX PARTE ORDER FOR EXCESS FEES AND FINAL COMPENSATION	0001			04/07/08
				0001			
0647	04/07/08		APPL/EX PARTE APPLICATION FOR EXCESS FEES	0001			
0648	04/09/08		MOT /STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250	0002	OC		04/17/08
				0002			
0650	04/15/08		MOT /ALL PENDING MOTIONS 4/15/08	AL			04/15/08
0651	02/04/08		AGRE/AGREEMENT TO TESTIFY	0003			
0652	04/16/08		OPPS/OPPOSITION TO STATES MTN TO CONDUCT VIDEOTAPED TESTIMONY OF COOPERATING WITNESS	0002			04/10/08 Y
				0002			
0653	04/23/08		ORDR/EX PARTE APPLICATION AND ORDER FOR REQUEST FOR FUNDS	0001			04/23/08
				0001			
0654	04/23/08		ORDR/ORDER FOR FUNDS	0001			04/23/08

JOC

ORIGINAL

FILED

MAR 31 9 18 AM '08

DISTRICT COURT

CRaf
CLERK OF THE COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

KENNETH COUNTS
aka KENNETH JAY COUNTS II
#1525643

Defendant.

CASE NO. C212667

DEPT. NO. XXI

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crime of COUNT 1 - CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of NRS 199.480, 200.020, 200.030, and COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030; and the matter having been tried before a jury and the Defendant having been found guilty of the crime of COUNT 1 - CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of NRS 199.480, 200.010, 200.030 and NOT GUILTY to COUNT 2; thereafter, on the 20TH day of March, 2007, the Defendant was present in court for sentencing with his counsel BRETE WHIPPLE, ESQ., and good cause appearing,

MAR 31 2008

CLERK OF THE COURT

03-24-08 A09:57 IN

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime under the
2 SMALL HABITUAL Criminal Statute as set forth in the jury's verdict and, in addition to
3 the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee including
4 testing to determine genetic markers, the Defendant is SENTENCED as follows: TO A
5 MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole
6 eligibility of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections
7 (NDC), with ONE THOUSAND TWENTY-NINE (1,029) DAYS credit for time served.
8 SENTENCE to run CONSECUTIVE to Defendant's California time.
9
10
11

12 DATED this 24th day of March, 2007.

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14 
15 VALERIE ADAIR
16 DISTRICT JUDGE 
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CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA vs Counts, Kenneth

06/27/05 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
0003 D	Espindola, Anabel	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y
005594	Bunin, Joseph D.	Y

AS TO DEFT COUNTS: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days.

AS TO DEFT HIDALGO: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days.

AS TO DEFT ESPINDOLAS: Mr. Draskovich appeared for Mr. Oram. DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days.

AS TO DEFT CARROLL: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days.

Counsel requested 21 days from the filing of the Preliminary Hearing Transcript to file a writ. COURT ORDERED, Defendant's rights are reserved.

CUSTODY (ALL)

8/23/05 9:00 AM CALENDAR CALL (ALL)

8/29/05 1:30 PM JURY TRIAL (ALL)

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 001

07/11/05 09:00 AM 00 STATE'S REQUEST FOR APPOINTMENT OF
COUNSEL / STATUS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
0001 D1	Counts, Kenneth	Y
0002 D	Hidalgo, Luis A	Y
0003 D	Espindola, Anabel	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y
005594	Bunin, Joseph D.	Y

Mr. Figler appeared for Ms. Wildeveld and advised the State has filed a Notice of Intent to Seek Death Penalty on all Defendants; he requested Mr. Bunin be appointed as his co-counsel. Court noted Mr. Draskovich was in chambers prior to calendar and would like Mr. Langford appointed as co-counsel. Mr. Whipple would like Ms. Wildeveld appointed. Mr. DiGiacomo advised Mr. Draskovich and Mr. Oram were retained and Rule 250 does not apply to retained counsel. COURT ORDERED, State's Request is GRANTED as to Defts Counts & Carroll. Mr. Figler requested a status check now that the State has filed a death notice to make sure everyone is on track. There being no objection, COURT SO ORDERED and matter CONTINUED as to Hidalgo and Espindolas.

CUSTODY (ALL)

7/14/05 9:00 AM STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS)...STATUS CHECK: TRIAL (ALL)

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 002

07/14/05 09:00 AM 00 ALL PENDING MOTIONS 7/14/05

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001438	Kane, Edward R.	Y
0001 D1	Counts, Kenneth	Y
0002 D	Hidalgo, Luis A	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
0004 D	Carroll, Deangelo R	Y
005594	Bunin, Joseph D.	Y

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS)...STATUS CHECK; TRIAL SETTING (ALL)

Mr. Kane advised they will need to continue the matter as to counsel.
Further, as all counsel are not present, COURT ORDERED, matter CONTINUED and directed that counsel be noticed to be present next date.

CUSTODY (ALL)

...CONTINUED 8/4/05 9:00 AM

CLERK'S NOTE: Judicial Executive Assistant notified all counsel to be present next date. ls

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 003

08/04/05 09:00 AM 00 ALL PENDING MOTIONS 8/4/05

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Melissa Swinn, Relief Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006204	Digiacomio, Sandra	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y
005239	Bunin, Daniel M.	Y

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLA) ...
STATE'S MOTION TO COMPEL HANDWRITING EXAMPLES (HIDALGO, ESPINDOLA & CARROLL)
... DEFT COUNT'S MOTION FOR REDUCTION IN BAIL OR, IN THE ALTERNATIVE, FOR
RELEASE ON HOUSE ARREST ... STATUS CHECK (ALL)

As to Bail, O.R. or H.A. and Appointment of Counsel: Court stated that
parties met in chambers, prior to court to discuss these issues. All
parties agree that the matters need to be continued and COURT SO ORDERED.

As to Motion to Compel Handwriting Examples: Mr. Figler stated he has no
objection as long as it is not out of the scope. COURT ORDERED, motion
GRANTED.

As to Trial Setting: Court noted all parties have waived the 60 day rule.
COURT ORDERED, trial date VACATED and this matter CONTINUED.

Ms. Wildeveld stated she has not received the transcript and intends to
file a writ. Further, Defendant Counts has a medical problem with his
shoulder and needs to see a doctor. Court Services Officer stated he will
make sure the Defendant is seen by a doctor. Colloquy regarding pending
writs, supplements and replies. Counsel agreed upon two weeks for
supplements and 30 days for the State to respond.

CUSTODY (ALL)

8/11/05 9 AM DEFT COUNT'S MOTION FOR REDUCTION IN BAIL OR, IN THE
ALTERNATIVE, FOR RELEASE ON HOUSE ARREST

CONTINUED ON PAGE: 005

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 004

9/27/05 9 AM STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLA). . . DEFTS' WRIT OF HABEAS CORPUS (HIDALGO & ESPINDOLA). . . ARGUMENT ON WRITS (ALL). . . STATUS CHECK: TRIAL (ALL)

08/11/05 09:00 AM 01 DEFT'S MTN FOR REDUCTION IN BAIL OR FOR
RELEASE ON HOUSE ARREST/12

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006955 Di Giacomo, Marc P.	Y
	007135 Pesci, Giancarlo	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y

Mr. Whipple asked for a bail amount to be set, that Defendant has been in this community for over 10 years, has 4 children, has employment and coaches football. Further, Mr. Whipple advised they would be filing a writ. Court so noted. Mr. DiGiacomo provided Defendant's scope to Court and argued the co-defendants all testified this Defendant was the shooter and would object to the motion. Following additional colloquy, COURT ORDERED, Motion DENIED.

CUSTODY

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 005

09/27/05 09:00 AM 00 ALL PENDING MOTIONS 9/27/05

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Melissa Swinn, Relief Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
008190	Miller, Ross J.	Y
0001 D1	Counts, Kenneth	N
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	N
006275	Draskovich Jr, Robert M.	Y
0003 D	Espindola, Anabel	N
004349	Oram, Christopher R.	Y

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS) .
. . DEFTS HIDALGO AND ESPINDOLAS' PETITION FOR WRIT OF HABEAS CORPUS . . .
DEFT COUNTS' PETITION FOR WRIT OF HABEAS CORPUS . . . ARGUMENTS ON WRITS . .
. STATUS CHECK: TRIAL (ALL)

Court indicated it met with interested parties prior to court and ORDERED,
all matters as stated above as well as the matter on October 5, 2005 are
CONTINUED to October 6, 2005.

CUSTODY (ALL)

CONTINUED TO: 10/6/05 9 AM

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 006

10/06/05 09:00 AM 00 ALL PENDING MOTIONS 10/6/05

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y
005594	Bunin, Joseph D.	Y

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS)...DEFTS HIDALGO'S AND ESPINDOLAS' PETITION FOR WRIT OF HABEAS CORPUS...DEFT COUNTS' PETITION FOR WRIT OF HABEAS CORPUS...DEFT HIDALGO'S MOTION TO PLACE ON CALENDAR FOR THE PURPOSE OF BEING APPOINTED AS CO-COUNSEL BY THE COURT...STATUS CHECK: TRIAL (ALL)

AS TO THE WRIT: Court noted the issue stems from the tape introduced at the Preliminary Hearing. Mr. Draskovich concurred and stated it is unclear who is actually speaking. Mr. DiGiacomo stated that was untrue, that the Detective that is familiar with their voices identified them. Arguments by Mr. Draskovich, Mr. Oram and Ms. Wildeveld regarding the tape, how it was obtained and the statements made and asking for the tape to be disallowed. Court noted there was a quantum of evidence produced at the Preliminary Hearing and he needs to evaluate if the Justice of the Peace had enough sufficient evidence to bind this over and this Court feels he did. Therefore, COURT ORDERED, Writ DENIED.

As to Deft Hidalgo: Mr. Stein advised he is a friend of the family and they have asked that he join Mr. Draskovich in representation and provided the paperwork to the Court. COURT ORDERED, matter UNDER ADVISEMENT.

As to Deft Espindolas: Mr. Oram advised he was retained and at this time because of her assets, co-counsel cannot be appointed.

COURT ORDERED, matter set for trial in ordinary course.

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 007

CUSTODY (ALL)

7/18/06 9:00 AM CALENDAR CALL (ALL)

7/24/06 1:30 PM JURY TRIAL (ALL)

11/28/05 09:00 AM 00 ALL PENDING MOTIONS 11/28/05

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/RecorderPARTIES: STATE OF NEVADA
003202 Stanton, David L.
0001 D1 Counts, Kenneth
006168 Whipple, Bret O.Y
Y
Y
YSTATE'S MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING
CIRCUMSTANCE...DEFT'S MOTION TO SEVER DEFENDANTS

Mr. Whipple advised he did not receive the State's Opposition and requested
matter be continued. Further, Mr. Whipple FILED IN OPEN COURT Kenneth
Counts' Opposition to Motion to File Amended Notice Alleging an Additional
Aggravating Circumstance and Motion to Strike Aggravating Circumstances.
COURT ORDERED, both Motions CONTINUED.

...CONTINUED 12/12/05 9:00 AM

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA vs Counts, Kenneth

CONTINUED FROM PAGE: 008

12/12/05 09:00 AM 00 ALL PENDING MOTIONS 12/12/05

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/RecorderPARTIES: STATE OF NEVADA
006955 Di Giacomo, Marc P.0001 D1 Counts, Kenneth
005825 Wildeveld, Kristina M.
006168 Whipple, Bret O.Y
Y
Y
Y
Y

STATE'S MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE...DEFT'S MOTION TO SEVER DEFENDANTS

AS TO AMENDED NOTICE: Mr. DiGiacomo stated Defendant was on parole at the time of this murder and that there is actually an active warrant out of California as he absconded. Ms. Wildeveld argued Defendant transferred his probation to Nevada, did what he was supposed to do and was unaware of the warrant. Mr. DiGiacomo advised the Investigator learned of the active warrant during his investigation and that Defendant was on parole/probation at the time of this incident; he filed this motion within the 15 day period. Following additional colloquy, COURT ORDERED, Motion GRANTED. State's Amended Notice of Intent to Seek Death Penalty FILED IN OPEN COURT.

AS TO MOTION TO SEVER: Mr. DiGiacomo stated he had no objection and feels Deft Carroll should be severed. Mr. Figler stated he was unaware of this motion and Defendant should be present. Ms. Wildeveld stated this pertains to Deft. Counts. Court noted the allegations are that the Defendants hired Deft Counts to kill someone. Ms. Wildeveld argued that 5 people got together and formed a plan that Deft. Counts was not involved in; he was picked up by a van, driven to the scene and driven back. Arguments by Mr. DiGiacomo. Ms. Wildeveld stated the majority of evidence does not pertain to Deft. Counts. Mr. DiGiacomo stated there will be testimony that Defendant was paid \$6,000 after the murder. Following additional arguments, COURT ORDERED, Motion DENIED.

Mr. Figler and Mr. Whipple advised they have submitted Ex-Parte Orders for Investigators that they have not received back from the Court. Court advised \$5,000 would be approved and will see if the Orders are in chambers.

Mr. Whipple advised he has asked for scope on the other co-defendants. Mr. DiGiacomo advised some of what he wants is juvenile. Court requested counsel put this on calendar.

CUSTODY

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 009

03/17/06 09:00 AM 00 ALL PENDING MOTIONS 3/17/06

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Jennifer Lott, Relief Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
007135	Pesci, Giancarlo	Y
006955	Di Giacomo, Marc P.	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
000041	Stein, Stephen	Y
0003 D	Espindola, Anabel	Y
004771	Thomas, Jonell	Y
0004 D	Carroll, Deangelo R	N
004264	Figler, Dayvid J.	Y
005594	Bunin, Joseph D.	Y
0005 D	Taoipu, Jayson	N
000854	Jackson, Terrence M.	Y

DEFTS HIDALGO'S AND ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY.....DEFT COUNTS' MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE...DEFT COUNTS' MTN TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE...DEFT COUNTS' MOTION FOR INDIVIDUAL VOIR DIRE.....DEFT COUNTS' MOTION IN LIMINE TO EXCLUDE AUTOPSY, CRIME SCENE, AND OTHER GRUESOME PHOTOGRAPHS..DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE.....DEFT COUNTS' MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"....DEFT COUNTS' MOTION TO BIFURCATE PENALTY PHASE...DEFT COUNTS' MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT.....DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES....DEFT COUNTS' MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT....DEFT COUNTS' MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER

Mr. Figler requested to join Defendant Carroll in motions if necessary. Mr. Jackson stated Court's secretary told him to be present, his client Defendant Taoipu is not on calendar; however, counsel requested Court move 3/27/06 motions to accommodate his schedule. Mr. Di Giacomo stated

CONTINUED ON PAGE: 011

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 010

Defendant Taoipu (Mr. Jackson's client) fled to California, was brought back through Boulder City, he was given the same case number, and Mr. Jackson filed a Motion to Sever Defendant Taoipu. COURT ORDERED, motions CONTINUED and Evidentiary Hearing SET 4/21/06 at 9:00 a.m. COURT ORDERED, all motions MUST BE ON CALENDAR FROM NOW ON. Mr. Figler will file his motions in short order. Ms. Wildeveld requested Defendant Counts' motions be separated from other defendants as Defendant Counts is not involved if other charges. COURT ORDERED, Request is DENIED. Ms. Wildeveld requested to Join in Motions in issues are related.

Argument by Ms. Thomas, Mr. Draskovich, and Mr. Orme in support of Defts Hidalgo's and Espindola's Motion to Strike Notice of Intent to Seek Death Penalty. Ms. Thomas argued defendants did not intend to kill anyone, argument regarding pecuniary gain factor, and counsel requested all aggravators stricken. Mr. Draskovich stated baseball bats and garbage bags were not included in the taped conversations; argument by counsel in opposition to State's intent to seek the death penalty. Argument by Mr. Di Giacomo in opposition to motion. Mr. Orme read from the transcript to correct testimony (Page 4 after 844); counsel stated there is nothing in the tapes indicating Defendant Espindola intended to kill anyone, and the death penalty is not appropriate. Colloquy regarding if defendants were aware of surveillance. Mr. Draskovich argued this case cannot be raised to a death case. COURT ORDERED, motion is UNDER ADVISEMENT.

DEFT COUNTS' MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE: Matter submitted by Ms. Wildeveld; Mr. Pesci argued this claim has no merit. COURT ORDERED, motion is DENIED.

DEFT COUNTS' MTN TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE: Argument by Ms. Wildeveld. Mr. Di Giacomo argued motion does not solve the problems before the Federal Court, and this Court should be given the opportunity to address proper concerns. Ms. Wildeveld is not asking to be completely relieved of her obligation, and counsel will make every effort to make a full objection. COURT ORDERED, motion is DENIED WITHOUT PREJUDICE.

DEFT COUNTS' MOTION FOR INDIVIDUAL VOIR DIRE: Matter submitted by counsel. COURT ORDERED, motion is DENIED.

DEFT COUNTS' MOTION IN LIMINE TO EXCLUDE AUTOPSY, CRIME SCENE, AND OTHER GRUESOME PHOTOGRAPHS: COURT ORDERED, motion is PREMATURE and Court RESERVES RULING.

DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE: Argument by Ms. Wildeveld in opposition to the jury hearing benevolent testimony regarding victim as he did participate in a drug deal. COURT ORDERED, Court WILL ALLOW testimony from victim's son and daughter; however, Court RESERVES RULING on this motion.

DEFT COUNTS' MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 011

AS THE "GUILT PHASE": Matter submitted by counsel. COURT ORDERED, motion is DENIED.

DEFT COUNTS' MOTION TO BIFURCATE PENALTY PHASE: Matter submitted by Ms. Wildeveld, and argument by Mr. Pesci. COURT ORDERED, motion is DENIED.

DEFT COUNTS' MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT: Matter submitted by counsel. COURT ORDERED, motion is GRANTED.

DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES: Arguments by counsel. COURT ORDERED, GANG AFFILIATION and DRUG ACTIVITY WILL NOT BE DISCUSSED unless State brings a Motion for Bad Acts at trial; HOWEVER, information WILL BE ALLOWED AT THE PENALTY PHASE. Regarding issue of handguns, Ms. Wildeveld argued she does not have Defendant Counts' scope, Judicial Clearance document provided to the Court, and counsel argued another Kenneth Counts is located in California. Mr. Di Giacomo argued defendant does not dispute felony convictions for drugs or Ex-Felon in Possession of Firearm, and information will not be brought out at trial unless State brings a Motion for Bad Acts. COURT SO ORDERED, however, information WILL BE AVAILABLE DURING THE PENALTY PHASE. Arguments by counsel regarding viewing the State's information. COURT ORDERED, counsel to GET TOGETHER and SHARE CRIMINAL RECORDS, and fingerprints MUST BE MADE if necessary. For the record, Ms. Wildeveld stated she went to California Court, did extensive research on Defendant Counts' convictions, and counsel did not find anything except what was already discussed. COURT ORDERED, DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES is GRANTED IN PART (as indicated above).

DEFT COUNTS' MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT: Ms. Wildeveld argued for information on how State determines death penalty cases. Mr. Pesci argued the State follows criteria of the statute to determine aggravators, and the jury determines if aggravators exist. Argument by Mr. Di Giacomo regarding State's committee to review cases, and requests by defense counsel to offer a presentation to committee. Ms. Wildeveld was not aware that opportunity existed. COURT ORDERED, motion is DENIED.

DEFT COUNTS' MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER: Arguments by Ms. Wildeveld and Mr. Di Giacomo. COURT ORDERED, motion is GRANTED.

Ms. Wildeveld requested defendant's shoulder be examined at the jail as defendant has sent several kytes without success. COURT ORDERED, defendant MUST HAVE HIS SHOULDER EXAMINED at the jail.

CUSTODY

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 012

4/21/06 9:00 A.M. DEFT TAOIPU'S MOTION FOR SEVERANCE.....DEFT TAOIPU'S
MOTION TO SUPPRESS STATEMENT.....EVIDENTIARY HEARING

04/11/06 09:00 AM 00 STATE'S REQUEST FOR CLARIFICATION OF
RULING

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/Recorder

PARTIES: STATE OF NEVADA
006955 Di Giacomo, Marc P.
0001 D1 Counts, Kenneth
005825 Wildeveld, Kristina M.

Y
Y
Y
Y

Court noted matter was resolved in chambers prior to calendar. COURT
ORDERED, matter RESOLVED.

CUSTODY

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 013

06/26/06 09:00 AM 00 ALL PENDING MOTIONS 6/26/06

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
004771	Thomas, Jonell	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y

DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILT PHASE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION...DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR PROCEDURES REGARDING BAILIFFS AND OTHER COURT PERSONNEL CONCERNING JURORS AND PROSPECTIVE JURORS...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING...DEFTS HIDALGO & ESPINDOLA'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DETERMINE ADMISSIBILITY OF

CONTINUED ON PAGE: 015

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 014

STATE'S HEARSAY EVIDENCE BEFORE TRIAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS' PERSONAL AND PROFESSIONAL EXPERIENCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION

Court noted the trial and all the motions will be continued due to Ms. Wildeveld's condition. As to length, Mr. DiGiacomo stated if all Defendants were tried together it would take about 5 weeks and noted Deft Taoipu has been severed, however, Deft Carroll has not. Mr. Figler concurred and stated there is a Bruton problem and will not object to a severance, he stated he just has not filed one and added the co-defendants do not want to be tried with Deft Carroll. Mr. DiGiacomo stated he had no objection to Deft Carroll being severed out. Ms. Thomas stated if the State was not going to introduce Deft Carroll's statements, then there is no need for a severance. Mr. DiGiacomo advised he was. Conference at the Bench. By oral stipulation, COURT ORDERED, Defendant Carroll is severed out.

As to motions, Court directed counsel to have all motions filed by 7/27; answers to be filed by 8/10; replies by 8/24 and matter set for argument on 8/31/06. Further, trial date VACATED and RESET as to Counts, Hidalgo and Espindola. Matter set for status check as to trial for Carroll and Taoipu.

CUSTODY (ALL)

7/6/06 9:00 AM STATUS CHECK: TRIAL DATE (CARROLL & TAOIPU)

8/31/06 9:00 AM ARGUMENT ON (ABOVE) MOTIONS & ANY OTHERS FILED

4/10/07 9:00 AM CALENDAR CALL (#1) (COUNTS, HIDALGO & ESPINDOLA)

4/16/07 1:30 PM JURY TRIAL (#1) (COUNTS, HIDALGO & ESPINDOLA)

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 015

08/31/06 09:00 AM 00 ALL PENDING MOTIONS 8/31/06

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
000041	Stein, Stephen	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
004771	Thomas, Jonell	Y
0004 D	Carroll, Deangelo R	N
004264	Figler, Dayvid J.	Y

1) DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE...2) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILTY PHASE...3) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL...4) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL...5) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE...6) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR PROCEDURES REGARDING BAILIFFS AND OTHER COURT PERSONNEL CONCERNING JURORS AND PROSPECTIVE JURORS...7) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING...8) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE...9) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...10) DEFT HIDALGO & ESPINDOLA'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE...11) DEFTS HIDALGO & ESPINDOLA'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS...12) DEFT HIDALGO & ESPINDOLA'S MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS' PERSONAL AND PROFESSIONAL EXPERIENCES...13) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY...14) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY...15) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE

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vs Counts, Kenneth

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OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION...16) DEFT COUNTS' NOTICE OF JOINDER...17) DEFT COUNTS' RENEWED MOTION TO SEVER DEFENDANTS...18) DEFT COUNTS' MOTION TO SUPPRESS EVIDENCE OF THE DEFENDANT'S PRIOR FELONY CONVICTIONS...19) DEFT COUNTS' MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM...20) DEFT COUNTS' MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM FAMILY MEMBERS...21) DEFT COUNTS' MOTION FOR RELEASE OF JUVENILE RECORDS...22) DEFT COUNTS' MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE, FOR RELEASE ON HOUSE ARREST...23) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS...24) DEFT COUNTS' MOTION TO DISMISS THE DEATH PENALTY DUE TO FEDERAL DUE PROCESS VIOLATIONS...25) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT...26) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES...27) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES...28) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION...29) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVIDENCE BEFORE TRIAL...30) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES...31) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL...32) DEFT COUNTS' MOTION FOR JURY QUESTIONNAIRE

Mr. Figler would like to join in the motions as to Deft. Carroll and would request his presence be waived. Mr. DiGiacomo objected as he has not received any motions relating to this defendant. Mr. Figler argued that most of these motions are very broad and would apply to Deft. Carroll as well. COURT ORDERED, GRANTED. Ms. Wildeveld advised Mr. Whipple is still in a murder trial and would request some of the motions as to Deft Counts be continued for his presence. COURT ORDERED, GRANTED.

1) Ms. Thomas advised they would like open ended questions as opposed to racial questions. Objections by Mr. DiGiacomo. Court noted voir dire will be relaxed and counsel will be able to expand on some questions, however, open ended questions will not be asked. COURT ORDERED, DENIED.

2) Upon Court's inquiry, Mr. DiGiacomo advised he is not sure what defense is asking. Ms. Thomas stated her concerns. Statements by Mr. DiGiacomo. COURT ORDERED, DENIED as this issue is moot.

3) Ms. Thomas requested this be done to get an idea of where the State will be going. Court advised it has never done this and will not deviate now. COURT ORDERED, DENIED.

4) Court noted it has reviewed what was submitted and advised there are a number of them that will not be allowed. Further, Court noted there will not be a lot of questions either. Following colloquy, Court advised it feels this would be a profiling process, which will not be allowed. COURT ORDERED, DENIED.

CRIMINAL COURT MINUTES

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5) Counsel advised this was submitted for appeal purposes. COURT ORDERED, DENIED.

6) Court noted it takes exception to this in regards to his staff. COURT ORDERED, DENIED.

7) Counsel argued that hearsay should be allowed. Following arguments, COURT ORDERED, DENIED.

8) Ms. Thomas argued that even if the Supreme Court has O.K.'d this, she does not feel they have addressed both issues at the same time. Arguments by Mr. Draskovich. Following additional arguments, COURT ORDERED, DENIED.

9) Following discussion by counsel, Court noted it is not uncommon for the Court to ask questions of potential jurors and ORDERED, DENIED.

10) Court advised the death penalty is not on trial. Counsel advised the issue was raised for appeal. COURT ORDERED, DENIED.

11) Court noted this is contrary to State law. Arguments by Ms. Thomas. COURT ORDERED, DENIED.

12) Ms. Thomas stated jurors relate their own personal experiences to other jurors and she feels that counsel should know what their life experiences are. Court advised there would be no end to the inquiry of every experience. Mr. Draskovich advised that there could be 5 or 6 specific questions unique to this case. Court advised counsel may submit some questions for review, however, MOTION, DENIED.

13) Ms. Thomas advised they take exception as to how the State determines which case gets the death penalty. Following statements by Mr. DiGiacomo, COURT ORDERED, DENIED.

14) COURT ORDERED, DENIED.

15) Ms. Thomas argued that if the drugs used are not applied properly, it can cause extreme pain. Mr. DiGiacomo advised this is the cart before the horse, first there needs be a guilty verdict and feels this is a premature issue. Following arguments, Court advised this issue has been preserved and there is a presumption of legality, however, COURT ORDERED, DENIED.

16) Court advised this has been recognized and ORDERED, GRANTED.

17) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

18) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

19) Matter submitted by Ms. Wildeveld. Court advised it does see the

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relevancy and ORDERED, DENIED.

20) Ms. Wildeveld stated they would like to know if the family members agree with the death penalty. Mr. DiGiacomo argued the victim's family are not allowed to discuss punishment. Following colloquy, COURT ORDERED, DENIED.

21) Mr. DiGiacomo advised he does not understand why they want this information, that the only juvenile is Taoipu, however, he is not a witness but a defendant, however, will provide the records to the Court for an in-camera review. Following additional arguments, at request of Ms. Wildeveld, COURT ORDERED, matter CONTINUED for Mr. Whipple.

22) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

23) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

24) Ms. Wildeveld referred to Floyd vs State and submitted. COURT ORDERED, DENIED.

25) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

26) Ms. Thomas argued the peremptory challenges should be declared unconstitutional as they lead to Batson challenges. Ms. Thomas stated she feels there should be 4 challenges for each side with no peremptory challenges. Objections stated by Mr. DiGiacomo. Following additional arguments, COURT ORDERED, DENIED.

27) Ms. Thomas argued that the State should not apply aggravators to any other defendant. Mr. DiGiacomo stated the aggravators are specific as to each Defendant. Statements by Mr. Draskovich. Court advised it feels this issue is moot and does not feel it will occur, however, ORDERED, GRANTED.

28) Mr Draskovich advised the Supreme Court has addressed this issue. COURT ORDERED, DENIED.

29) Court noted what counsel want is a mini trial before trial. Ms. Thomas advised this Court did this in the early 80's. Following additional colloquy, Court noted the concept is not inappropriate, however, feels it is just another layer before trial with no meaningful result. COURT ORDERED, DENIED.

30) Ms. Thomas stated they do not want the State to blow up the statues as to mitigators for their closing. Mr. DiGiacomo advised he does not disagree with this and will not do it. COURT ORDERED, RESOLVED.

31) Ms. Thomas stated she feels the jury pool should include names from the power bills and not just from DMV. She argued that in rural areas, the

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power bills are used and would request it be done here to get a diverse panel. Mr. DiGiacomo stated there is no statute that requires the Court to compel Nevada Power to comply. COURT ORDERED, DENIED.

32) Court advised it has not done this in the past and will not start now. COURT ORDERED, DENIED.

COURT ORDERED, motions not heard today are CONTINUED and matter set for status check as to trial and all counsel to be present next date.

CUSTODY (ALL)

9/8/06 9:00 MOTIONS...STATUS CHECK TRIAL

09/08/06 09:00 AM 00 ALL PENDING MOTIONS 9/8/06

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	N
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
000041	Stein, Stephen	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
004771	Thomas, Jonell	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y

1) DEFT COUNTS' RENEWED MOTION TO SEVER DEFENDANTS...2) DEFT COUNTS' MOTION TO SUPPRESS EVIDENCE OF THE DEFENDANT'S PRIOR FELONY CONVICTIONS...3) DEFT COUNTS' MOTION FOR RELEASE OF JUVENILE RECORDS...4) DEFT COUNTS' MOTION FOR REDUCTION IN BAIL OR, IN THE ALTERNATIVE, FOR RELEASE ON HOUSE ARREST...5) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS...6) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT...STATUS CHECK: TRIAL (ALL)

1) Mr. Whipple state if the jury cannot consider the death penalty for all

CRIMINAL COURT MINUTES

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defendants, that Mr. Counts should be severed out. Following additional arguments, COURT ORDERED, DENIED.

2) Mr. Whipple feels this is a prejudicial vs probative issue. If Defendant takes the stand, there is a prejudicial issue as to his priors, however, they are drug related. Mr. DiGiacomo stated that non violent felonies are admissible and concurred that they are drug related. Following additional colloquy, COURT ORDERED, DENIED.

3) Court advised it will review these records in chambers. Mr. DiGiacomo advised there are two, Zone and Taoipu. However, Taoipu is not a witness, but a charged Defendant. If he does become a witness, then his records will be submitted for review. Mr. Whipple argued that Taoipu was the only witness in the car with a gun. Following additional arguments, Mr. DiGiacomo stated the propensity of evidence to commit a crime is not admissible. Just because Taoipu may have had a gun two years ago, does not mean he had a gun in this instance. Mr. Whipple requested the Court review the records. Following additional arguments, Court advised it thinks this will be of no value, however, ORDERED, GRANTED.

4) Mr. Whipple advised there is no bail at this time and would request a bail amount be set. Mr. DiGiacomo argued this has been before the Court before and since the last time, we have learned that Defendant was an absconder from probation when he committed this crime. Mr. Whipple argued that Defendant has been a good role model, has a family and is a Little League coach. Mr. DiGiacomo argued Defendant has picked up 2 new charges in California. Following additional arguments, COURT ORDERED, DENIED.

5) Court noted this involves jail phone calls and Mr. Whipple feels they should be disallowed. Mr. Whipple concurred and stated he feels it is speculation as to all calls. Arguments by Mr. DiGiacomo including that Defendant Counts was never informed prior to a phone call that he was being involved with Deft. Carroll. Further, Deft Counts' descriptions in conversations are an admission of guilt. Court advised if there is evidence to support the theory, then there is no speculation. COURT ORDERED, DENIED. Mr. Whipple requested an offer of proof from the State regarding the phone calls. Mr. DiGiacomo stated if he is going to use these phone calls, he will have them transcribed. Upon Court's inquiry, Mr. DiGiacomo advised he played 7 phone calls at the Preliminary Hearing and may play 2-3 more. Court requested all calls be transcribed and this issue can be reviewed later, however, prior ruling stands.

6) Court noted Defendant was found in the attic and that is not flight. Mr. Whipple advised Defendant was acting irrational, but there was no flight; Defendant was not trying to secret himself. Further, he does not feel these were actions of guilt, but irrational behavior. Court advised this does not preclude the State from arguing the opposite. Mr. DiGiacomo argued Defendant was trying to hide from Police to not be arrested. Mr. Whipple argued that the Police knew he was there, he was not trying to hide, he was acting irrational. Court advised it will not embrace either side, however,

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ORDERED, DENIED.

7) Question as to Death Penalty: Court noted the Defense attorneys feel they should be present for the Death Review panel. Mr. DiGiacomo advised if the State can't prove intent, there will be no death case against the Defendants. Ms. Thomas argued the Notice the State filed is bad and should not be holding the Defendants as to the death penalty. Mr. Draskovich advised the State is seeking the death penalty against two of the Defendants that did not actually kill the victim. Following additional arguments, Court felt that Defense counsel should attend the review, however, at this time, Motion DENIED WITHOUT PREJUDICE.

As to intent to kill, Court advised there was enough evidence to be bound over, it will not prejudice the evidence and is a question for the Jury. COURT ORDERED, DENIED.

11/01/06 01:30 PM 00 MINUTE ORDER RE: RECUSAL- DEPT 14

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Carol Donahoo/cd, Relief Clerk

PARTIES: NO PARTIES PRESENT

Due to a substitution of counsel and to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random.

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA vs Counts, Kenneth

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12/07/06 09:30 AM 00 TRIAL SETTING

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Sandra Anderson, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
001923	Gentile, Dominic P.	Y
0003 D	Espindola, Anabel	N
004349	Oram, Christopher R.	Y
004771	Thomas, Jonell	Y
0004 D	Carroll, Deangelo R	N
004264	Figler, Dayvid J.	Y
005594	Bunin, Joseph D.	Y
0005 D	Taoipu, Jayson	Y
000854	Jackson, Terrence M.	Y

AS TO DEFT COUNTS: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07.

AS TO DEFT HIDALGO: Mr. Gentile advised the Court he is substituting in for Mr. Stein. Opposition by Mr. Pesci. Court agreed to wait on the Decision from the Supreme Court. COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07.

AS TO DEFT. ESPINDOLA: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07.

AS TO DEFT. CARROL: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07.

AS TO DEFT. TAOIPU: Court noted this is the only non capital. COURT ORDERED, matter set for trial.

CUSTODY (ALL)

CRIMINAL COURT MINUTES

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vs Counts, Kenneth

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05-17-07 9:30 AM CALENDAR CALL (CARROLL)
05-21-07 10:00 AM JURY TRIAL (CARROLL)
05-31-07 9:30 AM CALENDAR CALL (COUNTS, HIDALGO, ESPINDOLA)
06-04-07 10:00 AM JURY TRIAL (COUNTS, HIDALGO, ESPINDOLA)
08-02-07 9:30 AM CALENDAR CALL (TAOIPU)
08-06-07 10:00 AM JURY TRIAL (TAOIPU)

05/15/07 09:30 AM 00 ALL PENDING MOTIONS 05-15-07

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Sandra Anderson, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
004771	Thomas, Jonell	Y
0005 D	Taoipu, Jayson	Y
000854	Jackson, Terrence M.	Y

AS TO DEFT. COUNTS: Following argument by counsel Court stated findings and ORDERED, as follows: 1) Motion to reconsider motion to allow the defense to argue last at the penalty phase/147, DENIED. 2) Motion to reconsider motion to bifurcate penalty phase/146, DENIED. 3) Motion to reconsider motion in limine to preclude admission of evidence of arrest or flight/148, DENIED. 4) Motion to reconsider motion to dismiss the death penalty due to federal due process violations/149, DENIED. 5) Motion to reconsider disclosure of exculpatory evidence pertaining to the impact of the Defendant's execution upon victim's family members/150, DENIED. 6) Motion to reconsider motion in limine to preclude admission of phone conversations/151, DENIED. 7) Motion to reconsider motion for discovery and evidentiary hearing regarding the manner and method of determining in which murder cases the death penalty will be sought/152, DENIED. 8) Motion to reconsider motion to strike notice of intent to seek the death penalty/153, DENIED. 9) Motion to reconsider motion for

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individual voir dire/154, DENIED, as need only basis. 10) Motion to reconsider motion in limine to bar improper prosecutorial argument/155, GRANTED as already done by Judge Mosley. 11) Motion to reconsider motion to federalize all motions objections requests and other applications for the proceedings in the above entitled case/156, DENIED. 12) Motion to reconsider motion in limine to preclude the introduction of victim impact evidence/157, DENIED. 13) Motion to reconsider motion in limine to preclude admission of gang affiliation or drug activity/158, DENIED. 14) Motion to reconsider motion in limine to preclude admission of gang affiliation or drug activity/159, DENIED.

AS TO DEFT. ESPINDOLA: Motion to continue, following argument by counsel, COURT ORDERED, matter taken, UNDER ADVISEMENT, Court will announce it's decision by tomorrow.

05/21/07 09:30 AM 00 STATUS CHECK: TRIAL SETTING

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Carol Donahoo, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
0001 D1	Counts, Kenneth	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	Y
008357	Armeni, Paola M.	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
009835	Hoffman Sacksteder, Megan C.	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y
005594	Bunin, Joseph D.	Y
0005 D	Taoipu, Jayson	Y
000854	Jackson, Terrence M.	Y

Conference in Chambers with all counsel prior to the commencement of proceedings regarding scheduling issues.

DELANGELO RESHAWN CARROLL: Court noted Mr. Figler's Motion to Continue Trial was granted. Therefore, COURT ORDERED, trial date VACATED and RESET.

KENNETH COUNTS: Trial for this Deft. is set for June 4, 2007; however, the

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vs Counts, Kenneth

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State does not want to try this Deft. separately. A ruling from the Supreme Court could have an impact on this Deft. and since the trial dates for Deft. Hidalgo and Deft. Espindola have been continued, Court will consider vacating and reseting Deft. Counts' trial as well. Colloquy regarding Supreme Court issues. COURT ORDERED, matter set for status check.

JAYSON TAOIPU: Court noted Deft. Taoipu is the only non-capital matter. COURT ORDERED, trial date VACATED and RESET.

LUIS ALONSO HIDALGO and ANABEL ESPINDOLA: COURT ORDERED, trial dates VACATED and RESET.

Mr. DiGiacomo advised he has packets with additional discovery on his secretary's desk available for all counsel.

CUSTODY (ALL)

08/16/07 9:30 AM CALENDAR CALL (CARROLL)

08/20/07 10:00 AM JURY TRIAL (CARROLL)

05/24/07 9:30 AM STATUS CHECK: TRIAL SETTING (COUNTS)

03/06/08 9:30 AM CALENDAR CALL (TAOIPU)

03/10/08 10:00 AM JURY TRIAL (TAOIPU)

01/24/08 9:30 AM CALENDAR CALL (HIDALGO and ESPINDOLA)

01/28/08 10:00 AM JURY TRIAL (HIDALGO and ESPINDOLA)

05/24/07 09:30 AM 00 STATUS CHECK: TRIAL SETTING

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Carole D'Aloia, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA
007135 Pesci, Giancarlo
0001 D1 Counts, Kenneth
005825 Wildeveld, Kristina M.

Y

Y

Y

Y

Court advised this matter was continued to give Ms. Wildeveld time to review the writ filed by the co-defendants to see if it would be something she would be filing a joinder on behalf of Defendant Counts. Upon Court's inquiry, Ms. Wildeveld advised she and Mr. Whipple would not be joining in on the writ, announced ready for trial and requested the 6/4/07 trial date.

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Colloquy between Court and counsel regarding the writ. Mr. Pesci advised he feels the trial should not go forward until the Supreme Court has ruled on the writ. Ms. Wildevelt adamantly requested the 6/4/07 trial date. Further colloquy regarding the trial date. Following CONFERENCE AT BENCH, COURT ORDERED, matter set for JURY TRIAL on 6/4/07 at the request of Ms. Wildevelt. Ms. Wildevelt inquired about a jury questionnaire and advised they will get one to the State and Court this evening or first thing tomorrow. Court advised Ms. Wildevelt that it did not think it would be possible, logistically, to have a jury questionnaire at such a late date. Following CONFERENCE AT BENCH, Ms. Wildevelt advised that Mr. Whipple had already forwarded a copy of the proposed jury questionnaire to Mr. DiGiacomo and Mr. Pesci stated he will check with him to see if he has it. COURT ORDERED, matter set for STATUS CHECK on the jury questionnaire tomorrow morning.

CUSTODY

5/25/07 9:30 AM STATUS CHECK: JURY QUESIONNAIRE

6/4/07 10:00 AM JURY TRIAL

05/25/07 09:30 AM 00 STATUS CHECK: JURY QUESTIONNAIRE

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Carole D'Aloia, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007135 Pesci, Giancarlo	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y

Jury questionnaire, reviewed, amended and agreed upon by counsel. Mr. Owens stated his reasons why he believes the trial should not go forward until the Nevada Supreme Court has decided on the Co-Defendants' writ. Mr. Owens inquired if Court would contact the Clerk of the Nevada Supreme Court to see if a decision would be forthcoming. Matter TRAILED.

Matter RECALLED and Court advised it's Judicial Executive Assistant (JEA) called the Clerk of the Nevada Supreme Court and was advised that the decision will not be coming any time soon. COURT ORDERED, trial date STANDS and counsel to get together and finalize the jury questionnaire and get it to Jury Services first thing on Tuesday morning.

CUSTODY

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05/29/07 09:30 AM 00 DEFT'S MTN TO DISMISS /165

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Carol Donahoo, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
 006526 Turner, Robert B. Y
 0001 D1 Counts, Kenneth Y
 005825 Wildeveld, Kristina M. Y

Ms. Wildeveld advised Deft. Counts' buccal swabs came back negative; she requested matter be taken off calendar. COURT SO ORDERED; Court noted this matter is set for calendar call on May 31, 2007, and trial begins on June 4, 2007.

CUSTODY

05/31/07 09:30 AM 00 CALENDAR CALL

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Carol Donahoo, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
 008273 Staudaher, Michael V. Y
 0001 D1 Counts, Kenneth Y
 005825 Wildeveld, Kristina M. Y
 006168 Whipple, Bret O. Y

Court advised counsel the jury questionnaires were available in chambers and confirmed the trial was going forward; however, the start date has been moved from Monday to Tuesday.

CUSTODY

06-05-07 10:30 AM JURY TRIAL

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vs Counts, Kenneth

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06/05/07 10:30 AM 00 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Carol Donahoo, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA
007135 Pesci, Giancarlo
006955 Di Giacomo, Marc P.
0001 D1 Counts, Kenneth
005825 Wildeveld, Kristina M.
006168 Whipple, Bret O.

Y
Y
Y
Y
Y
Y

11:48 a.m. Jury selection commenced.

Court and counsel examine prospective jurors.

COURT ORDERED, trial CONTINUED; jury selection will resume on June 6, 2007,
at 10:30 a.m.5:30 p.m. Court admonished the prospective jurors and recessed for the
evening.

CONTINUED TO: 06/06/07 10:30 AM 01

06/06/07 10:30 AM 01 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Carol Donahoo, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA
007135 Pesci, Giancarlo
006955 Di Giacomo, Marc P.
0001 D1 Counts, Kenneth
005825 Wildeveld, Kristina M.
006168 Whipple, Bret O.

Y
Y
Y
Y
Y
Y

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Court advised counsel came to court today and raised a potential conflict. The conflict was presented to Judge Bell. Colloquy regarding the appointment of Robert Langford, Esq., to represent a witness and how things will proceed from this point. Court noted Court Services confiscated from Deft. the jury questionnaires and his notes regarding the prospective jury panel. Colloquy regarding same. Due to the aforementioned developments, COURT ORDERED, the prospective panel of jurors

CONTINUED ON PAGE: 030

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 029

DISMISSED and matter set for status check.

CUSTODY

06/26/07 9:30 AM STATUS CHECK

CLERK'S NOTE: All Deft.'s notes, not concerning the prospective jurors, were returned to him.

06/26/07. 07:30 AM 00 ALL PENDING MOTIONS 6-26-07

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	Y
006275	Draskovich Jr, Robert M.	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
004771	Thomas, Jonell	Y

AT REQUEST OF COURT: IN-COURT DEPOSITION (COUNTS, HIDALGO & ESPINDOLA)

8:04 A.M.--Robert Langford, Esq, present with witness Omar Manor. Court advised this hearing is due to a potential conflict that arose with Ms. Wildeveld and Mr. Whipple regarding a witness. If there is not a conflict, this video will be used as testimony in any trial regarding Deft. Counts wherein he is represented by Ms. Wildeveld or Mr. Whipple. Mr. DiGiacomo advised he does not plan on playing the video of Mr. Manor if he is available. Court advised the video has to be used to waive any conflict. Mr. DiGiacomo advised the defense would have to waive any defect. Mr. Whipple advised that is inherent. Court advised, in any case where Deft. Counts is represented by Ms. Wildeveld or Mr. Whipple, this video must be used. Mr. DiGiacomo advised all counsel would have to agree. All defense counsel present agreed. Court advised the video is locked on the witness as Defts. Counts, Hidalgo and Espindola were brought over in jail clothing, so they will not appear on the video but everyone's voices will be picked up. Court advised, if there is a conflict, Ms. Wildeveld and Mr. Whipple would have to be relieved and new counsel appointed, then the State could call Mr. Manor

CONTINUED ON PAGE: 031

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 030

live. 8:11 a.m.--Omar Manor sworn and testified. 8:17 a.m.--Court stated it appears Ms. Wildeveld and Mr. Whipple can go forward in this case and ORDERED, Ms. Wildeveld and Mr. Whipple will remain as counsel for Deft. Counts. Court advised a status check is already set before Judge Adair on this matter. Mr. DiGiacomo advised, because there is an ongoing relationship between Omar and Irene, there may be other issues that come up and he will bring those before the Court if such issues arise. 8:19 a.m.--Hearing concluded.

CUSTODY (ALL)

06/26/07 09:30 AM 00 STATUS CHECK

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007135	Pesci, Giancarlo	Y
006955	Di Giacomo, Marc P.	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y

Colloquy regarding Discovery. The Court encouraged Mr. Whipple to protect the record by listing what was provided. FURTHER, matter set for trial.

CUSTODY

1/24/08 9:30 AM CALENDAR CALL

1/28/08 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 031

07/24/07 09:30 AM 00 STATES MTN TO CONDUCT VIDEOTAPED
TEST/192

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Tia Everett/te, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
0001 D1	Counts, Kenneth	N
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	N
008357	Armeni, Paola M.	Y
0003 D	Espindola, Anabel	N
004349	Oram, Christopher R.	Y
0004 D	Carroll, Deangelo R	N
004264	Figler, Dayvid J.	Y

COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 07/26/07 09:30 AM 01

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 032

07/26/07 09:30 AM 01 STATES MTN TO CONDUCT VIDEOTAPED
TEST/192

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Sandra Anderson, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
0002 D	Hidalgo, Luis A	Y
001923	Gentile, Dominic P.	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y
0005 D	Taoipu, Jayson	N
000854	Jackson, Terrence M.	Y

Court noted this is the States motion and that Court has received oppositions. Following conference at the bench Court stated it findings and ORDERED, motion GRANTED. Following colloquy Court advised the specific will be discussed in chambers.

CUSTODY (ALL)

08-13-07 (CHAMBERS) STATUS/CHECK: OPEN/SEALED DEPOSITIONS

08-27-07 9:30 AM HEARINGS: DEPOSITIONS

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 033

08/27/07 09:30 AM 00 DEPOSITIONS HEARING

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Tia Everett/te, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

COURT ORDERED, matter OFF CALENDAR.

CUSTODY (ALL)

08/28/07 09:30 AM 00 ALL PENDING MOTIONS (8/28/07)

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Tia Everett/te, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007135	Pesci, Giancarlo	Y
006955	Di Giacomo, Marc P.	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	Y
001923	Gentile, Dominic P.	Y
006275	Draskovich Jr, Robert M.	Y
0003 D	Espindola, Anabel	Y
004349	Oram, Christopher R.	Y
004771	Thomas, Jonell	Y
0004 D	Carroll, Deangelo R	Y
004264	Figler, Dayvid J.	Y

STATUS CHECK TRIAL (COUNTS...HIDALGO...ESPINDOLA...CARROLL)

Colloquy regarding trial setting and scheduling of all parties involved. Upon Court's inquiry, counsel anticipate trial to last four weeks. COURT ORDERED, as to Defts' Counts, Hidalgo, and Espindola Trial dates VACATED and RESET. CONFERENCE AT BENCH. COURT FURTHER ORDERED, as to Deft. Carroll, Trial date VACATED and RESET.

CUSTODY (ALL)

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 034

11/29/07 CALENDAR CALL (CARROLL)

12/03/07 JURY TRIAL (CARROLL)

1/17/08 CALENDAR CALL (COUNTS...HIDALGO...ESPINDOLA)

1/22/08 JURY TRIAL (COUNTS...HIDALGO...ESPINDOLA)

09/11/07 09:30 AM 00 DEFT'S MTN FOR DISCOVERY /209

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/RecorderPARTIES: STATE OF NEVADA
006955 Di Giacomo, Marc P.
0001 D1 Counts, Kenneth
006168 Whipple, Bret O.

Y

Y

N

Y

Mr. Digiacomo state he has provided audio and video tapes and has more that he will provide to Mr. Whipple by the end of the week; he will give him the photo line-up by the end of week as well. COURT ORDERED, motion GRANTED. FURTHER, pursuant to request by Mr. Whipple, the State is to provide a list of all items produced.

CUSTODY

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA vs Counts, Kenneth

CONTINUED FROM PAGE: 035

01/15/08 09:30 AM 00 ALL PENDING MOTIONS 1/15/08

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006955 Di Giacomo, Marc P.	Y
	007135 Pesci, Giancarlo	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y
	0002 D Hidalgo, Luis A	Y
	001923 Gentile, Dominic P.	Y
	0003 D Espindola, Anabel	Y
	004349 Oram, Christopher R.	Y
	0005 D Taoipu, Jayson	Y
	000854 Jackson, Terrence M.	Y

DEFENDANT HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT COUNTS MOTION TO SUPPRESS HIS CUSTODIAL STATEMENTS...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR SEVERANCE FROM CAPITAL DEFENDANT...DEFENDANT HIDALGO'S MOTION TO SET BAIL...DEFENDANT HIDALGO'S MOTION FOR SEVERANCE FROM CAPITAL DEFENDANT...STATE'S REQUEST STATUS CHECK-AGREED (COUNTS)...CALENDAR CALL

The Court stated the trial in this matter would go forward on January 28th. The Supreme Court decision in this matter struck the aggravators regarding the death penalty with regard to Espindola and Hidalgo so this would not be a capital case and there was no reason not to go forward with what could have been done months ago. Mr. Gentile presented argument regarding due process rights of the co-defendants, and the issue regarding the fifteen day notice citing case law to support his position. Mr. Oram advised he was ready to go forward with defendant Espindola and joined all the arguments of Mr. Gentile. Ms. Wildeveld stated her preference would be to proceed on the 28th as she has an issue that would preclude her from going until a much later date. Colloquy between Court and counsel. Mr. Whipple advised he intended to file motions to strike with regard to defendant Counts with the Supreme Court. Court stated this is something that Mr. Whipple should have addressed months ago and it was too late at this point in time but he was free to file with the Supreme Court if he so desired. Mr. DiGiacomo addressed the issue of the remittitur and authority of the Court to proceed lacking the receipt of the formal remittitur and requested the Court stay

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CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 036

this matter in order for him to return to the Supreme Court on an emergency writ. COURT ORDERED, request for STAY DENIED; trial for Counts will proceed on January 28th at 10:00 AM. This Court had previously started the trial in the Counts case as a death penalty case when an issue arose that had to be heard by Judge Bell; however, it is still a death penalty case and since trial counsel was prepared to go forward at that time as a death penalty case, there is no reason why it should not go forward as such now. FURTHER ORDERED, DEFENDANT COUNTS IS SEVERED FROM DEFENDANTS HIDALGO AND ESPINDOLA as these defendants are no longer death qualified. Trial for defendants Hidalgo and Espindola will proceed following this case on February 11th at 9:30 AM. Colloquy between Court and counsel regarding jury questionnaires. CONFERENCE AT BENCH. COURT ORDERED, the jurors will fill out a questionnaire based on the death penalty and if the Supreme Court strikes the aggravators as to Counts then a new panel will be brought in. The Court would not use the same panel that filled out a death questionnaire for a trial where that was no longer a consideration.

Mr. Gentile requested a hearing on the motion for audibility and presented argument. Response by the State. Colloquy between Court and counsel. COURT ORDERED, it would listen to the CD and read the transcript and then issue a ruling on January 29th at 9:30 AM.

Mr. Gentile presented argument on the issue of bail regarding defendant Hidalgo. State argued in opposition. Court stated that if it were inclined to issue bail in this matter it would in all likelihood be set at a significantly high amount. COURT ORDERED, matter to be taken UNDER ADVISEMENT and a decision to be issued.

Counsel advised that there is a motion regarding defendant Counts set for January 29th that needs to be addressed prior to the trial date. Colloquy. COURT ORDERED, due to its schedule this matter will be heard by Judge Bell on January 22nd so that this matter can proceed to trial on the 28th.

Mr. Jackson requested that defendant Taoipu's sentencing date be set within thirty days. COURT SO ORDERED and referred the matter to the Division of Parole and Probation for a presentence investigation report to be prepared. Mr. Jackson inquired about an order for excess investigation fees. Court informed Mr. Jackson to prepare the order and submit it and it would be signed.

CUSTODY (COUNTS, HIDALGO, ESPINDOLA, TAOIPU)

1/22/08 8:00 AM DEFENDANT COUNT'S MOTION TO RECONSIDER MOTION TO STRIKE (HEARD BY JUDGE BELL)

1/28/08 10:00 AM JURY TRIAL (COUNTS)

1/29/08 9:30 AM DEFENDANT HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT COUNT'S MOTION TO SUPPRESS HIS CUSTODIAL STATEMENTS...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 037

AUDIBILITY HEARING AND TRANSCRIPT APPROVAL

2/11/08 9:30 AM JURY TRIAL (HIDALGO & ESPINDOLA)

2/12/08 9:30 AM SENTENCING (TAOIPU)

01/22/08 08:00 AM 01 DEFT'S SECOND MTN TO RECONSIDER MTN TO
STRIKE AGGRAVATING CIRCUMSTANCES

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006955 Di Giacomo, Marc P.	Y
	007135 Pesci, Giancarlo	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y

Court advised this is Judge Adair's case, however, she is on vacation and he is hearing this motion as counsel need a ruling prior to trial. Mr. Whipple provided a copy of the Hidalgo decision to the Court and argued regarding Rule 250, late Notice of Intent, aggravating circumstances and specificity. Mr. Whipple advised the co-Deft. had the aggravators stripped and that case is no longer a capital case. Mr. DiGiacomo argued Deft. Counts was still under a sentence of imprisonment in two cases when this occurred and was in warrant status in one of them so there is no specificity problem as to the first aggravator. Mr. Whipple argued the issue is how the State pled it. Mr. Pesci argued the law says they can still plead in the alternative. Mr. Whipple argued the issue goes to notice and argued the State cannot boot strap. Court advised he will read the Hidalgo decision and ORDERED, matter CONTINUED to tomorrow for decision. Mr. Whipple advised, if the Court strikes the aggravators, they are ready for trial; if not, he will request a stay. Court advised he is not the trial judge and will not grant a stay, so counsel should be forewarned.

CUSTODY

CONTINUED TO: 01/23/08 08:30 AM 02

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA vs Counts, Kenneth

CONTINUED FROM PAGE: 038

01/23/08 08:30 AM 02 DEFT'S SECOND MTN TO RECONSIDER MTN TO
STRIKE AGGRAVATING CIRCUMSTANCES

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd/th, Court Clerk
Tia Everett, Relief Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006955 Di Giacomo, Marc P.	Y
	007135 Pesci, Giancarlo	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y

Court advised he has read the pleadings and cases provided and ORDERED, motion DENIED. Court stated he does not believe the decision has much changed the pleadings rules as they have known them over the years. Every theory has to be charged. Court advised this case also says they have to charge anything on which there has to be notice. They can be charged in the alternative but everything in the alternative has to be supporting that. Court advised, in death penalty cases, it has to be the case that each and every prong is supported. Court FINDS if Deft. was on probation for a Felony with an underlying term, that IS a sentence of imprisonment and was charged appropriately. Court advised Ms. Wildeveld has a motion to stay and ORDERED, stay DENIED and the defense may go to the Supreme Court. Mr. DiGiacomo advised they need to have the jury questionnaire to the Department this morning. Colloquy. Court advised he is not getting to substantive issues of whether a stay is appropriate. He heard this motion for Judge Adair and he is not going to set this trial off in her absence. If the Supreme Court does, so be it. Ms. Wildeveld advised, for the record, they are ready to go to trial. Hearing concluded.

CUSTODY

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 039

01/29/08 09:30 AM 00 ALL PENDING MOTIONS 1/29/08

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007135 Pesci, Giancarlo	Y
	006955 Di Giacomo, Marc P.	Y
	0001 D1 Counts, Kenneth	N
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y
	0002 D Hidalgo, Luis A	N
	001923 Gentile, Dominic P.	Y
	008357 Armeni, Paola M.	Y
	0003 D Espindola, Anabel	N
	004349 Oram, Christopher R.	Y

DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL
(HIDALGO)...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENTS
(COUNTS)...DEFENDANT'S MOTION TO JOIN HIDALGO'S MOTION FOR AUDIBILITY
HEARING (ESPINDOLA)

Mr. Gentile requested that the motions calendared this day be continued for
further review. There being no opposition by other counsel, COURT ORDERED,
motions CONTINUED.

CONTINUED TO: 2/5/08 10:30 AM

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA vs Counts, Kenneth

CONTINUED FROM PAGE: 040

01/29/08 01:30 PM 00 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007135 Pesci, Giancarlo	Y
	006955 Di Giacomo, Marc P.	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding potential penalty witnesses. The Court informed counsel that there will be three alternates and twelve jurors. Colloquy regarding aggravators and mitigators. Mr. Pesci stated that the jury questionnaires will cover this. Mr. Whipple moved for a continuance based on Supreme Court rule 250(4)(d); he stated he needs time to review the notice and needs thrifty days. Opposition by Mr. Digiacomo; he advised that Judge Bell's previous ruling was clean in denying the trial continuance and believes Mr. Whipple's request is inappropriate. COURT ORDERED, motion for CONTINUANCE DENIED. Second Amended Information FILED IN OPEN COURT. IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. Mr. Whipple requested a new jury panel on the basis of ethnic make-up. COURT ORDERED, motion DENIED. Evening recess. MATTER CONTINUED.

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

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 041

01/30/08 10:00 AM 01 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007135 Pesci, Giancarlo	Y
	006955 Di Giacomo, Marc P.	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y

OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding potential penalty phase and reports; counsel cited Zane Floyd case which is specific as to expert disclosures. COURT FINDS, counsel needs to disclosed experts and turn of curriculum vitae. Mr. Digiacomo cited paragraphs thirteen and fourteen of the Floyd case. The Court stated that Mr. Whipple is to conform to Discovery rules; counsel is entitles to tests and reports. Following further arguments and request by Mr. Digiacomo, COURT ORDERED, Mr. Whipple is to provide written notice, curriculum vitaes and tests and they must be filed by tomorrow. Colloquy regarding questioning of potential jurors. IN THE PRESENCE OF THE JURY. Roll of jurors called by the Clerk. Jury selection CONTINUED. OUTSIDE THE PRESENCE OF THE JURY. Mr. Whipple requested allowance of giving specific mitigators; he wanted it on the record what he will and will not be allowed to do. COURT ADVISED, Mr. Whipple may illustrate and provide examples of mitigators. IN THE PRESENCE OF THE JURY. Jury selected. OUTSIDE THE PRESENCE OF THE JURY. Discussion among Court and counsel regarding jury panel. Evening recess. MATTER CONTINUED.

CONTINUED TO: 01/31/08 10:30 AM 02

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA vs Counts, Kenneth

CONTINUED FROM PAGE: 042

01/31/08 01:00 PM 02 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
 Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007135 Pesci, Giancarlo	Y
	006955 Di Giacomo, Marc P.	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y

OUTSIDE THE PRESENCE OF THE JURY. Defendant's Offer of Proof, Notice of Defendant's Expert Witnesses for Penalty Phase, ROC, ROC and Notice of Wireesses for Penalty Phase FILED IN OPEN COURT. Arguments by counsel regarding offer of proof regarding statement of defendant Deangelo Carroll that he made to another prisoner regarding his involvement in the murder. Mr. Pesci stated that he never gave this statement to the police; now a statement by a cell mate in the detention center is dubious at best. Mr. Digiacomo argued that the statement is clearly unreliable. COURT FINDS, technically it is a statement against penal interest; one statement will be allowed in an the other statements will not be allowed. IN THE PRESENCE OF THE JURY. Jurors SWORN. Second Amended Information read by the Clerk. Introductory statement by the Court. Opening statements by Mr. Digiacomo. Opening Statements by Mr. Whipple. OUTSIDE THE PRESENCE OF THE JURY. Pursuant to CONFERENCE AT BENCH, COURT ORDERED, previous rulings by Judge Mosely are the law of the case. Mr. Whipple moved for a mistrial on the basis of due process violations against his client. COURT ORDERED, motion DENIED. Evening recess. MATTER CONTINUED.

CONTINUED TO: 02/01/08 09:30 AM 03

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 043

02/01/08 09:30 AM 03 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:

STATE OF NEVADA
007135 Pesci, Giancarlo
006955 Di Giacomo, Marc P.

0001 D1 Counts, Kenneth
005825 Wildeveld, Kristina M.
006168 Whipple, Bret O.Y
Y
Y

Y
Y
Y

OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding Mr. Whipple saying that he had not received certain exhibits from the State. Mr. Digiacoimo stated that whenever Mr. Whipple came and requested exhibits, they were provided to him. Mr. Whipple advised that he bated-stamped what he was requesting and gave the request to the State. COURT FINDS, at this point is up to defense counsel to obtain what they want from the State. Further arguments regarding the power point presentation and making a particular exhibit a Court's exhibit. COURT ORDERED, this issue was already decided by Judge Mosely. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Pursuant to CONFERENCE AT BENCH, Mr. Digiacoimo stated that it became apparent that something was wrong with Mr. Zone. Mr. Pesci stated that Mr. Zone has another son that Mr. Whipple has represented. Mr. Digiacoimo advised that they spoke with Mr. Zone; Mr. Whipple remembered the other son. Mr. Whipple informed the Court that at some point he spoke with Mr. Zone, but never discussed anything pertaining to this case with Mr. Zone or the other son. He also stated that he never met Roantae Zone. The Court question Mr. Zone regarding the preliminary hearing. Mr. Whipple stated that he was not present at that hearing. CONFERENCE AT BENCH. The Court question Mr. Counts regarding the fact that Mr. Whipple represented Mr. Zones brother. The Defendant stated he has no problem of Mr. Whipple continuing to represent him. Out of an abundance of caution, the Court asked Mr. Zone to leave the Courtroom. After that, Mr. Whipple stated he has no problem zealously advocating and representing Mr. Counts. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding whether or not Officer Rivera was on the witness list. As there were other officers listed, COURT FINDS, his testimony will be allowed. Mr. Digiacoimo stated that Officer Rivera was on the list in the Justice Court hearing. Mr. Whipple objected to Mr. Rivera's testimony as he believes it is prejudicial to his client's due process rights and MOVED for a mistrial. COURT ORDERED, DENIED. Mr. Whipple requested that the phone calls from the detention center be provided before his testimony. Opposition by Mr. Digiacoimo. The Court stated that if there is a policy at the detention center, then it can be done. The Court services attorney or an investigator must stay with the Defendant the entire time, but Court Services cannot stay

CONTINUED ON PAGE: 045

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 044

with the Defendant while he listens. Further discussion regarding Officer Rivera's testimony. The Court stated that Mr. Whipple was aware that some SWAT Officer would be testifying and he didn't call any other officers to testify. Mr. Whipple advised that it was not his burden. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. COURT ORDERED, defendant Burman to be remanded to the Clark County Detention for this weekend in order that Mr. Whipple's investigators will have time to review the case with him. Evening recess. MATTER CONTINUED.

CONTINUED TO: 02/04/08 09:30 AM 04

02/04/08 09:00 AM 04 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007135 Pesci, Giancarlo	Y
	006955 Di Giacomo, Marc P.	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y

OUTSIDE THE PRESENCE OF THE JURY. Counsel advised that defendant Taoipu sent a letter to Mr. Counts, which was received last night at 10:00 PM. Colloquy regarding having investigator pick up witnesses from Tonopah to testify Wednesday. Discussion regarding Discovery. Colloquy regarding scheduling of witnesses. Mr. Digiacomo stated he believes Mr. Bremmer can wait his turn as his witnesses (who are not incarcerated) have been inconvenienced. Further discussion regarding Discovery. Mr. Whipple informed the Court that he received a phone call from Cal Potter's office regarding post conviction relief for Defendant in Palomino murder in 2000. They believe this murder was set up by Hildalgo. The State inquired the validity of that having anything to do to this case. Mr. Whipple advised that he didn't really know, but wanted to make a record and make a Court's exhibit and requested a twenty-four hour continuance to find "Airial" AKA Michelle Schwanderlik. Mr. Digiacomo stated that the other murder was when the Palomino Club was under different ownership; also, the person Mr. Whipple is looking for cannot be found. He further advised that there is no evidence linking this murder to the other murder in case C182148 filed on 8/6/02. COURT FINDS, there is no need for a Court's exhibit, and DENIED the continuance. Mr. Digiacomo stated he had no problem with the Court reviewing the other case. OUTSIDE THE PRESENCE OF THE JURY. The Court inquired of Mr. Taoipu if he discussed testifying with his counsel, Terry Jackson, Esq. Mr. Taoipu stated that he had spoken with counsel and that he understands his rights. IN THE PRESENCE

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 045

OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess.
MATTER CONTINUED.

CONTINUED TO: 02/05/08 01:00 PM 05

02/05/08 09:30 AM 00 ALL PENDING MOTIONS 2/5/08

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006955	Di Giacomo, Marc P.	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
006168	Whipple, Bret O.	Y
0002 D	Hidalgo, Luis A	Y
001923	Gentile, Dominic P.	Y
008357	Armeni, Paola M.	Y

DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL
(HIDALGO)...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENT...DEFENDANT'S
MOTION TO ALLOW STATEMENTS

Hidalgo: CONFERENCE AT BENCH. Mr. Digiacomo advised that based on new evidence, the State is seeking an indictment against Hidalgo, Jr. Mr. Gentile stated that service would not be accepted as there is a Supreme Court ordered regarding conflict for him to represent Hidalgo III, and Hidalgo Jr.; those records are sealed. Following further arguments and request by the State, COURT ORDERED, the police are not to destroy any notes and they must be maintained; the Court will sign an order as to this. Mr. Gentile requested production of phone conversations from Espindola and Hidalgo Jr. COURT ORDERED, Defendant's Motion for Audibility Hearing and Transcript Approval is CONTINUED.

Counts: COURT ORDERED, Defendant's Motion to Suppress Custodial Statements pertain to Defendant Hidalgo and is CONTINUED; Defendant's Motion in Limine to Allow Statements is MOOT.

CUSTODY (BOTH)

CONTINUED TO: 2/7/08 9:30 AM DEFENDANT'S MOTION FOR AUDIBILITY HEARING
AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENT
(HIDALGO III)

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 046

02/05/08 12:30 PM 05 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006955 Di Giacomo, Marc P.	Y
	007135 Pesci, Giancarlo	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y

OUTSIDE THE PRESENCE OF THE JURY. Mr. Whipple stated he had not received certain items of Discovery; if they weren't copied, they must have come from the detectives files. Defendant's Motion to Preclude Test from Detectives Re: their Interpretation of Third Party Conversation FILED IN OPEN COURT. COURT ORDERED, they can testify if interpretations is non street slang; they can't speculate as to meaning. He further stated that as to the conspiracy charge as to Kenneth Counts will be asking for a directed verdict as to that issue. Arguments by counsel. Arguments by Ms. Wildeveld in support of her possession; discussion regarding the way the charge was pled. COURT FINDS, all of the conspirators do not have to be at all of the meetings at the same time. Mr. Digiacomo stated this argument was made in front of Judge Moseley and is part of the record. The Court informed counsel that these issues can be determined with jury instructions. Arguments by Mr. Whipple regarding Crawford issues.

IN THE PRESENCE OF THE JURY; Testimony and exhibits per worksheet.

OUTSIDE THE PRESENCE OF THE JURY; Discussion regarding witness Calvin Williams being transported from Tohapah, NV tonight; order to transport to be prepared. Mr. Whipple stated he doesn't want Deangelo Carroll's statements to be given to the jury. Mr. Diagiacomo stated they were given file stamped copies of transcript; they could have redacted before how. He stated that Mr. Whipple is being disingenuous to say he didn't have a copy of this information. COURT ORDERED, redaction of statement is UNTIMELY; Judge Moseley's previous order stands.

IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet.

Evening recess. MATTER CONTINUED.

CONTINUED TO: 02/06/08 10:00 AM 06

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA vs Counts, Kenneth

CONTINUED FROM PAGE: 047

02/06/08 10:00 AM 06 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007135 Pesci, Giancarlo	Y
	006955 Di Giacomo, Marc P.	Y
	0001 D1 Counts, Kenneth	Y
	005825 Wildeveld, Kristina M.	Y
	006168 Whipple, Bret O.	Y

IN THE PRESENCE OF THE JURY. State rested. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding exhibits. Discussion regarding transport of the two witnesses; the Court directed to transport the two witnesses separately. Colloquy regarding Mr. Whipple's witnesses. Opposition by Mr. Digiacomo. The Court admonished Mr. Counts of his constitutional right to not be compelled to take the stand in how own defense. The Defendant stated he understood his rights. Colloquy regarding Defendant Carroll and that the State may call him as a witness. IN THE PRESENCE OF THE JURY. CONFERENCE AT BENCH. Testimony and exhibits presented per worksheet. Defense rested. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling. The Court requested that parties settle jury instructions. Mr. Whipple stated that he was not prepared to do that. Evening recess. MATTER CONTINUED.

CONTINUED TO: 02/07/08 10:30 AM 07

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 048

02/07/08 10:45 AM 07 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA
007135 Pesci, Giancarlo
006955 Di Giacomo, Marc P.

0001 D1 Counts, Kenneth
005825 Wildeveld, Kristina M.
006168 Whipple, Bret O.

Y
Y
Y

Y
Y
Y

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding proposed jury instructions. Mr. Whipple requested twenty four hour continuance to review discrepancy in exhibit 189. The Court DENIED Mr. Whipple's motion as the document became relevant due to testimony of the Defendant; he opened the door. Mr. Whipple MOVED for a mistrial based on the violation of Mr. Counts due process rights. COURT ORDERED, DENIED. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. The Court instructed the jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Whipple. Closing arguments by Mr. DiGiacomo. Officer sworn to take charge of the jury. Alternate jurors thirteen to fifteen revealed; the Court requested that they provide phone numbers to the bailiff in the event that they have to be recalled. At the hour of 4:40 PM the jury retired to deliberate. Evening recess. MATTER CONTINUED.

CONTINUED TO: 02/08/08 09:00 AM 08

CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 049

02/08/08 09:00 AM 08 TRIAL BY JURY

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA
006955 Di Giacomo, Marc P.
007155 Risse, Rebecca

0001 D1 Counts, Kenneth
005825 Wildeveld, Kristina M.
006168 Whipple, Bret O.

Y
Y
Y

Y
Y
Y

At the hour of 4:40 PM the jury returned with the following verdict:
COUNT I - CONSPIRACY TO COMMIT MURDER - GUILTY
COURT ORDERED, Defendant REMANDED without bail on this charge.

COUNT II - MURDER WITH USE OF A DEADLY WEAPON - NOT GUILTY.

The Court thanked and excused jurors from service.

COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and set for sentencing.

CUSTODY

3/20/08 9:30 AM SENTENCING

02/26/08 09:30 AM 00 ALL PENDING MOTIONS 2/26/08

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA
007135 Pesci, Giancarlo
006168 Whipple, Bret O.

0001 D1 Counts, Kenneth
006168 Whipple, Bret O.

Y
Y
Y

Y
Y

DEFENDANT'S MOTION FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING
(COUNTS)...DEFENDANT'S MOTION TO DISMISS OR TO STRIKE

The Court informed Mr. Whipple that the current Supreme Court stay does not
apply to Mr. Counts. Mr. Whipple requested a continuance as Ms. Wildeveld is

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CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADA

vs Counts, Kenneth

CONTINUED FROM PAGE: 050

not available until after 3/6/08. COURT ORDERED, CONTINUED.

CONTINUED TO: 3/11/08 9:30 AM

03/11/08 09:30 AM 01 DEFT'SMTN FOR NEW TRIAL AND REQUEST FOR
AN EVIDENTIARY HEARING/242

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: REBECCA FOSTER, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007135	Pesci, Giancarlo	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y

Arguments by counsel. Court stated she inspected documents in-camera, the documents can be sealed and made a part of the Court's record in case the Nevada Supreme Court wants to look at them, the Declaration of Arrest should be sufficient and, ORDERED, motion DENIED.

CUSTODY

03/20/08 09:30 AM 00 SENTENCING

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Denise Husted, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007135	Pesci, Giancarlo	Y
006955	Di Giacomo, Marc P.	Y
0001 D1	Counts, Kenneth	Y
005825	Wildeveld, Kristina M.	Y
006168	Whipple, Bret O.	Y

Parties argued and submitted. Statement by Defendant. The State MOVED that Defendant's copies of Judgements of Conviction be admitted as exhibits and also requested that the Defendant be sentenced under the Small Habitual Criminal statute. Arguments in opposition by Mr. Whipple. DEFENDANT COUNTS ADJUDGED GUILTY under the Small Habitual Criminal Statute of CONSPIRACY TO COMMIT MURDER (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the

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CRIMINAL COURT MINUTES

05-C-212667-C STATE OF NEVADAvs Counts, Kenneth

CONTINUED FROM PAGE: 051

Division and payment of a \$150.00 Analysis fee to the Clark County Clerk, Defendant SENTENCED to a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of TWO-HUNDRED FORTY (240) MONTHS, to RUN CONSECUTIVELY to Defendant's cases in California, with 1,029 DAYS CREDIT for time served. FURTHER, copies of Judgements of Conviction are ADMITTED; Ms. Wildeveld is APPOINTED as appellate counsel.

NDC

04/30/08
CASE NO. 05-C-212667-C

E X H I B I T S

4:24 PM
CASE STATUS: ACTIVE

STATE OF NEVADA

[] vs Counts, Kenneth

[E]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	P/D	/JUSTICE COURT EXHIBITS	S	/	06/17/05	V
0002	P-D	/JUSTICE COURT EXHIBITS	S	/	12/09/05	V
0003	P1	/DVD	S	AD/NO	04/21/06	V
0004	P2	/TRANSCRIPT	S	AD/NO	04/21/06	V
0005	PCT1	/AFFIDAVIT -BILL FALKNER		AD/ST	01/30/07	V
0006	P1-	/1-4 - AUTOPSY PHOTO 05-3984		AD/ST	01/31/08	V
0007	P5-	/CRIME SCENE PHOTO		AD/ST	01/31/08	V
0008	P6-12	/6-12 CRIME SCENE PHOTO - BODY IN STREET		AD/ST	01/31/08	V
0009	P13	/PHOTO- BLOODY GLASSES		AD/ST	01/31/08	V
0010	P14-	/14-17 PHOTO-STREET W/EVID		AD/ST	01/31/08	V
0011	P18-	/STREET- EVID 4		AD/ST	01/31/08	V
0012	P19-	/STREET EVID 5		AD/ST	01/31/08	V
0013	P20-	/STREET- EVID 6		AD/ST	01/31/08	V
0014	P21-	/21-22 PHOTO- KIA SPORTAGE		AD/ST	01/31/08	V
0015	P23-	/PHOTO- KIA SPORTAGE INTERIOR		AD/ST	01/31/08	V
0016	P24-	/PHOTO- INTERIOR OF CAR- CELL PHONE		AD/ST	01/31/08	V
0017	P25-	/PHOTO- INTERIOR OF CAR- COOLER		AD/ST	01/31/08	V
0018	P26	/PHOTO INT OF CAR - BAG		AD/ST	01/31/08	V
0019	P27	/PHOTO-TRUNK OF CAR ITEMS INSIDE		AD/ST	01/31/08	V
0020	P28	/PHOTO- CELL PHONE		AD/ST	01/31/08	V
0021	P29	/PHOTO- BAG & CONTENTS		AD/ST	01/31/08	V
0022	P30	/PHOTO- BANK DEPOSIT CASE		AD/ST	01/31/08	V
0023	P31	/PHOTO- BEER CAN		AD/ST	01/31/08	V
0024	P32	/PHOTO- INT OF VAN		AD/ST	01/31/08	V
0025	P33	/PHOTO- BACK OF CHEVY VAN 363 NKS		AD/ST	01/31/08	V
0026	P34-	/34-35 PHOTO - SIDE OF VEHICLE		AD/ST	01/31/08	V
0027	P36-	/36-37 PHOTO INT OF VAN		AD/ST	01/31/08	V
0028	P38	/PHOTO- VEHICLE WINDOW PRINT LIFTS		AD/ST	01/31/08	V
0029	P39	/39-40 INT OF VAN		AD/ST	01/31/08	V
0030	P41	/PHOTO-PALOMINO CARDS/SPOONS		AD/ST	01/31/08	V
0031	P42	/PHOTO- SEAT W/PALOMINO CARD		AD/ST	01/31/08	V
0032	P43	/PHOTO- ASH TRAY		AD/ST	01/31/08	V
0033	P44	/PHOTO- INT OF VAN		AD/ST	01/31/08	V
0034	P45	/PHOTO- ASH TRAY		AD/ST	01/31/08	V
0035	P46	/PHOTO- BACK SEAT OF VAN		AD/ST	01/31/08	V
0036	P47	/PHOTO- BACK SEAT OF VAN		AD/ST	01/31/08	V
0037	P48	/PHOTO- INT OF VAN		AD/ST	01/31/08	V
0038	P49	/49-50 PHOTO- INT OF VAN CPHLDER/ASHTRY		AD/ST	01/31/08	V
0039	P51	/PHOTO-DASH OF VAN		AD/ST	01/31/08	V
0040	P52	/PHOTO- WINDSHLD OF VAN		AD/ST	01/31/08	V
0041	P53	/PHOTO-CUPHLDRS		AD/ST	01/31/08	V
0042	P54	/PHOTO-DASH/ASHTRY/GLVE BX		AD/ST	01/31/08	V
0043	P55	/PHOTO-DMV/INSRNCE PAPERS		AD/ST	01/31/08	V
0044	P56	/56-57 PHOTO- DMV ENV/DEANGELO CARROLL		AD/ST	01/31/08	V
0045	P58	/PHOTO- DRIVERS SEAT		AD/ST	01/31/08	V
0046	P59	/PHOTO- FRONT SEATS		AD/ST	01/31/08	V
0047	P60	/60-61 HOUSE (ADDRSS 1676		AD/ST	02/04/08	V
0048	P62	/PHOTO- BLACK CHEVY		AD/ST	02/04/08	V
0049	P63	/PHOTO- CLTTRD PATIO		AD/ST	02/04/08	V
0050	P64	/PHOTO- SHELVES W/ITEMS		AD/ST	02/04/08	V
0051	P65	/BLACK METAL		AD/ST	02/04/08	V
0052	P66	/PHOTO BAGS OF BULLETS		AD/ST	02/04/08	V

04/30/08
CASE NO. 05-C-212667-C

E X H I B I T S

4:24 PM
CASE STATUS: ACTIVE

STATE OF NEVADA

[] vs Counts, Kenneth

[E]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0053	P67	/PHOTO- FAX MACHINE/MESSY FLOOR		AD/ST	02/04/08	V
0054	P68	/PHOTO- DINING AREA		AD/ST	02/04/08	V
0055	P69	/PHOTO DINING TABLE		AD/ST	02/04/08	V
0056	P70	/PHOTO- CHCKBK- IRENE & KENNETH COUNTS		AD/ST	02/04/08	V
0057	P71	/PHOTO-SPRINT BILL- PHOTOS		AD/ST	02/04/08	V
0058	P72	/PHOTO- MESSY HALLWAY		AD/ST	02/04/08	V
0059	P73	/73-74 PHOTO- CLOTHES ON FLOOR		AD/ST	02/04/08	V
0060	P75	/PHOTO- BLCK SHRT		AD/ST	02/04/08	V
0061	P76	/PHOTO-BLCK CAP- ITEM 6		AD/ST	02/04/08	V
0062	P77	/77-78 PHOTO-BLCK GLVE-ITEM 7 (LEFT)		AD/ST	02/04/08	V
0063	P79	/PHOTO- BLCK PNTS		AD/ST	02/04/08	V
0064	P80	/PHOTO- BLUE JEANS ITEM 2		AD/ST	02/04/08	V
0065	P81	/PHOTO-CURB ADDRESS 1677		AD/ST	02/04/08	V
0066	P82	/PHOTO- HOUSE		AD/ST	02/01/08	V
0067	P83	/PHOTO- GARAGE		AD/ST	02/04/08	V
0068	P84	/PHOTO- HALLWAY/LADDER		AD/ST	02/01/08	V
0069	P85	/85- 88 PHOTO- DISHEVELED LIVING RM		AD/ST	02/01/08	V
0070	P89	/PHOTO-TV REMOTE/ID CARD		AD/ST	02/04/08	V
0071	P90	/90-91 PHOTO- FLOOR/ITEMS ON FLOOR		AD/ST	02/04/08	V
0072	P92	/PHOTO- MISC ITEMS		AD/ST	02/04/08	V
0073	P93	/PHOTO- POUCH W/CASH		AD/ST	02/04/08	V
0074	P94	/PHOTO- WALLET NDL IRENE COUNTS		AD/ST	02/04/08	V
0075	P95	/PHOTO- PALOMINO CARDS		AD/ST	02/04/08	V
0076	P96	/PHOTO- CASH		AD/ST	02/04/08	V
0077	P97	/PHOTO-SIMONES AUTO		AD/OB	02/05/08	V
0078	P98	/PHOTO-SAP 6770		AD/OB	02/05/08	V
0079	P99	/99-101 PHOTO- INT OF BLDG		AD/OB	02/05/08	V
0080	P102	/PHOTO- DESK		AD/OB	02/05/08	V
0081	P103	/PHOTO- BRIEF CASE		AD/OB	02/05/08	V
0082	P104	/PHOTO- DESK		AD/OB	02/05/08	V
0083	P105	/PHOTO- CHCK TO DEANGELO CARROLL		AD/OB	02/05/08	V
0084	P106	/PHOTO- POOL TABLE		AD/OB	02/05/08	V
0085	P107	/PHOTO 2 RED CHAIRS		AD/OB	02/05/08	V
0086	P108	/PHOTO POOL TABLE/POINT BLANK APRON		AD/OB	02/05/08	V
0087	P109	/PHOTO- MAGAZINE/NOTE ON FRONT		AD/OB	02/05/08	V
0088	P110	/PHOTO- CASH		AD/OB	02/05/08	V
0089	P111	/PHOTO- INT OF BLDG		AD/OB	02/05/08	V
0090	P112	/PHOTO- DOOR/HALLWAY		AD/OB	02/05/08	V
0091	P113	/PHOTO- DOOR #6		AD/OB	02/05/08	V
0092	P114	/PHOTO- HALL/DISHEVELED ROOM		AD/OB	02/05/08	V
0093	P115	/PHOTO- DISHEVELED ROOM		AD/OB	02/05/08	V
0094	P116	/116-117 PHOTO- DISHEVELED DESK		AD/OB	02/05/08	V
0095	P118	/PHOTO- BIRTH CERT LUIS HIDALGO		AD/OB	02/05/08	V
0096	P119	/PHOTO- ORDR FOR SAVINGS BONDS		AD/OB	02/05/08	V
0097	P120	/120-122 PHOTO DISHEVELED ROOM		AD/OB	02/05/08	V
0098	P123	/PHOTO- BED/ITEMS ON BED		AD/OB	02/05/08	V
0099	P124	/124-125 PHOTO DISHEVELD ROOM		AD/OB	02/05/08	V
0100	P126	/PHOTO-PPRWRK/NTEBOOK		AD/OB	02/05/08	V
0101	P127	/PHOTO- SAVINGS BOND LUIS HIDALGO		AD/OB	02/05/08	V
0102	P128	/PHOTO- SS CARD		AD/OB	02/05/08	V
0103	P129	/129-130 PHOTO- BATHROOM		AD/OB	02/05/08	V
0104	P131	/PHOTO ITEM ON TILE		AD/OB	02/05/08	V

04/30/08
CASE NO. 05-C-212667-C

E X H I B I T S

4:24 PM
CASE STATUS: ACTIVE

STATE OF NEVADA

[] vs Counts, Kenneth

[E]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0105	P132	/132- 133 PHOTO TOILET		AD/OB	02/05/08	V
0106	P134	/134-134C BULLET FRAG; UPPR & LWR BRAIN		AD/ST	01/31/08	V
0107	P135	/PHOTO PALOMINO CLUB		AD/ST	02/05/08	V
0108	P136	/PHOTO- PALOMINO CLUB BLUEPRINT		AD/ST	02/05/08	V
0109	P137	/137-141 PHOTO- MONEY		AD/ST	02/05/08	V
0110	P142	/PHOTO- PAYROLL 5/14/04		AD/ST	02/05/08	V
0111	P143	/PHOTO- BULLETIN BOARD		AD/ST	02/05/08	V
0112	P144	/PHOTO- BOX OF CARDS		AD/ST	02/05/08	V
0113	P145	/METRO PRINT CARD (4 PGS)		AD/ST	01/31/08	V
0114	P146	/METRO PRINT CARD (2 PGS)		AD/ST	01/31/08	V
0115	P147	/\$100 DLLR BLL-FNT & BACK (PHOTO)		AD/ST	02/04/08	V
0116	P148	/EVENT #050319-3516 LST OF EVID		AD/ST	01/31/08	V
0117	P149	/149-149A BAG W/FARMRS INS CERT LTR FRM		AD/ST	01/31/08	V
0118	P150-	/150-150A EVID ENV; 42 PALOMINO Bs CARDS		AD/ST	01/31/08	V
0119	P151-	/151-151A 1 PALOMINO CLUB MATCHBOOK		AD/ST	01/31/08	V
0120	P152	/152-152A; 33 PALOMINO CLUB AD CARDS		AD/ST	01/31/08	V
0121	P153	/153-153A EVID BAGS; BLCK WALLET & CNTNTS		AD/ST	01/31/08	V
0122	P154	/154-154A ENV; 28 PALOMINO CLUB VIP CARDS		AD/ST	01/31/08	V
0123	P155	/155-155A EVID BAG; 1 PNEUMATIC TUBE W/DI		/	99/99/99	V
0124	P156	/METRO PRINT CARD		AD/ST	01/31/08	V
0125	P157	/VIDEO (VHS)		AD/ST	02/01/08	V
0126	P157A	/VOL STMNT		AD/ST	02/01/08	V
0127	P158	/AERIAL STREET MAP		AD/ST	02/05/08	V
0128	P159	/AERIAL MAP		AD/ST	02/05/08	V
0129	P160	/160-160D;ENV;BUS CARD; PAL VIP CRDS		AD/ST	02/04/08	V
0130	P161	/161-161A EVID ENV & CONT		AD/ST	02/04/08	V
0131	P162	/162-162A SEALED ENV- CONT 6 BLLS \$95.00		AD/ST	02/04/08	V
0132	P163-	/163-163A ENV; BLCK CLOTH PISTOL CASE		AD/ST	02/04/08	V
0133	P164	/SEALED EVID ENV		AD/ST	02/04/08	V
0134	P165	/SEALED EVID ENV		AD/ST	02/04/08	V
0135	P166	/SEALED ENV		AD/ST	02/04/08	V
0136	P167	/EVID ENV & CONT SEALED		AD/ST	02/04/08	V
0137	P168	/SEALED EVID ENV		AD/ST	02/04/08	V
0138	P169	/GPA JAYSON TAOIPU 6/6/07		AD/ST	02/04/08	V
0139	P170	/CAB TRIP SHEET		AD/ST	02/04/08	V
0140	P171	/VIP CARDS PALOMINO		AD/ST	02/04/08	V
0141	P172	/172-174 LATENT PRINT LIFTS		AD/ST	02/04/08	V
0142	P175	/175-180 PRINTS		AD/ST	02/04/08	V
0143	P181	/\$100 BILL & PRINTS		AD/ST	02/04/08	V
0144	P182	/PHOTO- K J COUNTS		AD/ST	02/05/08	V
0145	P183	/CNTCT SHEET 6/20/05		AD/ST	02/05/08	V
0146	P184	/CALL DET EXH		AD/ST	02/05/08	V
0147	P185	/CD 2/1/08		AD/ST	02/05/08	V
0148	P186	/CD 2/1/08		AD/ST	02/05/08	V
0149	P187	/KENNETH COUNTS PHONE CALLS		AD/ST	02/05/08	V
0150	P188	/SPRINT DOC 4/26/06		AD/ST	02/05/08	V
0151	P189	/CALL LOG		AD/ST	02/05/08	V
0152	P190	/NEXTEL DOC		AD/ST	02/05/08	V
0153	P191	/CD		AD/ST	02/05/08	V
0154	P191A	/TRANSCRIPT		AD/ST	02/05/08	V
0155	P191B	/TRANSCRIPT		AD/ST	02/05/08	V
0156	P192A	/P192A-B CD		/	99/99/99	V

04/30/08
CASE NO. 05-C-212667-C

E X H I B I T S

4:24 PM
CASE STATUS: ACTIVE

STATE OF NEVADA

[] vs Counts, Kenneth

[E]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0157	P193	/193-193A EVID ENV;2 PCS OF PAPER STPLD		AD/ST	02/05/08	V
0158	P194	/SEALED EVID BAG		AD/ST	02/05/08	V
0159	DA	/PHOTO-DEANGELO CARROLL		AD/ST	02/01/08	V
0160	DB	/PHOTO-ROANTAE ZONE		AD/ST	02/01/08	V
0161	DC	/PHOTO-JAYSON TAOIPU		AD/ST	02/01/08	V
0162	DD	/PHOTO- CALVIN WILLIAMS		AD/ST	02/06/08	V
0163	DE	/PHOTO- CALVIN WILLIAMS (SIDE VIEW)		AD/ST	02/06/08	V
0164	DF	/PHOTO-6 PEOPLE		AD/ST	02/06/08	V
0165	DG	/PHOTO- WOMAN		/OB	99/99/99	V
0166	DH	/PHOTO- OLDER MAN		/	99/99/99	V
0167	DI	/PHOTO-YOUNG MAN/YELLOW SHIRT		/	99/99/99	V
0168	DJ	/PHOTO-STREET W/HOUSES		AD/ST	02/05/08	V
0169	DK	/LTR FRM JAYSON TAOIPU TO KENNETH COUNTS		AD/ST	02/04/08	V
0170	DL	/LV METRO LINEUP		AD/ST	02/04/08	V
0171	DM	/M-M6 BAG CONT/BLCK SHRT,CAP,GLVES,JEANS		AD/ST	02/06/08	V
0172	PCT1-	/PET FOR WRIT OF HC JACK PERRY		AD/ST	02/04/08	V
0173	PCT2-	/POST CONVCTN WRT OF HC JACK PERRY		AD/ST	02/04/08	V
0174	PCT3-	/NOTES FRM JURORS		AD/ST	02/06/08	V
0175	PCT4-	/TELEPHONE LOG		AD/ST	02/07/08	V
0176	P1/	/MINUTE ORDR CNTY OF LA		AD/OB	03/20/08	V
0177	P2/	/AFFDVT 11/18/99		AD/OB	03/20/08	V
0178	P3/	/MIN ORDR 8/9/04 CNTY OF LA		AD/OB	03/20/08	V
0179	P4/	/AFFDVT KENNETH COUNTS X01539522		AD/OB	03/20/08	V

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR
ROUGH DRAFT TRANSCRIPT; REQUEST FOR ROUGH DRAFT TRANSCRIPT; DISTRICT
COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

KENNETH COUNTS,

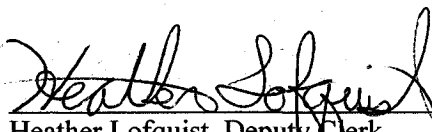
Defendant(s),

)
)
) Case No: C212667
) Dept No: XXI
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now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 1 day of May 2008.

Charles J. Short, Clark County Clerk


Heather Lofquist, Deputy Clerk