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Attorneys for Petitioner

DISTRICT COURT

CLARK COUNTY, NEVADA

MICHAEL DAMON RIPPO,

Petitioner,

vs.

E. K. McDANIEL, Warden, and
CATHERIN CORTEZ-MASTO,
Attorney General of the State of
Nevada,

Respondents.

Case No. C106784
Dept. No. I

(Death Penalty Case)

FILED

APR 15 10 38 AM '09

E. Lindeman
CLERK OF DISTRICT COURT

Electronically Filed
Apr 17 2009 10:31 a.m.
Tracie K. Lindeman

NOTICE OF APPEAL

NOTICE is hereby given that the Petitioner, Michael Damon Rippo, appeals to the Nevada Supreme Court from the Finding of Fact, Conclusions of Law and Order entered and served in this action on March 16, 2009 by Notice of Entry of Decision and Order. The Findings of Fact,

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1 Conclusions of Law and Order was entered on March 11, 2009 by the Honorable David T. Wall,
2 Department XX.¹

3 Respectfully submitted this 15th day of April, 2009.
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11 Attorneys for Petitioner
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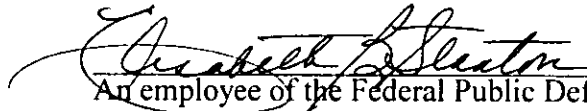
26 ¹Mr. Rippo's case was transferred from Department XX to Department I on December 28,
27 2008.

1 **CERTIFICATE OF SERVICE BY MAIL**

2 The undersigned hereby certifies that pursuant to NRCP 5(b), on this 15th day of April, 2009,
3 she caused to be deposited for mailing, in the United States mail, postage prepaid, a true and correct
4 copy of the foregoing Notice of Appeal, addressed to opposing counsel as follows:

5 David Roger
6 Clark County District Attorney
7 Steve S. Owens
8 Chief Deputy District Attorney
9 200 Lewis Ave.
10 Las Vegas, Nevada 89155

11 Catherine Cortez Masto
12 Attorney General
13 555 East Washington Avenue, 3rd Floor
14 Las Vegas, Nevada 89101

15 
16 An employee of the Federal Public Defender
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1 **ASTA**
2 **FRANNY A. FORSMAN**
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11 **Facsimile: (702) 388-5819**

12 **Attorneys for Petitioner**

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 **MICHAEL DAMON RIPPO,**
16 **Petitioner,**

17 **vs.**

18 **E. K. McDANIEL, Warden, and**
19 **CATHERIN CORTEZ-MASTO,**
20 **Attorney General of the State of**
21 **Nevada,**

22 **Respondents.**

23 **Case No. C106784**
24 **Dept. No. I**

25 **(Death Penalty Case)**

26 **CASE APPEAL STATEMENT**

27 **1. Name of petitioner filing this case appeal statement:**

28 **Michael Damon Rippo**

2. Identify the judge issuing the order appealed from:

Hon. David T. Wall¹

3. All parties to the proceedings in the district court:

Same as in caption; State of Nevada is real party in interest.

4. All parties involved in this appeal:

¹Mr. Rippo's case was transferred from Department XX to Department I on December 28, 2008.

1 Same as in caption; State of Nevada is real party in interest.

2 5. **Set forth the name, law firm, address and telephone number of all counsel on appeal**
3 **and party or parties whom they represent:**

4 David Roger
5 Clark County District Attorney
6 Steve S. Owens
7 Chief Deputy District Attorney
8 200 Lewis Ave.
9 Las Vegas, Nevada 89155
10 (702) 671-2750

11 and

12 Catherine Cortez Masto
13 Attorney General
14 555 East Washington Avenue, 3rd Floor
15 Las Vegas, Nevada 89101
16 (702) 486-3420

17 Counsel for Warden, and State of Nevada

18 David S. Anthony
19 Assistant Federal Public Defender
20 411 E. Bonneville Ave, Suite 250
21 Las Vegas, NV 89101
22 (702) 388-6577

23 Counsel for Petitioner, Michael Damon Rippo

24 6. **Whether petitioner/appellant was represented by appointed or retained counsel in the**
25 **district court:**

26 Petitioner/Appellant was represented by appointed counsel.

27 7. **Whether petitioner/appellant was granted leave to proceed in forma pauperis, and the**
28 **date of entry of the district court order granting such leave:**

Yes; May 17, 1996.

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1 8. **Date proceedings commenced in the district court (e.g., date complaint, indictment,**
2 **information or petition was filed):**

3 Petition for Writ of Habeas Corpus (Post-Conviction) was filed on January 15, 2008.

4 Respectfully submitted this 15th day of April, 2009.

5 FRANNY A. FORSMAN
6 Federal Public Defender

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8 DAVID ANTHONY
9 Assistant Federal Public Defender
10 Nevada Bar No. 7978
11 Nevada Bar No. 10105
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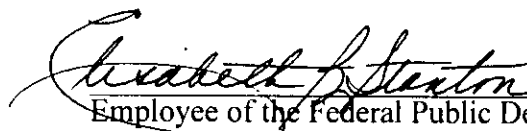
14 Attorneys for Petitioner
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 15TH day of April, 2009, I served a true and correct copy of the
3 **CASE APPEAL STATEMENT** on the following parties by delivering the below listed persons,
4 addressed as follows, and with authorization for payment of full payment of first class postage:

5 Catherine Cortez Masto
6 Attorney General
7 Heather Procter
8 Deputy Attorney General
9 Criminal Justice Division
10 100 North Carson Street
11 Carson City, Nevada 89701-4717

12 David Roger, Clark County District Attorney
13 Regional Justice Center
14 200 Lewis Avenue
15 Las Vegas, Nevada 89155

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Employee of the Federal Public Defender

DATE: 04/16/09
CASE NO. 92-C-106784-C

I N D E X

TIME 2:34 PM
JUDGE: Cory, Ken

STATE OF NEVADA

[] vs Rippo, Michael D

[]

0001 D1 Michael D Rippo

007978 Anthony, David S.
NO. 1 Asst Federal Public Defender
4131 Forestville Street
North Las Vegas, NV 89032

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	06/05/92	IND	/(GRAND JURY) INDICTMENT Fee \$0.00				
0002	06/05/92	HEAR	/GRAND JURY INDICTMENT	0001		06/05/92	
0003	06/16/92	HEAR	/ORAL REQUEST OF DISTRICT ATTORNEY FOR ARRAIGNMENT	0001		07/01/92	
0004	06/18/92	ORDR	/ORDER FOR PRODUCTION OF INMATE	0001		06/17/92	
0005	06/30/92	NOTC	/NOTICE OF INTENT TO SEEK DEATH PENALTY	0001		06/30/92	
0006	07/01/92	ARRN	/INITIAL ARRAIGNMENT	0001		07/06/92	
0007	07/06/92	OCAL	/STATUS CHECK: ARRAIGNMENT	0001		07/20/92	
0008	07/08/92	EXPR	/EX PARTE ORDER APPOINTING COUNSEL	0001		07/07/92	
0009	07/20/92	CALC	/CALENDAR CALL	0001		02/05/93	
0010	07/20/92	JURY	/TRIAL BY JURY (VAC 2/5/93 JB)	0001	VC	02/08/93	
0011	07/20/92	REQT	/MEDIA REQUEST				
0012	07/20/92	ORDR	/ORDER GRANTING PERMISSION OF MEDIA ENTRY			07/20/92	
0013	09/01/92	MOT	/MOTION FOR HANDWRITING EXEMPLAR	0001	GR	09/14/92	
0014	09/14/92	ORDR	/ORDER TO PRODUCCE HANDWRITING/ HANDPRINTING EXEMPLAR	0001		09/14/92	
0015	09/21/92	PET	/PETITION FOR WRIT OF HABEAS CORPUS	0001		10/05/92	
0016	09/21/92	ROC	/RECEIPT OF COPY	0001		09/21/92	
0017	09/28/92	WRIT	/WRIT OF HABEAS CORPUS	0001			
0018	09/28/92	ROC	/RECEIPT OF COPY	0001		09/28/92	
0019	09/28/92	ORDR	/ORDER	0001		09/25/92	
0020	09/28/92	ROC	/RECEIPT OF COPY	0001		09/28/92	
0021	10/05/92	HEAR	/HEARING: WRIT OF HABEAS CORPUS	0001	DN	11/04/92	
0022	10/02/92	STIP	/STIPULATION FOR EXTENSION OF TIME TO EXTENSION OF TIME TO FILE ANSWER TO WRIT OF HABEAS CORPUS	0001			Y
0023	10/09/92	WRIT	/RETURN TO WRIT OF HABEAS CORPUS	0001	SC	10/28/92	
0024	10/21/92	MOT	/MOTION OF DEFENDANT FOR DISCOVERY AND TO INSPECT ALL EVIDENCE FAVORABLE TO HIM	0001	GR	11/04/92	
0025	10/20/92	EXPT	/EX PARTE MOTION TO APPOINT AND FOR AUTHORIZATION FOR PAYMENT IN EXCESS OF STATUTORY LIMIT FOR PRIVATE INVESTIGATOR	0001		10/16/92	Y
0026	10/20/92	EXPR	/EX PARTE ORDER TO APPOINT AND FOR AUTHORIZATION FOR PAYMENT IN EXCESS OF STATUTORY LIMIT FOR PRIVATE INVESTIGATOR	0001	GR	10/16/92	Y
0027	10/23/92	RPLY	/REPLY TO RETURN TO WRIT OF HABEAS CORPUS	0001	SC	10/28/92	
0028	10/23/92	ROC	/RECEIPT OF COPY	0001		10/23/92	
0029	10/28/92	MOT	/ALL PENDING MOTIONS 10/28/92	0001		10/28/92	
0030	10/27/92	OPPS	/STATE'S OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY AND STATE'S MOTION FOR RECIPROCAL DISCOVERY	S S	SC	10/28/92	Y
0031	11/10/92	MOT	/ALL PENDING MOTIONS 11/4/92	0001		11/04/92	
0032	11/12/92	ORDR	/ORDER DENYING WRIT OF HABEAS CORPUS	0001		11/10/92	
0033	11/12/92	ORDR	/ORDER GRANTING MOTION FOR DISCOVERY	0001		11/10/92	
0034	11/18/92	ORDR	/ORDER FOR EVIDENCE AS TO OBLIGATION OF DISCOVERY	0001		11/17/92	

(Continued to page 2)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0035	12/31/92	EXPT/EX	PARTE MOTION FOR PROTECTIVE ORDER	0001		12/14/92	
0036	12/31/92	EXPT/EX	PARTE ORDER FOR MEETING IN JUDGES CHAMBERS	0001		12/31/92	
0037	12/31/92	ORDR/ORDER		0001		12/31/92	
0039	12/31/92	NOTC/NOTICE	OF EXHIBITS IN THE VAULT				
0040	01/27/93	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001		01/26/93	
0041	02/04/93	REQT/MEDIA	REQUEST			02/02/93	
0042	02/04/93	ORDR/ORDER	GRANTING PERMISSION OF MEDIA ENTRY			02/03/93	
0043	02/05/93	OCAL/STATUS	CHECK	0001		02/17/93	
0044	02/05/93	CALC/CALENDAR	CALL (VAC 2/26/93 JB)	0001	VC	11/19/93	
0045	02/05/93	JURY/TRIAL	BY JURY (VAC 2/26/93 JB)	0001	VC	11/22/93	
0046	02/17/93	OCAL/STATUS	CHECK: TRIAL SETTING	0001		02/26/93	
0047	02/17/93	REQT/STATE'S	MOTION TO EXPEDITE TRIAL DATE OR IN THE ALTERNATIVE TRANSFER CASE TO	S		02/16/93	Y
ANOTHER DEPARTMENT							
0048	02/26/93	CALC/CALENDAR	CALL	0001		09/10/93	
0049	02/26/93	JURY/TRIAL	BY JURY	0001	VC	09/13/93	
0050	02/28/93	TRAN/REPORTER'S	TRANSCRIPT OF SEPTEMBER 14, 1992 MOTION FOR HANDWRITING EXEMPLAR	0001		09/14/92	
0051	02/28/93	TRAN/REPORTER'S	TRANSCRIPT OF JULY 20, 1992 ARRAIGNMENT	0001		07/20/92	
0052	02/28/93	TRAN/REPORTER'S	TRANSCRIPT OF JULY 6, 1992	0001		07/06/92	
0053	02/28/93	TRAN/REPORTER'S	TRANSCRIPT OF NOVEMBER 4, 1992 WRIT OF HABEAS CORPUS	0001		11/04/92	
0054	02/28/93	TRAN/REPORTER'S	TRANSCRIPT OF OCTOBER 28, 1992	0001		10/28/92	
0055	02/28/93	TRAN/REPORTER'S	TRANSCRIPT OF OCTOBER 5, 1992	0001		10/05/92	
0056	07/22/93	MOT /MOTION	TO TRANSPORT DEFENDANT TO SOUTHERN DESERT CORRECTIONAL CENTER	0001	GR	08/02/93	
0057	07/23/93	ROC /RECEIPT	OF COPY	0001		07/22/93	
0058	08/06/93	ORDR/ORDER	TO TRANSPORT DEFENDANT TO SOUTHERN DESERT CORRECTIONAL CENTER	0001			
0059	08/17/93	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001			
0060	08/17/93	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001			
0061	08/17/93	ORDR/ORDER	FOR PRODUCTION OF INMATE	0001			
0062	08/17/93	ORDR/STIPULATION	AND ORDER	0001			
0063	08/23/93	MOT /MOTION	TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTO	0001	RR	04/13/99	
0064	08/23/93	MOT /MOTION	IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR BAD ACTS	0001	GR	04/14/94	
0065	08/23/93	MOT /MOTION	FOR INDIVIDUAL SEQUESTERED VOIR DIRE	0001	RR	04/14/94	
0066	08/23/93	MOT /MOTION	IN LIMINE LIMITING REMOVAL OF JURORS BY PROSECUTOR	0001	DN	04/14/94	
0067	08/23/93	MOT /MOTION	TO STRIKE AGGRAVATING CIRCUMSTANC NO1 AND NO2 / FOR SPEC AS TO NO4	0001	DN	04/14/94	
0068	08/24/93	MOT /MOTION	TO ALLOW THE DEFENSE TO ARGUE LAST	0001	DN	04/14/94	
0069	08/24/93	MOT /MOTION	TO PROHIBIT FILMING PHOTOGRAPHING VIDEOTAPING	0001	DN	04/14/94	
0070	08/24/93	MOT /MOTION	FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES	0001	GR	04/14/94	

(Continued to page 3)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0071	08/24/93	MOT /MOTION IN LIMINE TO PROHIBIT REFERENCES TO THE FIRST PHASE AS GUILT PHASE	0001	DN	04/14/94	
0072	08/26/93	SUBP/SUBPOENA	0001	SC	09/13/93	
			0001	SV	08/25/93	
0073	08/30/93	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0074	09/02/93	NOTC/ALIBI NOTICE	0001			
0075	09/02/93	NOTC/NOTICE OF ALIBI	0001			
0076	09/07/93	ROC /RECEIPT OF COPY	0001		09/02/93	
0077	09/09/93	MOT /MOTION TO QUASH AND FOR A PROTECTIVE ORDER	0001	GR	09/20/93	
			0001			
0078	09/10/93	MOT /ALL PENDING MOTIONS 9/10/93	0001		09/10/93	
0079	09/10/93	CALC/CALENDAR CALL	0001		02/14/94	
0080	09/10/93	JURY/TRIAL BY JURY (VAC 2/14/94)	0001	VC	02/22/94	
0081	09/22/93	ORDR/ORDER	0001			
0082	09/23/93	NOTC/NOTICE OF ENTRY OF ORDER	0001			
0083	09/29/93	EXPT/EX PARTE APPLICATION AND ORDER FOR APPOINTMENT OF PSYCHIATRISTS	0001			
			0001			
0084	09/15/93	TRAN/REPORTER'S TRANSCRIPT OF SEPTEMBER 10, 1993 MOTION TO CONTINUE JURY TRIAL	0001		09/10/93	
			0001			
0085	10/15/93	TRAN/REPORTER'S TRANSCRIPT OF SEPTEMBER 20, 1993 MOTION TO QUASH AND FOR PROTECTIVE ORDER	0001		09/20/93	Y
			0001			
0086	11/19/93	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0087	01/05/94	SUBP/SUBPOENA	0001	SC	02/14/94	
			0001	SV	01/05/94	
0088	01/05/94	SUBP/SUBPOENA	0001	SC	02/14/94	
			0001	SV	01/05/94	
0089	01/18/94	HEAR/ORAL REQUEST OF DISTRICT ATTORNEY STATUS CHECK TRIAL DATE-VC JB 1/24/94	0001	VC	01/24/94	
			0001			
0090	01/24/94	HEAR/ORAL REQUEST OF DISTRICT ATTORNEY STATUS CHECK TRIAL DATE	0001		01/31/94	
			0001			
0091	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0092	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0093	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0094	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0095	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0096	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0097	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0098	02/07/94	MOT /MOTION TO CONTINUE TRIAL	0001		02/14/94	
0099	02/07/94	MOT /MOTION TO DISQUALIFY DISTRICT ATTORNEY	0001		02/14/94	
0100	02/07/94	RSPN/RESPONSE TO DEFENDANTS MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES NECESSARY TO HIS DEFENSE	0001			Y
			0001			
0101	02/07/94	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE	0001			Y
			0001			
0102	02/07/94	PHOTOGRAPHS ANSW/STATES ANSWER IN OPPOSITION TO MOTION TO ALLOW DEFENSE TO ARGUE LAST AT PENALTY	0001			Y
			0001			
0103	02/07/94	PHASE ANSW/ANSWER IN OPPOSITION TO MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"	0001			Y
			0001			

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0104	02/07/94	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF DEFENDANTS PRIOR BAD ACTS	0001 0001			Y
0105	02/08/94	WRIT/WRIT OF HABEAS CORPUS AD TESTIFICANDUM	0001			
0106	02/08/94	APPL/APPLICATION FOR PRODUCTION OF INMATE	0001			
0107	02/08/94	PET /PETITION	0001			
0108	02/08/94	ORDR/ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS AD TESTIFICANDUM FOR A PRISONER	0001 0001			
0109	02/09/94	ROC /RECEIPT OF COPY	0001		02/07/94	
0110	02/14/94	HEAR/EVIDENTIARY HEARING	0001		03/07/94	
0111	02/14/94	CALC/CALENDAR CALL (VJ 3/18/94)	0001	VC	03/25/94	
0112	02/14/94	JURY/TRIAL BY JURY (VJ 3/18/94)	0001	VC	03/28/94	
0113	02/14/94	RSPN/STATE'S RESPONSE TO MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR	0001 0001			Y
0114	02/14/94	OPPS/STATE'S OPPOSITION TO MOTION TO CONTINUE TRIAL	0001 0001			
0115	02/14/94	RSPN/STATE'S RESPONSE TO DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCE	0001 0001			Y
		NUMBERED 1 AND 2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCES			NUMBER 4	
0116	02/14/94	SUBP/SUBPOENA DUCES TECUM	0001	SC	02/22/94	
			0001	SV	02/11/94	
0117	02/15/94	MOT /ALL PENDING MOTIONS 2/14/94	0001		02/14/94	
0118	02/24/94	EXPT/EX PARTE APPLICATION AND ORDER FOR APPOINTMENT OF PSYCHIATRIST AND NEUROPSYCHOLOGIST	0001 0001			Y
0119	02/24/94	ORDR/ORDER APPOINTING PSYCHIASTRIST AND NEUROPSYCHOLOGIST	0001 0001			
0120	02/24/94	EXPT/EX PARTE ORDER FOR AUTHORIZATION OF A CONTACT VISIT	0001 0001			
0121	02/24/94	EXPT/EX PARTE ORDER FOR AUTHORIZATION OF A CONTYACT VISIT	0001 0001			
0122	02/14/94	RSPN/STATE'S RESPONSE TO MOTION TO DISQUALFY THE DISTRICT ATTORNEY'S OFFICE AND STATE'S MOTION TO QUASH SUBPOENAS	0001 0001			Y
0123	02/14/94	AFFD/AFFIDAVIT	0001			
0126	03/08/94	MOT /ALL PENDING MOTIONS 3/7/94	0001		03/07/94	
0127	03/08/94	HEAR/HEARING JUDGE'S DECISION	0001		03/09/94	
0128	03/07/94	AFFD/AFFIDAVIT	0001			
0129	03/09/94	OCAL/STATUS CHECK RE: TRIAL DATE (VJ 3/11/94)	0001	VC	03/16/94	
0130	03/08/94	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 31, 1994 RE: ORAL REQUEST OF DISTRICT ATTORNEY	0001 0001			
0131	03/08/94	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 14, 1994 DEFENDANT'S MOTION TO CONTINUE	0001 0001		02/14/94	Y
		TRIAL PROCEEDINGS AND DEFENDANT'S MOTION TO DISQUALIFY DISTRICT ATTORNEY'S OFFICE				
0132	03/10/94	HEAR/AT REQUEST OF DISTRICT ATTORNEY STATUS CHECK	0001 0001		03/11/94	
0133	03/10/94	MOT /ALL PENDING MOTIONS 3/9/94	0001		03/09/94	
0134	03/10/94	NOTC/NOTICE OF EXHIBIT(S) IN THE VAULT			03/07/94	
0135	03/10/94	PET /PETITION	0001			

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0136	03/10/94	APPL/APPLICATION FOR PRODUCTION OF INMATE	0001			
0137	03/10/94	ORDR/ORDER FOR ISSUANCE OF WRIT OF HABEAS	0001			
		CORPUS AD TESTIFICANDUM FOR A PRISONER	0001			
0138	03/10/94	WRIT/WRIT OF HABEAS CORPUS AD TESTIFICANDUM	0001			
0139	03/17/94	MOT /STATE'S MOTION TO SUBMIT AMENDED	0001		04/14/94	
		INDICTMENT AND NOTICE OF MOTION	0001			
0140	03/17/94	LIST/WITNESS LIST	0001			
0141	03/18/94	CALC/CALENDAR CALL	0001	OC	10/21/94	
0142	03/18/94	JURY/TRIAL BY JURY (VJ 10/21/94)	0001	VC	10/24/94	
0143	03/21/94	MOT /ALL PENDING MOTIONS 3/18/94	0001		03/18/94	
0144	03/23/94	NOTC/AMENDED NOTICE OF INTENT TO SEEK DEATH	0001			
		PENALTY	0001			
0145	03/28/94	TRAN/REPORTER'S TRANSCRIPT OF MARCH 7, 1994	0001		03/07/94	Y
		RE: DEFENDANT'S MOTION TO DISQUALIFY	0001			
		DISTRICT ATTORNEY'S OFFICE				
0146	04/01/94	OPPS/DEFENDANT'S OPPOSITION TO STATES MOTION	0001			
		TO SUBMIT AMENDED INDICTMENT	0001			
0147	04/04/94	ROC /RECEIPT OF COPY	0001		04/01/94	
0148	04/08/94	RSPN/RESPONSE TO DEFENDANT'S OPPOSITION TO	0001			Y
		STATE'S MOTION TO SUBMIT AMENDED	0001			
		INDICTMENT				
0149	04/13/94	MOT /ALL PENDING MOTIONS 4/13/94	0001		04/13/94	
0150	04/14/94	HEAR/HEARING JUDGE'S DECISION	0001	DN	04/20/94	
0151	04/14/94	MOT /ALL PENDING MOTIONS 4/14/94	0001		04/14/94	
0152	04/26/94	ORDR/ORDER FOR TRANSCRIPT	0001			
0153	04/28/94	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 25,	0001		02/25/94	
		1994 EVIDENTIARY HEARING	0001			
0154	05/26/94	ORDR/ORDER	0001			
0155	05/26/94	ORDR/ORDER	0001			
0156	05/26/94	ORDR/ORDER FOR TRANSCRIPT	0001			
0157	06/21/94	TRAN/REPORTER'S TRANSCRIPT OF APRIL 13, 1994	0001		04/13/93	
		MOTIONS HEARING	0001			
0158	07/11/94	TRAN/REPORTER'S TRANSCRIPT OF MARCH 18, 1994	0001		03/18/94	
		MOTIONS HEARING	0001			
0159	07/11/94	TRAN/REPORTER'S TRANSCRIPT OF APRIL 20, 1994	0001		04/20/94	
		JUDGE'S DECISION	0001			
0160	07/19/94	REQT/MOTION FOR A WITNESS DEPOSITION	0001			
0161	07/19/94	ORDR/ORDER FOR A WITNESS DEPOSITION	0001			
0162	07/19/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0163	08/05/94	ORDR/ORDER FOR TRANSCRIPT	0001			
0164	08/15/94	TRAN/REPORTER'S TRANSCRIPT OF MARCH 9, 1994	0001		03/09/94	
		RE: MOTIONS HEARING	0001			
0165	09/01/94	EXPT/EX PARTE MOTION TO CHANGE INVESTIGATOR	0001			
		AND FOR EXCESS FEES	0001			
0166	09/01/94	ORDR/ORDER GRANTING MOTION FOR CHANGE OF	0001			
		INVESTIGATOR AND FOR EXCESS FEES	0001			
0167	09/12/94	TRAN/REPORTER'S TRANSCRIPT OF APRIL 14, 1994	0001		04/14/94	
		MOTIONS HEARING	0001			
0168	09/22/94	EXPT/EX PARTE ORDER TO TRANSPORT	0001			
0169	10/05/94	ORDR/ORDR FOR PRODUCTION OF INMATE MICHAEL	0001			
		BEAUDOIN BACK #38605	0001			
0170	10/05/94	ORDR/ORDER FOR PRODUCTION OF INMATE DIANA	0001			
		LEE HUNT BACK #37664	0001			

(Continued to page 6)

92-C-106784-C		(Continuation	Page	6)		
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0171	10/05/94	ORDR/ORDER FOR PRODUCTION OF INMATE DAVID LEVINE BACK #29106	0001			
0172	10/05/94	ORDR/ORDER FOR PRODUCTION OF INMATE DAVID MEEKER BACK #36745	0001			
0173	10/07/94	ORDR/ORDER AUTHORIZING INTERIM PAYMENT	0001			
0174	02/03/95	TRAN/REPORTER'S TRANSCRIPT OF OCTOBER 21, 1994 CALENDAR CALL	0001		10/21/94	
0175	02/27/95	TRAN/REPORTER'S TRANSCRIPT OF OCTOBER 21, 1994 CALENDAR CALL	0001		10/21/94	
0176	05/23/95	TRL /STATE'S REQUEST TO RESCHEDULE TRIAL DATE	0001		05/31/95	
0177	05/25/95	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0178	05/31/95	CALC/CALENDAR CALL	0001		01/26/96	
0179	05/31/95	JURY/TRIAL BY JURY	0001		03/06/96	
0180	08/16/95	TRAN/REPORTER'S TRANSCRIPT OF MAY 31, 1995 MOTIONS HEARING	0001		05/31/95	
0181	12/27/95	ORDR/ORDER FOR PRODUCTION OF INMATE	0001		12/27/95	
0182	12/27/95	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0183	12/27/95	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0184	01/02/96	HEAR/STATE'S REQUEST FILE AMENDED INDICTMENT	0001	GR	01/03/96	
0185	01/03/96	IND /AMENDED INDICTMENT	0001		01/03/96	
0186	01/16/96	PET /PETITION	0001			
0187	01/16/96	APPL/APPLICATION FOR PRODUCTION OF INMATE WILLIAM BURKETT AKA DONALD ALLEN HILL	0001			
0188	01/16/96	ORDR/ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS AD TESTIFICANDUM FOR A PRISONER	0001			
0189	01/18/96	WRIT/WRIT OF HABEAS CORPUS AD TESTIFICANDUM	0001			
0190	01/19/96	MOT /STATE'S MOTION IN LIMINE	0001	GR	01/26/96	
0191	01/19/96	EXPR/EX PARTE APPLICATION AND ORDER FOR TRANSPORTATION OF DEFENDANT FROM THE NEVADA DEPARTMENT OF PRISONS TO THE CLARK COUNTY DETENTION CENTER	0001			Y
0192	01/19/96	ORDR/ORDER GRANTING MOTION FOR CHANGE OF INVESTIGATOR AND FOR EXCESS FEES	0001			
0193	01/19/96	REQT/NOTICE OF MOTION AND MOTION IN LIMINE	0001		01/26/96	
0194	01/23/96	SUPP/SUPPLEMENT TO WITNESS LIST	0001			
0195	01/25/96	ORDR/ORDER FOR PRODUCTION OF INMATE JAMES HENRY LEWIS BACK #13080	0001			
0196	01/26/96	MOT /ALL PENDING MOTIONS 1/26/96	0001		01/26/96	
0197	01/29/96	MOT /NEVADA BOARD OF PAROLE COMMISSIONERS MOTION TO QUASH	0001		02/02/96	
0198	01/29/96	SUBP/SUBPOENA	0001	SC	01/29/96	
			0001	SV	01/28/96	
0199	01/29/96	REQT/MOTION TO QUASH SUBPOENAS DUCES TECUM	0001		01/30/96	
0200	01/29/96	SUPP/SUPPLEMENT TO MOTION TO QUASH SUBPOENAS DUCES TECUM	0001			
0201	01/29/96	ROC /RECEIPT OF COPY	0001		01/29/96	
0202	02/01/96	EXPT/EX PARTE MOTION FOR RELEASE AND DISCLOSURE OF RECORDS	0001			
0203	02/01/96	ORDR/ORDER FOR RELEASE AND DISCLOSURE OF RECORDS	0001			
0204	02/02/96	CRJL/CRIMINAL JURY LIST			02/02/96	Y

001565D1FC

(Continued to page 7)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
D1001565						
0205	02/02/96	JURY/JURY	0001			
0206	02/02/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	01/29/96	
			0001	SV	01/24/96	
0207	02/02/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	01/29/96	
			0001	SV	01/24/96	
0208	02/02/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	01/29/96	
			0001	SV	01/24/96	
0209	02/02/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	01/29/96	
			0001	SV	01/24/96	
0210	02/02/96	ORDR/ORDER	0001			
0211	02/05/96	SUBP/SUBPOENA	0001	SC	02/05/96	
			0001	SV	02/02/96	
0212	02/02/96	ORDR/ORDER FOR TRANSCRIPT	0001			
0213	02/05/96	SUBP/SUBPOENA DUCES TECUM	0001	SC	02/06/96	
			0001	SV	02/02/96	
0214	02/08/96	OPPS/ANSWER IN OPPOSITION TO DEFENDANTS MOTION FOR MISTRIAL BASED ON AN	0001		02/08/96	Y
			0001			
		ALLEGED DISCOVERY VIOLATION				
0215	02/15/96	ORDR/ORDER	0001			
0216	02/15/96	CRTF/CERTIFICATE	0001			
0217	02/15/96	REQT/REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS ALICE STARR	0001			
			0001			
0218	02/16/96	SUBP/SUBPOENA	0001	SC	02/22/96	
			0001	SV	02/15/96	
0219	02/16/96	SUBP/SUBPOENA	0001	SC	02/22/96	
			0001	SV	02/15/96	
0220	02/26/96	ORDR/ORDER FOR CONTACT VISIT	0001			
0221	02/27/96	ORDR/ORDER FOR CONTACT VISIT	0001			
0222	02/28/96	MOT /DEFT'S MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE	0001	DN	03/01/96	
			0001			
0223	02/28/96	MOT /DEFT'S MOTION TO REQUIRE PRETRIAL JUDICIAL REVIEW	0001	DN	03/01/96	
			0001			
0224	02/28/96	MOT /DEFT'S MOTION TO BAR ADMISSION MOTION IN LIMINE	0001	GR	03/01/96	
			0001			
0225	02/28/96	MOT /DEFT'S MOTION TO PRECLUDE CONSIDERATION	0001	DN	03/01/96	
0226	02/28/96	MOT /DEFT'S MOTION TO PRECLUDE INTRODUCTION	0001	GR	03/01/96	
0227	02/28/96	REQT/MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF	0001			Y
			0001			
		THE DEFENDANTS EXECUTION UPON VICTIMS FAMILY MEMBERS				
0228	02/28/96	REQT/MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE PERTAINING TO	0001		03/01/96	Y
			0001			
		VICTIM FAMILY MEMBERS CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME THE DEFENDANT AND OR THE APPROPRIATE SENTENCE				
0229	02/28/96	REQT/MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE	0001		03/01/96	Y
			0001			
		IN VIOLATION OF THE DUE PROCESS CLAUSE				
0230	02/28/96	REQT/MOTION TO REQUIRE A PRETRIAL JUDICIAL REVIEW OF ALL VICTIM IMPACT EVIDENCE	0001		03/01/96	Y
			0001			
		THE STATE INTENDS TO INTRODUCE AT THE PENALTY PHASE				
0231	02/28/96	REQT/MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE PURSUANT TO NRS	0001		03/01/96	Y
			0001			

(Continued to page 8)

NO.	FILED/REC CODE	REASON/DESCRIPTION	Page FOR	8) OC SCH/PER C
175.552	200.033	AND 200.035		
0232	03/01/96	MOT /ALL PENDING MOTIONS 3/1/96	0001	03/01/96
0233	01/31/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 30, 1996 JURY TRIAL -VOLUME I		01/30/96
0234	01/31/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 30, 1996 JURY TRIAL VOLUME II		01/30/96
0235	01/31/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 30, 1996 JURY TRIAL - VOLUME III		01/30/96
0236	02/01/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 31, 1996 JURY TRIAL - VOLUME I		01/31/96
0237	02/01/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 31, 1996 JURY TRIAL VOLUME II		01/31/96
0238	02/02/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 1, 1996 JURY TRIAL - VOLUME I		02/01/96
0239	02/05/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 2, 1996 JURY TRIAL - VOLUME VI		02/02/96
0240	02/06/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 5, 1996 JURY TRIAL - VOLUME I		02/05/96
0241	02/06/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 5, 1996 VOLUME II		02/05/96
0242	02/07/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 6, 1996 JURY TRIAL - VOLUME I		02/06/96
0243	02/07/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 6, 1996 JURY TRIAL VOLUME 2 AFTERNOON		02/06/96
0244	02/08/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 7, 1996 JURY TRIAL - VOLUME I		02/07/96
0245	02/09/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 8, 1996 JURY TRIAL VOLUME I		02/08/96
0246	03/01/96	REQT/MEDIA REQUEST		
0247	03/01/96	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY		
0248	03/01/96	ORDR/ORDER FOR PRODUCTION OF INMATE KIM KLARKE MEYERS BACK #13217	0001 0001	
0249	03/04/96	ORDR/ORDER FOR PRODUCTION OF INMATE DANNY RAY BAILEY BACK #17933	0001 0001	
0250	03/06/96	HEAR/PENALTY HEARING	0001	03/14/96
0251	01/03/96	CINF/AMENDED INDICTMENT	0001	03/05/96
0252	03/07/96	EXPR/EX PARTE ORDER UNSEALING DOCUMENTS	0001	
0253	03/06/96	INST/INSTRUCTIONS TO THE JURY	0001	
0254	03/06/96	VER /VERDICT	0001	03/06/96
0255	03/06/96	VER /VERDICT	0001	03/06/96
0256	03/06/96	VER /VERDICT	0001	03/06/96
0257	03/06/96	VER /VERDICT	0001	03/06/96
0258	03/06/96	TRAN/REPORTER'S TRANSCRIPT OF MARCH 5, 1996 JURY TRIAL	0001 0001	03/05/96
0259	02/29/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 28, 1996 JURY TRIAL VOL. I	0001 0001	02/28/96
0260	03/05/96	TRAN/REPORTER'S TRANSCRIPT OF MARCH 1, 1996 JURY TRIAL	0001 0001	03/01/96
0261	03/01/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 29, 1996 JURY TRIAL VOL I	0001 0001	02/29/96
0262	02/27/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 26, 1996 JURY TRIAL VOL 1	0001 0001	02/26/96

(Continued to page 9)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0263	02/28/96	TRAN/REPORTER'S TRANSCRIPT OF FEBRUARY 27, 1996 JURY TRIAL VOL I	0001		02/27/96	
0264	03/08/96	ORDR/ORDER	0001			
0265	03/05/96	TRAN/REPORTER'S TRANSCRIPT OF MARCH 4, 1996	0001		03/04/96	
0266	03/11/96	NOEV/NOTICE OF TRANSCRIPT ON SHELVES				
0267	03/11/96	REQT/MOTION IN LIMINE TO PROHIBIT ANY REFERENCE TO THE DEFENDANTS POETRY	0001			
0268	03/15/96	SENT/SENTENCING	0001	GR	05/17/96	
0269	03/15/96	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			02/02/96	
0270	03/15/96	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			02/08/96	
0271	03/15/96	TRAN/REPORTER'S TRANSCRIPT OF MARCH 14, 1996 JURY TRIAL	0001		03/14/96	
0272	03/13/96	TRAN/REPORTER'S TRANSCRIPT OF MARCH 12, 1996 PENALTY PHASE	0001		03/12/96	
0273	03/14/96	TRAN/REPORTER'S TRANSCRIPT OF MARCH 13, 1996 JURY TRIAL	0001		03/13/96	
0274	03/15/96	ORDR/ORDER FOR CONTACT VISIT	0001			
0275	03/14/96	INST/INSTRUCTIONS TO THE JURY	0001			
0276	03/14/96	VER /SPECIAL VERDICT	0001		03/14/96	
0277	03/14/96	VER /VERDICT	0001		03/14/96	
0278	03/14/96	VER /VERDICT	0001		03/14/96	
0279	03/14/96	VER /SPECIAL VERDICT	0001		03/14/96	
0280	03/18/96	ORDR/ORDER FOR CONTACT VISIT	0001			
0281	03/27/96	NOEV/NOTICE OF TRANSCRIPT UNDER WINDOW				
0282	04/26/96	MOT /STEVEN WOLFSON'S MOTION TO WITHDRAW AS COUNSEL	0001	GR	05/17/96	
0283	04/29/96	MOT /DEFT'S MOTION FOR NEW TRIAL	0001	DN	05/17/96	
0284	04/26/96	REQT/MOTION TO WITHDRAW AS ATTORNEY OF RECORD	0001		05/01/96	
0285	04/26/96	ROC /RECEIPT OF COPY	0001		04/26/96	
0286	04/26/96	CERT/CERTIFICATE OF MAILING	0001		04/26/96	
0287	05/01/96	MOT /ALL PENDING MOTIONS 5/1/96	0001		05/01/96	
0288	05/01/96	OPPS/ANSWER IN OPPOSITION TO MOTION FOR NEW TRIAL	0001			
0289	05/02/96	MOT /STATE'S REQUEST RESET SENTENCING/MOTION FOR NEW TRIAL	0001	GR	05/06/96	
0290	05/17/96	MOT /ALL PENDING MOTIONS 5/17/96	0001		05/17/96	
0291	05/17/96	HEAR/CONFIRMATION OF COUNSEL (SCHIECK)	0001	CM	05/22/96	
0292	05/17/96	ORDR/ORDER REMOVING TRIAL COUNSEL AND APPOINTING APPELLATE COUNSEL	0001			
0293	05/17/96	EMO /ENTRY OF MINUTE ORDER	0001			
0294	05/17/96	WARR/WARRANT OF EXECUTION	0001			
0295	05/17/96	ORDR/ORDER OF EXECUTION	0001			
0296	05/23/96	NOTC/NOTICE OF APPEAL	0001	AP		
0297	05/28/96	CASO/CASE (RE)ACTIVATED ON				
0298	05/28/96	ORDR/ORDER APPOINTING COUNSEL	0001			
0299	05/30/96	TRAN/REPORTER'S TRANSCRIPT OF JANUARY 3, 1996 STATE'S REQUEST TO FILE AMENDED	0001		01/03/96	Y
INDICTMENT						
0300	05/31/96	JUDG/JUDGMENT OF CONVICTION	0001		05/31/96	
0301	05/31/96	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		06/03/96	
0302	05/31/96	JMNT/JUDGMENT OF RESTITUTION	0001		06/03/96	
0303	06/06/96	EXPT/EX PARTE APPLICATION FOR ORDER TO PREPARE TRANSCRIPTS	0001			

(Continued to page 10)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0304	06/06/96	NOAS/DESIGNATION OF RECORD ON APPEAL	0001			
0305	06/07/96	EXPR/EX PARTE ORDER TO PREPARE TRANSCRIPT	0001			
0306	06/13/96	AFFD/AFFIDAVIT OF STEVEN B WOLFSON AND PHILLIP DUNLEAVY	0001			
0307	06/13/96	AFFD/AFFIDAVIT PURSUANT TO SUPREME COURT RULE 250 D	0001			
0308	06/19/96	EXPT/EX PARTE MOTION FOR STAY OF EXECUTION	0001			
0309	06/21/96	ORDR/ORDER TO STAY EXECUTION	0001			
0310	06/24/96	CERT/CERTIFICATE OF MAILING	0001		06/21/96	
0311	07/09/96	MOT /PHILIP H DUNLEAVY'S APPLICATION AND ORDER IN EXCESS OF STATUTORY AMOUNT	0001	GR	07/22/96	
0312	08/11/93	TRAN/REPORTER'S TRANSCRIPT OF AUGUST 2, 1993 DEFENDANT'S MOTION TO TRANSPORT DEFENDANT TO SOUTHERN DESERT CORRECTIONAL CENTER	0001		08/02/93	Y
0313	08/23/93	ROC /RECEIPT OF COPY			08/23/93	
0314	08/23/93	ROC /RECEIPT OF COPY			08/23/93	
0315	08/23/93	ROC /RECEIPT OF COPY			08/23/93	
0316	08/23/93	ROC /RECEIPT OF COPY			08/23/93	
0317	08/23/93	ROC /RECEIPT OF COPY			08/23/93	
0318	08/30/93	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0319	02/03/94	ORDR/ORDER FOR PRODUCTION OF INMATE	0001			
0320	07/10/96	CASO/CASE (RE)ACTIVATED ON				
0321	07/15/96	TRAN/REPORTER'S TRANSCRIPT ARRAIGNMENT	0001		07/06/92	
0322	07/15/96	TRAN/REPORTER'S TRANSCRIPT ARRAIGNMENT CONT.	0001		07/20/92	
0323	07/15/96	TRAN/REPORTER'S TRANSCRIPT HEARING: WRIT OF HABEAS CORPUS	0001		11/04/92	
0324	06/29/92	TRAN/REPORTER'S TRANSCRIPT OF JUNE 4, 1992 BEFORE THE GRAND JURY	0001		06/04/92	
0325	07/18/96	NOEV/NOTICE OF TRANSCRIPTS GRAND JURY ON SHELVES	0001			
0326	07/26/96	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	AL		05/17/96	
0327	08/01/96	ORDR/ORDER	0001			
0328	09/04/96	TRAN/REPORTER'S TRANSCRIPT VERDICT	0001		03/06/96	
0329	11/15/96	TRAN/REPORTER'S TRANSCRIPT CALENDAR CALL	0001		02/05/93	
0330	11/15/96	TRAN/REPORTER'S TRANSCRIPT STATUS CHECK	0001		02/17/93	
0331	11/15/96	TRAN/REPORTER'S TRANSCRIPT	0001		03/11/94	
0332	11/15/96	TRAN/REPORTER'S TRANSCRIPT	0001		01/26/96	
0333	12/03/96	MOT /PHILIP DUNLEAVY'S APPLICATION AND ORDER FOR FEE IN EXCESS OF STATUTORY AMOUNT	0001	GR	12/16/96	
0334	12/03/96	MOT /PHILIP DUNLEAVY'S APPLICATION AND ORDER FOR FEE IN EXCESS STATUTE(INVESTIGATOR)	0001	GR	12/16/96	
0335	12/03/96	REQT/APPLICATION FOR FEE IN EXCESS OF STATUTORY AMOUNT FOR INVESTIGATOR	0001		12/16/96	
0336	12/17/96	MOT /ALL PENDING MOTIONS 12/16/96	0001	GR	12/16/96	
0337	12/16/96	ORDR/ORDER FOR AUTHORIZATION OF PAYMENT IN EXCESS OF STATUTORY AMOUNT FOR PSYCHIATRIST	0001			Y
0338	12/16/96	ORDR/ORDER FOR AUTHORIZATION OF PAYMENT IN EXCESS OF STATUTORY AMOUNT FOR NEUROPSYCHOLOGIST	0001			Y
0339	01/03/97	ASSG/Reassign Case From Judge BONGIOVANNI TO Judge HARDCASTLE				

(Continued to page 11)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0340	03/19/97	TRAN/REPORTER'S TRANSCRIPT OF DECEMBER 16, 1996 APPLICATION AND ORDER FOR FEES				12/16/96
0341	06/28/97	ASSG/Reassign Case From Judge HARDCASTLE to Judge MOSLEY				
0342	06/10/98	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED	0001	GR	06/10/98	
0343	10/14/98	MOT /DAVID SCHIECK'S MOTION FOR ATTORNEY'S FEES IN EXCESS OF STATUTORY ALLOWANCE	0001	GR	10/29/98	
0344	10/14/98	CASO/CASE (RE)ACTIVATED ON				
0345	10/15/98	ROC /RECEIPT OF COPY	0001		10/15/98	
0346	10/29/98	ORDR/ORDER GRANTING MOTION FOR ATTORNEYS FEES IN EXCESS OF STATUTORY ALLOWANCE	0001			Y
AND FOR EXPENSES						
0347	11/09/98	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED	0001	GR	11/09/98	
0348	11/09/98	JMNT/REMITTITUR AFFIRMED/REHEARING DENIED	0001		11/16/98	
0349	12/04/98	CASO/CASE (RE)ACTIVATED ON				
0350	12/04/98	PET /DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001		12/21/98	
0351	12/04/98	PET /PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION AND APPOINTMENT OF	0001		12/21/98	Y
COUNSEL						
0352	12/07/98	CRTF/CERTIFICATE OF SERVICE BY MAIL	0001		12/04/98	
0353	12/21/98	ARGU/ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001		04/13/99	
0354	01/04/99	ORDR/ORDER OF APPOINTMENT	0001			
0355	04/13/99	HEAR/ARGUMENT AND DECISION	0001		11/10/99	
0356	11/10/99	OCAL/STATUS CHECK: CUSTODIAL VISIT	0001		11/17/99	
0357	11/10/99	OCAL/STATUS CHECK: ARGUMENT AND DECISION	0001		11/17/99	
0358	11/17/99	MOT /ALL PENDING MOTIONS 11/17/99	0001		11/17/99	
0359	11/18/99	TRAN/REPORTER'S TRANSCRIPT OF STATUS CHECK CUSTODIAL VISIT ARGUMENT AND DECISION	0001		11/17/99	
0360	12/22/99	REQT/EX PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR AND FOR FEES IN EXCESS OF	0001			Y
STATUTORY LIMIT						
0361	12/28/99	ORDR/ORDER GRANTING EX PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR AND FOR	0001			Y
FEES IN EXCESS OF STATUTORY LIMIT						
0362	01/26/00	REQT/EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES AND EXPENSES IN	0001			Y
POST CONVICTION PROCEEDINGS						
0363	02/11/00	ORDR/ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES AND EXPENSES	0001			
0364	07/27/00	MOT /STATE'S MOTION TO PLACE ON CALENDAR	0001		08/08/00	
0365	08/08/00	HEAR/ARGUMENT AND DECISION (VJ 3/12/01)	0001	VC	03/29/01	
0366	12/11/00	HEAR/AT THE REQUEST OF THE COURT (VJ 3/12/01)	0001	VC	03/29/01	
0367	12/13/00	ORDR/STIPULATION AND ORDER TO VACATE HEARING ON DECEMBER 21 2000 AND RE SET BRIEFING	0001		12/13/00	Y
SCHEDULE						
0368	12/14/00	NOTC/NOTICE OF ENTRY OF ORDER VACATING THE HEARING ON DECEMBER 21 2000	0001		12/14/00	Y
AND RE-SETTING THE BRIEFING SCHEDULE						

(Continued to page 12)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0369	03/06/01	MOT /STATE'S REQUEST CHANGE BRIEFING SCHEDULE	0001		03/12/01	
0370	03/12/01	OCAL/STATUS CHECK: BRIEFING SCHEDULE	0001		05/02/01	
0371	05/02/01	HEAR/ARGUMENT AND DECISION (VJ 8/27/01)	0001	VC	09/10/01	
0372	08/16/01	MOT /STATE'S MOTION TO PLACE ON CALENDAR	0001	GR	08/27/01	
0373	08/27/01	HEAR/ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001 0001		08/07/02	
0374	05/03/02	TRAN/REPORTER'S TRANSCRIPT OF ARGUMENT AND DECISION	0001 0001		05/02/02	
0375	05/14/02	ORDR/ORDER FOR TRANSCRIPT	0001			
0376	07/08/02	REQT/EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST	0001 0001			Y
CONVICTION PROCEEDINGS						
0377	07/11/02	ORDR/ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES	0001 0001		07/11/02	
0378	08/07/02	OCAL/STATUS CHECK: BRIEFING SCHEDULE	0001		08/14/02	
0379	08/08/02	PTAT/SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION	0001 0001			Y
0380	08/14/02	ARGU/ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001 0001	VC	04/04/03	
0381	08/15/02	TRAN/REPORTER'S TRANSCRIPT STATUS CHECK: BRIEFING SCHEDULE	0001 0001		08/14/02	
0382	10/14/02	OPPS/STATES OPPOSITION TO DEFENDANTS SUPPLEMENTAL POINTS & AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION	0001 0001			Y
0383	10/15/02	ROC /RECEIPT OF COPY	0001		10/15/02	
0384	11/27/02	OCAL/STATUS CHECK:	0001		01/27/03	
0385	12/02/02	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING			11/27/02	
0386	01/03/03	AFFT/AFFIDAVIT OF STEVEN B WOLFSON	0001			
0387	01/03/03	ROC /RECEIPT OF COPY	0001		01/03/03	
0388	01/03/03	ROC /RECEIPT OF COPY	0001		01/03/03	
0389	01/06/03	AFFT/AFFIDAVIT OF TRIAL COUNSEL	0001			
0390	02/03/03	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001 0001		03/07/03	
0391	02/12/03	ACKN/ACKNOWLEDGEMENT AND WAIVER	0001			
0392	01/28/03	TRAN/REPORTER'S TRANSCRIPT OF STATUS CHECK	0001		01/27/03	
0394	02/27/03	ORDR/STIPULATION AND ORDER CONTINUING ARGUEMENT	0001 0001	SC	04/04/03	
0395	04/01/03	OCAL/STATUS CHECK: ARGUMENT ON WRIT OF HABEAS CORPUS	0001 0001	OC	06/18/04	
0396	04/17/03	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001 0001			
0397	04/22/03	OTTE/EX PARTE ORDER TO TRANSPORT PETITIONER	0001		06/13/03	
0398	07/09/03	REQT/EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST	0001 0001			Y
CONVICTION PROCEEDINGS						
0399	07/24/03	NOTC/STATES NOTICE TO PLACE ON CALENDAR	0001	SC	08/06/03	
0400	08/07/03	HEAR/EVIDENTIARY HEARING	0001		04/16/04	
0401	09/16/03	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001 0001			
0402	09/22/03	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001 0001			

(Continued to page 13)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0403	09/22/03	OTTE/EX PARTE ORDER TO TRANSPORT PETITIONER	0001		11/21/03	
0404	09/30/03	ORDR/ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES	0001		09/30/03	
0405	11/24/03	ORDR/ORDER FOR TRANSCRIPT	0001		11/24/03	
0406	11/24/03	TRAN/REPORTER'S TRANSCRIPT EVIDENTIARY HEARING	0001		11/21/03	
0407	01/09/04	OCAL/STATUS CHECK: DEFENSE'S REPLY	0001	MR	02/09/04	
0408	01/12/04	TRAN/REPORTER'S TRANSCRIPT CONTINUANCE OF EVIDENTIARY HEARING	0001		01/09/04	
0409	02/10/04	ROC /RECEIPT OF COPY	0001		02/10/04	
0410	02/10/04	BREF/SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			Y
0411	02/19/04	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001			
0412	02/24/04	OTTE/EX PARTE ORDER TO TRANSPORT DEFENDANT	0001	SH	03/19/04	
0413	03/12/04	ERR /ERRATA TO SUPPLEMENTAL BIEF IN SUPPORT OF DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			Y
0414	03/15/04	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT	0001			
0415	03/23/04	EXPR/EX PARTE ORDER TO TRANSPORT DEFENDANT	0001	SH	04/16/04	
0416	04/06/04	RSPN/STATES RESPONSE TO DEFENDANTS SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			Y
0417	04/22/04	REQT/EX PARTE MOTION FOR ORDER TO TRANSPORT PETITIONER	0001			
0418	04/29/04	OTTE/EX PARTE ORDER TO TRANSPORT PETITIONER	0001	SH	06/18/04	
0419	06/18/04	HEAR/EVIDENTIARY HEARING	0001	DN	09/10/04	
0420	07/08/04	MOT /DEFT'S MTN TO PLACE ON CALENDAR/100	0001	GR	07/19/04	
0421	07/14/04	ROC /RECEIPT OF COPY	0001		07/14/04	
0422	07/16/04	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	SH	08/20/04	
0423	07/21/04	REQT/EX PARTE MOTION FOR FINAL INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS	0001			Y
0424	07/26/04	ORDR/ORDER GRANTING FINAL INTERIM PAYMENT OF EXCESS ATTORNEYS FEES AND COSTS	0001		07/26/04	
0425	08/17/04	AFFT/AFFIDAVIT OF DAVID W SCHIECK REGARDING SUPPLEMENTAL BRIEF IN SUPPORT OF WRIT OF HABEAS CORPUS	0001			Y
0426	08/18/04	ROC /RECEIPT OF COPY	0001		08/18/04	
0427	08/24/04	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		08/20/04	
0428	08/30/04	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	SH	09/10/04	
0429	09/13/04	TRAN/REPORTER'S TRANSCRIPT EVIDENTIARY HEARING	0001		09/10/04	
0430	10/12/04	NOAS/NOTICE OF APPEAL	0001	AP	10/12/04	
0431	10/12/04	STAT/CASE APPEAL STATEMENT	0001			
0432	10/18/04	ORDR/ORDER OF APPOINTMENT	0001		10/18/04	
0433	12/01/04	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001		12/01/04	
0434	12/15/04	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		12/01/04	
0435	12/15/04	EXPR/EX PARTE ORDER GRANTING ATTORNEYS FEES IN EXCESS OF THE STATUTORY LIMIT	0001			

(Continued to page 14)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0436	03/11/05	ORDR/NUNC PRO TUNC ORDER	0001		03/11/05	
0437	06/29/92	TRAN/REPORTER'S TRANSCRIPT PROCEEDINGS AT 8:55 AM	0001 0001		06/04/92	
0438	11/17/06	APCL/APPEAL TO SUPREME COURT: CLOSED 44094			AP 11/16/06	
0439	01/19/07	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		01/23/07	
0440	01/19/07	JMNT/CLERK'S CERTIFICATE REHEARING DENIED	0001		01/23/07	
0441	03/23/07	EXPR/EX PARTE ORDER GRANTING ATTORNEYS FEES IN EXCESS OF THE STATUTORY LIMIT	0001 0001		03/23/07	
0442	04/10/07	ORDR/NUNC PRO TUNC ORDER	0001		04/10/07	
0443	08/18/07	ASSG/Reassign Case From Judge Mosley To Judge Bell				
0444	01/15/08	CASO/CASE (RE)OPENED			01/15/08	
0445	01/15/08	MOT /DEFT'S MTN FOR APPT OF COUNSEL/101	0001	GR	02/11/08	
0446	01/15/08	PET /PTN FOR WRIT OF HABEAS CORPUS	0001	MH	05/28/08	
0447	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 1 OF 17	0001 0001			
0448	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 2 OF 17	0001 0001			
0449	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 3 OF 17	0001 0001			
0450	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 4 OF 17	0001 0001			
0451	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 5 OF 17	0001 0001			
0452	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 6 OF 17	0001 0001			
0453	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 7 OF 17	0001 0001			
0454	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 8 OF 17	0001 0001			
0455	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 9 OF 17	0001 0001			
0456	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 10 OF 17	0001 0001			
0457	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 11 OF 17	0001 0001			
0458	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 12 OF 17	0001 0001			
0459	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 13 OF 17	0001 0001			
0460	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 14 OF 17	0001 0001			
0461	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 15 OF 17	0001 0001			
0462	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 16 OF 17	0001 0001			
0463	01/15/08	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION VOLUME 17 OF 17	0001 0001			
0464	01/30/08	ASSG/RECUSAL OF JUDGE Bell REASSIGNED TO JUDGE Wall				
0465	01/30/08	NDR /NOTICE OF DEPARTMENT REASSIGNMENT			01/30/08	Y

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92-C-106784-C		(Continuation Page 15)	
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR OC SCH/PER C
D1004349			
0466	02/11/08	HEAR/DECISION:	0001 MH 05/28/08
0467	02/13/08	ORDR/ORDER APPOINTING COUNSEL	0001 02/13/08
0468	02/15/08	NOTC/NOTICE OF ENTRY OF ORDER APPOINTING COUNSEL	0001 02/13/08
0469	04/21/08	REQT/STATES MOTION TO DISMISS AND RESPONSE TO DEFENDANT PETITION FOR WRIT OF HABEAS	0001 SH 05/28/08 Y
CORPUS POST CONVICTION			
0470	05/21/08	MOT /PTNR'S MTN FOR LEAVE TO CONDUCT DISCOVERY/104	0001 OC 06/04/08
0471	05/21/08	EXH /EXHIBITS TO MOTION FOR LEAVE TO CONDUCT DISCOVERY VOLUME ONE OF SEVEN	0001
0472	05/21/08	EXH /EXHIBITS TO MOTION FOR LEAVE TO CONDUCT DISCOVERY VOLUME THREE OF SEVEN	0001
0473	05/21/08	OPPS/OPPOSITION TO MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS	0001
0474	05/21/08	EXH /EXHIBITS TO MOTION FOR LEAVE TO CONDUCT DISCOVERY VOLUME TWO OF SEVEN	0001
0475	05/21/08	FUS /FILED UNDER SEAL EX PARTE APPLICATION FOR EXCESS EXPERT FEES	0001
0476	05/21/08	EXH /EXHIBITS TO OPPOSITION TO MOTION TO DISMISS VOLUME FOUR OF FIVE	0001
0477	05/21/08	EXH /EXHIBITS TO OPPOSITION TO MOTION TO DISMISS VOLUME ONE OF FIVE	0001
0478	05/21/08	EXH /EXHIBITS TO OPPOSITION TO MOTION TO DISMISS VOLUME TWO OF FIVE	0001
0479	05/21/08	EXH /EXHIBITS TO MOTION FOR LEAVE TO CONDUCT DISCOVERY VOLUME FOUR OF SEVEN	0001
0480	05/21/08	EXH /EXHIBITS TO MOTION FOR LEAVE TO CONDUCT DISCOVERY VOLUME SIX OF SEVEN	0001
0481	05/21/08	FUS /FILED UNDER SEAL EX PARTE APPLICATION FOR EXCESS EXPERT FEES	0001
0482	05/21/08	EXH /EXHIBITS TO MOTION FOR LEAVE TO CONDUCT DISCOVERY VOLUME SEVEN OF SEVEN	0001
0483	05/21/08	EXH /EXHIBITS TO MOTION FOR LEAVE TO CONDUCT DISCOVERY VOLUME FIVE OF SEVEN	0001
0484	05/21/08	EXH /EXHIBITS TO OPPOSITION TO MOTION TO DISMISS VOLUME FIVE OF FIVE	0001
0485	05/21/08	EXH /EXHIBITS TO OPPOSITION TO MOTION TO DISMISS VOLUME THREE OF FIVE	0001
0486	05/28/08	OCAL/STATUS CHECK: HEARING DATE	0001 MT 06/04/08
0487	05/28/08	MOT /ALL PENDING MOTIONS 5/28/08	0001 05/28/08
0488	05/29/08	REQT/MOTION TO TRANSFER CASE	0001 SH 06/04/08
0489	06/03/08	OPPS/OPPOSITION TO MOTION TO TRANSFER CASE	0001
0490	06/04/08	MOT /ALL PENDING MOTIONS 6/4/08	0001 06/04/08
0491	06/04/08	OCAL/STATUS CHECK: SET HEARING DATE (MOTION FOR LEAVE TO CONDUCT DISC &PTN FOR WRIT)	0001 VC 06/18/08
0492	06/05/08	ASSG/REASSIGNMENT OF JUDGE Wall TO JUDGE Mosley	
0493	06/05/08	NDR /NOTICE OF DEPARTMENT REASSIGNMENT	06/05/08 Y
007978FC			
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(Continued to page 16)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0494	06/09/08	MOT /PETITIONER'S MTN FOR OBBECTION TO ORDER TRANSFERRING CASE/109 VC 6/26/08	0001	VC	06/30/08	
0495	06/09/08	MOT /PTNR'S OBJECTION TO ORDER TRANSFERRING CASE /110 VC 6/26/08	0001	VC	07/11/08	
0496	06/09/08	OPPS/OPPOSITION TO MOTION FOR DISCOVERY	0001			
0497	06/09/08	RPLY/REPLY TO OPPOSITION TO MOTION TO DISMISS	0001			
0498	06/26/08	OCAL/MINUTE ORDER RE: TRANSFER BACK TO DEPT. 20	NP		06/26/08	
0499	07/01/08	ASSG/REASSIGNMENT OF JUDGE Mosley TO JUDGE Wall	NP			
0500	07/03/08	PTAT/SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF OBJECTION TO ORDER	0001			Y
		TRANSFERRING CASE	0001			
0501	07/03/08	EXH /EXHIBITS TO SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF OBJECTION TO ORDER TRANSFERRING CASE	0001			Y
0502	07/03/08	EXH /EXHIBITS TO SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF OBJECTION TO ORDER TRANSFERRING CASE	0001			Y
0503	07/03/08	EXH /EXHIBIT TO SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF OBJECTION TO ORDER TO TRANSFERING CASE	0001			Y
0504	07/08/08	RSPN/RESPONSE TO OBJECTION TO ORDER TRANSFERRING CASE	0001			
0505	07/24/08	HEAR/DA'S REQUEST FOR STATUS CHECK ON DEFT'S PTN FOR WRIT OF HABEAS CORPUS (PC)	0001	MH	08/18/08	
0506	08/18/08	HEAR/HEARING		MH	09/22/08	
0507	09/16/08	WAIV/PETITIONERS WAIVER OF APPEARANCE	0001		09/16/08	
0508	09/16/08	RPLY/REPLY TO OPPOSITION TO MTN FOR LEAVE TO CONDUCT DISCOVERY				
0509	09/30/08	CSCL/CASE CLOSED			09/22/08	
0510	09/29/08	ORDR/ORDER FOR TRANSCRIPT	0001		09/29/08	
0511	10/27/08	OCAL/MINUTE ORDER RE: DECISION: STATE'S MTN TO DISMISS & DEFT'S MTN FOR DISCOVERY	0001		10/27/08	
0512	10/29/08	TRAN/REPORTER'S TRANSCRIPT OF DEFTS MTN FOR APPOINTMENT OF COUNSEL	0001		02/11/08	
0513	10/29/08	TRAN/REPORTER'S TRANSCRIPT OF HEARING	0001		09/22/08	
0514	11/13/08	TRAN/REPORTER'S TRANSCRIPT	0001		05/28/08	
0515	11/13/08	TRAN/REPORTER'S TRANSCRIPT	0001		08/18/08	
0516	11/13/08	TRAN/REPORTER'S TRANSCRIPT	0001		06/04/08	
0517	11/21/08	OBJ /OBJECTION TO PROPOSED ORDER	0001			
0518	12/28/08	ASSG/Reassign Case From Judge Wall To Judge Cory				
0519	03/11/09	FFCO/FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	0001	HG	09/22/09	
0520	03/16/09	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001			
0521	04/15/09	NOAS/NOTICE OF APPEAL	0001	AP	04/15/09	

ORIGINAL

1 **ORDR**

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E. J. [Signature]
CLERK OF THE COURT

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 MICHAEL DAMON RIPPO,
12 #0619119

13 Defendant.

CASE NO: C106784

DEPT NO: XX

14 **FINDINGS OF FACT, CONCLUSIONS OF**
15 **LAW AND ORDER**

16 DATE OF HEARING: 9/22/08
17 TIME OF HEARING: 8:30 A.M.

18 THIS CAUSE having come on for hearing before the Honorable DAVID T. WALL,
19 District Judge, on the 22nd day of September, 2008, on the State's Motion to Dismiss and
20 Michael Damon Rippo's Motion for Leave to Conduct Discovery, STEVEN S. OWENS,
21 ESQ., appearing on behalf of the State, and DAVID ANTHONY, ESQ., appearing on behalf
22 of Mr. Rippo, his presence having been waived, and the Court having heard argument and
23 having taken the matter under advisement, hereby finds as follows:

24 **FINDINGS OF FACT**

25 Mr. Rippo's instant Petition for Writ of Habeas Corpus, filed January 15, 2008, is
26 procedurally time-barred under NRS 34.726, which requires dismissal absent good cause for
27 the delay and a showing of prejudice. Additionally, for certain claims, the petition is barred
28 by NRS 34.810(2) as a successive petition addressing issues previously raised on direct

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1 appeal or in prior post-conviction proceedings (or an appeal therefrom) and/or address issues
2 for which the controlling law of the case has been determined previously (claims 1, 2, 3, 5, 7,
3 9, 12, 13, 15, 16, 17, 19 & 21).

4 The Court finds certain claims are barred under NRS 34.810(1)(b) as successive as
5 the issues could have been raised on direct appeal or in a prior petition for post-conviction
6 relief or an appeal therefrom (claims 2, 4, 6, 8, 10, 11, 14, 18, & 20). The Court finds that
7 Mr. Rippo has failed to establish good cause for failing to present these claims in any earlier
8 proceeding, and has failed to establish actual prejudice.

9 Further, the Court finds that certain issues raised by Mr. Rippo are not cognizable in
10 this post-conviction petition (claim 22).

11 The record shows that more than a decade ago, Rippo's trial counsel knew and
12 alleged that the State was involved in the Federal sting operation by indicting Terry Salem
13 and manipulating the random assignment of the case and also that Bongiovanni failed to
14 disclose a prior relationship with witness Denny Mason who was the business partner of
15 reputed Buffalo mob associate Ben Spano. Accordingly, neither Brady nor ineffectiveness
16 of post-conviction counsel constitutes good cause for re-arguing these ten-year old facts in a
17 successive petition.

18 The record shows that Rippo's trial counsel was well aware that several witnesses had
19 past or pending criminal cases against them and cross-examined regarding continuances,
20 quashed bench warrants, and future benefits. Twelve years later, the various dispositions of
21 such collateral cases are not new evidence of undisclosed inducements, but are consistent
22 with the trial testimony that no benefits were given and that such cases would rise or fall on
23 their own merit.

24 The State has never suppressed such case dispositions (which are a matter of public
25 record), they are not favorable to the defense as either exculpatory or impeaching, and none
26 of the allegations are material so as to undermine confidence in the verdict. None of the
27 jailhouse informants have recanted their testimony that Rippo confessed to the murders.
28 Accordingly, neither Brady nor ineffectiveness of post-conviction counsel constitutes good

1 cause for re-raising these claims where no new material facts are alleged and there is no
2 reasonable probability of a different conviction or sentence for Rippo.

3 The Nevada Supreme Court's conclusion that the "evidence in mitigation was not
4 particularly compelling" remains unaltered even in light of the additional mitigation
5 witnesses and evidence now alleged by the defense. The "new" family history evidence is
6 cumulative to what was already presented. Recent psychological testing fails to reveal any
7 significant or persuasive diagnosis that would have compelled a verdict less than death.
8 Given the strength of the State's case in aggravation which included the tortuous
9 strangulation of two young women and Rippo's prior conviction for sexual assault, nothing
10 new in mitigation alleged by the defense would have had a reasonable probability of altering
11 the outcome of the case.

12 Any alleged intervening case authority fails to establish new grounds that were
13 previously unavailable to Rippo, has no application to this case, or does not stand for the
14 proposition alleged. Accordingly, intervening case authority does not provide good cause
15 for the instant petition.

16 CONCLUSIONS OF LAW

17 "Application of the statutory procedural default rules to post-conviction habeas
18 petitions is mandatory." State v. Eighth Judicial Dist. Court, 121 Nev. 225, 112 P.3d 1070,
19 1074 (2005). Post-conviction habeas petitions that are filed several years after conviction
20 unreasonably burden the criminal justice system. Id. "The necessity for a workable system
21 dictates that there must exist a time when a criminal conviction is final." Id.

22 Under the mandatory provisions of NRS 34.726(1), absent a showing of good cause
23 and prejudice, a defendant must file a petition that challenges the validity of a judgment or
24 sentence within one year after entry of the judgment or if an appeal has been taken from the
25 judgment, within one year after the Nevada Supreme Court issues its Remittitur.

26 NRS 34.810(2) requires dismissal of claims which could have been raised in earlier
27 proceedings or which were raised in a prior petition or proceeding and determined on the
28 merits unless the Court finds both good cause for failure to bring such issues previously and

1 actual prejudice to the defendant.

2 Once the State raises procedural grounds for dismissal, the burden then falls on the
3 defendant "to show that good cause exists for his failure to raise any grounds in an earlier
4 petition and that he will suffer actual prejudice if the grounds are not considered." Phelps v.
5 Dir. of Prisons, 104 Nev. 656, 659, 764 P.2d 1303, 1305 (1988). To find good cause there
6 must be a "substantial reason; one that affords a legal excuse." Hathaway v. State, 119 Nev.
7 248, 252, 71 P.3d 503, 506 (2003).

8 To establish good cause, a defendant must demonstrate that some impediment
9 external to the defense prevented compliance with the mandated statutory default rules.
10 Lozada v. State, 110 Nev. 349, 353, 871 P.2d 944, 946 (1994). Even legitimate Brady
11 claims are procedurally barred when the basis for the claim was known and it was either not
12 brought in an earlier proceeding or within an applicable time bar. Hutchison v. Bell, 303
13 F.3d 720 (6th Cir. 2002).

14 Where an issue has already been decided on the merits by the Nevada Supreme Court,
15 the Court's ruling is law of the case, and the issue will not be revisited. Pellegrini v. State,
16 117 Nev. 860, 888, 34 P.3d 519, 538 (2001) (holding "[u]nder the law of the case doctrine,
17 issues previously determined by this court on appeal may not be reargued as a basis for
18 habeas relief"); Valerio v. State, 112 Nev. 383, 386, 915 P.2d 874, 876 (1996). The law of a
19 first appeal is the law of the case in all later appeals in which the facts are substantially the
20 same; this doctrine cannot be avoided by more detailed and precisely focused argument.
21 Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975). While law of the case may not
22 apply where the facts are substantially different, law of the case "cannot be avoided by a
23 more detailed and precisely focused argument subsequently made after reflection upon the
24 previous proceedings." Hogan v. State, 109 Nev. 952, 959, 860 P.2d 710, 715 (1993).

25 In order to assert a claim for ineffective assistance of counsel, Defendant must prove
26 that he was denied "reasonably effective assistance" of counsel by satisfying the two-prong
27 test of Strickland v. Washington, 466 U.S. 668, 686-687, 104 S.Ct. 2052 (1984); Ennis v.
28 State, 122 Nev. 694, 137 P.3d 1095, 1102 (2006). Under this test, Defendant must show: (1)

1 that his counsel's representation fell below an objective standard of reasonableness; and (2)
2 that but for counsel's errors, there is a reasonable probability that the result of the
3 proceedings would have been different. Strickland, 466 U.S. at 687-688 and 694, 104 S.Ct.
4 at 2064; Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505
5 (1984) (adopting Strickland two-part test in Nevada).

6 A defendant seeking post-conviction relief is not entitled to an evidentiary hearing on
7 factual allegations belied or repelled by the record. Hargrove v. State, 100 Nev. 498, 502,
8 686 P.2d 222, 225 (1984). Claims asserted in a petition for post-conviction relief must be
9 supported with specific factual allegations, which if true, would entitle the petitioner to
10 relief. Id.

11 In Nelson v. Campbell, 541 U.S. 637 (2004), the Court concluded that the appropriate
12 vehicle for a prisoner to challenge a particular lethal injection procedure was an action under
13 42 U.S.C. §1983, stating "a particular means of effectuating a sentence of death does not
14 directly call into question the 'fact' or 'validity' of the sentence itself" because by altering
15 the procedure, the state could go forward with the execution. See also, Hill v. McDonough,
16 547 U.S. 573, 126 S.Ct. 2096 (2006).

17 Although Sharma applies to cases that became final before Sharma was decided in
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28 conviction under a felony-murder theory, any error would be held harmless. Bridges v.

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2 The validity of a prior conviction used for sentence enhancement may not be
3 collaterally attacked in a subsequent offense. See e.g., U.S. v. Martinez-Martinez, 295 F.3d
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5 crime of violence may not be used as an aggravating circumstance for a murder committed
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11 decided four years earlier. Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348 (2000).
12 Blakely does not support Defendant's position and neither Blakely nor Apprendi are timely
13 raised four and eight years, respectively, after they became law.

14 Only after a petition survives a motion to dismiss and claims are found warranting an
15 evidentiary hearing may a party invoke discovery to the extent "good cause" is shown. NRS
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17 expeditions to investigate mere speculation. Calderon v. United States District Court for the
18 Northern District of California, 98 F.3d 1102, 1106 (1996). Only where specific allegations
19 before the court show reason to believe that the petitioner may, if the facts are fully
20 developed, be able to demonstrate that he is entitled to relief, is the court under a duty to
21 provide the necessary facilities and procedures for an adequate inquiry. McDaniel v. United
22 States District Court For the District of Nevada, 127 F.3d 886, 888 (1997).

23 ////

24 ////

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ORDER


Based on the foregoing, the State's Motion to Dismiss the Petition is hereby GRANTED. Mr. Rippo's Motion for Leave to Conduct Discovery is DENIED as moot.

DATED this 5 day of ~~November, 2008.~~
~~March, 2009.~~


DISTRICT JUDGE

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

BY


STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352

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David Anthony
Assistant Federal Public Defender
411 E. Bonneville Ave., Suite 250
Las Vegas, Nevada 89101

Eileen Davis
Employee, Clark County
District Attorney's Office

8

*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

TX/RX NO	0984	
CONNECTION TEL		3885819
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RESULT	NG	##0672



OFFICE OF THE DISTRICT ATTORNEY

CRIMINAL APPEALS UNIT

DAVID ROGER
District Attorney

CHRISTOPHER J. LALLI
Assistant District Attorney

TERESA M. LOWRY
Assistant District Attorney

MARY-ANNE MILLER
County Counsel

STEVEN S. OWENS
Chief Deputy

NANCY BECKER
Deputy

FACSIMILE TRANSMISSION

Fax No. (702) 382-5815

Telephone No. (702) 671-2750

TO: David Anthony **FAX#:** (702) 388-5819

FROM: Steven S. Owens

SUBJECT: Michael Rippo, C106784 - Findings

DATE: November 24, 2008

NO. OF PAGES, EXCLUDING COVER PAGE: 9

Please call (702) 671-2750 if there are any problems with transmission

*** TX REPORT ***

TRANSMISSION OK

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RESULT	OK	



OFFICE OF THE DISTRICT ATTORNEY CRIMINAL APPEALS UNIT

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TO: David Anthony **FAX#:** (702) 388-5819
FROM: Steven S. Owens
SUBJECT: Michael Rippo, C106784
DATE: November 17, 2008

David,
The following Findings will be submitted to Judge Wall on November 24, 2008.
Sincerely,
Steven S. Owens

ORIGINAL

FILED

1 NOED

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

MAR 16 2009

CLERK OF COURT

5 MICHAEL DAMON RIPPO,

Petitioner,

7 vs.

8 THE STATE OF NEVADA,

Respondent,

Case No: C106784
Dept No: XX

NOTICE OF ENTRY OF
DECISION AND ORDER

11 PLEASE TAKE NOTICE that on March 11, 2009, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on March 16, 2009.

16 EDWARD A. FRIEDLAND, CLERK OF THE COURT

17 By: *Brandi J. Wendel*

Brandi J. Wendel, Deputy Clerk

19 CERTIFICATE OF MAILING

20 I hereby certify that on this 16 day of March 2009, I placed a copy of this Notice of Entry of Decision and
21 Order in:

22 The bin(s) located in the Office of the District Court Clerk of:
23 Clark County District Attorney's Office
Attorney General's Office - Appellate Division

24 ☒ The United States mail addressed as follows:
25 Michael Damon Rippo # 17097
26 P.O. Box 1989
Ely, NV 89301

David Anthony, Esq.
411 E. Bonneville Ave., #250
Las Vegas, NV 89101

27 *Brandi J. Wendel*
28 Brandi J. Wendel, Deputy Clerk

ORIGINAL

83

1 **ORDR**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 STEVEN S. OWENS
6 Chief Deputy District Attorney
7 Nevada Bar #004352
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED

MAR 11 10 42 AM '09

E. J. [Signature]
CLERK OF THE COURT

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 MICHAEL DAMON RIPPO,
12 #0619119

13 Defendant.

CASE NO: C106784

DEPT NO: XX

14 **FINDINGS OF FACT, CONCLUSIONS OF**
15 **LAW AND ORDER**

16 DATE OF HEARING: 9/22/08
17 TIME OF HEARING: 8:30 A.M.

18 THIS CAUSE having come on for hearing before the Honorable DAVID T. WALL,
19 District Judge, on the 22nd day of September, 2008, on the State's Motion to Dismiss and
20 Michael Damon Rippo's Motion for Leave to Conduct Discovery, STEVEN S. OWENS,
21 ESQ., appearing on behalf of the State, and DAVID ANTHONY, ESQ., appearing on behalf
22 of Mr. Rippo, his presence having been waived, and the Court having heard argument and
23 having taken the matter under advisement, hereby finds as follows:

24 **FINDINGS OF FACT**

25 Mr. Rippo's instant Petition for Writ of Habeas Corpus, filed January 15, 2008, is
26 procedurally time-barred under NRS 34.726, which requires dismissal absent good cause for
27 the delay and a showing of prejudice. Additionally, for certain claims, the petition is barred
28 by NRS 34.810(2) as a successive petition addressing issues previously raised on direct

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CLERK OF THE COURT

1 appeal or in prior post-conviction proceedings (or an appeal therefrom) and/or address issues
2 for which the controlling law of the case has been determined previously (claims 1, 2, 3, 5, 7,
3 9, 12, 13, 15, 16, 17, 19 & 21).

4 The Court finds certain claims are barred under NRS 34.810(1)(b) as successive as
5 the issues could have been raised on direct appeal or in a prior petition for post-conviction
6 relief or an appeal therefrom (claims 2, 4, 6, 8, 10, 11, 14, 18, & 20). The Court finds that
7 Mr. Rippo has failed to establish good cause for failing to present these claims in any earlier
8 proceeding, and has failed to establish actual prejudice.

9 Further, the Court finds that certain issues raised by Mr. Rippo are not cognizable in
10 this post-conviction petition (claim 22).

11 The record shows that more than a decade ago, Rippo's trial counsel knew and
12 alleged that the State was involved in the Federal sting operation by indicting Terry Salem
13 and manipulating the random assignment of the case and also that Bongiovanni failed to
14 disclose a prior relationship with witness Denny Mason who was the business partner of
15 reputed Buffalo mob associate Ben Spano. Accordingly, neither Brady nor ineffectiveness
16 of post-conviction counsel constitutes good cause for re-arguing these ten-year old facts in a
17 successive petition.

18 The record shows that Rippo's trial counsel was well aware that several witnesses had
19 past or pending criminal cases against them and cross-examined regarding continuances,
20 quashed bench warrants, and future benefits. Twelve years later, the various dispositions of
21 such collateral cases are not new evidence of undisclosed inducements, but are consistent
22 with the trial testimony that no benefits were given and that such cases would rise or fall on
23 their own merit.

24 The State has never suppressed such case dispositions (which are a matter of public
25 record), they are not favorable to the defense as either exculpatory or impeaching, and none
26 of the allegations are material so as to undermine confidence in the verdict. None of the
27 jailhouse informants have recanted their testimony that Rippo confessed to the murders.
28 Accordingly, neither Brady nor ineffectiveness of post-conviction counsel constitutes good

1 cause for re-raising these claims where no new material facts are alleged and there is no
2 reasonable probability of a different conviction or sentence for Rippo.

3 The Nevada Supreme Court's conclusion that the "evidence in mitigation was not
4 particularly compelling" remains unaltered even in light of the additional mitigation
5 witnesses and evidence now alleged by the defense. The "new" family history evidence is
6 cumulative to what was already presented. Recent psychological testing fails to reveal any
7 significant or persuasive diagnosis that would have compelled a verdict less than death.
8 Given the strength of the State's case in aggravation which included the tortuous
9 strangulation of two young women and Rippo's prior conviction for sexual assault, nothing
10 new in mitigation alleged by the defense would have had a reasonable probability of altering
11 the outcome of the case.

12 Any alleged intervening case authority fails to establish new grounds that were
13 previously unavailable to Rippo, has no application to this case, or does not stand for the
14 proposition alleged. Accordingly, intervening case authority does not provide good cause
15 for the instant petition.

16 CONCLUSIONS OF LAW

17 "Application of the statutory procedural default rules to post-conviction habeas
18 petitions is mandatory." State v. Eighth Judicial Dist. Court, 121 Nev. 225, 112 P.3d 1070,
19 1074 (2005). Post-conviction habeas petitions that are filed several years after conviction
20 unreasonably burden the criminal justice system. Id. "The necessity for a workable system
21 dictates that there must exist a time when a criminal conviction is final." Id.

22 Under the mandatory provisions of NRS 34.726(1), absent a showing of good cause
23 and prejudice, a defendant must file a petition that challenges the validity of a judgment or
24 sentence within one year after entry of the judgment or if an appeal has been taken from the
25 judgment, within one year after the Nevada Supreme Court issues its Remittitur.

26 NRS 34.810(2) requires dismissal of claims which could have been raised in earlier
27 proceedings or which were raised in a prior petition or proceeding and determined on the
28 merits unless the Court finds both good cause for failure to bring such issues previously and

1 actual prejudice to the defendant.

2 Once the State raises procedural grounds for dismissal, the burden then falls on the
3 defendant "to show that good cause exists for his failure to raise any grounds in an earlier
4 petition and that he will suffer actual prejudice if the grounds are not considered." Phelps v.
5 Dir. of Prisons, 104 Nev. 656, 659, 764 P.2d 1303, 1305 (1988). To find good cause there
6 must be a "substantial reason; one that affords a legal excuse." Hathaway v. State, 119 Nev.
7 248, 252, 71 P.3d 503, 506 (2003).

8 To establish good cause, a defendant must demonstrate that some impediment
9 external to the defense prevented compliance with the mandated statutory default rules.
10 Lozada v. State, 110 Nev. 349, 353, 871 P.2d 944, 946 (1994). Even legitimate Brady
11 claims are procedurally barred when the basis for the claim was known and it was either not
12 brought in an earlier proceeding or within an applicable time bar. Hutchison v. Bell, 303
13 F.3d 720 (6th Cir. 2002).

14 Where an issue has already been decided on the merits by the Nevada Supreme Court,
15 the Court's ruling is law of the case, and the issue will not be revisited. Pellegrini v. State,
16 117 Nev. 860, 888, 34 P.3d 519, 538 (2001) (holding "[u]nder the law of the case doctrine,
17 issues previously determined by this court on appeal may not be reargued as a basis for
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25 In order to assert a claim for ineffective assistance of counsel, Defendant must prove
26 that he was denied "reasonably effective assistance" of counsel by satisfying the two-prong
27 test of Strickland v. Washington, 466 U.S. 668, 686-687, 104 S.Ct. 2052 (1984); Ennis v.
28 State, 122 Nev. 694, 137 P.3d 1095, 1102 (2006). Under this test, Defendant must show: (1)

1 that his counsel's representation fell below an objective standard of reasonableness; and (2)
2 that but for counsel's errors, there is a reasonable probability that the result of the
3 proceedings would have been different. Strickland, 466 U.S. at 687-688 and 694, 104 S.Ct.
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22 States District Court For the District of Nevada, 127 F.3d 886, 888 (1997).

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ORDER


Based on the foregoing, the State's Motion to Dismiss the Petition is hereby GRANTED. Mr. Rippo's Motion for Leave to Conduct Discovery is DENIED as moot.

DATED this 5 day of ~~November~~ ^{March}, 2009.


DISTRICT JUDGE

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

BY


STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352

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OFFICE OF THE DISTRICT ATTORNEY
CRIMINAL APPEALS UNIT

DAVID ROGER
District Attorney

CHRISTOPHER J. LALLI
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TERESA M. LOWRY
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MARY-ANNE MILLER
County Counsel

STEVEN S. OWENS
Chief Deputy

NANCY BECKER
Deputy

FACSIMILE TRANSMISSION

Fax No. (702) 382-5815

Telephone No. (702) 671-2750

TO: David Anthony

FAX#: (702) 388-5819

FROM: Steven S. Owens

SUBJECT: Michael Rippo, C106784 - Findings

DATE: November 24, 2008

NO. OF PAGES, EXCLUDING COVER PAGE: 9

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TX/RX NO	0953	
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RESULT	OK	



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FROM: Steven S. Owens
SUBJECT: Michael Rippo, C106784
DATE: November 17, 2008

David,
The following Findings will be submitted to Judge Wall on November 24, 2008.
Sincerely,
Steven S. Owens

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

06/05/92 11:00 AM 00 GRAND JURY INDICTMENT

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

OFFICERS: DEBRA VINSON, Court Clerk
DONNA LITTLE, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
 003901 Lowry, Teresa Y

William Hehn, DDA, also present. At the hour of 11:00 a.m, this date, court convened in this matter. Patricia Randell, Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill in this matter during deliberation, but had been excused for the presentation to the Court. State presented Grand Jury Case Number 91GJ138X to the Court. BY THE COURT ORDERED, the Indictment may be filed and is assigned Case Number C106784, Department IV. Mr. Hehn advised Deft. is in custody in Nevada Department of Prisons and requested a no bail bench warrant issue, SO ORDERED. Exhibits 1-29 lodged with Clerk of District Court.

B/W (CUSTODY-NDP)

07/01/92 09:00 AM 00 ORAL REQUEST OF DISTRICT ATTORNEY FOR
ARRAIGNMENT

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

OFFICERS: JOSEPHINE BOHN, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
 003901 Lowry, Teresa Y

 0001 D1 Rippo, Michael D Y
 001565 Wolfson, Steven B. Y
 000598 Dunleavy, Philip H. Y

COURT ORDERED, matter set for arraignment in Dept. IV. Mr. Wolfson asked that the transportation order remain in effect until after his arraignment date and, COURT SO ORDERED. Defendant remanded to the custody of Court services officer at Indian Springs.

B/W (CUSTODY-NDP)

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 001

07/06/92 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001538	Hehn, William A.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Mr. Dunleavy advised that he has been appointed as associate counsel and moved to be confirmed in that capacity. There being no opposition, COURT SO ORDERED. Mr. Dunleavy stated defendant has not received a copy of the Grand Jury transcript and pursuant to NRS. 172.225 is entitled to a 10-day continuance from the time of receipt of the transcript. Mr. Wolfson moved for the continuance and, COURT SO ORDERED. Court directed Mr. Hehn to notify the reporter to provided the transcript to the defendant. FURTHER ORDERED, matter continued for status check on arraignment. Mr. Dunleavy notified the Court that a spectator caused a disruption in the courtroom earlier and asked that he be identified and barred from the courtroom at future proceedings. Mr. Hehn lodged copies of Supreme Court Rule 250 with the Clerk of the Court and defendant's counsel.

B/W (CUSTODY NDP)

07/20/92 09:00 AM 00 STATUS CHECK: ARRAIGNMENT

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003901	Lowry, Teresa	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Mr. Wolfson stated they are prepared to proceed with arraignment today. Defendant Rippo arraigned, entered pleas of not guilty to Counts I, II, III, IV, V and VI and waived the 60-day rule. COURT ORDERED matter set for trial in normal course. Mr. Wolfson Moved for a 60-day extension in which to file a Writ of Habeas Corpus. There being no opposition, COURT SO ORDERED. Mr. Wolfson moved for discovery and Ms. Lowry moved for reciprocal discovery.

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 002

COURT ORDERED, both motions granted.

B/W (CUSTODY NDP)...2/5/93 @ 9:00 A.M. - CALENDAR CALL...2/8/93 @ 10:00 A.M.
-JURY TRIAL

09/14/92 09:00 AM 00 MOTION FOR HANDWRITING EXEMPLAR

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003901	Lowry, Teresa	Y
0001 D1	Rippo, Michael D	N
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Mr. Wolfson stated there is no opposition to the State's motion and, COURT ORDERED, motion is granted.

B/W (COC-NSP)

10/05/92 09:00 AM 00 PETITION FOR WRIT OF HABEAS CORPUS

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
JUDY NORMAN/jn, Relief Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001538	Hehn, William A.	Y
0001 D1	Rippo, Michael D	N
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Mr. Wolfson stated the parties have stipulated to a continuance to allow the State to file their response. He moved for an additional seven (7) days to file his reply, and asked that the matter be scheduled for a hearing on the Writ. COURT ORDERED, motion granted; matter set for hearing.

BW (COC-NSP)...10/28/92 @ 9:30 A.M..-HEARING: WRIT OF HABEAS CORPUS

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 003

10/28/92 09:00 AM 00 ALL PENDING MOTIONS 10/28/92

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
JUDY NORMAN/jn, Relief Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
0001 D1	Rippo, Michael D	N
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

HEARING: WRIT OF HABEAS CORPUS

DEFENDANT'S MOTION FOR DISCOVERY AND TO INSPECT ALL EVIDENCE FAVORABLE TO HIM

Mr. Wolfson requested a one week continuance. There being no opposition,
COURT ORDERED.

B/W (COC-NSP)

11/4/92 @ 9:00 AM - CONTINUED

11/04/92 09:00 AM 00 ALL PENDING MOTIONS 11/4/92

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
JUDY NORMAN/jb, Relief Clerk
DONNA ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001538	Hehn, William A.	Y
0001 D1	Rippo, Michael D	N
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

-HEARING: WRIT OF HABEAS CORPUS

-DEFENDANT'S MOTION FOR DISCOVERY AND TO INSPECT ALL EVIDENCE FAVORABLE TO HIM

As to Defendant's Motion for Discovery, Mr. Hehn stipulated to the statute and Brady and stated there is an open file discovery policy in the D.A.'s office but the information they are seeking is not covered by the statute and they are not entitled to it. Argument by Mr. Dunleavy. As to

CONTINUED ON PAGE: 005

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 004

Defendant's Writ of Habeas Corpus, Mr. Wolfson argued there were errors in the State's presentation of the case to the Grand Jury. Argument by Mr. Hehn. COURT ORDERED, Defendant's Motion for Discovery is granted; Defendant's Writ of Habeas Corpus is denied.

B/W (COC-NSP)

02/05/93 09:00 AM 00 CALENDAR CALL

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA
003901 Lowry, Teresa
0001 D1 Rippo, Michael D
001565 Wolfson, Steven B.
000598 Dunleavy, Philip H.

Y
Y
Y
Y
Y

Mr. Wolfson advised the Court that Mr. Dunleavy has a conflict with the trial date and the State has agreed not to oppose their oral motion for a continuance. Ms. Lowry concurred. She further stated the Court has ordered that the defendant supply a handwriting exemplar and he has refused to do so. She asked that he be held in contempt of Court. COURT ORDERED defendant to be held in the Clark County Detention Center until he complies with this Court's order. Mr. Wolfson stated the defendant is incarcerated at Ely and asked that he be held in the Clark County Detention Center for 10 days to permit counsel to confer with him and, COURT SO ORDERED. FURTHER ORDERED, trial date vacated and reset in due course. Matter set for status check in 10 days.

CUSTODY...2/17/93 @ 9 A.M. - STATUS CHECK

11/19/93 @ 9 A.M. - CALENDAR CALL...11/22/93 @ 10 A.M. - JURY TRIAL

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 005

02/17/93 09:00 AM 00 STATUS CHECK

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA

003901 Lowry, Teresa

Y

Y

0001 D1 Rippo, Michael D

Y

001565 Wolfson, Steven B.

Y

Mr. Wolfson stated the defendant has refused to comply with the Court's order to supply a handwriting exemplar although he advised the defendant to do so. State's Motion to Expedite Trial Date or in the Alternative Transfer Case to Another Department filed in open court. Mr. Wolfson asked for one week to respond to the motion. COURT ORDERED, matter continued for status check on trial setting. Mr. Wolfson asked that the defendant be held in the Clark County Detention Center until next Court date and, COURT SO ORDERED.

CUSTODY ... 2/26/93 @ 9 A.M. - STATUS CHECK: TRIAL SETTING

02/26/93 09:00 AM 00 STATUS CHECK: TRIAL SETTING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA

003901 Lowry, Teresa

Y

Y

0001 D1 Rippo, Michael D

Y

001565 Wolfson, Steven B.

Y

Counsel stated they have agreed on a date for trial. COURT ORDERED, matter set for trial on agreed upon date.

CUSTODY...9/10/93 @ 9 A.M. - CALENDAR CALL...9/13/93 @ 10 A.M. - JURY TRIAL

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 006

08/02/93 09:00 AM 00 MOTION TO TRANSPORT DEFENDANT TO
SOUTHERN DESERT CORRECTIONAL CENTER

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
DOROTHY KELLY/jb, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000102	Bowman, Clinton D.	Y
0001 D1	Rippo, Michael D	N
001565	Wolfson, Steven B.	Y

There being no opposition, COURT ORDERED, motion GRANTED.

CUSTODY

09/10/93 09:00 AM 00 ALL PENDING MOTIONS 9/10/93

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: ALONA CANDITO, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000843	Lukens, John P.	Y
003901	Lowry, Teresa	Y
003820	Steckbeck, Jane A.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES
NECESSARY TO RIPPO'S DEFENSE

DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR VIDEOTAPING OF
DEFENDANT RIPPO WHILE IN THE COURTROOM

DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE PROSECUTOR

DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND 2 AND
FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR BAD
ACTS

CONTINUED ON PAGE: 008

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 007

DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE
ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE

DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPHS

DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE
AS THE "GUILT PHASE"

DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

CALENDAR CALL

ATTORNEY GENERAL'S MOTION TO QUASH AND FOR PROTECTIVE ORDER (OST)

Statement by Mr. Wolfson regarding the Attorney General's Motion to Quash
and request for continuance. Mr. Wolfson advised Court that on Tuesday,
9/7/93, he was approached by Mr. Lukens, who advised him that there will be
the testimony of expert witnesses and of jail house snitches. Mr. Wolfson
moved for a continuance. Statement by Mr. Lukens. Court admonished Mr.
Lukens as this court set aside two weeks specifically for this case. COURT
ORDERED, TRIAL DATE VACATED AND RESET. FURTHER, THE ATTORNEY GENERAL'S
MOTION CONTINUED TO 9/20/93. Mr. Wolfson advised Court that counsel will
meet to try to resolve the pre-trial motions and will place necessary
motions on calendar prior to the trial date. COURT ORDERED, PRE-TRIAL
MOTIONS, OFF CALENDAR.

9/20/93 -- ATTORNEY GENERAL'S MOTION TO QUASH AND FOR PROTECTIVE ORDER

CC 2/11/94 // JT 2/14/94

CUSTODY

09/20/93 09:00 AM 01 MOTION TO QUASH AND FOR A PROTECTIVE
ORDER

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003820 Steckbeck, Jane A.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 008

Counsel advised the Court they have resolved this issue and defense counsel has no opposition to the motion. COURT ORDERED, granted.

CUSTODY

01/21/94 09:00 AM 00 ORAL REQUEST OF DISTRICT ATTORNEY STATUS
CHECK TRIAL DATE

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004364	Quam, Les	Y
0001 D1	Rippo, Michael D	N
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Mr. Lukens not present. Mr. Dunleavy asked that this matter be continued to Monday as there are matters defense counsel would like to address. COURT ORDERED, CONTINUED TO MONDAY.

CUSTODY

LATER: Matter recalled with Mr. Lukens present. Defense counsel not present. Mr. Lukes stated he and Teresa Lowry will be out of town next week. He asked that he be permitted to subpoena the State's witnesses for the 22nd of February in anticipation of this Court's being occupied with another matter on the 14th when this trial was scheduled. COURT ORDERED, GRANTED. Mr. Lukens stated he will advise defense counsel.

CONTINUED TO: 01/24/94 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 009

01/24/94 09:00 AM 01 ORAL REQUEST OF DISTRICT ATTORNEY STATUS
CHECK TRIAL DATE

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002741	Lucherini, Robert G.	Y
0001 D1	Rippo, Michael D	N
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Prior to Court defense counsel were advised that the Court is continuing this matter one week.

CUSTODY

CONTINUED TO: 01/31/94 09:00 AM 02

01/31/94 09:00 AM 02 ORAL REQUEST OF DISTRICT ATTORNEY STATUS
CHECK TRIAL DATE

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000843	Lukens, John P.	Y
0001 D1	Rippo, Michael D	N
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Mr. Lukens stated the Court permitted the State to subpoena its witnesses for the 22nd instead of the 14th of February due to the Court's congested calendar. Mr. Dunleavy stated the defense has subpoenaed both Mr. Lukens and Ms. Lowry as witnesses in this case and they should not be trying this case. He stated the Attorney General's office should be brought in to prosecute this case. He stated they obtained a search warrant and were actively involved in the search which was at their alibi witnesses home. He stated they also made statements to her regarding her testimony. Mr. Lukens stated there was nothing improper in the search and asked that the defense file a written motion so that the State may respond. Mr. Dunleavy stated if Mr. Lukens and Ms. Lowry prosecute this case the defense will move to dismiss. Court directed Mr. Dunleavy and Mr. Wolfson to file a written

CONTINUED ON PAGE: 011

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 010

motion with supporting affidavits. Mr. Wolfson stated there will be a conflict with the date of the trial in that Mr. Dunleavy will be in Dept. XIV on 2/28, 3/1 and 3/4/94. The Court stated it will accommodate everyone's schedule. Mr. Wolfson stated that they just received additional discovery about three weeks ago and they may be moving for a continuance pursuant to the Love decision. Court directed them to put the motion in writing.

CUSTODY...2/22/94 @ 10 A.M.-JURY TRIAL

02/11/94 09:00 AM 00 CALENDAR CALL

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: THERESA ALMSTEAD, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA

000843 Lukens, John P.

Y

Y

0001 D1 Rippo, Michael D

Y

COURT ORDERED, matter passed for deft.'s attorneys. LATER, Court recalled matter, defense Counsel still not present. COURT ORDERED, Calendar Call continued to 2-14-94 at 9 am.

CUSTODY

2-14-94 AT 9 AM / CALENDAR CALL CONTINUED

CONTINUED TO: 02/14/94 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 011

02/14/94 09:00 AM 00 ALL PENDING MOTIONS 2/14/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000843 Lukens, John P.	Y
	003901 Lowry, Teresa	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

~CALENDAR CALL

~DEFENDANT'S MOTION TO CONTINUE TRIAL

~DEFENDANT'S MOTION TO DISQUALIFY THE DISTRICT ATTORNEY'S OFFICE

Mr. Dunleavy stated that Mr. Lukens and Ms. Lowry are under subpoena as witnesses as they became investigators when they were actively involved in the execution of a search warrant. He added that he has received threats from Mr. Lukens. He asked that the motion to disqualify be granted. Mr. Lukens stated there is no merit to the statement of threats. As to whether or not he and Ms. Lowry are witnesses, he stated they have "pretrialed" over 40 witnesses in this case and Ms. Starr is one of those witnesses. Mr. Wolfson stated that Mr. Lukens had previously interviewed Ms. Starr and Ms. Starr supplied a voluntary statement to the police and testified before the Grand Jury. Response by Mr. Lukens. COURT ORDERED, hearing set to decide the issue of whether or not Mr. Lukens and Ms. Lowry made themselves investigators. FURTHER ORDERED, due to the congestion on this Court's calendar, trial date of 2/22/94 vacated. Colloquy as to new trial date. COURT ORDERED, trial tentatively set for 3/28/94. Mr. Wolfson addressed the issue of pre-trial motions. Colloquy. COURT ORDERED, pre-trial motions to be heard one week after hearing date. Mr. Dunleavy asked that the search warrant be provided to the Court in-camera. No response. Since the record is silent the minutes remain the same. Mr. Wolfson stated the defendant has been transported here from Ely and asked that he be held at Indian Springs to facilitate easier communication. Mr. Dunleavy stated there are two pschiatric exams scheduled and the doctors cannot travel to Indian Springs. He asked that the defendant be held at the Clark County Detention Center. Mr. Lukens stated there are security risks at the Detention Center with the defendant being held there. COURT ORDERED, defendant to be detained at the Clark County Detention Center for one week from today.

CUSTODY...2/25/94 @ 10 A.M. - EVIDENTIARY HEARING

3/4/94 @ 9 A.M. - PRE-TRIAL MOTIONS

3/25/94 @ 9 A.M. - CALENDAR CALL

3/28/94 @ 10 A.M. - JURY TRIAL

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 012

02/25/94 10:00 AM 00 EVIDENTIARY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000843	Lukens, John P.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Court stated it does not have time to hear this matter and, ORDERED, hearing date reset. FURTHER ORDERED, all motions to be heard continued to hearing date. Mr. Wolfson asked that subpoenas issued continued to the new hearing date and, COURT SO ORDERED.

CUSTODY-3/7/94 @ 10 A.M.-ALL PRE-TRIAL MOTIONS

CONTINUED TO: 03/07/94 10:00 AM 01

03/07/94 10:00 AM 00 ALL PENDING MOTIONS 3/7/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001190	Owens, Christopher J.	Y
003901	Lowry, Teresa	Y
000843	Lukens, John P.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES
NECESSARY TO DEFENSE~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR
VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE
PROSECUTOR~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND
2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR
BAD ACTS

CONTINUED ON PAGE: 014

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 013

~DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE
ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE

~DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPH

~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST
PHASE AS THE "GUILT PHASE"

~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

~EVIDENTIARY HEARING: DEFENDANT'S MOTION TO DISQUALIFY DISTRICT ATTORNEY

HEARING: Mr. Dunleavy moved to exclude witnesses from the courtroom.

COURT ORDERED, exclusionary rule invoked. Ms. Lowry and Mr. Lukens
permitted to remain. Testimony presented. Exhibits. (See attached.) Mr.
Owens stated there is no objection to an in-camera review of the affidavit
for the search warrant. Arguments. COURT ORDERED, in-camera inspection of
the affidavit will be done by the Court. Testimony continued. Recess.
Court reconvened with all present as before. Testimony continued.
Affidavit of Teresa Lowry filed in open Court. Arguments by counsel. Court
stated it will review the exhibits and the affidavit for the search warrant
and, ORDERED, taken under advisement. Decision on Wednesday.

CUSTODY...3/9/94 @ 9 A.M.-JUDGE'S DECISION and ALL ABOVE-LISTED MOTIONS

03/09/94 09:00 AM 00 ALL PENDING MOTIONS 3/9/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001190	Owens, Christopher J.	Y
003901	Lowry, Teresa	Y
000843	Lukens, John P.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES
NECESSARY TO DEFENSE

~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR
VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM

~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE
PROSECUTOR

~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND
2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4

~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S
PRIOR BAD ACTS

~DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE
ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE

~DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPH

CONTINUED ON PAGE: 015

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 014

~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILTY PHASE"

~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

~HEARING-JUDGE'S DECISION RE: DEFENDANT'S MOTION TO DISQUALIFY DISTRICT ATTORNEY

Court stated it is relying on Tomlin vs. State of Nevada and Sheriff vs. Davis in which the attorney has knowledge that he is subpoenaed as a witness in the case and should step out of the case if he has the opportunity to do so. Further stated that due to the evidence that Mr. Lukens and Ms. Lowry would be witnesses in this case regarding the search conducted on Ms. Starr's apartment, COURT ORDERS, DEFENSE MOTION TO DISQUALIFY THE DISTRICT ATTORNEY IS GRANTED. MR. LUKENS AND MS. LOWRY ARE REMOVED FROM THE CASE. IT IS NOT NECESSARY TO APPOINT THE ATTORNEY GENERAL. Court directed the District Attorney's office to assign other attorneys to this case. Colloquy as to a continuance of the trial date. COURT ORDERED, matter set for status check on Wednesday. Pre-trial motions off calendar.

CUSTODY...3/16/94 @ 9 A.M.-STATUS CHECK RE: TRIAL DATE

03/11/94 09:00 AM 00 AT REQUEST OF DISTRICT ATTORNEY
STATUS CHECK

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000843	Lukens, John P.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Mr. Lukens stated a status check was set by the Court for next week and the purpose of this status check is to advise the Court that the State will be prepared to proceed to trial as scheduled and that the attorney's for the State will be Mel Harmon and Dan Seaton. Mr. Dunleavy stated the District Attorney's office should be disqualified. He stated Mr. Lukens refused to tell him earlier who would be representing the State. Mr. Seaton advised the Court this was placed on calendar today instead of next week at his request so that the parties could be told who was on the case. COURT ORDERED, DISTRICT ATTORNEY PERMITTED TO REPRESENT THE STATE. THERE WILL BE AN INSTRUCTION THAT IN FINAL ARGUMENT THE STATE CANNOT COMMENT ON THE TESTIMONY OF MR. LUKENS AND MS. LOWRY. Mr. Wolfson stated they will be cross-examined. The Court stated that they cannot comment on that testimony in their arguments. Mr. Seaton stated he is prepared to respond to that today and asked that he be permitted to review the case law the Court relied

CONTINUED ON PAGE: 016

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 015

on and then respond. The Court responded in the affirmative. Mr. Wolfson addressed the issue of arguments on the pending pre-trial motions. Colloquy as to schedules. COURT ORDERED, ALL PRE-TRIAL MOTIONS SET FOR NEXT FRIDAY.

CUSTODY...3/18/94 @ 9 A.M.-PRE-TRIAL MOTIONS

03/18/94 09:00 AM 00 ALL PENDING MOTIONS 3/18/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES
NECESSARY TO DEFENSE

~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR
VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM

~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE
PROSECUTOR

~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND
2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4

~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR
BAD ACTS

~DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE
ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE

~DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPH

~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST
PHASE AS THE "GUILT PHASE"

~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

~STATE'S MOTION TO SUBMIT AMENDED INDICTMENT

Mr. Wolfson stated that pursuant to a meeting in chambers between Court and counsel, the District Attorney will acknowledge that they provided the defense with substantial amounts of discovery that was picked up this date. This relates to new matters and new documents. Additionally, the State filed a motion to amend the Indictment yesterday. He moved for a continuance of the trial date. Mr. Seaton stated for the record that the State is prepared to proceed to trial but does not oppose the motion in light of the circumstances. He asked for the earliest possible setting for the trial. Court stated its displeasure and directed the District Attorney to explain to the victims' families the reason for the delay in the trial.

CONTINUED ON PAGE: 017

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 016

Mr. Seaton stated the District Attorney's office takes full responsibility and will do as directed. COURT ORDERED, TRIAL DATE VACATED AND RESET. ALL PENDING MOTION CONTINUED.

CUSTODY...4/13/94 @ 10 A.M.-PENDING MOTIONS LISTED ABOVE

10/21/94 @ 9 A.M.-CALENDAR CALL...10/24/94 @ 10 A.M.-JURY TRIAL

04/13/94 10:00 AM 00 ALL PENDING MOTIONS 4/13/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
002473 Seaton, Daniel M.

0001 D1 Rippo, Michael D
001565 Wolfson, Steven B.

Y
Y
Y

Y
Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES
NECESSARY TO DEFENSE

~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR
VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM.

~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE
PROSECUTOR

~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND
2 AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4

~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR
BAD ACTS

~DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE
ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE

~DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND AND CRIME SCENE PHOTOGRAPH

~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST
PHASE AS THE "GUILTY PHASE"

~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE

~STATE'S MOTION TO SUBMIT AMENDED INDICTMENT

Mr. Dunleavy not present. Mr. Seaton advised the Court the State is prepared to proceed today. He stated one of the victim's parents are here from out of town for arguments today. He stated that Mr. Wolfson advised him that some of the motions are his and he asked that they go forward with those today. Court stated they should attempt to contact Mr. Dunleavy and, ORDERED, COURT IN RECESS UNTIL 1:30 P.M. TODAY.

LATER: In chambers off the record, counsel advised the Court that Mr. Dunleavy was contacted but is unavailable today. COURT ORDERED, ALL MATTERS CONTINUED UNTIL 10:00 A.M. TOMORROW.

CONTINUED ON PAGE: 018

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 017

CUSTODY

4/14/94 @ 10 A.M. MOTIONS LISTED ABOVE

04/14/94 10:00 AM 00 ALL PENDING MOTIONS 4/14/94

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

~DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS FILES
NECESSARY TO DEFENSE (Granted)~DEFENDANT'S MOTION TO PROHIBIT THE FILMING, PHOTOGRAPHING OR
VIDEOTAPING OF DEFENDANT WHILE IN THE COURTROOM (Denied)~DEFENDANT'S MOTION IN LIMINE LIMITING REMOVAL OF JURORS BY THE
PROSECUTOR (Denied)~DEFENDANT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES NUMBERED 1 AND 2
AND FOR SPECIFICITY AS TO AGGRAVATING CIRCUMSTANCE NUMBER 4 (Denied)~DEFENDANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DEFENDANT'S PRIOR
BAD ACTS (Granted)~DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE OR IN THE
ALTERNATIVE FOR USE OF A JURY QUESTIONNAIRE (Ruling reserved)~DEFENDANT'S MOTION TO EXCLUDE AUTOPSY AND CRIME SCENE PHOTOGRAPH
(Ruling reserved)~DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST
PHASE AS THE "GUILT PHASE" (Denied)~DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE
(Denied)

~STATE'S MOTION TO SUBMIT AMENDED INDICTMENT (Under advisement)

Mr. Dunleavy apologized to the Court for his absence yesterday. Court directed that the motions will be argued in the order listed on the calendar.

Mr. Dunleavy stated they have attempted to obtain evaluations of the defendant's from the prison system and the detention center and were told to get a Court order. Mr. Harmon stated their motion is very broad and the defense can subpoena the records the same as the State would and they should do so. Mr. Dunleavy stated they attempted to do so but repeated that they were told to get a Court order. COURT ORDERED, Motion for Discovery GRANTED AS TO THE STATE PRISON SYSTEM AND THE CLARK COUNTY DETENTION CENTER ONLY.

CONTINUED ON PAGE: 019

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 018

Mr. Dunleavy to prepare the order.

Mr. Dunleavy submitted the Defendant's Motion to Prohibit Filming. Mr. Harmon stated it was the Court's discretion and, COURT ORDERED, motion DENIED.

Mr. Dunleavy argued the grounds on which the State can remove people from the jury when death qualifying. Mr. Harmon argued that the State is aware of what can and cannot be done. FURTHER ORDERED, motion DENIED, that issue will be dealt with on a juror by juror basis.

Mr. Wolfson submitted Defendant's Motion to Strike Aggravating Circumstances but stated there are post-conviction relief proceedings before the Supreme Court at this time on behalf of the defendant. He stated the issue is regarding the penalty of his plea in the other case he has in the system and a ruling should be issued before the trial date in this case. He stated if the relief is granted, the defense will ask to revisit this motion. COURT ORDERED, with the understanding that this motion may be renewed if the Supreme Court acts in defendant's favor, this motion is DENIED.

As to Defendant's Motion to Exclude Testimony of Prior Bad Acts, Mr. Wolfson stated that evidence should not be admitted at trial. He stated the State claims there are similarities of the acts but the prejudice outweighs the probative value. Mr. Seaton responded that they told the defense already that they will not and they do not oppose the motion. Mr. Harmon stated that if the defendant takes the stand they will use the facts of his prior conviction for impeachment purposes. COURT ORDERED, THE INFORMATION MAY BE USED FOR IMPEACHMENT ONLY, MOTION GRANTED.

Mr. Dunleavy stated they are preparing a shortened jury questionnaire that they have discussed with the State and they can probably agree on its use. COURT ORDERED, RULING RESERVED PENDING THE FORTHCOMING AGREEMENT.

Mr. Dunleavy advised the Court the parties are in agreement on a lot of exhibits that will be coming in and Mr. Seaton will be going over them. He stated the parties will schedule a meeting in chambers with the Court prior to trial to discuss their disagreements. FURTHER ORDERED, RULING RESERVED UNTIL THAT TIME.

Mr. Dunleavy and Mr. Seaton argued the motion regarding the term "guilty phase". COURT ORDERED, motion DENIED.

Mr. Dunleavy argued defendant's Motion to Argue Last in the penalty phase. Mr. Seaton quoted from the Statute and, COURT ORDERED, motion DENIED.

Mr. Harmon argued the State's Motion to Submit Amended Indictment and stated the State is trying to ensure that the defense has knowledge of the State's theories. Mr. Wolfson argued that the motion should be denied and the State should take the matter back to the Grand Jury. Response by Mr. Harmon. Court stated it will further review the cases cited by counsel and, ORDERED, MATTER UNDER ADVISEMENT. DECISION TO BE RENDERED NEXT WEDNESDAY.

CUSTODY

4/20/94 @ 9 A.M. JUDGE'S DECISION (State's Motion to Submit Amended Indictment)

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 019

04/20/94 09:00 AM 00 HEARING JUDGE'S DECISION

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Court stated the defense does have notice of alternative theories that the State will proceed with at time of trial and, ORDERED, State's Motion to Amend Indictment DENIED. Mr. Harmon asked if the State can instruct the jury on aiding and abetting and Court stated it could.

CUSTODY

10/21/94 09:00 AM 00 CALENDAR CALL

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
0001 D1	Rippo, Michael D	Y

Mr. Harmon requested this matter be taken off calendar and, COURT SO ORDERED. FURTHER ORDERED, TRIAL DATE VACATED.

CUSTODY

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 020

05/31/95 10:00 AM 00 STATE'S REQUEST TO RESCHEDULE TRIAL
DATE

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court stated that this Court cleared its calendar August and September to accomodate this trial but counsel advised him in chambers that there are conflicts in their schedules and they have agreed on a January 1996 date. COURT ORDERED, TRIAL SET THE FIRST WEEK OF THE JANUARY STACK. FURTHER ORDERED, THIS TRIAL SETTING IS FIRM.

CUSTODY (NDP)

1/26/96 9:00 AM CALENDAR CALL

1/29/96 10:00 AM JURY TRIAL

01/03/96 09:00 AM 00 STATE'S REQUEST FILE AMENDED INDICTMENT

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	0001 D1 Rippo, Michael D	N
	000598 Dunleavy, Philip H.	Y

Mr. Harmon moved to file an Amended Indictment pursuant to the Supreme Court ruling. Opposition by Mr. Dunleavy. COURT ORDERED, motion GRANTED. AMENDED INDICTMENT FILED IN OPEN COURT.

CUSTODY (NDP)

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 021

01/26/96 09:00 AM 00 ALL PENDING MOTIONS 1/26/96

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

STATE'S MOTION IN LIMINE...CALENDAR CALL

Counsel advised the Court they are prepared to proceed to trial. COURT ORDERED, TRIAL DATE TO STAND. Mr. Wolfson addressed the State's Motion in Limine and stated there is no intention to of introducing anything relating to a polygraph. Mr. Harmons stated the motion was filed as a precautionary measure and requested that the defendant be admonished. COURT ORDERED, motion GRANTED. Defendant admonished. Court explained the procedure to be followed regarding the questionnaires. Mr. Dunleavy advised the Court he has received a Federal subpoena for 2/8/96. Court stated that will be addressed when it arises. Mr. Dunleavy stated he is scheduled for a seminar starting on 2/16/96 and today is the last day he can cancel. Colloquy. Court stated he may attend and the trial will not proceed that day. Mr. Dunleavy stated that Diana Hunt submitted a letter to the Court at time of her sentencing and requested a copy of that letter. Court stated it will review the letter and, ORDERED, RULING RESERVED.

CUSTODY (COC-NDP)

1/29/96 9:00 AM JURY TRIAL

01/29/96 10:00 AM 00 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk

PARTIES: NO PARTIES PRESENT

No parties present. Jurors completing questionnaires.

CONTINUED TO: 01/30/96 10:00 AM 01

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 022

01/30/96 10:00 AM 01 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO (AM)/GERRI LAPTHORNE (PM) , Reporter/R

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Court convened OUTSIDE THE PRESENCE OF THE JURY PANEL. Discussions of counsel as to witnesses. Mr. Wolfson advised the Court he just received the questionnaires this morning and requested a continuance. COURT ORDERED, DENIED; JURY SELECTION TO BEGIN AT 1:30 P.M. Recess.

Court reconvened with all present as before. JURY PANEL PRESENT. introductions by Court and counsel. Potential juror #148 stated he new the father of one of the victims. Conference at the bench. The State challenged for cause. Conference in chambers with counsel and juror #148. Juror excused from service. In Court with all present as before. Jury selection continued. Recess. Conference in chambers with potential juror #111. Juror excused. Court in recess.

CONTINUED TO: 01/31/96 10:30 AM 02

01/30/96 10:00 AM 00 NEVADA BOARD OF PAROLE COMMISSIONERS
MOTION TO QUASH

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk

PARTIES: NO PARTIES PRESENT

Prior to Court counsel advised they have stipulated to a continuance. COURT ORDERED, CONTINUED.

CUSTODY

CONTINUED TO: 02/02/96 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 023

01/31/96 10:30 AM 02 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO/GERRI LAPTHORNE, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

In chambers, OUTSIDE THE PRESENCE OF THE JURY PANEL. Jurors #487 and #151 examined by Court and counsel and excused from service. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury selection continued. Recess.

In chambers, OUTSIDE THE PRESENCE OF THE JURY PANEL. Jurors #123, #150 #101, #109 and #144 examined by Court and counsel and excused from service. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury selection continued.

In chambers, OUTSIDE THE PRESENCE OF THE JURY PANEL. Juror #124 examined by Court and counsel and excused from service. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury selection continued. Court in recess.

CONTINUED TO: 02/01/96 10:00 AM 03

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 024

02/01/96 10:00 AM 03 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury selection continued. Court in recess.

CONTINUED TO: 02/02/96 10:00 AM 04

02/02/96 09:00 AM 01 NEVADA BOARD OF PAROLE COMMISSIONERS
MOTION TO QUASH

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004910 Armstrong, Karl W.	Y
	0001 D1 Rippo, Michael D	N
	000598 Dunleavy, Philip H.	Y

Discussions as to which records will be turned over. Arguments by counsel. Court stated it will do an in-camera inspection of the records and, ORDERED, matter taken UNDER ADVISEMENT.

NDP

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 025

02/02/96 10:00 AM 04 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY PANEL. Jury and alternates selected and sworn. Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. EXCLUSIONARY RULE INVOKED. Mr. Harmon stated the parties have agreed to certain family members remaining in the courtroom. Court admonished all family members not to talk to the jurors and to leave the courtroom if they become too emotional. Mr. Harmon raised another legal matter and stated that the State will enforce the hearsay rule. Response by Mr. Dunleavy. Court directed counsel to submit points and authorities by 9:00 a.m. Monday. Recess. Court reconvened with all present as before. Counsel stipulated to the presence of the Jury. Amended Indictment read by the Clerk of the Court. Opening statement by Mr. Harmon. Conference at the bench. Recess. Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Mr. Wolfson moved for a mistrial on the basis of discovery not provided regarding statements made by witness Sims. He requested an evidentiary hearing on the issue. Opposition by Mr. Harmon. COURT ORDERED, motion for mistrial DENIED. Discussion as to exhibits. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Opening statement by Mr. Wolfson. Testimony and exhibits presented. (See worksheets.) Jury admonished and excused. Court in recess.

CONTINUED TO: 02/05/96 10:00 AM 05

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 026

02/05/96 10:00 AM 05 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO/GERRI LAPTHORNE, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before, in chambers, OUTSIDE THE PRESENCE OF THE JURY. Mr. Dunleavy raised the issue of recusal due to reports in the paper regarding the possible indictment of the Judge. He stated the jury was not admonished to read anything about the Court. He also raised the possibility of the Court being more favorable to the State. Mr. Seaton respond that the what the Federal government does has nothing to do with the State of Nevada. Mr. Dunleavy stated the defense does not know if the State is cooperating with the Feds and wanted that on the record. Further colloquy between Court and counsel. Mr. Dunleavy stated it is up to the Court whether it feels it should recuse. Court stated there is no bias on either side and it will not recuse.

Court addressed the issue of Juror Cunningham's employer contacting the Court wanting him excused from service. Mr. Cunningham brought into chambers and examined by Court and counsel. He stated he wants to remain on the jury. Colloquy as to the hearsay issue and statements being made by the defendant in a prison setting. Mr. Harmon stated they can talk about a custodial setting and not raise the issue of where it was and for what purpose. Recess.

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Court in recess.

CONTINUED TO: 02/06/96 10:00 AM 06

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 027

02/06/96 10:00 AM 06 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO/DANI ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Court in recess.

CONTINUED TO: 02/07/96 10:00 AM 07

02/07/96 10:00 AM 07 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony presented. (See worksheet.) Conference at the bench. Recess. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony presented. Conference at the bench. Jury admonished and excused from the courtroom. In chambers, OUTSIDE THE PRESENCE OF THE JURY. Mr. Wolfson moved for a mistrial or in the alternative an evidentiary hearing regarding statements made to Deputy District Attorneys two years ago that they were not made aware of until today. Opposition by the State. Court directed counsel to file points and authorities and, ORDERED, Court in recess.

CONTINUED TO: 02/08/96 10:00 AM 08

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 028

02/08/96 10:00 AM 08 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Court inquired if counsel were submitting points and authorities. Mr. Wolfson stated they will provide oral authorities and cases. STATE'S ANSWER IN OPPOSITION TO DEFENDANT'S MOTION FOR MISTRIAL BASED ON AN ALLEGED DISCOVERY VIOLATION FILED IN OPEN COURT. Mr. Dunleavy moved to disqualify the District Attorney and to recuse this Court. Arguments by counsel. COURT ORDERED, motion for recusal DENIED. FURTHER ORDERED, EVIDENTIARY HEARING WILL BE CONDUCTED AS TO MOTION FOR MISTRIAL AND DISQUALIFICATION.

Evidentiary Hearing proceeded. Testimony and exhibits presented. (See worksheets.) Recess. Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Mr. Wolfson moved for an in-camera inspection of Deputy District Attorney Lowry's notes. Opposition by the State. COURT ORDERED, DENIED. Further testimony presented and exhibits admitted. Arguments by counsel. COURT ORDERED, motion for mistrial and disqualification of the District Attorney's Office DENIED.

Colloquy as to additional time for the defense to interview witnesses Cabralles and Sims. Recess. Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Counsel advised the Court they have stipulated to a continuance of the trial for the defense to further interview witnesses. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Court informed the jury of the trial being continued, admonished them and, ORDERED, COURT IN RECESS.

CONTINUED TO: 02/20/96 10:00 AM 09

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 029

02/26/96 10:00 AM 10 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. COUNSEL STIPULATED TO THE PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Jury admonished and excused. In chambers, OUTSIDE THE PRESENCE OF THE JURY. Counsel advised the Court they have stipulated to Exhibits 19 and 21 being admitted and 20 and 22 being excluded. Court in recess.

CONTINUED TO: 02/27/96 10:00 AM 11

02/27/96 10:00 AM 11 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel as to proposed exhibits 53 and 54. COURT ORDERED, THEY WILL BE ADMITTED. Recess. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel as to exhibits previously admitted. COURT ORDERED, EXHIBITS ARE ADMITTED. Recess. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony presented. Jury admonished. Court in recess.

CONTINUED TO: 02/28/96 10:00 AM 12

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 030

02/28/96 10:00 AM 12 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

FILED IN OPEN COURT:

-MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM'S FAMILY MEMBERS

-MOTION TO REQUIRE A PRETRIAL JUDICIAL REVIEW OF ALL VICTIM IMPACT EVIDENCE THE STATE INTENDS TO INTRODUCE AT THE PENALTY PHASE

-MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE

-MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE PURSUANT TO NRS 175.552, 200.033 AND 200.035

-MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE PERTAINING TO VICTIM FAMILY MEMBERS CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME, THE DEFENDANT, AND/OR THE APPROPRIATE SENTENCE

Court reconvened with all present as before. Counsel stipulated to PRESENCE OF THE JURY. Testimony presented. (See worksheet.) Conference at the bench. Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. Arguments of counsel as to discovery. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. Offer of proof made by the State (witness Caipa). Mr. Wolfson moved to exclude the testimony and evidence of the credit card transaction at Sears. Opposition by Mr. Harmon. COURT ORDERED, motion DENIED. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. Jury admonished. Court in recess.

CONTINUED TO: 02/29/96 10:00 AM 13

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 031

02/29/96 10:00 AM 13 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Recess. Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel as to the defense being permitted to go further into conversations with witness Christos. COURT ORDERED, RULING RESERVED. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. Jury admonished and excused. In chambers, OUTSIDE THE PRESENCE OF THE JURY. Mr. Dunleavy moved to exclude the testimony of the Reno police officer. Opposition by the State. COURT ORDERED, motion GRANTED. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony present. Exhibits admitted. Jury admonished and excused. Court in recess.

CONTINUED TO: 03/01/96 10:00 AM 14

03/01/96 09:00 AM 00 ALL PENDING MOTIONS 3/1/96

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

-DEFENDANT'S MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM'S FAMILY MEMBERS
-DEFENDANT'S MOTION TO REQUIRE A PRETRIAL JUDICIAL REVIEW OF ALL VICTIM

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 032

IMPACT EVIDENCE THE STATE INTENDS TO INTRODUCE AT THE PENALTY PHASE

-DEFENDANT'S MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE

-DEFENDANT'S MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE

-DEFENDANT'S MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE PERTAINING TO VICTIM FAMILY MEMBERS' CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME, THE DEFENDANT, AND/OR THE APPROPRIATE SENTENCE

Following arguments by counsel, COURT ORDERED, motion for disclosure of exculpatory evidence DENIED; motion to require pretrial judicial review DENIED; motion to preclude consideration DENIED. The State agreed to limit impact evidence and Mr. Dunleavy stated that would then render motion to preclude evidence of victim impact evidence moot.

CUSTODY

03/01/96 10:00 AM 14 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
002473	Seaton, Daniel M.	Y
0001 D1	Rippo, Michael D	Y
001565	Wolfson, Steven B.	Y
000598	Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony presented. (See worksheet.) Conference at the bench. Further testimony presented. Recess. Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Mr. Dunleavy stated there is no justification in recalling witness Beaudoin. He stated they are going to call two snitches and there are no pending charges. He stated according to the District Attorney's office there is no other exculpatory evidence. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) State rests. Jury admonished. Court in recess.

CONTINUED TO: 03/04/96 10:00 AM 15

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 033

03/04/96 10:00 AM 15 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Colloquy as to proposed exhibits. Court examined defendant regarding his right to testify. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Testimony presented. Conference at the bench. Court informed the jury there will be no further testimony until tomorrow and to be prepared to begin deliberations at that time. Court in recess.

CONTINUED TO: 03/05/96 10:00 AM 16

03/05/96 10:00 AM 16 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Upon examination by the Court, defendant stated his attorneys discussed the involuntary manslaughter instruction and he is in agreement with it being given to the jury. Instructions of Law settled on the record. Mr. Harmon stated that due to the merger doctrine and because they are alternative pleadings, the State moved to dismiss Counts IV and V of the Amended Indictment and for Count VI to become Count IV. COURT ORDERED, motion GRANTED.

Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 034

JURY. Exhibits admitted. (See worksheet.) Defense rests. No rebuttal by the State. Jury instructed on the law. Closing argument by Mr. Seaton. Jury admonished and excused from the courtroom. OUTSIDE THE PRESENCE OF THE JURY. Mr. Wolfson moved for a mistrial based on statements made by Mr. Seaton in closing argument. Opposition by the State. COURT ORDERED, motion DENIED. Recess. Reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Closing arguments by Mr. Dunleavy and Mr. Wolfson. Rebuttal argument by Mr. Harmon. Officers sworn. Jury retired to deliberate. Alternates admonished and excused for the evening.

CONTINUED TO: 03/06/96 10:00 AM 17

03/06/96 10:00 AM 17 TRIAL BY JURY

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
002473 Seaton, Daniel M.

0001 D1 Rippo, Michael D
000598 Dunleavy, Philip H.

Y
Y
Y

Y
Y

Court reconvened with all present as before with the exception of Mr. Wolfson. Jury Foreperson Gilgardo Escalante stated the jury had reached verdicts in this matter. Thereafter the following verdicts were read and recorded by the Clerk of the Court:

COUNT I-MURDER FO THE FIRST DEGREE (LAURI M. JACOBSON) - GUILTY
COUNT II-MURDER OF THE FIRST DEGREE (DENISE M. LIZZI) - GUILTY
COUNT III-ROBBERY - GUILTY
COUNT IV-UNAUTHORIZED SIGNING OF CREDIT CARD TRANSACTION DOCUMENT -
GUILTY

Conference at the bench. Court thanked the jurors and directed them of the date to return on March 11, 1996 at 10:15 am for the Penalty Hearing.

CUSTODY

3/11/96 10:15 AM PENALTY HEARING

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 035

03/11/96 10:15 AM 00 PENALTY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk

PARTIES: NO PARTIES PRESENT

No parties present. At request of counsel, COURT ORDERED, HEARING
CONTINUED.

CONTINUED TO: 03/12/96 10:00 AM 01

03/12/96 10:00 AM 01 PENALTY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
002473 Seaton, Daniel M.

0001 D1 Rippo, Michael D
001565 Wolfson, Steven B.
000598 Dunleavy, Philip H.

Y
Y
Y

Y
Y
Y

Court reconvened OUTSIDE THE PRESENCE OF THE JURY. Mr. Dunleavy addressed the issue of Defendant's Motion in Limine to Prohibit Any Reference to the Defendant's Poetry and moved to include a letter written by the defendant on 2/14/82. Arguments by counsel. Court stated the prejudicial value outweighs any probative value and, ORDERED, motion GRANTED. FURTHER ORDERED, the letter being too illegible is EXCLUDED.

Counsel stipulated to the PRESENCE OF THE JURY. Opening statements by Mr. Seaton and Mr. Dunleavy. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Recess. Court reconvened with all present as before. Testimony and exhibits presented. Jury admonished. Court in recess.

CONTINUED TO: 03/13/96 09:00 AM 02

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 036

03/13/96 09:00 AM 02 PENALTY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	002473 Seaton, Daniel M.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Conference at the bench. Recess. Court reconvened with all present as before. Testimony and exhibits presented. (See worksheets.) State rests. Jury admonished and excused for the evening. OUTSIDE THE PRESENCE OF THE JURY. Mr. Dunleavy argued that there have been repeated Brady violations by the State. Additionally, he stated the families were permitted to bring in photo album and that is not proper. He moved to strike the Motion to Seek the Death Penalty. Response and argument by Mr. Harmon. Court stated records were made and, ORDERED, motion DENIED. Court in recess.

CONTINUED TO: 03/14/96 10:00 AM 03

03/14/96 10:00 AM 03 PENALTY HEARING

HEARD BY: Gerard J. Bongiovanni, Judge; Dept. 4

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Recess. Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Court examined defendant regarding his right to make a sworn or unsworn statement. Colloquy between Court, counsel and defendant. Mr. Wolfson advised the Court the parties have stipulated that he will be reading a statement from the defendant's mother. Jury returned to the

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 037

courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Mr. Wolfson read letters from defendant's mother's doctor and from defendant's mother. Conference at the bench. Unsworn statement made by defendant Rippo. Defense rests. No rebuttal by the State. Recess.

Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Instructions of Law settled on the record. Jury returned to the courtroom. Counsel stipulated to the PRESENCE OF THE JURY. Jury instructed on the law. Closing argument by Mr. Harmon. Closing argument by Mr. Dunleavy. Recess. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Closing argument by Mr. Wolfson. Rebuttal argument by Mr. Seaton. Officers sworn. Jury retired to deliberate. Counsel stipulated to the alternate jurors being excused unless needed.

10:10 P.M.

Court reconvened with all present as before with the exception of Mr. Harmon. Jury Foreperson Gilgardo Escalante stated verdicts have been reached. Special Verdicts read and recorded the following verdicts read and recorded by the Clerk of the Court:

"We, the Jury in the above entitled case, having found the Defendant, MICHAEL DAMON RIPPO, Guilty of COUNT I-MURDER OF THE FIRST DEGREE (Lauri M. Jacobson) and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of, Death."

"We, the Jury in the above entitled case, having found the Defendant, MICHAEL DAMON RIPPO, Guilty of COUNT II-MURDER OF THE FIRST DEGREE (Denise M. Lizzi) and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of, Death."

Jurors thanked and excused from service. COURT ORDERED, matter referred to the Division of Parole and Probation and set for sentencing.

CUSTODY

5/1/96 9:00 AM SENTENCING

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 038

05/01/96 09:00 AM 00 ALL PENDING MOTIONS 5/1/96

HEARD BY: Norman C. Robison, Senior Judge; Dept. VJ17

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004703 Mueller, Craig	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

STEVEN WOLFSON'S MOTION TO WITHDRAW AS COUNSEL...DEFENDANT'S MOTION FOR NEW TRIAL...SENTENCING

George Johnson of the Division of Parole and Probation present. Court stated the motions will be heard by the Judge doing the sentencing and, ORDERED, matters CONTINUED.

CUSTODY

5/8/96 9:00 AM ABOVE-LISTED MOTIONS

05/06/96 09:00 AM 00 STATE'S REQUEST RESET SENTENCING/MOTION FOR NEW TRIAL

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

OFFICERS: JOSEPHINE BOHN, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	0001 D1 Rippo, Michael D	Y
	000598 Dunleavy, Philip H.	Y

George Johnson of the Division of Parole and Probation present. Mr. Harmon requested sentencing and motion be continued to 5/17/96. There being no opposition, COURT SO ORDERED.

CUSTODY

5/17/96 9:00 AM DEFENDANT'S MOTION FOR NEW TRIAL...SENTENCING...STEVEN WOLFSON'S MOTION TO WITHDRAW AS COUNSEL

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 039

05/17/96 09:00 AM 00 ALL PENDING MOTIONS 5/17/96

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

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	0001 D1 Rippo, Michael D	Y
	001565 Wolfson, Steven B.	Y
	000598 Dunleavy, Philip H.	Y

DEFENDANT'S MOTION FOR NEW TRIAL...STEVEN WOLFSON'S MOTION TO WITHDRAW AS
COUNSEL...SENTENCING

Maureen Pelton of the Division of Parole and Probation present. Pursuant to Jury Verdict, DEFENDANT RIPPO ADJUDGED GUILTY of COUNTS I and II MURDER OF THE FIRST DEGREE (F), COUNT III ROBBERY (F) and COUNT IV UNAUTHORIZED SIGNING OF CREDIT CARD TRANSACTION DOCUMENT (F). Speakers Louise Lizzi and Nick Lizzi addressed the Court. Statements by counsel and Defendant. COURT ORDERED, Defendant SENTENCED as to COUNTS I and II to DEATH BY LETHAL INJECTION. COURT FURTHER ORDERED, Defendant SENTENCED to Nevada Department of Prisons, as to COUNT III for FIFTEEN (15) YEARS CONSECUTIVE to COUNTS I and III; as to COUNT IV for TEN (10) YEARS CONSECUTIVE to COUNTS I, II and III. Defendant ORDERED to pay RESTITUTION of \$7,490.00 and \$25.00 Administrative Assessment Fee. NO CREDIT for Time Served.

Mr. Dunleavy moved to withdraw as counsel and David Schieck being appointed. There being no opposition, COURT ORDERED, motion GRANTED. FURTHER ORDERED, Mr. Wolfson's motion to withdraw GRANTED; matter set for CONFIRMATION OF COUNSEL. Mr. Dunleavy moved for a non-contact family visit. No opposition by the State. COURT FURTHER ORDERED, motion GRANTED.

CUSTODY

5/22/96 9:00 AM CONFIRMATION OF COUNSEL (D. SCHIECK)

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 040

05/22/96 09:00 AM 00 CONFIRMATION OF COUNSEL (SCHIECK)

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

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005043 Laurent, Christopher J.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Defendant's PRESENCE WAIVED. Mr. Schieck accepted appointment and CONFIRMED AS COUNSEL OF RECORD. Mr. Schieck to prepare and submit the order to the Court.

NDP

07/22/96 09:00 AM 00 PHILIP H DUNLEAVY'S APPLICATION AND
ORDER IN EXCESS OF STATUTORY AMOUNT

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

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004703 Mueller, Craig	Y
	0001 D1 Rippo, Michael D	N
	000598 Dunleavy, Philip H.	Y

There being no opposition, COURT ORDERED, application GRANTED.

NDP

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 041

12/16/96 09:00 AM 00 ALL PENDING MOTIONS 12/16/96

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Rippo, Michael D	N
	000598 Dunleavy, Philip H.	Y

PHILIP H. DUNLEAVY'S APPLICATION AND ORDER FOR FEE IN EXCESS OF STATUTORY
AMOUNT FOR INVESTIGATOR...PHILIP H. DUNLEAVY'S APPLICATION AND ORDER FOR FEE
IN EXCESS OF STATUTORY AMOUNT FOR EXPERT

There being no opposition, COURT ORDERED, motions GRANTED.

NDP

10/29/98 09:00 AM 00 DAVID SCHIECK'S MOTION FOR ATTORNEY'S
FEES IN EXCESS OF STATUTORY ALLOWANCE

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

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006162 Waters, Steven L.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Schieck requested fees of \$11,291.97 including costs and, COURT SO
ORDERED.

NDP

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 042

12/21/98 09:00 AM 00 DEFT'S PETITION FOR WRIT OF HABEAS
CORPUS

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

OFFICERS: RITA LOPEZ, Court Clerk
PENNY WISNER/PW, Relief Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003801	Robinson, Lynn M.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

Mr. Schieck advised the Deft.'s appeal had been denied and the Deft.'s petition needed to be supplemented. Mr. Dunleavy was previous counsel and Mr. Schieck needs to be appointed to supplement the writ. COURT ORDERED, David Schieck APPOINTED as Counsel. BRIEFING SCHEDULE SET, Mr. Schiech has until February 8th to file the supplement to the writ of habeas corpus, State has until March 8th to reply, Mr. Schieck has until March 22nd to respond to the State's reply, and argument is set for April 5th.

NDP

4-5-99 9:00 AM ARGUMENT: WRIT OF HABEAS CORPUS

04/13/99 09:00 AM 01 ARGUMENT: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS

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

OFFICERS: JUDY NORMAN, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000346	Mitchell, Scott S.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

COURT ORDERED, BRIEFING SCHEDULE AS FOLLOWS: Opening Brief due by 5/14; Response due 6/4; Reply due 6/18; set for argument.

NDP

6/25/99 9:00 AM ARGUMENT AND DECISION

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 043

06/25/99 09:00 AM 00 ARGUMENT AND DECISION

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

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004902 Adams, Danae	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

COURT ORDERED, BRIEFING SCHEDULE AS FOLLOWS: OPENING BRIEF DUE 7/23;
RESPONSE DUE 8/20; REPLY DUE 8/27; SET FOR HEARING.

NDP

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

09/03/99 09:00 AM 02 ARGUMENT AND DECISION

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

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005144 Sweetin, James R.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Mr. Schieck requested additional time to file Supplemental Points and
Authorities, as he had had trouble with the Prison allowing him to have
contact with Defendant. COURT ORDERED, BRIEFING SCHEDULE AS FOLLOWS;
OPENING BRIEF DUE 9/30; RESPONSE DUE 10/28; REPLY DUE 11/4; MATTER
CONTINUED.

NDP

CONTINUED TO: 11/10/99 09:00 AM 03

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 044

11/10/99 09:00 AM 03 ARGUMENT AND DECISION

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

OFFICERS: JUDY NORMAN, Court Clerk
JOE D'AMATO, Reporter/RecorderPARTIES: STATE OF NEVADA
006639 Fattig, John T
0001 D1 Rippo, Michael D
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck advised he still had not been allowed a contact visit with Defendant and requested a Court Order to do so. The Court stated he was hesitant to issue an Order in a vacuum as there could be another perspective. COURT ORDERED, MATTER CONTINUED; ATTORNEY GENERAL'S OFFICE TO BE PRESENT TO SET OUT ANY ISSUES.

NDP

11/17/99 9:00 AM STATUS CHECK: CUSTODIAL VISIT...STATUS CHECK: ARGUMENT AND DECISION

11/17/99 09:00 AM 00 ALL PENDING MOTIONS 11/17/99

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

OFFICERS: LINDA SKINNER, Court Clerk
MAUREEN SCHORN, Reporter/RecorderPARTIES: STATE OF NEVADA
005521 Taylor, William J.
0001 D1 Rippo, Michael D
000824 Schieck, David M.Y
Y
N
Y

STATUS CHECK: CUSTODIAL VISIT...STATUS CHECK: ARGUMENT AND DECISION

Mr. Schieck stated he is having trouble arranging a contact visit with Deft. Mr. Taylor advised someone from his office has spoken with Warden McDaniel and stated there is no problem with Mr. Schieck having a contact visit with Deft. However, there is only one attorney room and that needs to be booked in advance. Colloquy between Court and counsel. Court directed Mr. Schieck to call chambers if there is a problem when he goes to visit.

NDP

CONTINUED ON PAGE: 046

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 045

08/08/00 09:00 AM 00 STATE'S MOTION TO PLACE ON CALENDAR

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

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004739	Rutledge, Brian S.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

Counsel requested a briefing schedule. COURT ORDERED, OPENING BRIEF DUE 9/28; RESPONSE DUE 11/30; REPLY DUE 12/14; set for hearing.

NIC

12/21/00 9:00 AM ARGUMENT AND DECISION

03/12/01 09:00 AM 00 STATE'S REQUEST CHANGE BRIEFING SCHEDULE

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

OFFICERS: LINDA SKINNER, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004739	Rutledge, Brian S.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

Mr. Schieck requested a continuance to file a supplement and that matter be set for status check to set a briefing schedule. COURT SO ORDERED and future date of 3/29 is VACATED.

NDP

5/2/01 9:00 AM STATUS CHECK: BRIEFING SCHEDULE

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 046

05/02/01 09:00 AM 00 STATUS CHECK: BRIEFING SCHEDULE

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

OFFICERS: JUDY NORMAN, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000082	Weed, Randall F.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

Mr. Schieck requested Briefing Schedule. COURT ORDERED, DEFENDANT'S OPENING BRIEF DUE 6/11; STATE'S RESPONSE DUE 8/10; DEFENDANT'S REPLY DUE 8/24; set for hearing.

NDP

9/10/01 9:00 AM ARGUMENT AND DECISION

08/27/01 09:00 AM 00 STATE'S MOTION TO PLACE ON CALENDAR

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

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

PARTIES:	STATE OF NEVADA	Y
003801	Robinson, Lynn M.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

Court noted a new briefing schedule was needed. Mr. Schieck concurred and advised it was his fault. COURT ORDERED, the following briefing schedule: Mr. Schieck to file Opening Brief by 10/1; Ms. Robinson to reply by 12/3; Mr. Schieck to reply by 12/19 and matter set for argument.

NDC

1/9/02 9:00 AM ARGUMENT AND DECISION

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 047

01/09/02 09:00 AM 00 ARGUMENT AND DECISION: DEFT'S PETITION
FOR WRIT OF HABEAS CORPUS

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

OFFICERS: Connie Kalski, Relief Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003801	Robinson, Lynn M.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

Counsel met in chambers prior to court commencing and Court advised continuance dates could be given.

Matter announced in open court and the dates as follows were recorded on the record:

Mr. Schieck to Respond by 2/27/02 - 5:00 PM (with a courtesy copy to be supplied to the Court)
Ms. Robinson to Reply by 4/18/02 - 5:00 PM (with a courtesy copy to be supplied to the Court)
Matter CONTINUED for argument.

NDC

CONTINUED TO: 04/25/02 09:00 AM 01

05/02/02 09:00 AM 02 ARGUMENT AND DECISION: DEFT'S PETITION
FOR WRIT OF HABEAS CORPUS

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

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

PARTIES:	STATE OF NEVADA	Y
005734	Pandukht, Taleen R.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

Court noted that several briefing schedules have been set. Mr. Schieck concurred and apologized; he advised he had 95% of the work completed, however, has misplaced the disk. He will now need to recreate 40 hours worth of work. There being no objection, COURT ORDERED, the following briefing schedule: Opening brief due by 6/3; Answer due by 7/15; Reply due

CONTINUED ON PAGE: 049

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 048

by 7/29 and matter set for argument.

NDC

CONTINUED TO: 08/07/02 09:00 AM 03

08/07/02 09:00 AM 03 ARGUMENT AND DECISION: DEFT'S PETITION
FOR WRIT OF HABEAS CORPUS

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

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

PARTIES:	STATE OF NEVADA	Y
	000370 Ponticello, Frank M.	Y
	0001 D1 Rippo, Michael D	N
	004349 Oram, Christopher R.	Y

Mr. Oram appeared for Mr. Schieck and advised Mr. Schieck is up at Ely prison with Defendant signing the document. Mr. Ponticello requested a briefing schedule. Court noted the petition has not yet been filed and ORDERED, matter set for status check with a briefing schedule being set next date.

NDC

8/14/02 9:00 AM STATUS CHECK: BRIEFING SCHEDULE

08/14/02 09:00 AM 00 STATUS CHECK: BRIEFING SCHEDULE

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

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

PARTIES:	STATE OF NEVADA	Y
	005734 Pandukht, Taleen R.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

At request of counsel, COURT ORDERED, the following briefing schedule: State's Answer due by 10/14/02; Mr. Schieck's reply due by 10/29/02 and matter set for argument.

NDC

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 049

11/14/02 9:00 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

11/27/02 09:00 AM 01 ARGUMENT: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS

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

OFFICERS: Connie Kalski, Relief Clerk
Maureen Schorn, Reporter/RecorderPARTIES: STATE OF NEVADA
006088 Peterson, Clark A.
0001 D1 Rippo, Michael D
000824 Schieck, David M.Y
Y
N
Y

Upon request, COURT ORDERED, Defendant's presence WAIVED. Following discussion, COURT ORDERED, matter set for status check and the writ CONTINUED.

NDC

1/15/03 9:00 AM STATUS CHECK

CONTINUED TO: 01/31/03 10:00 AM 02

01/27/03 09:00 AM 01 STATUS CHECK:

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

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/RecorderPARTIES: STATE OF NEVADA
006088 Peterson, Clark A.
0001 D1 Rippo, Michael D
000824 Schieck, David M.Y
Y
N
Y

Mr. Peterson advised this was set to make sure all the affidavits have been submitted and they have. Court concurred. Mr. Schieck stated Defendant is in Ely and it will take two weeks to have the order done and have him present and also Mr. Dunleavy from Pioche will need to be noticed. COURT ORDERED, argument set for 1/31/03 will be CONTINUED.

NDC

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 050

3/7/03 9:00 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

04/16/03 09:00 AM 00 STATUS CHECK: ARGUMENT ON WRIT OF HABEAS
CORPUS

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

OFFICERS: Carole D'Aloia, Relief Clerk
Joe D'Amato, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006088 Peterson, Clark A.	Y
	0001 D1 Rippo, Michael D	N
	000824 Schieck, David M.	Y

Court noted the absence of the Defendant as he is currently serving his sentence in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED. Upon inquiry of the Court, Mr. Schieck advised he met with Defendant last Wednesday and Defendant does not want to waive rights to alleged ineffective assistance of counsel. Counsel advised they have discussed possibilities of out to deal with the situation and suggested Court appoint an independent, appellant counsel to look at the issue of ineffective assistance of counsel. Mr. Peterson advised he spoke to Mr. Oram and he would not object to Court appointing him to file a supplemental petition. COURT ORDERED, Mr. Oram APPOINTED to investigate the challenge of Mr. Schieck's ineffectiveness and instructed counsel to get with Mr. Wolfson and Mr. Dunlevy to get the Evidentiary Hearing scheduled for early summer.

CUSTODY

CONTINUED TO: 06/18/04 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 051

11/21/03 09:00 AM 00 EVIDENTIARY HEARING

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

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

PARTIES:	STATE OF NEVADA	Y
000370	Ponticello, Frank M.	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y

Court noted Mr. Schieck and Mr. Ponticello were in chambers before calendar.
COURT ORDERED, matter CONTINUED for all parties to be present.

NDC

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

01/09/04 09:00 AM 01 EVIDENTIARY HEARING

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

OFFICERS: Melissa Swinn, Relief Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006088	Peterson, Clark A.	Y
0001 D1	Rippo, Michael D	Y
000824	Schieck, David M.	Y
004349	Oram, Christopher R.	Y

Court noted a briefing schedule needs to be set. Mr. Oram to respond by 2/9/04; State to reply by 3/9/04 and matter set for hearing one week thereafter. COURT ORDERED, matter set for a status check on the date the Defense's response is due.

NDC

CONTINUED TO: 03/19/04 09:00 AM 02

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA vs Rippo, Michael D

CONTINUED FROM PAGE: 052

02/09/04 09:00 AM 00 STATUS CHECK: DEFENSE'S REPLY

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

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

PARTIES:	STATE OF NEVADA	Y
007135	Pesci, Giancarlo	Y
0001 D1	Rippo, Michael D	N
000824	Schieck, David M.	Y
004349	Oram, Christopher R.	Y

Mr. Oram advised his supplemental Points and Authorities would be filed by the end of tomorrow. Court so noted and advised the State has requested 30 days to file their response. COURT ORDERED, date of 3/19/04 for Evidentiary Hearing stands.

NDC

06/18/04 09:00 AM 01 STATUS CHECK: ARGUMENT ON WRIT OF HABEAS
CORPUS

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

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

PARTIES:	STATE OF NEVADA	Y
004352	Owens, Steven S.	Y
0001 D1	Rippo, Michael D	Y
000824	Schieck, David M.	Y
004349	Oram, Christopher R.	Y

Court noted Mr. Schieck needs to prepare and affidavit and ORDERED, matter set or hearing.

NDC

7/23/04 9:00 AM EVIDENTIARY HEARING

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 053

07/19/04 09:00 AM 00 DEFT'S MTN TO PLACE ON CALENDAR/100

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

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

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	N
	004349 Oram, Christopher R.	Y

Mr. Oram requested Defendant's presence be waived. Court noted Mr. Schieck is a potential witness in this matter and because of that, Mr. Oram will handle the hearing. Mr. Oram concurred. COURT ORDERED, Mr. Schieck is WITHDRAWN as to this case.

NDC

08/20/04 09:00 AM 01 EVIDENTIARY HEARING

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

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

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	Y
	004349 Oram, Christopher R.	Y

Court noted Defendant is claiming ineffective assistance of counsel. Court also noted the other issues are the booking photo, failure to investigate, coroner Sheldon Green and jail house snitches. Court FINDS that counsel did not fall below the standard and COURT ORDERED, writ DENIED. Court stated there are questions regarding the jail house snitches and ORDERED, matter CONTINUED as to that issue.

CONTINUED TO: 09/10/04 09:00 AM 02

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 054

09/10/04 09:00 AM 02 EVIDENTIARY HEARING

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

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

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	Y
	004349 Oram, Christopher R.	Y

Court advised this is a continuation from a previous hearing regarding ineffectiveness of counsel. Mr. Oram concurred and stated he feels Defendant should receive a new penalty phase. Arguments by Mr. Owens. Mr. Schieck sworn and testified and stated some issues were not raised to the Supreme Court as they were not preserved during trial. Closing arguments by Mr. Oram and Mr. Owens. Court stated it cannot conclude that Mr. Schieck was remiss in anything that he did, that he has a different style and different philosophy than that of Mr. Oram. Therefore, COURT ORDERED, Deft's Writ is DENIED. Mr. Oram requested to be appointed for the appeal. COURT SO ORDERED.

NDC

01/28/08 08:30 AM 00 DEFT'S MTN FOR APPT OF COUNSEL/101

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

OFFICERS: Carole D'Aloia, Relief Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	009089 Krusey, Amanda K.	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	N
	007978 Anthony, David S.	Y

Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Court informed counsel that when it was a prosecutor, it was involved in this case. To avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random. Clerk to notify Mr. Oram by copy of this minute order.

Matter RECALLED with Mr. Owens present on behalf of the State and Mr.

CONTINUED ON PAGE: 056

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 055

Anthony present from the Public Defender's Office. Court informed counsel it recused from the case, matter will be randomly reassigned and parties will be notified.

NDC

CONTINUED TO: 02/11/08 08:30 AM 01

02/11/08 08:30 AM 01 DEFT'S MTN FOR APPT OF COUNSEL/101

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carole D'Aloia, Relief Clerk
Angela Lee, Reporter/Recorder

PARTIES: STATE OF NEVADA
004352 Owens, Steven S.
0001 D1 Rippo, Michael D
007978 Anthony, David S.

Y

Y

N

Y

Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Court advised Mr. Anthony filed this motion so that he be allowed to stay on this case and continue representing Defendant. COURT ORDERED, motion GRANTED. Mr. Owens informed the 3/3/08 date should be vacated and requested Court set a briefing schedule. Upon Court's inquiry, Mr. Anthony advised the petition has been filed. COURT ORDERED, the opposition to be filed by 4/14/08, the reply to be filed by 5/12/08 and matter set for DECISION. Court advised it will hear no argument on that date.

NDC

5/28/08 8:30 AM DECISION: PETITION FOR WRIT OF HABEAS CORPUS (POST
CONVICTION)

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 056

05/28/08 08:30 AM 00 ALL PENDING MOTIONS 5/28/08

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk
Julie Lever, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Rippo, Michael D	N
	007978 Anthony, David S.	Y

DECISION...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

Deft. in NDC. Court waived his presence.

Court advised from November 1991 - April 1994, Court was in private practice with Gentile, Porter and Kelesis and shared the fourth floor of the FIB building with Mr. Wolfson and his firm. Court advised he had some history in capital defense and discussed cases with Mr. Wolfson on a regular basis, and he does not specifically recall discussing this case with him but cannot say he did not. Court advised from April 1994 - December 1996, Court was with the capital defense unit at the Public Defender's office, and from December 1996 - December 2002, Court was with the District Attorney's office, and he does not think he ever appeared in this case. Court advised he does not feel he has a conflict, but he will give Mr. Anthony a chance to speak with his client. Mr. Owens noted Deft's counsel filed 3,000 pages last week and he needs to file a short Reply and oppose the Motion for Discovery. COURT ORDERED, status check set next week to determine if Deft. and the State want Court to remain on this case, and to set a hearing date and deal with motion scheduling if so.

NDC

6/4/08 8:30 AM STATUS CHECK

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 057

06/04/08 08:30 AM 00 ALL PENDING MOTIONS 6/4/08

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk
Julie Lever, Reporter/RecorderPARTIES: STATE OF NEVADA
001190 Owens, Christopher J.
0001 D1 Rippo, Michael D
007978 Anthony, David S.Y
Y
N
YSTATUS CHECK: SET HEARING DATE...DEFT'S MOTION FOR LEAVE TO CONDUCT
DISCOVERY...STATE'S MOTION TO TRANSFER CASE (FILED 5/29)

Deft. in NDC. Court waived his presence. Mr. Anthony advised he spoke with Ms. Forsman about Court's disclosure, and there is an agreement to proceed with Court. Mr. Owens advised he perceives no bias or inability of Court to consider the matter.

Arguments by counsel regarding Motion to Transfer case. Court advised it cannot ignore the statute. COURT ORDERED, motion GRANTED. Status check set before Judge Mosley. Mr. Anthony noted he intends to appeal the issue to the Chief Judge.

NDC

6/18/08 9:00 AM STATUS CHECK: SET HEARING DATE (DEFT'S MOTION FOR LEAVE TO
CONDUCT DISCOVERY...PETITION FOR WRIT OF HABEAS CORPUS)06/26/08 ??:?? ?M 00 MINUTE ORDER RE: TRANSFER BACK TO DEPT.
20

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Denise Trujillo, Court Clerk

PARTIES: NO PARTIES PRESENT

Whereas Defendant has previously had his first post-conviction petition for relief in 1998, and whereas this Court has the authority to randomly reassign cases, the random reassignment to Judge Wall was proper. Therefore, COURT ORDERED, this case shall be assigned to District Court Department XX, and the hearings on Petitioner's Objection to Order Transferring Case are hereby vacated.

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 058

08/18/08 08:30 AM 00 DA'S REQUEST FOR STATUS CHECK ON DEFT'S
PTN FOR WRIT OF HABEAS CORPUS (PC)

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley/cf, Court Clerk
Nicole McDevitt, Relief Clerk
Julie Lever, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	N
	007978 Anthony, David S.	Y

Mr. Owens advised the briefing is finished and the matter can be scheduled for argument and to see if an evidentiary hearing needs to be set. COURT ORDERED, hearing set 9/22. Upon Court's inquiry, counsel advised an Order to Transport is not necessary for argument.

NDC

9/22/08 8:30 AM DEFT'S MOTION FOR LEAVE TO CONDUCT DISCOVERY...PETITION FOR
WRIT OF HABEAS CORPUS

09/22/08 08:30 AM 00 HEARING

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley/cf, Court Clerk
Nicole McDevitt, Relief Clerk
Angela Lee, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Rippo, Michael D	N
	007978 Anthony, David S.	Y

At request of Mr. Anthony, Court WAIVED Deft's presence. Arguments by counsel as to State's Motion to Dismiss and Deft's Motion for Discovery. COURT ORDERED, matter UNDER ADVISEMENT.

NDC

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 059

10/27/08 08:00 AM 00 MINUTE ORDER RE: DECISION: STATE'S MTN
TO DISMISS & DEFT'S MTN FOR DISCOVERY

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk

PARTIES: NO PARTIES PRESENT

This matter having come before the Court on September 22, 2008, on the State's Motion to Dismiss and Michael Rippo's Motion for Leave to Conduct Discovery, Steven Owens. Esq., appearing on behalf of the State, and David Anthony, Esq., appearing on behalf of Mr. Rippo, his presence having been waived, and the Court having heard argument and having taken the matter under advisement, hereby finds as follows:

Mr. Rippo's instant Petition for Writ of Habeas Corpus, filed January 15, 2008, is procedurally time-barred under NRS 34.276, which requires dismissal absent good cause for the delay and a showing of prejudice. Additionally, for certain claims, the petition is barred by NRS 34.810(2) as a successive petition, addressing issues previously raised on direct appeal or in prior post-conviction proceedings (or an appeal therefrom) and/or address issues for which the controlling law of the case has been determined previously (claims 1, 2, 3, 5, 7, 9, 12, 13, 15, 16, 17, 19 & 21).

The Court finds certain claims are barred under NRS 34.810(1)(b) as successive as the issues could have been raised on direct appeal or in a prior petition for post-conviction relief or an appeal therefrom (claims 2, 4, 6, 8, 10, 11, 14, 18, & 20). The Court finds that Mr. Rippo has failed to establish good cause for failing to present these claims in any earlier proceeding, and has failed to establish actual prejudice.

Further, the Court finds that certain issues raised by Mr. Rippo are not cognizable in this post-conviction petition (claim 22).

Based on the foregoing, the State's Motion to Dismiss the Petition is hereby GRANTED. Mr. Rippo's Motion for Leave to Conduct Discovery is DENIED as moot. Counsel for the State is directed to prepare the appropriate Findings of Fact, Conclusions of Law and Order consistent with the foregoing.

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folder(s) of Mr. Owens and Mr. Anthony.

04/16/09

E X H I B I T S

2:35 PM

CASE NO. 92-C-106784-C

CASE STATUS: INACTIVE

STATE OF NEVADA .

[] vs Rippo, Michael D

[]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	P	/SEE LIST FILE/VAULT	S	/	99/99/99	V
0002	P/	/SEE LIST FILE/VAULT	S	/	02/06/96	V
0003	D/	/SEE LSIT FILE/VAULT	0001	/	02/06/96	V

Certification of Copy

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

I, Edward A. Friedland, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF
ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

VS.

MICHAEL DAMON RIPPO,

Defendant(s),

Case No: C106784
Dept No: I

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 16 day of April 2009.

Edward A. Friedland, Clerk of the Court

Heather Lofquist, Deputy Clerk