

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 11, 2006**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**April 11, 2006****9:00 AM****Request**

**STATE'S REQUEST  
FOR  
CLARIFICATION  
OF RULING Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Donald Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 21, 2006**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**April 21, 2006****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 4/21/06  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney**JOURNAL ENTRIES****- DEFT'S MOTION FOR SEVERANCE...DEFT'S MOTION TO SUPPRESS  
STATEMENT...EVIDENTIARY HEARING****AS TO SEVERANCE:** Mr. DiGiacomo advised he has no objection to the motion as this Defendant was arrested at a different time and has a different Information. COURT ORDERED, Motion GRANTED and this Defendant to receive a new case number.**AS TO STATEMENT:** Mr. DiGiacomo advised this entire issue was litigated at the Preliminary Hearing. Mr. Jackson requested to call witnesses and outlined his reasons why. Hearing commenced. Testimony and evidence presented. Mr. Jackson argued Defendant was not mirandized, was not allowed to leave, was held in a small locked room and was not able to call his parents. Mr. DiGiacomo stated there was no evidence of coercion. Defendant's statement clearly indicates that he thought he was free to leave. Even if Defendant asked for his father, due to the charge, the father would not have been called. Court noted the reason Deft Carroll brought Defendant to the Police is of no consequence; as to the room, Defendant agreed he was free to leave

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and using video versus audio for interview is simply an investigative tool. Therefore, COURT ORDERED, Motion to Suppress Statement is DENIED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 26, 2006**

05C212667-1

The State of Nevada vs Kenneth Counts

**June 26, 2006****9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 6/26/06****Court Clerk: Linda****Skinner****Reporter/Recorder:****Joe D'Amato Heard****By: Donald Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Counts, Kenneth

Defendant

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

Wildeveld, Kristina

Attorney

M.

**JOURNAL ENTRIES**

- DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILT PHASE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION...DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE COURT FROM

PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR PROCEDURES REGARDING BAILIFFS AND OTHER COURT PERSONNEL CONCERNING JURORS AND PROSPECTIVE JURORS...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING...DEFTS HIDALGO & ESPINDOLA'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVIDENCE BEFORE TRIAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS' PERSONAL AND PROFESSIONAL EXPERIENCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION

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

Conference at the Bench. By oral stipulation, COURT ORDERED, Defendant Carroll is severed out. As to motions, Court directed counsel to have all motions filed by 7/27; answers to be filed by 8/10; replies by 8/24 and matter set for argument on 8/31/06. Further, trial date VACATED and RESET as to Counts, Hidalgo and Espindola. Matter set for status check as to trial for Carroll and Taoipu.

CUSTODY (ALL)

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 30, 2006

05C212667-1

The State of Nevada vs Kenneth Counts

June 30, 2006

9:00 AM

All Pending Motions

ALL PENDING

MOTIONS 6/30/06

Court Clerk: Linda

Skinner

Reporter/Recorder:

Joe D'Amato Heard

By: Donald Mosley

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: TRIAL DATE (CARROLL &amp; TAOIPU)

Mr. Figler stated Deft. Carroll was severed as was Deft. Taoipu and both should have separate trials. All counsel concurred. However, Mr. Jackson stated due to his schedule, he will not be ready for trial on 7/24 and would request an additional 90 days to prepare. Mr. Figler stated the status check date was moved up, however, he spoke briefly to his Investigator and they feel they could be ready for trial phase, however, not sure for penalty phase as there is still a lot of work to be done. Mr. Draskovich advised he is ready for Deft. Espindola and would request to go to trial as originally scheduled. Mr. DiGiacomo objected and advised Defts Counts, Hidalgo and Espindola need to be tried together. Court DENIED request. Following additional colloquy and discussion as to Court's schedule, COURT ORDERED, trial date for Defts Carroll & Taoipu VACATED; trial date set for Defts Counts, Hidalgo & Espindola are MOVED BACK ONE WEEK and start on 4/23; Deft. Carroll will be set for trial on 4/16 and Deft. Taoipu will start on 5/8. Objections by Mr. Draskovich and Ms. Thomas. Court so noted. Mr. Jackson advised he had a Motion set for 7/10 to continue the trial date. COURT ORDERED, Motion VACATED.

CUSTODY (CARROLL &amp; TAOIPU)

PRINT DATE: 11/22/2010

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Minutes Date:

June 27, 2005

4/10/07 9:00 AM CALENDAR CALL (CARROLL)  
4/16/07 1:30 PM JURY TRIAL (CARROLL)  
4/17/07 9:00 AM CALENDAR CALL (COUNTS, HIDALGO & ESPINDOLA)  
4/23/07 1:30 PM JURY TRIAL (COUNTS, HIDALGO & ESPINDOLA)  
5/8/07 9:00 AM CALENDAR CALL (TAOIPU)  
5/14/07 1:30 PM JURY TRIAL (TAOIPU)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 2006

05C212667-1

The State of Nevada vs Kenneth Counts

August 31, 2006

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 8/31/06**  
**Court Clerk: Linda  
Skinner**  
**Reporter/Recorder:  
Maureen Schorn**  
**Heard By: Donald  
Mosley**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

- 1) DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE...2) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILTY PHASE...3) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL...4) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL...5) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE... 6) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR PROCEDURES REGARDING BAILIFFS AND OTHER COURT



PERSONNEL CONCERNING JURORS AND PROSPECTIVE JURORS...7) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING...8) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE...9) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...10) DEFT HIDALGO & ESPINDOLA'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE...11) DEFTS HIDALGO & ESPINDOLA'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS...12) DEFT HIDALGO & ESPINDOLA'S MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS' PERSONAL AND PROFESSIONAL EXPERIENCES...13) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY...14) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY...15) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION...16) DEFT COUNTS' NOTICE OF JOINDER...17) DEFT COUNTS' RENEWED MOTION TO SEVER DEFENDANTS...18) DEFT COUNTS' MOTION TO SUPPRESS EVIDENCE OF THE DEFENDANT'S PRIOR FELONY CONVICTIONS...19) DEFT COUNTS' MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM...20) DEFT COUNTS' MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM FAMILY MEMBERS...21) DEFT COUNTS' MOTION FOR RELEASE OF JUVENILE RECORDS...22) DEFT COUNTS' MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE, FOR RELEASE ON HOUSE ARREST...23) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS...24) DEFT COUNTS' MOTION TO DISMISS THE DEATH PENALTY DUE TO FEDERAL DUE PROCESS VIOLATIONS...25) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT...26) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES...27) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES...28) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION...29) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVIDENCE BEFORE TRIAL...30) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES...31) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL...32) DEFT COUNTS' MOTION FOR JURY QUESTIONNAIRE

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

- 1) Ms. Thomas advised they would like open ended questions as opposed to racial questions. Objections by Mr. DiGiacomo. Court noted voir dire will be relaxed and counsel will be able to expand on some questions, however, open ended questions will not be asked. COURT ORDERED, DENIED.
- 2) Upon Court's inquiry, Mr. DiGiacomo advised he is not sure what defense is asking. Ms. Thomas stated her concerns. Statements by Mr. DiGiacomo. COURT ORDERED, DENIED as this issue is moot.
- 3) Ms. Thomas requested this be done to get an idea of where the State will be going. Court advised it has never done this and will not deviate now. COURT ORDERED, DENIED.
- 4) Court noted it has reviewed what was submitted and advised there are a number of them that will not be allowed. Further, Court noted there will not be a lot of questions either. Following colloquy, Court advised it feels this would be a profiling process, which will not be allowed. COURT ORDERED, DENIED.
- 5) Counsel advised this was submitted for appeal purposes. COURT ORDERED, DENIED.
- 6) Court noted it takes exception to this in regards to his staff. COURT ORDERED, DENIED.
- 7) Counsel argued that hearsay should be allowed. Following arguments, COURT ORDERED, DENIED.
- 8) Ms. Thomas argued that even if the Supreme Court has O.K.'d this, she does not feel they have addressed both issues at the same time. Arguments by Mr. Draskovich. Following additional arguments, COURT ORDERED, DENIED.
- 9) Following discussion by counsel, Court noted it is not uncommon for the Court to ask questions of potential jurors and ORDERED, DENIED.
- 10) Court advised the death penalty is not on trial. Counsel advised the issue was raised for appeal. COURT ORDERED, DENIED.
- 11) Court noted this is contrary to State law. Arguments by Ms. Thomas. COURT ORDERED, DENIED.
- 12) Ms. Thomas stated jurors relate their own personal experiences to other jurors and she feels that counsel should know what their life experiences are. Court advised there would be no end to the inquiry of every experience. Mr. Draskovich advised that there could be 5 or 6 specific questions unique to this case. Court advised counsel may submit some questions for review, however, MOTION, DENIED.
- 13) Ms. Thomas advised they take exception as to how the State determines which case gets the death penalty. Following statements by Mr. DiGiacomo, COURT ORDERED, DENIED.
- 14) COURT ORDERED, DENIED.
- 15) Ms. Thomas argued that if the drugs used are not applied properly, it can cause extreme pain. Mr. DiGiacomo advised this is the cart before the horse, first there needs be a guilty verdict and feels this is a premature issue. Following arguments, Court advised this issue has been preserved and there is a presumption of legality, however, COURT ORDERED, DENIED.
- 16) Court advised this has been recognized and ORDERED, GRANTED.
- 17) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.
- 18) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

19) Matter submitted by Ms. Wildeveld. Court advised it does see the relevancy and ORDERED, DENIED.

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

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

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

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

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

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

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

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

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

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

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

31) Ms. Thomas stated she feels the jury pool should include names from the power bills and not just from DMV. She argued that in rural areas, the power bills are used and would request it be done here to get a diverse panel. Mr. DiGiacomo stated there is no statute that requires the Court to compel Nevada Power to comply. COURT ORDERED, DENIED.

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

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

CUSTODY (ALL)

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 08, 2006**

05C212667-1

The State of Nevada vs Kenneth Counts

**September 08, 2006****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 9/8/06  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Donald Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney  
Whipple, Bret O. Attorney  
Wildeveld, Kristina Attorney  
M.

**JOURNAL ENTRIES**

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

1) Mr. Whipple state if the jury cannot consider the death penalty for all defendants, that Mr. Counts should be severed out. Following additional arguments, COURT ORDERED, DENIED.

2) Mr. Whipple feels this is a prejudicial vs probative issue. If Defendant takes the stand, there is a

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Minutes Date: June 27, 2005

prejudicial issue as to his priors, however, they are drug related. Mr. DiGiacomo stated that non violent felonies are admissible and concurred that they are drug related. Following additional colloquy, COURT ORDERED, DENIED.

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

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 04, 2006

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05C212667-1

The State of Nevada vs Kenneth Counts

---

October 04, 2006

9:00 AM

Status Check

**STATE'S REQUEST  
FOR STATUS  
CHECK Court Clerk:  
Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- Mr. DiGiacomo stated he is concerned as a time limit was set in July to file any motions; there was a hearing in September wherein Mr. Figler joined into the motions already on calendar. Mr. DiGiacomo advised his concern is that Mr. Figler will wait until it is closer to trial to file any motions for his Defendant and thus frustrate the trial date. Mr. Figler stated he has no intention of continuing the trial. He advised he is working on motions that are unique and not the boiler plate ones that were submitted already; he advised they will be ready to file soon. Following colloquy, COURT ORDERED, Mr. Figler to file his motions by 12/1/06 and the State to respond by 1/2/07.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 01, 2006**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**November 01, 2006****1:30 PM****Minute Order**

**MINUTE ORDER  
RE: RECUSAL- DEPT  
14 Relief Clerk:  
Carol Donahoo/cd  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 07, 2006

05C212667-1

The State of Nevada vs Kenneth Counts

December 07, 2006

9:30 AM

Conversion Hearing Type

TRIAL SETTING

Relief Clerk: Sandra  
Anderson

Reporter/Recorder:

Janie Olsen Heard

By: Valerie Adair

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Counts, Kenneth

Defendant

Pesci, Giancarlo

Attorney

Whipple, Bret O.

Attorney

Wildeveld, Kristina

Attorney

M.

**JOURNAL ENTRIES**

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

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

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

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

PRINT DATE: 11/22/2010

Page 38 of 178

Minutes Date:

June 27, 2005



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

CUSTODY (ALL)

05-17-07 9:30 AM CALENDAR CALL (CARROLL)

05-21-07 10:00 AM JURY TRIAL (CARROLL)

05-31-07 9:30 AM CALENDAR CALL (COUNTS, HIDALGO, ESPINDOLA)

06-04-07 10:00 AM JURY TRIAL (COUNTS, HIDALGO, ESPINDOLA)

08-02-07 9:30 AM CALENDAR CALL (TAOIPU)

08-06-07 10:00 AM JURY TRIAL (TAOIPU)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 30, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**January 30, 2007****9:30 AM****Motion to Dismiss****DEFT'S MTN TO  
DISMISS /143 Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- Mr. Jackson argued that he needs to speak with Mr. Pike regarding one of the witnesses; Mr. Zone is a critical witness and he has to know whether or not someone has discouraged him from testifying. The State requested more time to file an opposition. COURT ORDERED, matter CONTINUED and set for a status check regarding discussion with the witness.

**CUSTODY**

2/27/07 9:30 AM DEFENDANT'S MOTION TO DISMISS...STATUS CHECK: DISCUSSION WITH WITNESS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 27, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

---

**February 27, 2007****9:30 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 2/27/07  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION TO DISMISS...STATUS CHECK: DISCUSSION WITH WITNESS  
Mr. Jackson stated that Mr. Pike wants him to interview Mr. Zone in his presence. The Court directed counsel to facilitate this. COURT ORDERED, matter is OFF CALENDAR; parties may renew following the interview.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 15, 2007**

05C212667-1

The State of Nevada vs Kenneth Counts

**May 15, 2007****9:30 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 05-15-07  
Court Clerk: Sandra  
Anderson  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

reconsider motion to strike notice of intent to seek the death penalty/153, DENIED. 9)Motion to reconsider motion for individual voir dire/154, DENIED, as need only basis. 10)Motion to reconsider motion in limine to bar improper prosecutorial argument/155, GRANTED as already done by Judge Mosley. 11)Motion to reconsider motion to federalize all motions objections requests and other applications for the proceedings in the above entitled case/156, DENIED. 12)Motion to reconsider motion in limine to preclude the introduction of victim impact evidence/157, DENIED. 13)Motion to reconsider motion in limine to preclude admission of gang affiliation or drug activity/158, DENIED. 14)Motion to reconsider motion in limine to preclude admission of gang affiliation or drug activity/159, DENIED.

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 17, 2007**

05C212667-1

The State of Nevada vs Kenneth Counts

**May 17, 2007****9:30 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (05-17-07)  
Relief Clerk: Carol  
Donahoo  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- DEFENDANT CARROLL'S MOTION TO CONTINUE TRIAL DATE...CALENDAR CALL  
Court advised it received Mr. Figler's Motion to Continue Trial set for May 29, 2007. Court advanced the Motion to today. Conference at the Bench. Mr. DiGiacomo announced ready. Mr. Figler indicated he has more work to do in this matter as there are a number of significant issues. COURT ORDERED, Motion to Continue Trial GRANTED. Colloquy regarding a new trial date. COURT FURTHER ORDERED, trial date VACATED; matter set for status check. Court directed all parties to be present. CUSTODY

05/21/07 9:30 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 21, 2007

05C212667-1

The State of Nevada vs Kenneth Counts

May 21, 2007

9:30 AM

Status Check

**STATUS CHECK:**  
**TRIAL SETTING**  
 Relief Clerk: Carol  
 Donahoo  
 Reporter/Recorder:  
 Janie Olsen Heard  
 By: Valerie Adair

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Whipple, Bret O.	Attorney

**JOURNAL ENTRIES**

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

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

KENNETH COUNTS: Trial for this Deft. is set for June 4, 2007; however, the State does not want to try this Deft. separately. A ruling from the Supreme Court could have an impact on this Deft. and since the trial dates for Deft. Hidalgo and Deft. Espindola have been continued, Court will consider vacating and resetting Deft. Counts' trial as well. Colloquy regarding Supreme Court issues. COURT ORDERED, matter set for status check.

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

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

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

CUSTODY (ALL)

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

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

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

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

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

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

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 24, 2007**

05C212667-1

The State of Nevada vs Kenneth Counts

**May 24, 2007****9:30 AM****Status Check**

**STATUS CHECK:**  
**TRIAL SETTING**  
**Relief Clerk: Carole**  
**D'Aloia**  
**Reporter/Recorder:**  
**Janie Olsen Heard**  
**By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Pesci, Giancarlo	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

- Court advised this matter was continued to give Ms. Wildevelt time to review the writ filed by the co-defendants to see if it would be something she would be filing a joinder on behalf of Defendant Counts. Upon Court's inquiry, Ms. Wildevelt advised she and Mr. Whipple would not be joining in on the writ, announced ready for trial and requested the 6/4/07 trial date. Colloquy between Court and counsel regarding the writ. Mr. Pesci advised he feels the trial should not go forward until the Supreme Court has ruled on the writ. Ms. Wildevelt adamantly requested the 6/4/07 trial date. Further colloquy regarding the trial date. Following CONFERENCE AT BENCH, COURT ORDERED, matter set for JURY TRIAL on 6/4/07 at the request of Ms. Wildevelt. Ms. Wildevelt inquired about a jury questionnaire and advised they will get one to the State and Court this evening or first thing tomorrow. Court advised Ms. Wildevelt that it did not think it would be possible, logistically, to have a jury questionnaire at such a late date. Following CONFERENCE AT BENCH, Ms. Wildevelt advised that Mr. Whipple had already forwarded a copy of the proposed jury

05C212667-1

questionnaire to Mr. DiGiacomo and Mr. Pesci stated he will check with him to see if he has it.  
COURT ORDERED, matter set for STATUS CHECK on the jury questionnaire tomorrow morning.  
CUSTODY

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

6/4/07 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 25, 2007**

05C212667-1

The State of Nevada vs Kenneth Counts

**May 25, 2007****9:30 AM****Status Check**

**STATUS CHECK:**  
**JURY**  
**QUESTIONNAIRE**  
**Relief Clerk: Carole**  
**D'Aloia**  
**Reporter/Recorder:**  
**Janie Olsen Heard**  
**By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Owens, Christopher J.	Attorney
	Pesci, Giancarlo	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

Matter RECALLED and Court advised it's Judicial Executive Assistant (JEA) called the Clerk of the Nevada Supreme Court and was advised that the decision will not be coming any time soon.

COURT ORDERED, trial date STANDS and counsel to get together and finalize the jury questionnaire and get it to Jury Services first thing on Tuesday morning.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 29, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 29, 2007****9:30 AM****Motion to Dismiss****DEFT'S MTN TO  
DISMISS /165 Relief  
Clerk: Carol  
Donahoo  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Turner, Robert B.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 31, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 31, 2007****9:30 AM****Calendar Call****CALENDAR CALL****Relief Clerk: Carol  
Donahoo****Reporter/Recorder:****Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Counts, Kenneth	Defendant
Staudaher, Michael V.	Attorney
Whipple, Bret O.	Attorney
Wildeveld, Kristina	Attorney
M.	

**JOURNAL ENTRIES**

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

**CUSTODY**

06-05-07 10:30 AM JURY TRIAL

05C212667-1

**DISTRICT COURT**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 05, 2007**

05C212667-1

The State of Nevada vs Kenneth Counts

June 05, 2007

10:30 AM

Jury Trial

**TRIAL BY JURY**

**Relief Clerk: Carol  
Donahoo**

**Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

- 11:48 a.m. Jury selection commenced.

Court and counsel examine prospective jurors.

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 06, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 06, 2007****9:30 AM****Change of Plea****CHANGE OF PLEA****Relief Clerk: Carol  
Donahoo****Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Mr. Jackson advised this matter is negotiated and Deft. Taoipu will withdraw his not guilty plea and plead guilty to reduced charges. Colloquy regarding sealing the courtroom and the plea. Conference at the Bench. COURT ORDERED, plea WITHDRAWN; EXHIBIT 2 of the Guilty Plea Agreement (GPA) shall be SEALED. Mr. DiGiacomo to submit an Order. Amended Information and GPA FILED IN OPEN COURT. NEGOTIATIONS: State retains the right to argue and agrees to recommend concurrent sentences between the counts. Both sides agree they are bound by the terms and conditions of Exhibit 2 of the GPA. DEFT. TAOIPU ARRAIGNED and PLED GUILTY to COUNT 1 - CONSPIRACY TO COMMIT MURDER (F) and COUNT 2 - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F). Mr. DiGiacomo advised Count 2 is a fictitious charge; however, the statement as to what was done is not fictitious. COURT accepted plea and FURTHER ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for status check; trial date VACATED.

**CUSTODY****09/04/07 9:30 AM STATUS CHECK: SENTENCING**

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 06, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 06, 2007****10:30 AM****Jury Trial****TRIAL BY JURY****Relief Clerk: Carol  
Donahoo****Reporter/Recorder:  
Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

**CUSTODY****06/26/07 9:30 AM STATUS CHECK****CLERK'S NOTE:** All Deft.'s notes, not concerning the prospective jurors, were returned to him.**PRINT DATE:** 11/22/2010**Page** 54 of 178**Minutes Date:**

June 27, 2005



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor      COURT MINUTES      June 26, 2007**

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**05C212667-1      The State of Nevada vs Kenneth Counts**

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<b>June 26, 2007</b>	<b>7:30 AM</b>	<b>All Pending Motions</b>	<b>ALL PENDING MOTIONS 6-26-07 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</b>
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**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

- AT REQUEST OF COURT: IN-COURT DEPOSITION (COUNTS, HIDALGO & ESPINDOLA)  
8:04 A.M.--Robert Langford, Esq, present with witness Omar Manor. Court advised this hearing is due to a potential conflict that arose with Ms. Wildeveld and Mr. Whipple regarding a witness. If there is not a conflict, this video will be used as testimony in any trial regarding Deft. Counts wherein he is represented by Ms. Wildeveld or Mr. Whipple. Mr. DiGiacomo advised he does not plan on playing the video of Mr. Manor if he is available. Court advised the video has to be used to waive any conflict. Mr. DiGiacomo advised the defense would have to waive any defect. Mr. Whipple advised that is inherent. Court advised, in any case where Deft. Counts is represented by Ms. Wildeveld or

Mr. Whipple, this video must be used. Mr. DiGiacomo advised all counsel would have to agree. All defense counsel present agreed. Court advised the video is locked on the witness as Defts. Counts, Hidalgo and Espindola were brought over in jail clothing, so they will not appear on the video but everyone's voices will be picked up. Court advised, if there is a conflict, Ms. Wildeveld and Mr. Whipple would have to be relieved and new counsel appointed, then the State could call Mr. Manor live. 8:11 a.m.--Omar Manor sworn and testified. 8:17 a.m.--Court stated it appears Ms. Wildeveld and Mr. Whipple can go forward in this case and ORDERED, Ms. Wildeveld and Mr. Whipple will remain as counsel for Deft. Counts. Court advised a status check is already set before Judge Adair on this matter. Mr. DiGiacomo advised, because there is an ongoing relationship between Omar and Irene, there may be other issues that come up and he will bring those before the Court if such issues arise. 8:19 a.m.--Hearing concluded.  
CUSTODY (ALL)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 26, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 26, 2007****9:30 AM****Status Check****STATUS CHECK****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

**CUSTODY**

1/24/08 9:30 AM CALENDAR CALL

1/28/08 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 24, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**July 24, 2007****9:30 AM****Motion**

**STATES MTN TO  
CONDUCT  
VIDEOTAPED  
TEST/192 Court  
Clerk: Tia Everett/te  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Whipple, Bret O.

Attorney

Wildeveld, Kristina  
M.

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 26, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

---

**July 26, 2007****9:30 AM****Motion**

**STATES MTN TO  
CONDUCT  
VIDEOTAPED  
TEST/192 Court  
Clerk: Sandra  
Anderson  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Pesci, Giancarlo	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

**CUSTODY (ALL)****08-13-07 (CHAMBERS) STATUS/CHECK: OPEN/SEALED DEPOSITIONS****08-27-07 9:30 AM HEARINGS: DEPOSITIONS**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 16, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**August 16, 2007**

**9:30 AM**

**Calendar Call**

**CALENDAR CALL  
(VJ 8/28/07) Court  
Clerk: Phyllis Irby/pi  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Following extended arguments of counsel. COURT ORDERED, matter CONTINUED.  
CUSTODY

8-20-07 9:30 AM CALENDAR CALL/JURY TRIAL (CARROLL)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 27, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**August 27, 2007****9:30 AM****Hearing**

**DEPOSITIONS  
HEARING Court  
Clerk: Tia Everett/te  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter OFF CALENDAR.  
CUSTODY (ALL)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2007

05C212667-1

The State of Nevada vs Kenneth Counts

August 28, 2007

9:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS (8/28/07)**  
**Court Clerk: Tia  
Everett/te**  
**Reporter/Recorder:  
Janie Olsen Heard**  
**By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

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

CUSTODY (ALL)

11/29/07 CALENDAR CALL (CARROLL)

12/03/07 JURY TRIAL (CARROLL)

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

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

PRINT DATE: 11/22/2010

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Minutes Date:

June 27, 2005



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor      COURT MINUTES      September 04, 2007**

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**05C212667-1      The State of Nevada vs Kenneth Counts**

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<b>September 04, 2007</b>	<b>9:30 AM</b>	<b>Sentencing</b>	<b>SENTENCING</b>
			<b>Relief Clerk: Nora</b>
			<b>Pena</b>
			<b>Reporter/Recorder:</b>
			<b>Debbie Winn Heard</b>
			<b>By: Adair, Valerie</b>

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**      Di Giacomo, Marc P.      Attorney

**JOURNAL ENTRIES**

- Conference at the bench. Mr. DiGiacomo requested a continuance the second week in January.  
COURT ORDERED, matter CONTINUED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 11, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**September 11, 2007****9:30 AM****Motion for Discovery****DEFT'S MTN FOR  
DISCOVERY /209  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney  
Whipple, Bret O. Attorney**JOURNAL ENTRIES**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 20, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**September 20, 2007****9:30 AM****Motion to Strike**

**DEFT CARROLL'S  
MOTION TO  
STRIKE DEATH  
PENALTY  
AGGRAVATORS/20  
8 Court Clerk:  
Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- Matter trailed for either Mr. Digiacomo or Mr. Pesci to be present.

Matter recalled. Mr. Figler advised that he and Mr. Digiacomo agreed to continue the hearing to allow counsel time to file an opposition. COURT ORDERED, CONTINUED.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 09, 2007

05C212667-1

The State of Nevada vs Kenneth Counts

October 09, 2007

12:00 AM

Motion to Strike

DEFT CARROLL'S  
MOTION TO  
STRIKE DEATH  
PENALTY  
AGGRAVATORS/20  
8 Court Clerk:  
Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- The Court informed counsel that all pleadings have been reviewed. Mr. Figler advised that the received the State's opposition last Thursday; he argued oral response to State's motion. Mr. DiGiacomo submitted. COURT ORDERED, RULING RESERVED; for now, the Court is not inclined to stay the case against the Defendant in District Court.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 11, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**October 11, 2007****9:00 AM****Motion to Strike**

**DEFT CARROLL'S  
MOTION TO  
STRIKE DEATH  
PENALTY  
AGGRAVATORS/20  
8 Court Clerk:  
Denise Husted  
Heard By: Valerie  
Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Motion to Strike DENIED based on State's opposition. The State is to prepare findings of fact and conclusions of law and order. FURTHER, Motion to Stay is DENIED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 06, 2007**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**November 06, 2007**

**9:30 AM**

**Motion**

**DEFT'S PRO PER  
MTN ON PTN TO  
MARRY/210 Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, motion GRANTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 29, 2007

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05C212667-1

The State of Nevada vs Kenneth Counts

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November 29, 2007

9:30 AM

Calendar Call

**CALENDAR CALL**  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- The Court noted that Mr. Figler filed an emergency stay in the Nevada Supreme Court; he did not file a written motion for continuance in District Court. Mr. Digiacomo announced ready for trial which should last one week and one to two days for the penalty phase, should there be one. He also stated that he has witnesses coming in from Thailand. Mr. Figler advised that the state noticed new witnesses on 11/14/07; defendant Taoipu's attorney said his client would plead the Fifth Amendment, which indicates to him that the state has questioned Taoipu. In addition, he informed the Court that after speaking with the defendant yesterday, he found the defendant seemed to have cognitive problems and he wants him evaluated by Dr. Roitman. He further stated the Mr. Roitman was busy working on another case. The Court noted that the case he is speaking about dealt, which would have left time to request an evaluation. Mr. Digiacomo strongly objected to Mr. Figler's accusation that the state spoke to Mr. Taoipu; Mr. Jackson, who is his attorney was the one that spoke to him and reported to counsel that the defendant would plead the Fifth Amendment. COURT ORDERED, the trial will be heard next week; trial date VACATED and RESET.

CUSTODY

12/6/07 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 15, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

January 15, 2008

9:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS 1/15/08**  
**Court Clerk: Denise  
Husted**  
**Reporter/Recorder:  
Janie Olsen Heard**  
**By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

The Court stated the trial in this matter would go forward on January 28th. The Supreme Court

PRINT DATE: 11/22/2010

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Minutes Date: June 27, 2005



decision in this matter struck the aggravators regarding the death penalty with regard to Espindola and Hidalgo so this would not be a capital case and there was no reason not to go forward with what could have been done months ago. Mr. Gentile presented argument regarding due process rights of the co-defendants, and the issue regarding the fifteen day notice citing case law to support his position. Mr. Oram advised he was ready to go forward with defendant Espindola and joined all the arguments of Mr. Gentile. Ms. Wildeveld stated her preference would be to proceed on the 28th as she has an issue that would preclude her from going until a much later date. Colloquy between Court and counsel. Mr. Whipple advised he intended to file motions to strike with regard to defendant Counts with the Supreme Court. Court stated this is something that Mr. Whipple should have addressed months ago and it was too late at this point in time but he was free to file with the Supreme Court if he so desired. Mr. DiGiacomo addressed the issue of the remittitur and authority of the Court to proceed lacking the receipt of the formal remittitur and requested the Court stay this matter in order for him to return to the Supreme Court on an emergency writ. COURT ORDERED, request for STAY DENIED; trial for Counts will proceed on January 28th at 10:00 AM. This Court had previously started the trial in the Counts case as a death penalty case when an issue arose that had to be heard by Judge Bell; however, it is still a death penalty case and since trial counsel was prepared to go forward at that time as a death penalty case, there is no reason why it should not go forward as such now. FURTHER ORDERED, DEFENDANT COUNTS IS SEVERED FROM DEFENDANTS HILDALGO AND ESPINDOLA as these defendants are no longer death qualified. Trial for defendants Hidalgo and Espindola will proceed following this case on February 11th at 9:30 AM. Colloquy between Court and counsel regarding jury questionnaires. CONFERENCE AT BENCH. COURT ORDERED, the jurors will fill out a questionnaire based on the death penalty and if the Supreme Court strikes the aggravators as to Counts then a new panel will be brought in. The Court would not use the same panel that filled out a death questionnaire for a trial where that was no longer a consideration.

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

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

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

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

CUSTODY (COUNTS, HIDALGO, ESPINDOLA, TAOIPU)

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 22, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

January 22, 2008

8:30 AM

Motion to Strike

**DEFT'S SECOND  
MTN TO  
RECONSIDER MTN  
TO STRIKE  
AGGRAVATING  
CIRCUMSTANCES**  
Court Clerk: Tina  
Hurd  
Reporter/Recorder:  
Renee Vincent  
Heard By: Bell,  
Stewart L.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

- Court advised this is Judge Adair's case, however, she is on vacation and he is hearing this motion as counsel need a ruling prior to trial. Mr. Whipple provided a copy of the Hidalgo decision to the Court and argued regarding Rule 250, late Notice of Intent, aggravating circumstances and specificity. Mr. Whipple advised the co-Deft. had the aggravators stripped and that case is no longer a capital case. Mr. DiGiacomo argued Deft. Counts was still under a sentence of imprisonment in

two cases when this occurred and was in warrant status in one of them so there is no specificity problem as to the first aggravator. Mr. Whipple argued the issue is how the State pled it. Mr. Pesci argued the law says they can still plead in the alternative. Mr. Whipple argued the issue goes to notice and argued the State cannot boot strap. Court advised he will read the Hidalgo decision and ORDERED, matter CONTINUED to tomorrow for decision. Mr. Whipple advised, if the Court strikes the aggravators, they are ready for trial; if not, he will request a stay. Court advised he is not the trial judge and will not grant a stay, so counsel should be forewarned.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

January 23, 2008

8:30 AM

Motion to Strike

DEFT'S SECOND  
MTN TO  
RECONSIDER MTN  
TO STRIKE  
AGGRAVATING  
CIRCUMSTANCES  
Court Clerk: Tina  
Hurd/th Relief Clerk:  
Tia Everett  
Reporter/Recorder:  
Renee Vincent  
Heard By: Stewart  
Bell

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

- Court advised he has read the pleadings and cases provided and ORDERED, motion DENIED. Court stated he does not believe the decision has much changed the pleadings rules as they have known them over the years. Every theory has to be charged. Court advised this case also says they have to charge anything on which there has to be notice. They can be charged in the alternative but everything in the alternative has to be supporting that. Court advised, in death penalty cases, it has to

be the case that each and every prong is supported. Court FINDS if Deft. was on probation for a Felony with an underlying term, that IS a sentence of imprisonment and was charged appropriately. Court advised Ms. Wildeveld has a motion to stay and ORDERED, stay DENIED and the defense may go to the Supreme Court. Mr. DiGiacomo advised they need to have the jury questionnaire to the Department this morning. Colloquy. Court advised he is not getting to substantive issues of whether a stay is appropriate. He heard this motion for Judge Adair and he is not going to set this trial off in her absence. If the Supreme Court does, so be it. Ms. Wildeveld advised, for the record, they are ready to go to trial. Hearing concluded.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 24, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

January 24, 2008

1:30 PM

Minute Order

MINUTE ORDER  
RE: RE: BAIL FOR  
DEFTS.  
HILDALGO AND  
Court Clerk: Denise  
Husted Heard By:  
Valerie Adair

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- After taking this matter under consideration, COURT ORDERED, BAIL is SET as to Deft. HILDALGO at EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.) as to DEFT. ESPINDOLA at FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor      COURT MINUTES      January 29, 2008**

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**05C212667-1      The State of Nevada vs Kenneth Counts**

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<b>January 29, 2008</b>	<b>9:30 AM</b>	<b>All Pending Motions</b>	<b>ALL PENDING MOTIONS 1/29/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</b>
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**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

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

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

January 29, 2008

1:30 PM

Jury Trial

**TRIAL BY JURY**

Court Clerk: Denise

Husted

Reporter/Recorder:

Janie Olsen Heard

By: Adair, Valerie

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Counts, Kenneth	Defendant
Di Giacomo, Marc P.	Attorney
Pesci, Giancarlo	Attorney
Whipple, Bret O.	Attorney
Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

05C212667-1

MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

January 30, 2008

10:30 AM

Jury Trial

**TRIAL BY JURY**

Court Clerk: Denise

Husted

Reporter/Recorder:

Janie Olsen Heard

By: Adair, Valerie

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

05C212667-1

OUTSIDE THE PRESENCE OF THE JURY. Discussion among Court and counsel regarding jury panel. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 31, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**January 31, 2008****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

the law of the case. Mr. Whipple moved for a mistrial on the basis of due process violations against his client. COURT ORDERED, motion DENIED. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 01, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 01, 2008****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Counts, Kenneth	Defendant
Di Giacomo, Marc P.	Attorney
Pesci, Giancarlo	Attorney
Whipple, Bret O.	Attorney
Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding Mr. Whipple saying that he had not received certain exhibits from the State. Mr. Digiacomo stated that whenever Mr. Whipple came and requested exhibits, they were provided to him. Mr. Whipple advised that he bated-stamped what he was requesting and gave the request to the State. COURT FINDS, at this point is up to defense counsel to obtain what they want from the State. Further arguments regarding the power point presentation and making a particular exhibit a Court's exhibit. COURT ORDERED, this issue was already decided by Judge Mosely. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Pursuant to CONFERENCE AT BENCH, Mr. Digiacomo stated that it became apparent that something was wrong with Mr. Zone. Mr. Pesci stated that Mr. Zone has another son that Mr. Whipple has represented. Mr. Digiacomo advised that they spoke with Mr. Zone; Mr. Whipple remembered the other son. Mr. Whipple

informed the Court that at some point he spoke with Mr. Zone, but never discussed anything pertaining to this case with Mr. Zone or the other son. He also stated that he never met Roantae Zone. The Court question Mr. Zone regarding the preliminary hearing. Mr. Whipple stated that he was not present at that hearing. CONFERENCE AT BENCH. The Court question Mr. Counts regarding the fact that Mr. Whipple represented Mr. Zones brother. The Defendant stated he has no problem of Mr. Whipple continuing to represent him. Out of an abundance of caution, the Court asked Mr. Zone to leave the Courtroom. After that, Mr. Whipple stated he has no problem zealously advocating and representing Mr. Counts. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding whether or not Officer Rivera was on the witness list. As there were other officers listed, COURT FINDS, his testimony will be allowed. Mr. Digiacomo stated that Officer Rivera was on the list in the Justice Court hearing. Mr. Whipple objected to Mr. Rivera's testimony as he believes it is prejudicial to his client's due process rights and MOVED for a mistrial. COURT ORDERED, DENIED. Mr. Whipple requested that the phone calls from the detention center be provided before his testimony. Opposition by Mr. Digiacomo. The Court stated that if there is a policy at the detention center, then it can be done. The Court services attorney or an investigator must stay with the Defendant the entire time, but Court Services cannot stay with the Defendant while he listens. Further discussion regarding Officer Rivera's testimony. The Court stated that Mr. Whipple was aware that some SWAT Officer would be testifying and he didn't call any other officers to testify. Mr. Whipple advised that it was not his burden. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. COURT ORDERED, defendant Burman to be remanded to the Clark County Detention for this weekend in order that Mr. Whipple's investigators will have time to review the case with him. Evening recess. MATTER CONTINUED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 04, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 04, 2008****9:00 AM****Change of Plea****CHANGE OF PLEA****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Third Amended Information FILED IN OPEN COURT. Negotiations are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFENDANT ESPINDOLA ARRAIGNED and PLED GUILTY to Voluntary Manslaughter with use of a Deadly Weapon. COURT ACCEPTED plea and ORDERED, matter CONTINUED for a status check regarding sentencing. FURTHER, pursuant to request by the State, Attachment to the Guilty Plea Agreement is to be FILED UNDER SEAL.

**CUSTODY****4/15/08 9:30 AM SENTENCING**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

February 04, 2008

1:00 PM

Jury Trial

TRIAL BY JURY

Court Clerk: Denise

Husted

Reporter/Recorder:

Janie Olsen Heard

By: Adair, Valerie

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Counsel advised that defendant Taoipu sent a letter to Mr. Counts, which was received last night at 10:00 PM. Colloquy regarding having investigator pick up witnesses from Tonopah to testify Wednesday. Discussion regarding Discovery. Colloquy regarding scheduling of witnesses. Mr. Digiacomo stated he believes Mr. Bremmer can wait his turn as his witnesses (who are not incarcerated) have been inconvenienced. Further discussion regarding Discovery. Mr. Whipple informed the Court that he received a phone call from Cal Potter's office regarding post conviction relief for Defendant in Palomino murder in 2000. They believe this murder was set up by Hildalgo. The State inquired the validity of that having anything to do to this case. Mr. Whipple advised that he didn't really know, but wanted to make a record and make a Court's exhibit and requested a twenty-four hour continuance to find "Airial" AKA Michelle Schwanderlik. Mr. Digiacomo stated that the other murder was when the Palomino Club was under different

ownership; also, the person Mr. Whipple is looking for cannot be found. He further advised that there is no evidence linking this murder to the other murder in case C182148 filed on 8/6/02. COURT FINDS, there is no need for a Court's exhibit, and DENIED the continuance. Mr. Digiacomio stated he had no problem with the Court reviewing the other case. OUTSIDE THE PRESENCE OF THE JURY. The Court inquired of Mr. Taoipu if he discussed testifying with his counsel, Terry Jackson, Esq. Mr. Taoipu stated that he had spoken with counsel and that he understands his rights. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**ISTRIC COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 05, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

February 05, 2008

9:30 AM

All Pending Motions

ALL PENDING

MOTIONS 2/5/08

Court Clerk: Denise

Husted

Reporter/Recorder:

Janie Olsen Heard

By: Valerie Adair

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Counts, Kenneth

Defendant

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

Whipple, Bret O.

Attorney

**JOURNAL ENTRIES**

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

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

Counts: COURT ORDERED, Defendant's Motion to Suppress Custodial Statements pertain to

PRINT DATE: 11/22/2010

Page 90 of 178

Minutes Date:

June 27, 2005

Defendant Hidalgo and is CONTINUED; Defendant's Motion in Limine to Allow Statements is MOOT.

CUSTODY (BOTH)

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 05, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 05, 2008****10:00 AM****Jury Trial****TRIAL BY JURY**Court Clerk: Denise  
HustedReporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

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

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

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

Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2008

05C212667-1

The State of Nevada vs Kenneth Counts

February 06, 2008

10:30 AM

Jury Trial

TRIAL BY JURY

Court Clerk: Denise

Husted

Reporter/Recorder:

Janie Olsen Heard

By: Adair, Valerie

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 07, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 07, 2008****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 07, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 07, 2008****9:30 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 2/7/08  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT  
APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL  
STATEMENTS...DEFENDANT'S MOTION TO SET BAIL

Mr. Gentile requested that the motions other than the bail motion be continued to 2/11/08 and that the trial be continued to 2/12/08. COURT SO ORDERED.

The Court noted that Mr. Hidalgo's bail is already set at \$800,000.00. Mr. Gentile requested that the bail be lowered and the Defendant be placed on house arrest. Opposition by Mr. DiGiacomo regarding lowering of bail. COURT ORDERED, Defendant's Motion to Set Bail is DENIED. Pursuant to CONFERENCE AT BENCH, the Court stated that if the Defendant can come up with \$800,000.00 in property, Mr. Gentile may place the matter back on calendar for a hearing, however the previous ruling issued regarding lowering bail STANDS AT THIS POINT  
CUSTODY

2/11/08 9:30 AM DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT  
APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 08, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 08, 2008****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Risse, Rebecca	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

- At the hour of 5:40 PM the jury returned with the following verdict: COUNT I - CONSPIRACY TO COMMIT MURDER - GUILTY COURT ORDERED, Defendant REMANDED without bail on this charge.

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

The Court thanked and excused jurors from service.

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

CUSTODY

3/20/08 9:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 11, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 11, 2008**

**9:30 AM**

**Jury Trial**

**TRIAL BY JURY**

**Court Clerk: Denise**

**Husted Heard By:**

**Valerie Adair**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Pursuant to conference in chambers, COURT ORDERED, trial date VACATED and RESET.  
FURTHER, matter set for a hearing regarding potential conflict.

2/13/08 1:30 PM HEARING: POTENTIAL CONFLICT

2/19/08 10:30 AM JURY TRIAL (LUIS HIDALGO III)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 11, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 11, 2008****9:30 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 2/11/08  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT  
APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL  
STATEMENT...DEFENDANT'S MOTION FOR DISCLOSURE  
COURT ORDERED, motions CONTINUED.  
CONTINUED TO: 2/14/08 10:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 12, 2008****9:30 AM****Sentencing****SENTENCING****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo Attorney**JOURNAL ENTRIES**

- CONFERENCE AT BENCH. Mr. Jackson stated that the continuance needs to be continued as the Division of Parole and Probation has not prepared the presentence investigation report. He stated that he filed a motion for House Arrest pending the new sentencing date. The State submitted on Mr. Jackson's request. COURT ORDERED, Defendant RELEASED ON HOUSE ARREST through the Clark County Detention Center. FURTHER, Defendant MUST REPORT IMMEDIATELY upon release to interview; also, he must report to the Detention Center as often as they require.  
H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 14, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

February 14, 2008

10:30 AM

Hearing

**HEARING:POTENTI  
AL CONFLICT  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:** Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Confidential conflict hearing held.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 14, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 14, 2008****10:30 AM****All Pending Motions****ALL PENDING  
MOTIONS 2/14/08  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Jaffe, Steven T. Attorney**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR DISCLOSURE...DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENTS...DEFENDANT'S MOTION FOR DISCLOSURE OF THE EXISTENCE/DEFT'S MOTION TO COMPEL PRODUCTION OF HANDWRITTEN NOTES

As to Defendant's Motion for Disclosure of the Existence, Mr. Gentile informed the Court that there was no wiretap. COURT ORDERED, that motion was to be heard on 2/19/08, therefore is to be reset to day and OFF CALENDAR. As to the other part of the motion, Deft's Motion to Compel Production of Handwritten notes, parties agreed there is a Grand Jury transcript of Espindola; Defendant will ask for that. The State has no opposition for the Defendant is entitled to them.

Audibility tapes played on the record. COURT ORDERED, as to Defendant's Motion for Audibility Hearing and Transcript Approval, both transcripts will be provided to the jury and the tape will be played twice per stipulation of counsel.

Custodial statements recordings played. Arguments by Ms. Armeni that Defendant was not told he did not have to talk with the Detective. The Court noted he was listening and responding, even



thought it was not in the manner the Detectives wanted him to respond. Although it was obvious he had a cough, there were long periods of time that he didn't cough. COURT ORDERED, the tape is more appropriate than the transcript. State submitted. Colloquy regarding defense agreement to testify; if introduced to the jury it may create an inference. COURT ORDERED, the only way it will come in is if the door was opened; agrees it is prejudicial, therefore Defendant's Motion to Suppress Custodial Statements was ADDRESSED BY THE COURT.

Defendant's Motion for Disclosure was not addressed.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 21, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 21, 2008****1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:****Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.      Attorney  
Pesci, Giancarlo          Attorney

**JOURNAL ENTRIES**

- Colloquy regarding Supreme Court stay of trial. Mr. Digiacommo stated that although there were motions that parties intended to argue, the Stay precludes them from being heard. COURT ORDERED, trial date RESET.

**CUSTODY****5/22/08 9:30 AM CALENDAR CALL****5/27/08 10:00 AM JURY TRIAL**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 26, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 26, 2008****9:30 AM****All Pending Motions****ALL PENDING****MOTIONS 2/26/08****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Counts, Kenneth

Pesci, Giancarlo

Whipple, Bret O.

Defendant

Attorney

Attorney

**JOURNAL ENTRIES**

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

The Court informed Mr. Whipple that the current Supreme Court stay does not apply to Mr. Counts. Mr. Whipple requested a continuance as Ms. Wildeveld is not available until after 3/6/08. COURT ORDERED, CONTINUED.

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 11, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**March 11, 2008****9:30 AM****Motion for New Trial**

**DEFT'SMTN FOR  
NEW TRIAL AND  
REQUEST FOR AN  
EVIDENTIARY  
HEARING/242  
Relief Clerk:  
REBECCA FOSTER  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Counts, Kenneth	Defendant
Pesci, Giancarlo	Attorney
Whipple, Bret O.	Attorney
Wildeveld, Kristina	Attorney
M.	

**JOURNAL ENTRIES**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 20, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**March 20, 2008****9:30 AM****Sentencing****SENTENCING**Court Clerk: Denise  
HustedReporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

- Parties argued and submitted. Statement by Defendant. The State MOVED that Defendant's copies of Judgements of Conviction be admitted as exhibits and also requested that the Defendant be sentenced under the Small Habitual Criminal statute. Arguments in opposition by Mr. Whipple. DEFENDANT COUNTS ADJUDGED GUILTY under the Small Habitual Criminal Statute of CONSPIRACY TO COMMIT MURDER (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clark County Clerk, Defendant SENTENCED to a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of TWO-HUNDRED FORTY (240) MONTHS, to RUN CONSECUTIVELY to Defendant's cases in California, with 1,029 DAYS CREDIT for time served. FURTHER, copies of Judgements of Conviction are ADMITTED; Ms. Wildeveld is APPOINTED as appellate counsel.

05C212667-1

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 25, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**March 25, 2008****9:30 AM****Sentencing****SENTENCING****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo Attorney**JOURNAL ENTRIES**

- Parties argued and submitted. Statement by Defendant. Upon Court's inquiry, Ms. Jones stated the Defendant has been looking for a job and the Public Defender's office has been assisting him in obtaining a copy of his birth certificate so that he can get his driver's license and identification. DEFENDANT TAOIPU ADJUDGED GUILTY of COUNT I - CONSPIRACY TO COMMIT MURDER (F) and COUNT II - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clark County Clerk, Defendant SENTENCED on Count I to a MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of ONE-HUNDRED TWENTY (120) MONTHS; Count II to a MINIMUM of SIXTEEN (16) MONTHS with a MAXIMUM term of SIXTY (60) MONTHS with an equal and consecutive term of 16/60 MONTHS for the deadly weapons enhancement; Count II to RUN CONCURRENTLY with Count I, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. CONDITIONS: 1. Obtain/maintain lawful full time employment unless Defendant is a full time student; 2. Defendant placed on House Arrest for a period not to exceed one year; 3. Submit to counseling evaluation and any counseling deemed necessary by the evaluator; submit to random urinalyses; 4. Complete

05C212667-1

GED/high school diploma; 5. Complete vocational training as deemed necessary by the Division of Parole and Probation.

BOND, if any EXONERATED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 15, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**April 15, 2008****9:30 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 4/15/08  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- STATE'S MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS (LUIS HIDALGO, III)...STATUS CHECK: SENTENCING (ANABEL ESPINDOLA)  
COURT ORDERED, Status Check: Sentencing is OFF CALENDAR.  
FURTHER, State's Motion to Conduct Videotaped Testimony of a Cooperating Witness is CONTINUED.  
CUSTODY (BOTH)  
4/17/08 9:30 AM STATE'S MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS (LUIS HIDALGO III)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 17, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**April 17, 2008****9:30 AM****Motion**

**STATE'S MTN TO  
CONDUCT  
VIDEOTAPED  
TESTIMONY OF A  
COOPERATING  
WITNESS/250 Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- As this case has been STAYED by the Supreme Court, COURT ORDERED, OFF CALENDAR.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 17, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 17, 2008****9:30 AM****Status Check****STATUS CHECK:  
TRIAL SETTING  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- COURT ORDERED, trial date is to be set recognizing that the Court has not ruled on consolidation.  
CUSTODY

1/22/09 9:30 AM CALENDAR CALL

1/26/09 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 10, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**July 10, 2008****9:30 AM****Notice of Intent to Seek  
Revocation of Probation****NOTICE OF INTENT  
REV OF PROB Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.  
Pesci, GiancarloAttorney  
Attorney

**JOURNAL ENTRIES**

- Statement by Mr. DiGiacomo. Mr. Jackson stated the facts alleged in the violation report are not sufficient to revoke the Defendant. The Court noted the Defendant has been in custody over two weeks. Further, the Defendant did not avail himself of the free counseling, was not in compliance with imposed curfew and didn't meet with his Probation Officer, which makes it appear the Defendant is not taking the benefit of probation seriously. Mr. Jackson informed the Court he spoke with the Defendant regarding his responsibilities; he also helped him obtain an ID card, so he will now be able to seek employment. COURT ORDERED, PROBATION REINSTATED with the same conditions imposed previously.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 22, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**July 22, 2008****9:30 AM****Motion to Consolidate**

**STATES MTN TO  
CONSOLIDATE  
WITH  
C241394/256 Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Mr. Gentile requested more time to respond to the State's Motion to Consolidate. Upon Court's inquire Mr. Gentile stated he is still willing to represent both Hidalgo defendants as long as the cases are not consolidated. He further stated he will be filing a challenge regarding seeking the death penalty as to Luis Hidalgo, III, but he is uncertain regarding this issue as to Luis Hidalgo, Jr. Colloquy regarding trial dates. COURT ORDERED, States' Motions to Consolidate are OFF CALENDAR. FURTHER, trial date VACATED and RESET in case C241294. The Court informed counsel that the cases will be tried back to back, with the in-custody Defendant being tried first, as long as the cases are not consolidated.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 23, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**October 23, 2008****9:30 AM****Conversion Hearing Type****TRIAL SETTING****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- Counsel advised that the Nevada Supreme Court has made its decision and the State has to file a notice in conformance. Mr. DiGiacomo advised that has been done. COURT ORDERED, trial date SET.

**CUSTODY**

6/11/09 9:30 AM CALENDAR CALL

6/15/09 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 20, 2008**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**November 20, 2008****9:30 AM****Request****STATE'S REQUEST  
STATUS CHECK ON  
MTN TO  
CONSOLIDATE  
C241394 Court Clerk:  
Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney**JOURNAL ENTRIES**

- Mr. Gentile introduced Chris Adams, Esq. from Atlanta, who will be substituting in as counsel for Luis Hidalgo, III; also John Arascata, Esq. from Reno will be appearing later. He further stated that these attorneys will be representing Hidalgo, III because of the issues that can be raised between Hidalgo, III and Hidalgo, Jr. and because of the Nevada Supreme Court's narrow mandate in their ruling. Mr. Gentile advised he will continue to represent Hidalgo, Jr. and requested additional time to file oppositions for the Motions to Consolidate cases C212667 and C241394. Mr. Digiacomo requested time for the State to file replies to Mr. Gentile's opposition. COURT ORDERED, Mr. Gentile's opposition is due by 12/4/08 and the State's reply is due by 12/11/08. FURTHER, Motions to Consolidate CONTINUED in cases C212667 and C241394.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 19, 2008**

05C212667-1

The State of Nevada vs Kenneth Counts

**December 19, 2008****9:30 AM****Request**

**STATE'S REQUEST  
STATUS CHECK ON  
MTN TO  
CONSOLIDATE  
C241394 Relief  
Clerk: Carole D'Aloia  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- Christopher W. Adams, Esq., from Atlanta, Georgia, also present on behalf of Defendant Hidalgo III. Mr. Arrascada advised he has filed an Order for association of counsel on behalf of Mr. Adams, Court advised it did not see a problem with this and it will sign the Order. Dominic P. Gentile, Esq., also present on behalf of DEFENDANT HIDALGO, JR., case C241394. Mr. DiGiacomo advised that when he picked-up his copy of Defendants' opposition to the State's motion to consolidate, there were two (2) additional motions to strike the amended notice to seek death penalty on behalf of both Defendants and the State has not had an opportunity to respond and requested time to do so, noting he spoke to Mr. Gentile regarding this matter. Court informed counsel that if the motion is granted, and the notice to seek the death penalty is stricken for either Defendant, the motion to consolidate will not be granted. COURT ORDERED, Defendants' Motions to Strike the Amended Notice to seek Death Penalty CONTINUED. As to the State's motion to consolidate, Mr. Gentile stated his objections on the record. Mr. Gentile informed, if Court grants this motion, it would deprive Defendants their right to eight (8) preemptory challenges each. Mr. Adams advised he is joining in



this motion on behalf of Defendant Hildalgo III. Response by Mr. DiGiacomo. Court advised the biggest problem it foresees in granting the motion to consolidate would be during the penalty phase of the trial, where possibly family members would have to choose which of the two (2) Defendants they would testify on behalf of and, then if called upon to testify as to the other Defendant, they could not testify to the contrary. Court advised Mr. Gentile his argument was very interesting and, ORDERED, RULING RESERVED to continuance date.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 09, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**January 09, 2009**

**9:30 AM**

**Request**

**STATE'S REQUEST  
STATUS CHECK ON  
MTN TO  
CONSOLIDATE  
C241394 Court Clerk:  
Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED for decision.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 16, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**January 16, 2009****9:30 AM****All Pending Motions****ALL PENDING  
MOTIONS 1-16-09  
Relief Clerk:  
REBECCA FOSTER  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney**JOURNAL ENTRIES**

- STATE'S MOTION TO REMOVE MR. GENTILE AS ATTORNEY OR REQUEST WAIVERS AFTER DEFENDANTS HAVE HAD TRUE INDEPENDENT COUNSEL...STATE'S REQUEST STATUS CHECK ON MOTION TO CONSOLIDATE C241394...DEFT'S MOTION FOR FAIR AND ADEQUATE VOIR DIRE

Christopher W. Adams, Esq, pro hac vice also present. WAIVER OF RIGHTS TO A DETERMINATION OF PENALTY BY THE TRIAL JURY (HILDAGO, JR and HIDALGO III) FILED IN OPEN COURT. ORDER GRANTING THE STATE'S MOTION TO CONSOLIDATE C241394 INTO C212667 FILED IN OPEN COURT. Mr. DiGiacomo advised the Court an agreement has been reached between parties as it relates to conflict issue and Notice to Seek Death Penalty against both defts will be withdrawn. Further defense counsel acknowledged there is no conflict as to the guilt phase. Colloquy between Court and counsel regarding charging documents and voir dire process. COURT ORDERED, State's Motion to Remove Mr. Gentile is MOOT; Motion to Consolidate with C241394 is GRANTED; and Deft'S Motion for Fair and Adequate Voir Dire is MOOT. COURT FURTHER ORDERED, Deft's Motion to Suppress scheduled for 1-20 will be heard at 10:15 with other

**05C212667-1**

Motion in Limine to Exclude Testimony (C241394).  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 22, 2009

05C212667-1

The State of Nevada vs Kenneth Counts

January 22, 2009

9:30 AM

Calendar Call

**CALENDAR CALL**  
**Court Clerk: Denise**  
**Husted**  
**Reporter/Recorder:**  
**Janie Olsen Heard**  
**By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing in case C212667; Dominic Gentile, Esq. and Paola Armeni, Esq. appearing in consolidated case C241394, with Defendant Luis Hidalgo Jr. Colloquy regarding trial date. Counsel announced ready for trial which should last two weeks with 26 witnesses. Mr. Arrascada stated opposition to parts of the State's Fourth Amended Information. Mr. Digiacommo stated that the Jury must be advised there are two different conspiracies and that he believes it was addressed as to Luis Hidalgo Jr. He further advised that it will require a special verdict form, which is not before the Court at this time.

Consolidated case C241394: STATE'S MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF VALERIE FRIDLAND...DEFENDANT'S MOTION TO SUPPRESS EVIDENCE...CALENDAR CALL Arguments by Mr. Gentile regarding the linguistics expert, Valerie Fridland. He stated that the use of pronouns employed by Ms. Espindola in the tapes in which she didn't know she was being recorded and the Grand Jury tapes were different and that the expert will be able to evaluate what was said in order to assist the jury. Opposition by Mr. Digiacommo. The Court stated that this matter will be reviewed further and a ruling will be made on 1/23/09. As to Defendant's Motion to Suppress Evidence, Mr. Gentile submitted on the pleadings. He added that this was a general warrant; the issue regarding Family Court signing the warrant needed to be raised now, or it can't be raised later

in front of the Supreme Court. COURT FINDS, Family Court has jurisdiction to sign warrants. Mr. Gentile stated the warrant left too much to the discretion of the searching officers, which violates the Fourth Amendment. Mr. Digiacomo argued that each and every one of the witnesses is tied to a specific crime and there was probable cause for each item listed. COURT FINDS, it was not so general as to be considered a general warrant and ORDERED, Defendant's Motion to Suppress is DENIED. Colloquy regarding pleadings and whether or not new Information would be filed. Additionally, discussion ensued as to possibly striking parts of the Information/Indictment. COURT ORDERED, a ruling will be given on 1/23/09 following further review of the Court's minutes and transcripts.

COURT ORDERED, ORDERED, trial date VACATED and RESET for a firm setting.

1/27/09 12:30 PM JURY TRIAL (C212667 AND C241394)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2009

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05C212667-1

The State of Nevada vs Kenneth Counts

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January 23, 2009

10:50 AM

Decision

**DECISION: MATTER  
S ADDRESSED ON  
1/22/09 Court Clerk:  
Denise Husted  
Heard By: Valerie  
Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, the State's Motion in Limine to Exclude the Testimony of Valerie Fridland is GRANTED. FURTHER, as to Hidalgo III's oral objection to the conspiracy count in the Fourth Amended Indictment, the COURT ORDERS that the language objected to be STRICKEN. Additionally, the COURT FINDS that there were two conspiracies; one relating to Timothy Hadland and one relating to Kenneth Counts.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 26, 2009

05C212667-1

The State of Nevada vs Kenneth Counts

January 26, 2009

10:00 AM

Request

**STATE'S REQUEST  
FOR  
CLARIFICATION  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

Hidalgo, Jr. presence WAIVED. Mr. Digiacomo stated that questions arose pertaining to the 4/17/08 transcript; there are multiple meanings as to what order on 1/23/19 means. He asked if the Court made a legal determination the Hidalgo, III is not admissible. The Court stated that right now it cannot say automatically that this is an ongoing part of conspiracy and part of the cover up of the conspiracy; not prepared to say this is a conspiracy. If the evidence ties it in, the State can argue they are not able to say factually that this is part of intentional conspiracy. Case law shows there may have been a second conspiracy; the initial conspiracy involved payment; the second conspiracy involved getting rid of Mr. Counts. Mr. Digiacomo read the Federal case law; Nevada law relates to ongoing acts of concealment. Following further arguments by counsel, COURT FINDS, the issue of Hidalgo, III solicitation of murder is up to the defense to bring in; the Court cannot say for certain that is was part of the first conspiracy.



05C212667-1

CUSTODY (HIDALGO III)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 27, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**January 27, 2009****12:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.  
Pesci, GiancarloAttorney  
Attorney**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding for cause challenges. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 28, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**January 28, 2009****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P. Attorney

Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. The Court noted that juror number fifteen said the stress of this process exacerbated a medical condition and provided a prescription. The Court excused this juror. Discussion regarding transcripts provided by the State; Mr. Adams objected to this. Mr. Gentile stated an audibility hearing was previously held regarding the tape. He requested that the Court listen to the tape and see if the transcript is reasonable decision regarding Anabel's debriefing. He further requested that he be provided the State's notes in order to determine if there may be a Brady issue. Mr. Digiacomo stated the admissibility hearing came before Anabel's plea. Following further discussion, the Court informed counsel that jury selection is to proceed. IN THE PRESENCE OF THE JURY. Roll of jurors called by the Clerk. Jury selection proceeded. OUTSIDE THE PRESENT OF THE JURY. Discussion regarding juror challenges. IN THE PRESENCE OF THE JURY. Jury selection proceeded. CONFERENCE AT BENCH. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2009

05C212667-1

The State of Nevada vs Kenneth Counts

January 29, 2009

9:30 AM

Jury Trial

**TRIAL BY JURY**

Court Clerk: Denise

Husted

Reporter/Recorder:

Janie Olsen Heard

By: Adair, Valerie

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Defendant Hidalgo III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Defendant Hidalgo Jr. in consolidated case C241394. IN THE PRESENCE OF THE JURY. Jury selection continued. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury panel and possible conversations between some of them regarding the case. Jurors 018 and 052 questioned separately regarding this issue. IN THE PRESENCE OF THE JURY. Jury selection continued; voir dire questioning held one at a time outside the presence of the others in the panel. OUTSIDE THE PRESENCE OF THE JURY. Luis A. Hidalgo Jr's Trial Memorandum (Redacted) in case C212667 and consolidated case C241394 FILED IN OPEN COURT. Colloquy regarding differences in transcripts of Ms. Espindola. The Court noted it may be better to play the tape. Mr. Gentile agreed and Mr. Digiacomo opposed the suggestion. Discussion regarding the interview of Ms. Espindola. Mr. Adams requested copies of the notes of the interview. Following further discussion, the Court directed counsel to provide highlighted copies of the first and second transcripts showing the differences; the Court will review these prior to making a decision. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 30, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**January 30, 2009****10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. Jury selection continued. Voir Dire questioning took place with individual jurors apart from the others. OUTSIDE THE PRESENCE OF THE JURY. The Court read the case provided by counsel regarding the transcript issue. COURT ORDERED, parties are not precluded from allowing use of the transcript pursuant to case law provided by Mr. Arrascada. IN THE PRESENCE OF THE JURY. Jury selection continued. Introductions by Court and counsel. Information read by the Clerk. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 02, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 02, 2009****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Defendant Hidalgo III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Defendant Hidalgo Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. IN THE PRESENCE OF THE JURY. Jury selection continued; voir dire questioning took place with individual jurors apart from the others. OUTSIDE THE PRESENCE OF THE JURY. Mr. Adams argued Batson challenge. Opposition by the State. COURT FINDS, the release of the juror was with good cause. IN THE PRESENCE OF THE JURY. Jury selection continued. Voir dire questioning took place with individual jurors apart from the others. Jury selected and SWORN. Opening arguments counsel. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 03, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 03, 2009****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted Relief Clerk:****Carol Donahoo (3:45  
p.m.)****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding the State amending the witness list to include Christopher Oram. Mr. Gentile stated that Ms. Espindola will have to waive attorney client privilege should Mr. Oram testify. The Court informed counsel that the law regarding this issue will be reviewed. Further statements regarding jail phone records between Deangelo Carroll and his wife. IN THE PRESENCE OF THE JURY Testimony and exhibits presented per worksheet.

Carol Donahoo (3:45 p.m.)

Testimony and exhibits presented (see worksheet).

COURT ORDERED, trial CONTINUED and recessed for the evening.

OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel with respect to the legal issues surrounding the tape recording of Deangelo Carroll. Counsel will revisit this matter tomorrow.

Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 04, 2009**

05C212667-1

The State of Nevada vs Kenneth Counts

February 04, 2009

10:30 AM

Jury Trial

**TRIAL BY JURY**

Court Clerk: Denise

Husted

Reporter/Recorder:

Janie Olsen Heard

By: Adair, Valerie

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:** Roger, David J.

Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 05, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 05, 2009****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding proper questioning of Detective McGrath. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 06, 2009****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding exhibits. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 09, 2009**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 09, 2009****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.	Attorney
Pesci, Giancarlo	Attorney
Roger, David J.	Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.  
IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling of witnesses. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Mr. Espindola with anyone during the lunch break. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding jury questions. Mr. Adams made stated on the record the people that Ms. Espinola conspired with. Now, one of the juror questions shows that the information they were told to consider is on the note. He MOVED for a mistrial. COURT ORDERED, DENIED; the matter will be cured by a statement by the Court. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 10, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 10, 2009****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding evidence. Discussion regarding article in the Review Journal. Following discussion by counsel, the Court stated it will ask jurors if anyone has seen anything about this case in the news media. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. State rested. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Opposition by counsel to being served with notice of witnesses this morning; he needs time to prepare for cross-examination. COURT ORDERED, said witness is to be excluded as there is another witness that may be called. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Juror number eleven excused as the trial is going longer than expected and he informed the Court and counsel at jury selection that he has to be out of town. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 11, 2009

05C212667-1

The State of Nevada vs Kenneth Counts

February 11, 2009

9:30 AM

Jury Trial

**TRIAL BY JURY**

Court Clerk: Denise

Husted

Reporter/Recorder:

Janie Olsen Heard

By: Adair, Valerie

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding witness being called who was in the Clark County Detention Center at the same time as Ms. Espindola. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY.

Discussion regarding testimony of P.K. Handley. Mr. Gentile requested receipt of evidence given to the Court to find if there is exculpatory evidence. Following further discussion regarding this issue. COURT ORDERED, Mr. Gigiacomo is to provide the defense with a copy of the information, and if not, the State will be precluded from recalling Mr. Handley. IN THE PRESENCE OF THE JURY.

Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Mr. Digiacomo read Mr. Handley's stated and advised there is no need to ask any other questions. Discussion regarding testimony of Ms. Perez. Mr. Digiacomo informed the Court that Mr. Gentile is requesting Mr. Oram's notes from interviewing Ms. Espindola. Mr. Oram advised he has no problem showing the Court his work product in camera, but feels it would be inappropriate to have

to testify. Mr. Gentile argued there is a joint defense argument with Ms. Espindola before she pled. The Court excused Mr. Handley with the caveat that he is to leave his cell phone on in case he has to be called back to Court. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court advised Mr. Hidalgo, Jr. and Mr. Hidalgo, III of their constitutional rights to not be compelled to testify on their own behalf. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. Mr. Gentile RESTED. Mr. Arrascada RESTED. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding rebuttal testimony and what witnesses will be called and how they will be questioned. IN THE PRESENCE OF THE JURY. testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. The State RESTED. OUTSIDE THE PRESENCE OF THE JURY. Counsel directed to provide jury instructions by disc to the Judicial Executive Assistant for modification. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding admission of Taoipu's affidavit in lieu of live testimony, as he has absconded. COURT STATED FINDINGS and ORDERED, that one exculpatory statement may not be used without discussing Hidalgo, III and his involvement. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 12, 2009****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. Jurors instructed on the law of the case. OUTSIDE THE PRESENCE OF THE JURY. Mr. Adams requested that any testimony regarding "bats and bags" be stricken from the testimony. He sited his reason as being issues regarding due process and trial rights. Mr. Digiacomo stated there is no legal basis for this request. IN THE PRESENCE OF THE JURY. Closing arguments by Mr. Pesci. Closing arguments by Mr. Gentile. Closing arguments by Mr. Adams. Closing arguments by Mr. Digiacomo.

At the hour of 6:45 PM, the jury retires to deliberate. Officer Wooten sworn to take charge of the jury. The Court released alternates in chairs seven and fifteen and asked them to provide Officer Wooten with their phone numbers in case the have to fill in for another juror. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 13, 2009**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 13, 2009**

**9:30 AM**

**Jury Trial**

**TRIAL BY JURY**

**Court Clerk: Denise**

**Husted**

**Reporter/Recorder:**

**Janie Olsen Heard**

**By: Adair, Valerie**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Deliberation by juror. Evening recess. MATTER CONTINUED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 17, 2009**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 17, 2009****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney**JOURNAL ENTRIES**

- IN THE PRESENCE OF THE JURY. At the hour of 3:05 PM the jury returned with the following verdict: Count 1 - GUILTY of CONSPIRACY TO COMMIT A BATTERY WITH A DEADLY WEAPON OR BATTERY RESULTING IN SUBSTANTIAL BODILY HARM (F); Count 2 - GUILTY of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); Count 3 - GUILTY of SOLICITATION TO COMMIT MURDER (F); Count 4 - GUILTY of SOLICITATION TO COMMIT MURDER

The Court thanked and excused the jurors from service. COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for sentencing. CUSTODY

5/5/09 9:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 24, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**February 24, 2009****9:30 AM****Motion for Own  
Recognizance  
Release/Setting Reasonable  
Bail****DEFT'S MTN FIR  
O.R. RELEASE FOR  
HOUSE  
ARREST/271 Relief  
Clerk: Sharon Chun  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Following arguments by counsel, COURT ORDERED, Deft Espindola RELEASED ON O.R. WITH HOUSE ARREST THROUGH CLARK COUNTY DETENTION CENTER, noting that the State can coordinate her next appearance.  
O.R./H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 21, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**April 21, 2009****10:30 AM****Motion for Judgment**

**DEFT'S MTN FOR  
JUDGMENT OF  
ACQUITTAL/272  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Dominic Gentile and Paola Armeni appearing in consolidated case C241394.

Following arguments by counsel, COURT ORDERED, CONTINUED.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 2009

05C212667-1

The State of Nevada vs Kenneth Counts

May 01, 2009

10:30 AM

Motion for Judgment

DEFT'S MTN FOR  
JUDGMENT OF  
ACQUITTAL/272  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- Dominic Gentile and Paola Armeni appearing in consolidated case C241394. The Court noted that the question is regarding DeAngelo Carroll's statement. Statement by Ms. Armeni regarding Carroll's statement and his use of the pronoun "you". Mr. Digiacomo argued that what the jury acted appropriately with what the Court instructed them to do. Mr. Gentile advised that a Crawford problem now exists as Carroll never took the stand in this trial. Additionally, the question is what is the magnitude of error of the jury not following their instructions. The Court stated its belief that there was no intentional misconduct. Mr. Gentile cited the Valdez case, which was decided last November by the Nevada Supreme Court; the Nevada statute is based on the advisory committees first draft of the code. Mr. Digiacomo argued that the law is on the State's side in this issue and the Court should not consider what happened in the jury room during deliberations. COURT FINDS, it is very clear that if anything is considered, there will be an Evidentiary Hearing or a ruling at a later date. COURT ORDERED, parties are to brief the issue; objections are due by 5/15/09 and the response is due by 5/22/09.

Mr. Gentile requested that the sentencing be continued as the presentence investigation report was

PRINT DATE: 11/22/2010

Page 146 of 178

Minutes Date:

June 27, 2005

sent to the wrong law firm. Additionally, once the report was received, he found several mistakes in the report. COURT ORDERED, it will reluctantly continue the sentencing, however counsel must file a motion with the Court identifying the alleged errors in the presentence investigation report.

CUSTODY

6/2/09 9:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 07, 2009

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05C212667-1

The State of Nevada vs Kenneth Counts

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May 07, 2009

9:30 AM

Bench Warrant Return

**BENCH WARRANT  
RETURN Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- The Court noted that the Defendant is currently being held in North Las Vegas and a Revocation hearing needs to be set. Matter trailed for Mr. Jackson's appearance. Matter recalled with Mr. Jackson present. He stated he has a Federal trial coming up which may last several months, and doesn't think he will be able to continue representing the Defendant. The Court stated that since he has been with the Defendant throughout the case, he should continue representing him; the matter will be continued to accommodate Mr. Jackson's schedule. Mr. Digiacomo advised the Defendant has been charged with four separate home invasions and will be in custody pending preliminary hearings in those cases. COURT ORDERED, matter set for revocation hearing.

CUSTODY

6/16/09 9:30 AM REVOCATION OF PROBATION

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 02, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 02, 2009****9:30 AM****Status Check****STATUS CHECK:****SENTENCING****Relief Clerk: Shelly****Landwehr/sl****Reporter/Recorder:****Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Following conference at the bench, Court advised it addressed the previous Motions in chambers and prepared a minute order. Regarding the corrected pre-sentence investigation report (PSI), COURT ORDERED, both counsel to prepare an Order directing P & P to make the necessary changes. Following conference at the bench, State advised they are willing to accept the changes Deft's attorneys are referring to and suggested the State prepare the Order and to include 6/16/09 as the due date for the PSI; COURT SO ORDERED and matter SET for sentencing.

**CUSTODY**

06/23/09 10:00 AM SENTENCING (HIDALGO)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 11, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 11, 2009****9:30 AM****Calendar Call**

**CALENDAR CALL**  
**Court Clerk: Denise**  
**Husted**  
**Reporter/Recorder:**  
**Janie Olsen Heard**  
**By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- The State announced ready for trial which should last one week for the guilt phase and one day for the penalty phase, if necessary. Mr. Figler requested a continuance to review the jury questionnaires. Additionally, he stated that the Court can address the aggravator or he can take it to the Supreme Court. Mr. Digiacomo argued that he cannot start any later that the trial is now set. The Court informed Mr. Figler that he was informed at the last continuance that he must be ready for trial at this setting. COURT ORDERED, Mr. Figler's oral motion to Stay and request to continue are DENIED; trial date STANDS and will begin at 9:30 AM.

**CUSTODY****9/15/09 9:30 AM JURY TRIAL**



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 15, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 15, 2009****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Oral motion by Mr. Figler to continue the trial as he is not adequately prepared to represent the Defendant in this death penalty case. He added that he requested that the case be tried as a non-death penalty case and that he has not had adequate time to fully review the jury questionnaires. The Court noted that the questionnaires were ready for Mr. Figler's review last week; because this is a death penalty case, the questionnaires were mandatory. Mr. Figler informed the Court that due to the death of his father, the fact that he was recently hospitalized and that he recently switched firms, he is not prepared to try this case. The Court stated that everyone knew that Carroll was wearing a wire long before Mr. Figler experienced personal problems; this was the issue from the inception of the case and it is inexcusable that Mr. Figler is not prepared. Mr. Bunin advised that he is not comfortable going forward at this time. Mr. DiGiacomo stated his belief that Mr. Figler is posturing to have the death penalty taken off of the table and have the information regarding the wires excluded; in that case the jury questionnaires are not necessary. Mr. Bunin stated that he has not been able to speak to Mr. Figler during the last two months to determine what his trial preparation is. The Court noted that there has been a long history of continuances by Mr. Figler and he was told that one more request for a continuance would result in his removal from the case.

CONFERENCE AT BENCH. Upon Court's inquiry the Defendant stated that in four years, he has spoken to Mr. Figler for one and on-half hours; he advised that he doesn't want Mr. Figler representing him any longer. COURT ORDERED, Dayvid Figler is REMOVED from the case; the matter is referred to Drew Christiansen to appoint a 250 qualified attorney. Mr. Figler stated he will turn over all of the paperwork and Discovery to Mr. Bunin. COURT ORDERED, CONTINUED for Confirmation of Counsel/Dan Albregts and to reset trial. The Judicial Executive Assistant to contact Mr. Albregts to appear.

CUSTODY

6/18/09 9:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL/DAN ALBREGTS/RESET TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 16, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 16, 2009****9:30 AM****Revocation of Probation**

**REVOCATION OF  
PROBATION Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Mr. Jackson stated the matter was not resolved. The Court noted that the Defendant has been indicted on new charges. Colloquy regarding the new case. Mr. Jackson requested that the Revocation be continued until after the conclusion of any other new cases. CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED for the presence of an officer from the Division of Parole and Probation.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 18, 2009**

05C212667-1

The State of Nevada vs Kenneth Counts

**June 18, 2009****9:30 AM****Status Check**

**STATUS CHECK:  
APPOINTMENT OF  
DAN  
ALBREGTS/RESET  
TRIAL Court Clerk:  
Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Tom Ericson CONFIRMED as counsel replacing Dayvid Figler. Colloquy regarding scheduling date for new trial. COURT ORDERED, trial date SET.

**CUSTODY**

5/13/10 9:30 AM CALENDAR CALL

5/17/10 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 23, 2009

05C212667-1

The State of Nevada vs Kenneth Counts

June 23, 2009

10:00 AM

Sentencing

**SENTENCING**Court Clerk: Denise  
HustedReporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Discussion regarding juror misconduct and misuse of jury instructions. COURT FINDS, there was enough evidence that the conspiracy went beyond simple battery and the Court is not inclined to overturn the verdict. FURTHER, the Court stands by its decision to disallow the testimony of Jayson Taoipu.

Parties argued and submitted. Victim speakers Doris Gibbs, Allana Hadland and Jennifer Hadland SWORN AND TESTIFIED. DEFENDANT HIDALGO III ADJUDGED GUILTY of Count I - Conspiracy to Commit Battery with a Deadly Weapon or Battery (GM), Count II - Second Degree Murder with Use of a Deadly Weapon (F), and Counts III & IV - Solicitation to commit Murder (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clerk of the Court, Defendant SENTENCED as follows: Count I - TWELVE (12) MONTHS in the Clark County Detention Center; Count II - MINIMUM of ONE-HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of LIFE, plus an EQUAL and CONSECUTIVE term of 120 Months to LIFE for the Deadly Weapons enhancement, Count II to RUN CONCURRENTLY with Count I; Count III - MINIMUM of TWENTY FOUR (24) MONTHS in the

Nevada Department of Corrections with a MAXIMUM term of SEVENTY-TWO (72) MONTHS, Count III to RUN CONCURRENTLY with Counts I & II; Count IV - MINIMUM of TWENTY FOUR (24) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of SEVENTY TWO (72) MONTHS, Count IV to RUN CONCURRENTLY with Count I, II and III.  
BOND, if any EXONERATED. Defendant to receive 1,492 DAYS CREDIT for time served.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 30, 2009**

05C212667-1

The State of Nevada vs Kenneth Counts

**June 30, 2009****9:30 AM****Revocation of Probation****REVOCATION OF  
PROBATION Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Weckerly, Pamela C. Attorney**JOURNAL ENTRIES**

- Tim Case of the Division of Parole and Probation present. Officer case SWORN AND TESTIFIED. Exhibits admitted per worksheets. Mr. Jackson questioned Officer Case. Jason Taoipu SWORN AND TESTIFIED. Arguments by Mr. Jackson in support of reinstatement. Ms. Weckerly stated the record is clear that the Defendant was not in compliance with probation. COURT ORDERED, PROBATION REVOKED; underlying sentence IMPOSED as follows: Count I - MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of ONE-HUNDRED TWENTY (120 MONTHS); Count II - MINIMUM of SIXTEEN (16) MONTHS with a MAXIMUM term of SIXTY (60) MONTHS, plus an EQUAL AND CONSECUTIVE term of 16/60 months for the deadly weapons enhancement; Count II to RUN CONCURRENTLY with Count I, with 870 DAYS CREDIT for time served.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 29, 2009**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**December 29, 2009****9:30 AM****Motion**

**DEFT'S PRO PER  
MTN TO  
WITHDRAW  
CNSL/283 Court  
Clerk: Denise Husted  
Heard By: Valerie  
Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Adams, Danae  
Counts, Kenneth  
Wildeveld, Kristina  
M.

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, motion GRANTED.  
NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 21, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**January 21, 2010****9:30 AM****Motion****DEFT'S PRO PER  
MTN FOR RELIEF  
FROM  
JUDGMENT/284  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Patti Slattery Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Smith, Phillip N. Attorney**JOURNAL ENTRIES**

- The Court noted there is no certificate of service. Mr. Smith stated that this is Mr. Digiacommo's case.

COURT ORDERED, CONTINUED.

NDC

CLERK'S NOTE: Mr. Digiacommo notified via e-mail of the continuance date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 09, 2010**

05C212667-1

The State of Nevada vs Kenneth Counts

February 09, 2010

9:30 AM

Motion

DEFT'S PRO PER  
MTN FOR  
PRODCUTION OF  
DOCUMENTS  
PAPERS  
PLEADINGS AND  
TNGBL/285 Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES  
PRESENT:

**JOURNAL ENTRIES**

- COURT ORDERED, motion GRANTED; Ms. Wildeveld to provide the Defendant with requested papers, etc.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 11, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

---

**February 11, 2010****9:30 AM****Motion**

**DEFT'S PRO PER  
MTN FOR RELIEF  
FROM  
JUDGMENT/284  
Court Clerk: Melissa  
Benson  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Keeler, Brett O. Attorney

**JOURNAL ENTRIES**

- Court stated it is not entertaining any argument as their are no parties present and ORDERED,  
based upon review of the breifs motion DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to the Deft. Kenneth Counts #1017559 PO  
Box 650 H.D.S.P., Indian Springs, NV 89070. mb 2/11/10

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 30, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**March 30, 2010****9:30 AM****Motion to Dismiss**

**DEFT'S PRO PER  
MTN TO DISMISS  
COUNSEL/286  
Relief Clerk: Shelly  
Landwehr  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- Mr. Bunin advised Deft. wished to withdraw his motion. Upon Court's inquiry, Deft. concurred.  
COURT ORDERED, motion WITHDRAWN. Trial date STANDS.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 11, 2010**

05C212667-1

The State of Nevada vs Kenneth Counts

**May 11, 2010****9:30 AM****All Pending Motions****ALL PENDING  
MOTIONS 5/11/10  
Court Clerk: Denise  
Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- STATE'S MOTION FOR DISCOVERY RE: EXPERT TESTIMONY AND MOTION IN LIMINE RE:  
EXPERT TESTIMONY

Mr. Erickson argued opposition to State's Motion for Discovery; under the rules, doctors have to turn over their reports to other doctors and not lay personnel. COURT ORDERED, reports can be released to a licensed physician. Mr. Erickson informed the Court he will provide to the State by 5/12/10. Mr. Pesci advised that a report is not ready as yet, only data is available. COURT ORDERED, report has to be completed within forty-eight hours. As to Defendant's Motion to Suppress, the Court informed parties that a ruling will be made following an in-camera review of briefs, transcript and the DVD. CUSTODY

CLERK'S NOTE: After reviewing the transcript, DVD and Defendant's interview, COURT FINDS no need for an Evidentiary Hearing on the Defendant's Motion to Suppress. Based upon the briefs, transcript and DVD, COURT ORDERED, Defendant's Motion to Suppress is DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 13, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 13, 2010****9:30 AM****Calendar Call****CALENDAR CALL**  
**Court Clerk: Denise**  
**Husted**  
**Reporter/Recorder:**  
**Janie Olsen Heard**  
**By: Valerie Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney**JOURNAL ENTRIES**

- CONFERENCE AT BENCH. Counsel announced ready for trial with 10-12 witnesses and five days for the guilt phase. COURT ORDERED, trial date STANDS.  
5/17/10 9:00 AM JURY TRIAL (CARROLL)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 17, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 17, 2010****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney  
Pesci, Giancarlo Attorney  
Roger, David J. Attorney**JOURNAL ENTRIES**

- IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding for cause challenges. Juror #126 excused due to a medical situation. IN THE PRESENCE OF THE JURY. Jury selection continued. Second half of jury panel present in Court. Introductions by counsel. Roll of second panel called by the Clerk. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding timeline of opening statements. Juror #320 questions regarding his jury questionnaire. After the juror left the Courtroom, the Court informed counsel that it cannot dismiss that juror for cause. Mr. Ericsson stated his opinion regarding juror #320 is that the juror should be stricken for cause. Opposition by Mr. Digiacomo. The Court informed counsel that it has to presume jurors are being truthful; #320 will be able to sit as a juror based on his answers. IN THE PRESENCE OF THE JURY. Jury selection process continued. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 18, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 18, 2010****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. IN THE PRESENCE OF THE JURY. Roll of jurors called by the Clerk. Jury selection process continued. Evening recess. MATTER CONTINUED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 19, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 19, 2010****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Mr. Digiacomo informed the Court that the State decided they are not calling Ms. Espindola and that any conversations the State has had with counsel are not relevant in this case. The Court agreed. IN THE PRESENCE OF THE JURY. Jurors Sworn. Information read by the Clerk. Introductory comments by the Court. Opening statements by Ms. Digiacomo. Opening statement by Mr. Ericsson. OUTSIDE THE PRESENCE OF THE JURY. Mr. Ericsson objected to the State playing segments of interviews with the police and the Defendant. Mr. Digiacomo stated there is no legal basis for Mr. Ericsson's objections. COURT FINDS, it the same as the State highlighting portions of a transcript; the COURT DOES NOT FIND playing segments objectionable. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished counsel to not make speaking objections. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 20, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 20, 2010****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:**     Di Giacomo, Marc P.     Attorney  
                     Pesci, Giancarlo       Attorney

**JOURNAL ENTRIES**

- IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet.  
CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding cross  
examination of Rontae Zone. The Court informed Mr. Digiacomo that he may ask Mr. Zone whether  
of not he used the works kill or murder during his interview. IN THE PRESENCE OF THE JURY.  
Testimony and Exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE  
OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER  
CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 21, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 21, 2010****10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise****Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

DiGiacomo, Sandra

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding Anabella Espindola's transcript. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished the Defendant regarding his first Amendment right to not be compelled to testify on his own behalf. The Defendant stated he understands his rights. The State RESTED. CONFERENCE AT BENCH. The State reopened their case. Testimony per worksheet. The State RESTED. Defense RESTED. Mr. Ericsson moved for a mistrial as Mr. Digiacomo reopened his case to ask the detective where the crime took place. COURT ORDERED, DENIED as the incident took place in Clark county. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury instructions. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 24, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 24, 2010****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** DiGiacomo, Sandra Attorney  
Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. The Court instructed jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Bunin. Rebuttal arguments by Mr. Digiacomo. Officer Wooten SWORN to take charge of the jury.

At the hour of 2:05 PM the jury retired to deliberate. Alternate jurors in seats thirteen, fourteen and fifteen released.

Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 25, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**May 25, 2010****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Denise  
Husted****Reporter/Recorder:  
Janie Olsen Heard  
By: David Wall****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

- IN THE PRESENCE OF THE JURY. At the hour of 2:05 PM, the jury returned with the following verdict:

COUNT I - CONSPIRACY TO COMMIT MURDER - GUILTY COUNT II - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON - GUILTY.

Penalty hearing SET. The Court thanked the jurors and advised them to return on 6/2/10 for the penalty hearing. COURT ORDERED, Defendant HELD WITHOUT BAIL.

CUSTODY

6/2/10 11:00 AM PENALTY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 02, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 02, 2010****11:00 AM****Motion****PENALTY****HEARING Court****Clerk: Denise Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Mr. Bunin opposed Judge Loehrer hearing the penalty phase as Judge Adair has been involved with this case from the beginning and has heard two previous trials in this case. Judge Loehrer stated that the Defendant has already been convicted of first degree murder; Judge Adair is unavailable today and there are no rules precluding another Judge from hearing the Penalty Phase. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. Introductions by the Court. Opening statement by Mr. Digiacomo. Opening statements by Mr. Ericsson. Testimony and exhibits presented per worksheet. State RESTED. Evening recess. MATTER CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 03, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**June 03, 2010****9:30 AM****Petition for Writ of Habeas  
Corpus****PTN FOR WRIT OF  
HABEAS CORPUS  
Relief Clerk: Susan  
Jovanovich /sj  
Reporter/Recorder:  
Janie Olsen Heard  
By: Doug Smith****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Jorgenson, Eric G. Attorney  
Schwarz, Michael H. Attorney

**JOURNAL ENTRIES**

- At request of State, COURT ORDERED, matter CONTINUED for 30 days, for Deft's presence. State to prepare an order for transport.

NDC

MATTER CONTINUED TO: 7-01-10 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 03, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

---

**June 03, 2010****9:30 AM****Motion****PENALTY****HEARING Court****Clerk: Denise Husted****Reporter/Recorder:****Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo Attorney**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding death penalty being sought in this case with other defendants. COURT ORDERED, based on Judge Loehrer's ruling, the jury will be instructed that the State sought the death penalty against Kenneth Counts; it was also sought against defendants' Hidalgo, Jr. and Hidalgo, III, but was withdrawn based on tactical issues. Additionally the jurors will be told that plea negotiations were entered by defendants' Taiopu and Espindola. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling. Defendant admonished that he has the right to take the stand and make an unsworn statement in front of the jury. The Court further advised him of what discussion was proper and what was not proper. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. UNSWORN statement by Deangelo Carroll. Defense RESTED.

The Court instructed jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Ericsson. Closing arguments by Mr. Bunin. CONFERENCE AT BENCH. Closing arguments by Mr. Bunin continued. Rebuttal arguments by Mr. Pesci. At the hour of 5:20 PM, the jury retired to deliberate. Marshall SWORN to take charge of the jury. Evening recess. MATTER CONTINUED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2010

05C212667-1

The State of Nevada vs Kenneth Counts

June 04, 2010

9:30 AM

Motion

**PENALTY  
HEARING Court  
Clerk: Denise Husted  
Reporter/Recorder:  
Janie Olsen Heard  
By: Doug Smith**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Pesci, Giancarlo Attorney

**JOURNAL ENTRIES**

**- IN THE PRESENCE OF THE JURY:**

At the hour of 2:10 PM the jury returned with the following verdict:

Count 2 - MURDER OF THE FIRST DEGREE - Life in the Nevada State Prison with the Possibility of Parole, beginning when a Minimum of 40 Years has been Served;

**SPECIAL VERDICT:**

Deangelo did not come up with the idea to kill Timothy Hadland.

Deangelo was not the shooter.

Deangelo's cooperation led to charges being filed against other defendants.

Deangelo has a low IQ.

Deangelo suffers from dependent personality disorder.

Deangelo can still be a significant part of his grandmother's life.

Deangelo can still be a significant part of his son's life.

The killing did not involve torture or mutilation of the victim.

The killing was not a case of multiple homicides.

Other persons involved in the offense received punishments significantly lower than the punishments Deangelo is facing.

PRINT DATE: 11/22/2010

Page 175 of 178

Minutes Date:

June 27, 2005

SPECIAL VERDICT:

Defendant Deangelo Reshawn Carroll having been found Guilty of Count 2 - Murder of the First Degree - The murder was committed by a person, for himself or another, to receive money or any other thing of monetary value.

The Court thanked and excused jurors from service. COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for sentencing.

CUSTODY

8/12/10 9:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 01, 2010**

05C212667-1

The State of Nevada vs Kenneth Counts

**July 01, 2010****9:30 AM****Petition for Writ of Habeas  
Corpus**

**PTN FOR WRIT OF  
HABEAS CORPUS  
(CONTINUED FROM  
6/03/10) Court Clerk:  
Dameda Scott  
Reporter/Recorder:  
Janie Olsen Heard  
By: Valerie Adair**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Pesci, Giancarlo	Attorney
	Schwarz, Michael H.	Attorney

**JOURNAL ENTRIES**

- Colloquy regarding appeal filed by Defendant Pro Se; confirmed all remaining issues to be heard in Dept. 21 with nothing, including appeal, pending before Nevada Supreme Court. Mr. Schwartz requested continuance and, there being no opposition, COURT ORDERED, matter CONTINUED and Reply due 7/15/10.

NDC

8/19/10 9:30 AM DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 19, 2010**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**August 19, 2010****9:30 AM****Motion****HEARD BY:** Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Denise Husted**RECORDER:** Janie Olsen**REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Pesci, Giancarlo	Attorney
	Schwarz, Michael H.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Schwartz stated the jury did not find the Defendant guilty of the more serious charge and he was convicted as a Habitual Criminal. Additionally, he advised that trial counsel was ineffective at sentencing for not arguing against the Habitual Criminal status. The Court noted that the Defendant was found guilty of Conspiracy to Commit Murder, which does make him a dangerous person. Opposition by Mr. Pesci. COURT FINDS, issue has already been addressed and affirmed by the Supreme Court and ORDERED, motion DENIED.

NDC

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-D	Plaintiff			JUSTICE COURT EXHIBITS		State of Nevada	District Court Criminal/Civil 12/09/2005	Evidence Vault
Comment: ExhibitID : 102204								
P155	Plaintiff			155-155A EVID BAG; 1 PNEUMATIC TUBE W/DI		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 156191								
P192A	Plaintiff			P192A-B CD		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 156242								
DG	Defendant			PHOTO- WOMAN		Counts, Kenneth	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 156260 OBJECTION								
DH	Defendant			PHOTO- OLDER MAN		Counts, Kenneth	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 156261								
DI	Defendant			PHOTO-YOUNG MAN/YELLOW SHIRT		Counts, Kenneth	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 156263								
PCT*1	Plaintiff			NOTES FROM INTERROGATION		State of Nevada	District Court Criminal/Civil 06/01/2010	Evidence Vault
Comment: ExhibitID : 191743								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P1-250	Plaintiff			EXHIBITS USED IN OTHER TRIALS # SAME		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 191831								
P/D	Plaintiff			JUSTICE COURT EXHIBITS		State of Nevada	District Court Criminal/Civil 06/17/2005	Evidence Vault
Comment: ExhibitID : 98326								
P1	Plaintiff	Admitted 04/21/2006		DVD		State of Nevada	District Court Criminal/Civil 04/21/2006	Evidence Vault
Comment: ExhibitID : 108036 NO OBJECTION								
P2	Plaintiff	Admitted 04/21/2006		TRANSCRIPT		State of Nevada	District Court Criminal/Civil 04/21/2006	Evidence Vault
Comment: ExhibitID : 108037 NO OBJECTION								
PCT1	Plaintiff	Admitted 01/30/2007		AFFIDAVIT -BILL FALKNER		State of Nevada	District Court Criminal/Civil 01/30/2007	Evidence Vault
Comment: ExhibitID : 136221 STIPULATION								
P1-	Plaintiff	Admitted 01/31/2008		1-4 - AUTOPSY PHOTO 05-3984		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156028 STIPULATION								
P5-	Plaintiff	Admitted 01/31/2008		CRIME SCENE PHOTO		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156029 STIPULATION								

## Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P6-12	Plaintiff	Admitted 01/31/2008		6-12 CRIME SCENE PHOTO - BODY IN STREET		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156030 STIPULATION								
P13	Plaintiff	Admitted 01/31/2008		PHOTO- BLOODY GLASSES		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156031 STIPULATION								
P14	Plaintiff	Admitted 01/31/2008		14-17 PHOTO-STREET W/EVID		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156032 STIPULATION								
P18	Plaintiff	Admitted 01/31/2008		STREET- EVID 4		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156033 STIPULATION								
P19	Plaintiff	Admitted 01/31/2008		STREET EVID 5		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156034 STIPULATION								
P20	Plaintiff	Admitted 01/31/2008		STREET- EVID 6		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156035 STIPULATION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P21-	Plaintiff	Admitted 01/31/2008		21-22 PHOTO- KIA SPORTAGE		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156036 STIPULATION								
P23-	Plaintiff	Admitted 01/31/2008		PHOTO- KIA SPORTAGE INTERIOR		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156037 STIPULATION								
P24-	Plaintiff	Admitted 01/31/2008		PHOTO- INTERIOR OF CAR- CELL PHONE		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156038 STIPULATION								
P25-	Plaintiff	Admitted 01/31/2008		PHOTO- INTERIOR OF CAR- COOLER		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156039 STIPULATION								
P26	Plaintiff	Admitted 01/31/2008		PHOTO INT OF CAR - BAG		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156040 STIPULATION								
P27	Plaintiff	Admitted 01/31/2008		PHOTO-TRUNK OF CAR ITEMS INSIDE		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156041 STIPULATION								



# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P28	Plaintiff	Admitted	01/31/2008	PHOTO- CELL PHONE		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156042 STIPULATION								
P29	Plaintiff	Admitted	01/31/2008	PHOTO- BAG & CONTENTS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156043 STIPULATION								
P30	Plaintiff	Admitted	01/31/2008	PHOTO- BANK DEPOSIT CASE		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156044 STIPULATION								
P31	Plaintiff	Admitted	01/31/2008	PHOTO- BEER CAN		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156045 STIPULATION								
P32	Plaintiff	Admitted	01/31/2008	PHOTO- INT OF VAN		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156046 STIPULATION								
P33	Plaintiff	Admitted	01/31/2008	PHOTO- BACK OF CHEVY VAN 363 NKS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156047 STIPULATION								

## Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P34-	Plaintiff	Admitted 01/31/2008		34-35 PHOTO - SIDE OF VEHICLE		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156048 STIPULATION								
P36-	Plaintiff	Admitted 01/31/2008		36-37 PHOTO INT OF VAN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156049 STIPULATION								
P38	Plaintiff	Admitted 01/31/2008		PHOTO- VEHICLE WINDOW PRINT LIFTS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156050 STIPULATION								
P39	Plaintiff	Admitted 01/31/2008		39-40 INT OF VAN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156051 STIPULATION								
P41	Plaintiff	Admitted 01/31/2008		PHOTO-PALOMINO CARDS/SPOONS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156052 STIPULATION								
P42	Plaintiff	Admitted 01/31/2008		PHOTO- SEAT W/PALOMINO CARD		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156053 STIPULATION								

## Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P43	Plaintiff	Admitted	01/31/2008	PHOTO- ASH TRAY		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156054 STIPULATION								
P44	Plaintiff	Admitted	01/31/2008	PHOTO- INT OF VAN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156055 STIPULATION								
P45	Plaintiff	Admitted	01/31/2008	PHOTO- ASH TRAY		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156056 STIPULATION								
P46	Plaintiff	Admitted	01/31/2008	PHOTO- BACK SEAT OF VAN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156057 STIPULATION								
P47	Plaintiff	Admitted	01/31/2008	PHOTO- BACK SEAT OF VAN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156058 STIPULATION								
P48	Plaintiff	Admitted	01/31/2008	PHOTO- INT OF VAN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156059 STIPULATION								

# Exhibit List

Case Nbr: 05CC212667-1 Party: Sort Order: Status Defendant Name: Courts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P49	Plaintiff	Admitted 01/31/2008		49-50 PHOTO- INT OF VAN CPHLDER/ASHTRY		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156060 STIPULATION								
P51	Plaintiff	Admitted 01/31/2008		PHOTO-DASH OF VAN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156061 STIPULATION								
P52	Plaintiff	Admitted 01/31/2008		PHOTO- WINDSHLD OF VAN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156062 STIPULATION								
P53	Plaintiff	Admitted 01/31/2008		PHOTO-CUPHLDRS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156063 STIPULATION								
P54	Plaintiff	Admitted 01/31/2008		PHOTO-DASH/ASHTRY/GLV E BX		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156064 STIPULATION								
P55	Plaintiff	Admitted 01/31/2008		PHOTO-DMV/INSRNC PAPERS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156065 STIPULATION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P56	Plaintiff	Admitted 01/31/2008		56-57 PHOTO- DMV ENV/DEANGELO CARROLL		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156066 STIPULATION								
P58	Plaintiff	Admitted 01/31/2008		PHOTO- DRIVERS SEAT		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156067 STIPULATION								
P59	Plaintiff	Admitted 01/31/2008		PHOTO- FRONT SEATS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156068 STIPULATION								
P60	Plaintiff	Admitted 02/04/2008		60-61 HOUSE (ADDRSS 1676		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156069 STIPULATION								
P62	Plaintiff	Admitted 02/04/2008		PHOTO- BLACK CHEVY		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156070 STIPULATION								
P63	Plaintiff	Admitted 02/04/2008		PHOTO- CLTRD PATIO		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156071 STIPULATION								
P64	Plaintiff	Admitted 02/04/2008		PHOTO- SHELVES W/ITEMS		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156072 STIPULATION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P65	Plaintiff	Admitted	02/04/2008	BLACK METAL		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156073 STIPULATION								
P66	Plaintiff	Admitted	02/04/2008	PHOTO BAGS OF BULLETS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156074 STIPULATION								
P67	Plaintiff	Admitted	02/04/2008	PHOTO-FAX MACHINE/MESSY FLOOR		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156075 STIPULATION								
P68	Plaintiff	Admitted	02/04/2008	PHOTO- DINING AREA		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156076 STIPULATION								
P69	Plaintiff	Admitted	02/04/2008	PHOTO DINING TABLE		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156077 STIPULATION								
P70	Plaintiff	Admitted	02/04/2008	PHOTO- CHCKBK- IRENE & KENNETH COUNTS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156078 STIPULATION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P71	Plaintiff	Admitted 02/04/2008		PHOTO-SPRINT BILL- PHOTOS		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156079 STIPULATION								
P72	Plaintiff	Admitted 02/04/2008		PHOTO-MESSY HALLWAY		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156080 STIPULATION								
P73	Plaintiff	Admitted 02/04/2008		73-74 PHOTO-CLOTHES ON FLOOR		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156081 STIPULATION								
P75	Plaintiff	Admitted 02/04/2008		PHOTO-BLACK SHIRT		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156082 STIPULATION								
P76	Plaintiff	Admitted 02/04/2008		PHOTO-BLACK CAP-ITEM 6		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156083 STIPULATION								
P77	Plaintiff	Admitted 02/04/2008		77-78 PHOTO-BLACK GLOVE-ITEM 7 (LEFT)		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156084 STIPULATION								

## Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P79	Plaintiff	Admitted 02/04/2008		PHOTO- BLACK PNTS		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156085 STIPULATION								
P80	Plaintiff	Admitted 02/04/2008		PHOTO- BLUE JEANS ITEM 2		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156086 STIPULATION								
P81	Plaintiff	Admitted 02/04/2008		PHOTO-CURB ADDRESS 1677		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156087 STIPULATION								
P82	Plaintiff	Admitted 02/01/2008		PHOTO- HOUSE		State of Nevada	District Court Criminal/Civil 02/01/2008	Evidence Vault
Comment: ExhibitID : 156088 STIPULATION								
P83	Plaintiff	Admitted 02/04/2008		PHOTO- GARAGE		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156089 STIPULATION								
P84	Plaintiff	Admitted 02/01/2008		PHOTO- HALLWAY/LADDER		State of Nevada	District Court Criminal/Civil 02/01/2008	Evidence Vault
Comment: ExhibitID : 156090 STIPULATION								



# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P85	Plaintiff	Admitted 02/01/2008		85- 88 PHOTO- DISHEVELED LIVING RM		State of Nevada	District Court Criminal/Civil 02/01/2008	Evidence Vault
Comment: ExhibitID : 156091 STIPULATION								
P89	Plaintiff	Admitted 02/04/2008		PHOTO-TV REMOTE/ID CARD		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156092 STIPULATION								
P90	Plaintiff	Admitted 02/04/2008		90-91 PHOTO- FLOOR/ITEMS ON FLOOR		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156093 STIPULATION								
P92	Plaintiff	Admitted 02/04/2008		PHOTO- MISC ITEMS		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156094 STIPULATION								
P93	Plaintiff	Admitted 02/04/2008		PHOTO- POUCH W/CASH		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156095 STIPULATION								
P94	Plaintiff	Admitted 02/04/2008		PHOTO- WALLET NDL IRENE COUNTS		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156096 STIPULATION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P95	Plaintiff	Admitted 02/04/2008		PHOTO- PALOMINO CARDS		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156097 STIPULATION								
P96	Plaintiff	Admitted 02/04/2008		PHOTO- CASH		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156098 STIPULATION								
P97	Plaintiff	Admitted 02/05/2008		PHOTO-SIMONES AUTO		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156099 OBJECTION								
P98	Plaintiff	Admitted 02/05/2008		PHOTO-SAP 6770		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156100 OBJECTION								
P99	Plaintiff	Admitted 02/05/2008		99-101 PHOTO- INT OF BLDG		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156101 OBJECTION								
P102	Plaintiff	Admitted 02/05/2008		PHOTO- DESK		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156102 OBJECTION								
P103	Plaintiff	Admitted 02/05/2008		PHOTO- BRIEF CASE		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156103 OBJECTION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P104	Plaintiff	Admitted 02/05/2008		PHOTO- DESK		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156104 OBJECTION								
P105	Plaintiff	Admitted 02/05/2008		PHOTO- CHCK TO DEANGELO CARROLL		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156105 OBJECTION								
P106	Plaintiff	Admitted 02/05/2008		PHOTO- POOL TABLE		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156106 OBJECTION								
P107	Plaintiff	Admitted 02/05/2008		PHOTO 2 RED CHAIRS		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156107 OBJECTION								
P108	Plaintiff	Admitted 02/05/2008		PHOTO POOL TABLE/POINT BLANK APRON		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156108 OBJECTION								
P109	Plaintiff	Admitted 02/05/2008		PHOTO- MAGAZINE/NOTE ON FRONT		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156109 OBJECTION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P110	Plaintiff	Admitted 02/05/2008		PHOTO- CASH		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156110 OBJECTION								
P111	Plaintiff	Admitted 02/05/2008		PHOTO- INT OF BLDG		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156111 OBJECTION								
P112	Plaintiff	Admitted 02/05/2008		PHOTO- DOOR/HALLWAY		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156112 OBJECTION								
P113	Plaintiff	Admitted 02/05/2008		PHOTO- DOOR #6		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156113 OBJECTION								
P114	Plaintiff	Admitted 02/05/2008		PHOTO- HALL/DISHEVELED ROOM		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156114 OBJECTION								
P115	Plaintiff	Admitted 02/05/2008		PHOTO- DISHEVELED ROOM		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156115 OBJECTION								

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Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P116	Plaintiff	Admitted 02/05/2008		116-117 PHOTO- DISHEVELED DESK		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156116 OBJECTION								
P118	Plaintiff	Admitted 02/05/2008		PHOTO- BIRTH CERT LUIS HIDALGO		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156117 OBJECTION								
P119	Plaintiff	Admitted 02/05/2008		PHOTO- ORDR FOR SAVINGS BONDS		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156118 OBJECTION								
P120	Plaintiff	Admitted 02/05/2008		120-122 PHOTO DISHEVELED ROOM		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156119 OBJECTION								
P123	Plaintiff	Admitted 02/05/2008		PHOTO- BED/ITEMS ON BED		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156120 OBJECTION								
P124	Plaintiff	Admitted 02/05/2008		124-125 PHOTO DISHEVELD ROOM		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156121 OBJECTION								

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Case Nbr: 05CC212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P126	Plaintiff	Admitted 02/05/2008		PHOTO-PPRWK/NTEBOOK		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156122 OBJECTION								
P127	Plaintiff	Admitted 02/05/2008		PHOTO-SAVINGS BOND LUIS HIDALGO		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156123 OBJECTION								
P128	Plaintiff	Admitted 02/05/2008		PHOTO-SS CARD		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156124 OBJECTION								
P129	Plaintiff	Admitted 02/05/2008		129-130 PHOTO- BATHROOM		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156125 OBJECTION								
P131	Plaintiff	Admitted 02/05/2008		PHOTO ITEM ON TILE		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156126 OBJECTION								
P132	Plaintiff	Admitted 02/05/2008		132- 133 PHOTO TOILET		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156127 OBJECTION								

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Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P134	Plaintiff	Admitted 01/31/2008		134-134C BULLET FRAG; UPPR & LWR BRAIN		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156128 STIPULATION								
P135	Plaintiff	Admitted 02/05/2008		PHOTO PALOMINO CLUB		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156129 STIPULATION								
P136	Plaintiff	Admitted 02/05/2008		PHOTO- PALOMINO CLUB BLUEPRINT		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156130 STIPULATION								
P137	Plaintiff	Admitted 02/05/2008		137-141 PHOTO- MONEY		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156131 STIPULATION								
P142	Plaintiff	Admitted 02/05/2008		PHOTO- PAYROLL 5/14/04		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156132 STIPULATION								
P143	Plaintiff	Admitted 02/05/2008		PHOTO- BULLETIN BOARD		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156133 STIPULATION								

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Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P144	Plaintiff	Admitted 02/05/2008		PHOTO- BOX OF CARDS		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156134 STIPULATION								
P145	Plaintiff	Admitted 01/31/2008		METRO PRINT CARD (4 PGS)		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156135 STIPULATION								
P146	Plaintiff	Admitted 01/31/2008		METRO PRINT CARD (2 PGS)		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156136 STIPULATION								
P147	Plaintiff	Admitted 02/04/2008		\$100 DLLR BLL-FNT & BACK (PHOTO)		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156137 STIPULATION								
P148	Plaintiff	Admitted 01/31/2008		EVENT #050519-3516 LST OF EVID		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156138 STIPULATION								
P149	Plaintiff	Admitted 01/31/2008		149-149A BAG W/FARMRS INS CERT LTR FRM		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156139 STIPULATION								



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Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P150-	Plaintiff	Admitted	01/31/2008	150-150A EVID ENV; 42 PALOMINO Bs CARDS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156186 STIPULATION								
P151-	Plaintiff	Admitted	01/31/2008	151-151A 1 PALOMINO CLUB MATCHBOOK		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156187 STIPULATION								
P152	Plaintiff	Admitted	01/31/2008	152-152A: 33 PALOMINO CLUB AD CARDS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156188 STIPULATION								
P153	Plaintiff	Admitted	01/31/2008	153-153A EVID BAGS; BLCK WALLET & CNTNTS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156189 STIPULATION								
P154	Plaintiff	Admitted	01/31/2008	154-154A ENV; 28 PALOMINO CLUB VIP CARDS		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156190 STIPULATION								
P156	Plaintiff	Admitted	01/31/2008	METRO PRINT CARD		State of Nevada	District Court Criminal/Civil 01/31/2008	Evidence Vault
Comment: ExhibitID : 156192 STIPULATION								

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Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P157	Plaintiff	Admitted 02/01/2008		VIDEO (VHS)		State of Nevada	District Court Criminal/Civil 02/01/2008	Evidence Vault
Comment: ExhibitID : 156193 STIPULATION								
P157A	Plaintiff	Admitted 02/01/2008		VOL STMNT		State of Nevada	District Court Criminal/Civil 02/01/2008	Evidence Vault
Comment: ExhibitID : 156194 STIPULATION								
P158	Plaintiff	Admitted 02/05/2008		AERIAL STREET MAP		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156195 STIPULATION								
P159	Plaintiff	Admitted 02/05/2008		AERIAL MAP		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156196 STIPULATION								
P160	Plaintiff	Admitted 02/04/2008		160-160D;ENV;BUS CARD; PAL VIP CRDS		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156197 STIPULATION								
P161	Plaintiff	Admitted 02/04/2008		161-161A EVID ENV & CONT		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156198 STIPULATION								

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Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P162	Plaintiff	Admitted 02/04/2008		162-162A SEALED ENV- CONT 6 BLS \$95.00		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156199 STIPULATION								
P163-	Plaintiff	Admitted 02/04/2008		163-163A ENV; BLACK CLOTH PISTOL CASE		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156203 STIPULATION								
P164	Plaintiff	Admitted 02/04/2008		SEALED EVID ENV		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156204 STIPULATION								
P165	Plaintiff	Admitted 02/04/2008		SEALED EVID ENV		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156206 STIPULATION								
P166	Plaintiff	Admitted 02/04/2008		SEALED ENV		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156210 STIPULATION								
P167	Plaintiff	Admitted 02/04/2008		EVID ENV & CONT SEALED		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156212 STIPULATION								

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Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P168	Plaintiff	Admitted	02/04/2008	SEALED EVID ENV		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156214 STIPULATION								
P169	Plaintiff	Admitted	02/04/2008	GPA JAYSON TAOIPU 6/6/07		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156216 STIPULATION								
P170	Plaintiff	Admitted	02/04/2008	CAB TRIP SHEET		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156217 STIPULATION								
P171	Plaintiff	Admitted	02/04/2008	VIP CARDS PALOMINO		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156219 STIPULATION								
P172	Plaintiff	Admitted	02/04/2008	172-174 LATENT PRINT LIFTS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156221 STIPULATION								
P175	Plaintiff	Admitted	02/04/2008	175-180 PRINTS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156223 STIPULATION								
P181	Plaintiff	Admitted	02/04/2008	\$100 BILL & PRINTS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156224 STIPULATION								

# Exhibit List

Case Nbr: 05CC212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P182	Plaintiff	Admitted	02/05/2008	PHOTO- K J COUNTS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156226 STIPULATION								
P183	Plaintiff	Admitted	02/05/2008	CNTCT SHEET 6/20/05		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156228 STIPULATION								
P184	Plaintiff	Admitted	02/05/2008	CALL DET EXH		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156230 STIPULATION								
P185	Plaintiff	Admitted	02/05/2008	CD 2/1/08		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156231 STIPULATION								
P186	Plaintiff	Admitted	02/05/2008	CD 2/1/08		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156232 STIPULATION								
P187	Plaintiff	Admitted	02/05/2008	KENNETH COUNTS PHONE CALLS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156233 STIPULATION								
P188	Plaintiff	Admitted	02/05/2008	SPRINT DOC 4/26/06		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156234 STIPULATION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P189	Plaintiff	Admitted 02/05/2008		CALL LOG		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156236 STIPULATION								
P190	Plaintiff	Admitted 02/05/2008		NEXTEL DOC		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156237 STIPULATION								
P191	Plaintiff	Admitted 02/05/2008		CD		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156238 STIPULATION								
P191A	Plaintiff	Admitted 02/05/2008		TRANSCRIPT		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156239 STIPULATION								
P191B	Plaintiff	Admitted 02/05/2008		TRANSCRIPT		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156241 STIPULATION								
P193	Plaintiff	Admitted 02/05/2008		193-193A EVID ENV,2 PCS OF PAPER STPLD		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156244 STIPULATION								
P194	Plaintiff	Admitted 02/05/2008		SEALED EVID BAG		State of Nevada	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156246 STIPULATION								

## Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
DA	Defendant	Admitted	02/01/2008	PHOTO-DEANGELO CARROLL		Counts, Kenneth	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156251 STIPULATION								
DB	Defendant	Admitted	02/01/2008	PHOTO-ROANTAE ZONE		Counts, Kenneth	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156252 STIPULATION								
DC	Defendant	Admitted	02/01/2008	PHOTO-JAYSON TAOIPU		Counts, Kenneth	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156253 STIPULATION								
DD	Defendant	Admitted	02/06/2008	PHOTO- CALVIN WILLIAMS		Counts, Kenneth	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156255 STIPULATION								
DE	Defendant	Admitted	02/06/2008	PHOTO- CALVIN WILLIAMS (SIDE VIEW)		Counts, Kenneth	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156257 STIPULATION								
DF	Defendant	Admitted	02/06/2008	PHOTO-6 PEOPLE		Counts, Kenneth	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156258 STIPULATION								

## Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
DJ	Defendant	Admitted 02/05/2008		PHOTO-STREET W/HOUSES		Counts, Kenneth	District Court Criminal/Civil 02/05/2008	Evidence Vault
Comment: ExhibitID : 156265 STIPULATION								
DK	Defendant	Admitted 02/04/2008		LTR FRM JAYSON TAOIPU TO KENNETH COUNTS		Counts, Kenneth	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156266 STIPULATION								
DL	Defendant	Admitted 02/04/2008		LV METRO LINEUP		Counts, Kenneth	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156267 STIPULATION								
DM	Defendant	Admitted 02/06/2008		M-M6 BAG CONT/BLACK SHRT,CAP,GLVES,JEANS		Counts, Kenneth	District Court Criminal/Civil 02/06/2008	Evidence Vault
Comment: ExhibitID : 156268 STIPULATION								
PCT1-	Plaintiff	Admitted 02/04/2008		PET FOR WRIT OF HC JACK PERRY		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156269 STIPULATION								
PCT2-	Plaintiff	Admitted 02/04/2008		POST CONVCTN WRT OF HC JACK PERRY		State of Nevada	District Court Criminal/Civil 02/04/2008	Evidence Vault
Comment: ExhibitID : 156270 STIPULATION								



# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
PCT3-	Plaintiff	Admitted	02/06/2008	NOTES FRM JURORS		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156271 STIPULATION								
PCT4-	Plaintiff	Admitted	02/07/2008	TELEPHONE LOG		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156272 STIPULATION								
P1/	Plaintiff	Admitted	03/20/2008	MINUTE ORDR CNTY OF LA		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156278 OBJECTION								
P2/	Plaintiff	Admitted	03/20/2008	AFFDVT 11/18/99		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156279 OBJECTION								
P3/	Plaintiff	Admitted	03/20/2008	MIN ORDR 8/9/04 CNTY OF LA		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156280 OBJECTION								
P4/	Plaintiff	Admitted	03/20/2008	AFFDVT KENNETH COUNTS X01539522		State of Nevada	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 156282 OBJECTION								

# Exhibit List

Case Nbr: 05C212667-1 Party: Sort Order: Status Defendant Name: Counts, Kenneth DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
D-A	Defendant	Admitted	06/30/2009	ATB SCORE REPORT		Counts, Kenneth	District Court Criminal/Civil	Evidence Vault
Comment: ExhibitID : 192720 NO OBJECTION								

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, 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; EX PARTE MOTION  
FOR ROUGH DRAFT TRANSCRIPTS OF THE ABOVE CAPTIONED CASE; DISTRICT COURT  
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF  
ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBIT LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

KENNETH COUNTS ,

Defendant(s),

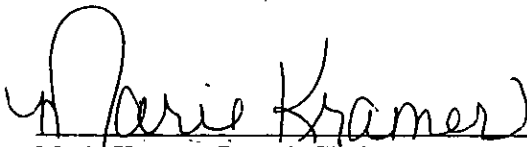
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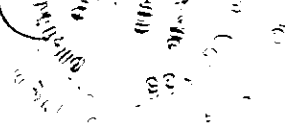
Case No: 05-C-212667-C  
Dept No: XXI

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 22 day of November 2010.

Steven D. Grierson, Clerk of the Court

  
Marie Kramer, Deputy Clerk



ORIGINAL

FILED

Nov 15 2 27 PM '10

NOAS  
MICHAEL H. SCHWARZ, ESQ.  
Nevada Bar No. 5126  
626 S. 7<sup>th</sup> Street  
Las Vegas, Nevada 89101  
(702) 598-3909

DISTRICT COURT  
CLARK COUNTY, NEVADA  
Electronically Filed  
Nov 23 2010 11:00 a.m.  
Tracie K. Lindeman

KENNETH COUNTS,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

CASE NO: 05-C-212667-C

DEPT. NO: XXI

05C212667-1  
NOASC  
Notice of Appeal (criminal)  
1056421



**NOTICE OF APPEAL**

TO: THE HONORABLE VALERIE ADAIR, J., EIGHTH JUDICIAL DISTRICT COURT, IN THE  
STATE OF NEVADA;

TO: DAVID ROGER, CLARK COUNTY DISTRICT ATTORNEY, STATE OF NEVADA;  
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that JOHN FARNUM, the  
Petitioner in the above-entitled action, intends to appeal; and that he does hereby appeal to the Nevada  
Supreme Court of the State of Nevada, in and for the County of Clark, from the judgment of the above-  
entitled Court, denying the Petitioner's Post Conviction Relief, entered on the 16<sup>th</sup> of October, 2010.

This appeal is taken from the whole of the judgement and every part thereof.

This appeal is taken from questions of both law and fact.

DATED THIS 15th day of November, 2010.


  
MICHAEL H. SCHWARZ, ESQ.

LAW OFFICES OF MICHAEL H. SCHWARZ  
626 S. 7<sup>th</sup> Street  
Las Vegas, NV 89101  
Telephone (702) 598-3909 ♦ Fax (702) 366-0280

LAW OFFICES OF MICHAEL H. SCHWARZ  
626 S. 7th Street  
Las Vegas, NV 89101  
Telephone (702) 598-3909 ♦ Fax (702) 366-0280

**CERTIFICATE OF SERVICE**

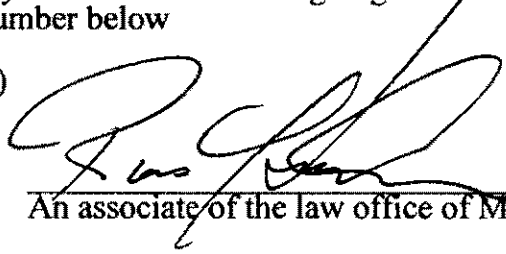
I, the undersigned, hereby acknowledge that on the 15 day of November, 2010, that I personally:

 Deposited the above and foregoing Motion, in a postage prepaid envelope, in the United States Mail and addressed as follows:

David Roger, District Attorney	Nevada Attorney General
200 S. Third Street, 7 <sup>th</sup>	100 N. Carson Street
Las Vegas, Nevada 89155	Carson City, Nevada 89701-4717

☐ Faxed a copy of the above and foregoing Motion to the Defendant or his Counsel at the fax number below

(702)

  
An associate of the law office of Michael H. Schwarz, Esq.

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FILED

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MICHAEL H. SCHWARZ, ESQ.  
Nevada Bar No. 5126  
626 S. 7<sup>th</sup> Street  
Las Vegas, Nevada 89101  
Attorney for the Petitioner/Appellant

DISTRICT COURT

CLERK OF THE COURT

CLARK COUNTY, NEVADA

KENNETH COUNTS,  
Petitioner/Appellant,

CASE NO: 05-C-212667-C  
SCT CASE NO:

DEPT. NO: XXI

vs.

STATE OF NEVADA,  
Respondent.

05C212667-1  
ASTA  
Case Appeal Statement  
1059198



**CASE APPEAL STATEMENT**

1. NAME OF THE APPELLANT FILING CASE APPEAL STATEMENT: **K E N N E T H COUNTS.**
2. IDENTIFY THE JUDGE ISSUING THE DECISION, JUDGMENT, OR ORDER APPEALED FROM: **THE HONORABLE VALERIE ADAIR, J.**
3. IDENTITY OF ALL PARTIES TO THE PROCEEDINGS IN THE DISTRICT COURT:  
**PETITIONER: KENNETH COUNTS**  
**RESPONDENT: THE STATE OF NEVADA**
4. IDENTIFY ALL PARTIES INVOLVED IN THIS APPEAL:  
**APPELLANT: KENNETH COUNTS**  
**RESPONDENT: THE STATE OF NEVADA**
5. SET FORTH THE NAME, LAW FIRM, ADDRESS, AND TELEPHONE NUMBER OF ALL COUNSEL ON APPEAL AND IDENTIFY THE PARTY OR PARTIES WHOM THEY REPRESENT:  
  
**THE APPELLANT:** MICHAEL H. SCHWARZ, ESQ.  
Law Office of Michael H. Schwarz, Esq.  
626 S. 7<sup>th</sup> Street  
Las Vegas, Nevada 89101  
(702) 598-3909  
  
**THE RESPONDENT:** THE STATE OF NEVADA  
David J.J. Roger, District Attorney  
200 S. Third Street, 7<sup>th</sup> Floor  
Las Vegas, Nevada 89155
6. INDICATE WHETHER APPELLANT WAS REPRESENTED BY APPOINTED OR RETAINED COUNSEL IN THE DISTRICT COURT: **RETAINED: MICHAEL H. SCHWARZ, ESQ.**

LAW OFFICES OF MICHAEL H. SCHWARZ  
626 S. 7<sup>th</sup> Street  
Las Vegas, NV 89101  
Telephone (702) 598-3909 ♦ Fax (702) 366-0280

CLERK OF THE COURT

NOV 15 2010

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7. INDICATE WHETHER APPELLANT IS REPRESENTED BY RETAINED OR APPOINTED COUNSEL ON APPEAL: **RETAINED: MICHAEL H. SCHWARZ, ESQ.**

8. INDICATE WHETHER APPELLANT WAS GRANTED LEAVE TO PROCEED IN FORMA PAUPERIS, AND THE DATE OF ENTRY OR THE DISTRICT COURT GRANTING SUCH LEAVE: **NOT APPLICABLE.**

9. INDICATE THE DATE OF THE PROCEEDINGS COMMENCED IN THE DISTRICT COURT. **April 16, 2010.**

DATED this 15 day of November, 2010.



MICHAEL H. SCHWARZ, ESQ.  
Nevada Bar No. 5126  
Law Office of Michael H. Schwarz, Esq.  
626 S. 7<sup>th</sup> Street  
Las Vegas, Nevada 89101  
(702) 598-3909

### CERTIFICATE OF SERVICE

I, the undersigned, hereby acknowledge that on the 15 day of November, 2010, that I personally

☒ Deposited the above and foregoing CASE APPEAL STATEMENT, in a postage prepaid envelope, in the United States Mail and addressed as follows:

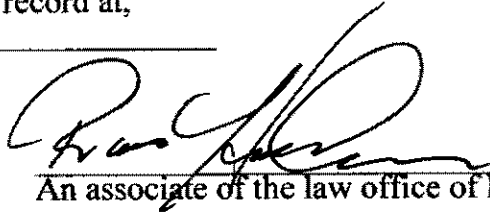
DAVID ROGER, DISTRICT ATTORNEY,  
200 LEWIS, 3RD FLOOR  
LAS VEGAS, NEVADA 89155

GEORGE CHANOS, NV ATTY GEN.  
100 N CARSON STREET  
CARSON CITY, NEVADA 89701-4717

Their last known address(es).

☐ Hand delivered a copy to the Counsel of the opposing party at the above stated address.

☐ Fax'ed a copy of the above and foregoing Motion to the other party and/or his Counsel of record at,  
(702) \_\_\_\_\_



An associate of the law office of Michael H. Schwarz, Esq.

ORIGINAL

FILED

Nov 15 2 27 PM '10

MOT  
MICHAEL H. SCHWARZ, ESQ.  
Nevada Bar No. 5126  
626 S. 7<sup>th</sup> Street  
Las Vegas, Nevada 89101  
(702) 598-3909

DISTRICT COURT

CLERK OF THE COURT

CLARK COUNTY, NEVADA

KENNETH COUNTS,

Petitioner,

CASE NO: 05-C-212667-C

DEPT. NO: XXI

vs.

STATE OF NEVADA,  
ID#

Respondent.

06C212667-1  
EXMT  
Ex Parte Motion  
1056430



**EX PARTE MOTION FOR ROUGH  
DRAFT TRANSCRIPTS OF THE ABOVE  
CAPTIONED CASE**

COMES NOW, the Petitioner, KENNETH COUNTS, by and through his Court Appointed Counsel, MICHAEL H. SCHWARZ, ESQ., and moves this Honorable Court for an Order for the generation of Rough Draft Transcripts for the purposes of appeal.

Date this 15th day of November, 2010.

  
MICHAEL H. SCHWARZ, ESQ.

LAW OFFICES OF MICHAEL H. SCHWARZ

626 South 7<sup>th</sup> Street

Las Vegas, NV 89101

Telephone (702) 598-3909 ♦ Fax (702) 366-0280

RECEIVED  
NOV 15 2010  
CLERK OF THE COURT



DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

**The State of Nevada vs Kenneth Counts**

§	Location:	<b>Department 21</b>
§	Judicial Officer:	<b>Adair, Valerie</b>
§	Filed on:	<b>06/17/2005</b>
§	Case Number History:	
§	Conversion Case Number:	<b>C212667</b>
§	Defendant's Scope ID #:	<b>1525643</b>
§	Lower Court Case Number:	<b>05FB00052</b>

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b> <b>Felony/Gross Misdemeanor</b>
1. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	<b>Case Flags:</b> <b>Consolidated - Lead Case</b> <b>Appealed to Supreme Court</b> <b>Custody Status - Nevada</b> <b>Department of Corrections</b>
1. MURDER.	F	01/01/1900	
1. DEGREES OF MURDER	F	01/01/1900	
2. MURDER.	F	01/01/1900	
2. DEGREES OF MURDER	F	01/01/1900	
2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	

**Related Cases**

05C212667-2 (Multi-Defendant Case)  
05C212667-3 (Multi-Defendant Case)  
05C212667-4 (Multi-Defendant Case)  
05C212667-5 (Multi-Defendant Case)  
08C241394 (Consolidated)

**Statistical Closures**

08/27/2010 Jury Trial - Conviction - Criminal

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	05C212667-1
Court	Department 21
Date Assigned	11/02/2006
Judicial Officer	Adair, Valerie

**PARTY INFORMATION**

<b>Defendant</b>	<b>Counts, Kenneth</b>	<i>Lead Attorneys</i> <b>Schwarz, Michael H.</b> <i>Retained</i> 7025983909(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Roger, David J.</b> 702-671-2700(W)










**DATE**

**EVENTS & ORDERS OF THE COURT**






**INDEX**

01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. MURDER. Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion)	



DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

	1. DEGREES OF MURDER Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. MURDER. Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
05/01/2000	 Judgment <i>VERDICT</i>	05C212667- 10871.tif pages
06/17/2005	 Criminal Bindover <i>CRIMINAL BINDOVER Fee \$0.00</i>	05C212667- 10001.tif pages
06/17/2005	Hearing <i>INITIAL ARRAIGNMENT</i>	05C212667- 10002.tif pages
06/17/2005	 Criminal Bindover <i>CRIMINAL BINDOVER FEE \$0.00</i>	05C212667- 10003.tif pages
06/17/2005	 Criminal Bindover <i>CRIMINAL BINDOVER FEE \$0.00</i>	05C212667- 10004.tif pages
06/17/2005	 Criminal Bindover <i>CRIMINAL BINDOVER FEE \$0.00</i>	05C212667- 10005.tif pages
06/20/2005	 Information <i>INFORMATION</i>	05C212667- 10011.tif pages
06/20/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>	05C212667- 10012.tif pages
06/23/2005	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>	05C212667- 10013.tif pages
06/27/2005	<b>Initial Arraignment</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/17/2005 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
07/01/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PRELIMINARY HEARING</i>	05C212667- 10016.tif pages
		05C212667-

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

07/06/2005	Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL / STATUS</i>	10017.tif pages
07/06/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667- 10018.tif pages
07/06/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667- 10019.tif pages
07/06/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667- 10020.tif pages
07/06/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667- 10021.tif pages
07/11/2005	<b>Request</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/06/2005 Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL / STATUS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
07/11/2005	Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS</i>	05C212667- 10022.tif pages
07/11/2005	Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS</i>	05C212667- 10023.tif pages
07/11/2005	Hearing <i>STATUS CHECK: TRIAL</i>	05C212667- 10024.tif pages
07/12/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES REQUEST FOR APPOINTMENT OF COUNSEL/STATUS</i>	05C212667- 10025.tif pages
07/14/2005	<b>Request</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/11/2005 Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>	
07/14/2005	<b>Request</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/11/2005 Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>	
07/14/2005	<b>Status Check</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/11/2005 Hearing <i>STATUS CHECK: TRIAL</i>	
07/14/2005	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 7/14/05 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
07/14/2005	Motion <i>ALL PENDING MOTIONS 7/14/05</i>	05C212667- 10026.tif pages











DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

07/14/2005	 Order <i>ORDER FOR TRANSCRIPT</i>	05C212667- 10027.tif pages
07/15/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK TRIAL SETTING STATES REQUEST FOR APPOINTMENT OF COUNSEL APPOINTMENT OF COUNSEL</i>	05C212667- 10028.tif pages
07/20/2005	Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/10</i>	05C212667- 10030.tif pages
07/20/2005	 Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/11</i>	05C212667- 10031.tif pages
07/21/2005	Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/09</i>	05C212667- 10029.tif pages
08/01/2005	 Motion <i>DEFT'S MTN FOR REDUCTION IN BAIL OR FOR RELEASE ON HOUSE ARREST/12</i>	05C212667- 10032.tif pages
08/03/2005	Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13</i>	05C212667- 10033.tif pages
08/03/2005	 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14</i>	05C212667- 10034.tif pages
08/04/2005	<b>Request</b> (9:00 AM) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>	
08/04/2005	<b>Request</b> (9:00 AM) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>	
08/04/2005	<b>Status Check</b> (9:00 AM) <i>STATUS CHECK: TRIAL</i>	
08/04/2005	<b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/21/2005 Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/09 Heard By: Donald Mosley</i>	
08/04/2005	<b>Motion to Compel</b> (9:00 AM) Events: 07/20/2005 Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/10</i>	
08/04/2005	<b>Motion to Compel</b> (9:00 AM) Events: 07/20/2005 Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/11</i>	
08/04/2005	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 08/01/2005 Motion <i>DEFT'S MTN FOR REDUCTION IN BAIL OR FOR RELEASE ON HOUSE ARREST/12 Heard By: Donald Mosley</i>	







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08/04/2005	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 8/4/05 Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
08/04/2005	Motion <i>ALL PENDING MOTIONS 8/4/05</i>	05C212667-10035.tif pages
08/04/2005	 Certificate <i>CERTIFICATE OF SERVICE</i>	05C212667-10036.tif pages
08/09/2005	Conversion Case Event Type <i>ARGUMENT ON WRITS</i>	05C212667-10037.tif pages
08/09/2005	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST ALTERNATIVE FOR RELEASE ON HOUSE ARREST</i>	05C212667-10038.tif pages
08/10/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>	05C212667-10039.tif pages
08/10/2005	 Order <i>ORDER THAT WRIT OF HABEAS CORPUS ISSUE</i>	05C212667-10040.tif pages
08/10/2005	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT</i>	05C212667-10041.tif pages
08/11/2005	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR REDUCTION IN BAIL OR FOR RELEASE ON HOUSE ARREST/12 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
08/11/2005	 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /17</i>	05C212667-10042.tif pages
08/11/2005	 Receipt of Copy <i>RECEIPT OF COPY</i>	05C212667-10043.tif pages
08/11/2005	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10044.tif pages
08/11/2005	 Supplement <i>SUPPLEMENT TO KENNETH COUNTS MOTION FOR A REDUCTION IN BAIL AND/OR HOUSE ARREST - RELATED PARTYID: 05C212667_0001</i>	05C212667-10048.tif pages
08/12/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANT COUNTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST ALTERNATIVE FOR RELEASE ON HOUSE ARREST</i>	05C212667-10045.tif pages
08/16/2005		05C212667-






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	 Order <i>ORDER GRANTING MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES</i>	10046.tif pages
08/16/2005	 Order <i>ORDER DENYING DEFENANTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST ALTERNATIVE FOR RELEASE ON HOUSE ARREST</i>	05C212667-10047.tif pages
08/18/2005	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 08/03/2005 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13 Heard By: Donald Mosley</i>	
08/18/2005	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 08/03/2005 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14 Heard By: Donald Mosley</i>	
08/19/2005	Petition <i>PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 05C212667_0002</i>	05C212667-10049.tif pages
08/19/2005	 Petition <i>PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 05C212667_0002</i>	05C212667-10050.tif pages
08/23/2005	<b>CANCELED Calendar Call</b> (9:00 AM) <i>Vacated</i>	
08/24/2005	 Writ <i>RETURN TO WRIT OF HABEAS CORPUS</i>	05C212667-10051.tif pages
08/25/2005	 Order <i>ORDER</i>	05C212667-10052.tif pages
08/25/2005	 Receipt of Copy <i>RECEIPT OF COPY</i>	05C212667-10053.tif pages
08/25/2005	 Writ <i>WRIT OF HABEAS CORPUS</i>	05C212667-10054.tif pages
08/29/2005	<b>CANCELED Jury Trial</b> (1:30 PM) <i>Vacated</i>	
08/30/2005	 Writ <i>RETURN TO WRIT OF HABEAS CORPUS</i>	05C212667-10055.tif pages
08/31/2005	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	05C212667-10056.tif pages
08/31/2005	 Notice <i>NOTIFICATION OF MEDIA REQUEST</i>	05C212667-10057.tif pages
08/31/2005		05C212667-

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	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>	10867.tif pages
08/31/2005	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>	05C212667-10868.tif pages
09/16/2005	 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18</i>	05C212667-10058.tif pages
09/16/2005	 Order <i>NUNC PRO TUNC ORDER APPOINTING ATTORNEY DANIEL M BUNIN AND ATTORNEY DAYVID J FIGLER FIGLER- RELATED PARTYID: 05C212667_0004</i>	05C212667-10059.tif pages
09/21/2005	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 09/16/2005 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i>	
09/22/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANT'S MOTION FOR APPOINTMENT OF CO-COUNSEL DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS</i>	05C212667-10062.tif pages
09/23/2005	 Reply <i>REPLY TO RETURN TO WRIT OF HABEAS CORPUS</i>	05C212667-10060.tif pages
09/27/2005	<b>Request</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>	
09/27/2005	<b>Request</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>	
09/27/2005	<b>Status Check</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>STATUS CHECK: TRIAL</i>	
09/27/2005	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13 Heard By: Donald Mosley</i>	
09/27/2005	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14 Heard By: Donald Mosley</i>	
09/27/2005	<b>Hearing</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 08/09/2005 Conversion Case Event Type <i>ARGUMENT ON WRITS Heard By: Donald Mosley</i>	
09/27/2005	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 08/11/2005 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /17</i>	
09/27/2005	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 9/27/05 Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	

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09/27/2005	Motion <i>ALL PENDING MOTIONS 9/27/05</i>	05C212667-10061.tif pages
10/05/2005	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18 Heard By: Donald Mosley</i>	
10/06/2005	<b>Request</b> (9:00 AM) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>	
10/06/2005	<b>Request</b> (9:00 AM) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>	
10/06/2005	<b>Status Check</b> (9:00 AM) <i>STATUS CHECK: TRIAL</i>	
10/06/2005	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13 Heard By: Donald Mosley</i>	
10/06/2005	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14 Heard By: Donald Mosley</i>	
10/06/2005	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /17</i>	
10/06/2005	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18 Heard By: Donald Mosley</i>	
10/06/2005	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 10/6/05 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
10/06/2005	Motion <i>ALL PENDING MOTIONS 10/6/05</i>	05C212667-10063.tif pages
10/07/2005	 Order <i>ORDER FOR TRANSCRIPT</i>	05C212667-10066.tif pages
10/07/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PETITION FOR WRIT OF HABEAS CORPUS</i>	05C212667-10067.tif pages
10/13/2005	 Order <i>ORDER APPOINTING COUNSEL</i>	05C212667-10068.tif pages
10/19/2005	 Order <i>ORDER DENYING DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS</i>	05C212667-10069.tif pages
10/21/2005	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT</i>	05C212667-10070.tif pages
		05C212667-











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10/21/2005	 Order ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0002	10071.tif pages
10/24/2005	 Application EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003	05C212667-10072.tif pages
10/26/2005	 Application EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0002	05C212667-10073.tif pages
11/09/2005	 Motion STATE'S MTN TO FILE AMENDED NTC ALLEGING AN ADDITIONAL AGGRAVATION /23	05C212667-10074.tif pages
11/10/2005	 Application EX PARTE APPLICATION FOR DEFENSE COUNSEL TO OBTAIN COPIES OF SCOPES FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS-RELATED PARTYID: 05C212667_0001	05C212667-10075.tif pages
11/10/2005	 Application EX PARTE APPLICATION FOR APPOINTMENT OF INVESTIGATOR - RELATED PARTYID: 05C212667_0001	05C212667-10076.tif pages
11/14/2005	 Motion DEFT'S MTN TO SEVER /24	05C212667-10077.tif pages
11/14/2005	 Ex Parte AMENDED EX PARTE APPLICATION FOR DEFENSE COUNSEL TO OBTAIN COPIES OF SCOPES FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS	05C212667-10078.tif pages
11/23/2005	 Opposition STATES OPPOSITION TO DEFENDANTS COUNTS MOTION TO SEVER	05C212667-10079.tif pages
11/23/2005	 Response STATES RESPONSE TO DEFENDANTS AMENDED EX PARTE APPLICATION FOR DEFENSE COUNSEL TO OBTAIN COPIES OF SCOPEN FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS COUNSEL TO OBTAIN COPIES OF SCOPEN FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS	05C212667-10081.tif pages
11/28/2005	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 11/09/2005 Motion STATE'S MTN TO FILE AMENDED NTC ALLEGING AN ADDITIONAL AGGRAVATION /23 Heard By: Donald Mosley	
11/28/2005	<b>Motion to Sever</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 11/14/2005 Motion DEFT'S MTN TO SEVER /24 Heard By: Donald Mosley	
11/28/2005	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Pavlikowski, Joseph) ALL PENDING MOTIONS 11/28/05 Court Clerk: Linda Skinner Reporter/Recorder: Joe	

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*D'Amato Heard By: Joseph Pavlikowski*

11/28/2005	Motion <i>ALL PENDING MOTIONS 11/28/05</i>	05C212667-10080.tif pages
11/28/2005	 Opposition <i>KENNETH COUNTS OPPOSITION TO MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE AND MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES ADDITIONAL AGGRAVATING CIRCUMSTANCE AND MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES- RELATED PARTYID: 05C212667_0001</i>	05C212667-10082.tif pages
12/07/2005	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO KENNETH COUNTS MOTION TO SEVER DEFENDANTS SEVER DEFENDANTS- RELATED PARTYID: 05C212667_0001</i>	05C212667-10083.tif pages
12/08/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0002</i>	05C212667-10084.tif pages
12/09/2005	Hearing <i>INITIAL ARRAIGNMENT</i>	05C212667-10085.tif pages
12/09/2005	 Criminal Bindover <i>CRIMINAL BINDOVER</i>	05C212667-10086.tif pages
12/09/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>	05C212667-10087.tif pages
12/12/2005	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>STATE'S MTN TO FILE AMENDED NTC ALLEGING AN ADDITIONAL AGGRAVATION /23 Heard By: Donald Mosley</i>	
12/12/2005	<b>Motion to Sever</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO SEVER /24 Heard By: Donald Mosley</i>	
12/12/2005	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 12/12/05 Court Clerk: Linda Skimmer Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
12/12/2005	 Motion <i>DEFT'S MTN TO STRIKE /27</i>	05C212667-10090.tif pages
12/12/2005	Motion <i>ALL PENDING MOTIONS 12/12/05</i>	05C212667-10091.tif pages
12/12/2005	 Information <i>INFORMATION</i>	05C212667-10092.tif pages
12/12/2005	 Notice of Intent to Seek Death Penalty <i>AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667-10093.tif pages


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12/13/2005	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0003</i>	05C212667-10094.tif pages
12/15/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C212667-10095.tif pages
12/16/2005	 Order <i>ORDER TO ALLOW RICHARD FRANKY LPI AND/OR AN AGENT OF RDF INVESTIGATIVE AGENCY SPECIFICALLY INVESTIGATOR LIZA GRIPENTROG WHO ARE EMPLOYED AS THE INVESTIGATORS BY THE LAW OFFICES OF BUNIN &amp; BUNIO LTD CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER AGENCY SPECIFICALLY INVESTIGATOR LIZA GRIPENTROG WHO ARE EMPLOYED AS THE INVESTIGATORS BY THE LAW OFFICES OF BUNIN &amp; BUNIO LTD CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER- RELATED PARTYID: 05C212667_0004</i>	05C212667-10096.tif pages
12/16/2005	 Order <i>ORDER - RELATED PARTYID: 05C212667_0004</i>	05C212667-10097.tif pages
12/16/2005	 Ex Parte <i>EX PARTE APPLICATION TO APPOINT INVESTIGATOR</i>	05C212667-10098.tif pages
12/19/2005	 Order <i>ORDER GRANTING THE STATES MOTION TO AMEND THE NOTICE OF INTENT TO SEEK THE DEATH PENALTY THE DEATH PENALTY</i>	05C212667-10099.tif pages
12/19/2005	 Order <i>ORDER DENYING DEFENDANTS MOTION TO SEVER</i>	05C212667-10100.tif pages
12/21/2005	<b>Initial Arraignment</b> (9:00 AM) (Judicial Officer: Thompson, Charles) Events: 12/09/2005 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson/sa Relief Clerk: Kathleen Arnold Reporter/Recorder: Kiara Schmidt Heard By: J. CHARLES THOMPSON</i>	
12/21/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS HIDALGOS AND ESPINDOLAS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667-10104.tif pages
12/22/2005	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 12/12/2005 Motion <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>	
12/22/2005	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO STRIKE Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i>	
12/22/2005	Motion <i>DEFT'S MTN TO STRIKE</i>	05C212667-10103.tif pages
12/23/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANTS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY SEEK DEATH PENALTY</i>	05C212667-10105.tif pages

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01/05/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY DEATH PENALTY</i>	05C212667-10106.tif pages
01/11/2006	 Application <i>EX PARTE APPLICATION FOR APPOINTMENT OF INVESTIGATOR - RELATED PARTYID: 05C212667_0001</i>	05C212667-10107.tif pages
01/19/2006	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>	
01/19/2006	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S MTN TO STRIKE Heard By: Donald Mosley</i>	
01/19/2006	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 1/19/06 Court Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
01/19/2006	Motion <i>ALL PENDING MOTIONS 1/19/06</i>	05C212667-10108.tif pages
01/26/2006	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>	05C212667-10109.tif pages
01/26/2006	 Order <i>ORDER</i>	05C212667-10110.tif pages
02/02/2006	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>	
02/02/2006	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S MTN TO STRIKE Heard By: Donald Mosley</i>	
02/02/2006	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 2/2/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
02/02/2006	Motion <i>ALL PENDING MOTIONS 2/2/06</i>	05C212667-10111.tif pages
02/09/2006	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>	05C212667-10112.tif pages
02/09/2006	 Application <i>EX PARTE APPLICATION FOR ORDER FOR CONTACT VISITS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10113.tif pages
02/10/2006	 Motion <i>DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT PENALTY PHASE/34</i>	05C212667-10114.tif pages
02/10/2006	 Motion <i>DEFT'S MTN TO FEDERALIZE ALL MTNS/35</i>	05C212667-10115.tif pages





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02/10/2006	 Motion <i>DEFT'S MTN FOR INDIVIDUAL VOIR DIRE/36</i>	05C212667-10116.tif pages
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO INCLUDE AUTOPSY, CRIME SCENE &amp; OTHER PHOTOGRAPHS/37</i>	05C212667-10117.tif pages
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE INTRODUCTION OF VICTIM IMPACT EVID/38</i>	05C212667-10118.tif pages
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PROHIBIT ANY REF TO FIRST PHRASE/39</i>	05C212667-10119.tif pages
02/10/2006	 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/40</i>	05C212667-10120.tif pages
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO BAR IMPROPER PROSEC ARGUMNT/41</i>	05C212667-10121.tif pages
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION/42</i>	05C212667-10122.tif pages
02/10/2006	 Motion <i>DEFT'S MTN FOR DISCOVERY &amp; EVID HEARING/43</i>	05C212667-10123.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10124.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10125.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10126.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10127.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10128.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10129.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10130.tif pages

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**CASE No. 05C212667-1**

02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10131.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10132.tif pages
02/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10133.tif pages
02/13/2006	 Motion <i>DEFT'S MTN FOR DISQUALIFICATION FROM THE JURY VENIRE/44</i>	05C212667-10134.tif pages
02/13/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10135.tif pages
02/15/2006	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE IMPACT EVIDENCE</i>	05C212667-10136.tif pages
02/15/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES</i>	05C212667-10137.tif pages
02/15/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO FEDERALIZE ALL MOTIONS OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE</i>	05C212667-10138.tif pages
02/15/2006	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE GUILT PHASE THE FIRST PHASE AS THE GUILT PHASE</i>	05C212667-10139.tif pages
02/15/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE</i>	05C212667-10140.tif pages
02/15/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE AUTOPSY CRIME SCENE AND OTHER GRUESOME PHOTOGRAPHS SCENE AND OTHER GRUESOME PHOTOGRAPHS</i>	05C212667-10141.tif pages
02/15/2006	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER</i>	05C212667-10142.tif pages

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02/15/2006	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION TO BIFURCATE PENALTY PHASE</i>	05C212667-10143.tif pages
02/15/2006	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT ARGUMENT</i>	05C212667-10144.tif pages
02/15/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNEER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT REGARDING THE MANNEER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT</i>	05C212667-10145.tif pages
02/15/2006	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION TO ARGUE LAST AT THE PENALTY PHASE</i>	05C212667-10146.tif pages
02/17/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>	
02/17/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO STRIKE Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT PENALTY PHASE/34 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN TO FEDERALIZE ALL MTNS/35 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN FOR INDIVIDUAL VOIR DIRE/36 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN IN LIMINE TO INCLUDE AUTOPSY, CRIME SCENE &amp; OTHER PHOTOGRAPHS/37 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE INTRODUCTION OF VICTIM IMPACT EVID/38 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN IN LIMINE TO PROHIBIT ANY REFTO FIRST PHRASE/39 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion to Bifurcate</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/40 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion	

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	<i>DEFT'S MTN IN LIMINE TO BAR IMPROPER PROSEC ARGUMNT/41 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION/42 Heard By: Donald Mosley</i>	
02/21/2006	<b>Motion for Discovery</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/10/2006 Motion <i>DEFT'S MTN FOR DISCOVERY &amp; EVID HEARING/43 Heard By: Donald Mosley</i>	
02/22/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING</i>	05C212667-10147.tif pages
02/27/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 02/13/2006 Motion <i>DEFT'S MTN FOR DISQUALIFICATION FROM THE JURY VENIRE/44 Heard By: Donald Mosley</i>	
02/28/2006	 Order <i>ORDER - RELATED PARTYID: 05C212667_0005</i>	05C212667-10148.tif pages
03/03/2006	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>	05C212667-10149.tif pages
03/03/2006	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0002</i>	05C212667-10150.tif pages
03/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10151.tif pages
03/10/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES- RELATED PARTYID: 05C212667_0001</i>	05C212667-10152.tif pages
03/15/2006	 Motion <i>DEFT'S MTN FOR SEVERANCE/45</i>	05C212667-10153.tif pages
03/15/2006	 Appearance <i>NOTICE OF APPEARANCE OF COUNSEL - RELATED PARTYID: 05C212667_0003</i>	05C212667-10154.tif pages
03/15/2006	 Notice <i>NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANTS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY NOTICE OF INTENT TO SEEK DEATH PENALTY- RELATED PARTYID: 05C212667_0003</i>	05C212667-10155.tif pages
03/16/2006	 Motion	05C212667-



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	<i>DEFT'S MTN TO SUPPRESS STATEMENT/46</i>	10156.tif pages
03/17/2006	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S MTN TO STRIKE Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT PENALTY PHASE/34 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO FEDERALIZE ALL MTNS/35 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR INDIVIDUAL VOIR DIRE/36 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN IN LIMINE TO INCLUDE AUTOPSY, CRIME SCENE &amp; OTHER PHOTOGRAPHS/37 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN IN LIMINE TO PRECLUDE INTRODUCTION OF VICTIM IMPACT EVID/38 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN IN LIMINE TO PROHIBIT ANY REFTO FIRST PHRASE/39 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion to Bifurcate</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/40 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN IN LIMINE TO BAR IMPROPER PROSEC ARGUMENT/41 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION/42 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion for Discovery</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR DISCOVERY &amp; EVID HEARING/43 Heard By: Donald Mosley</i>	
03/17/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR DISQUALIFICATION FROM THE JURY VENIRE/44 Heard By: Donald Mosley</i>	
03/17/2006	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 3/17/06 Relief Clerk: Jennifer Lott Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
03/17/2006	Motion <i>ALL PENDING MOTIONS 3/17/06</i>	05C212667-10157.tif pages
03/17/2006	Hearing <i>EVIDENTIARY HEARING</i>	05C212667-10158.tif pages

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03/21/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C212667- 10159.tif pages
03/27/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 03/15/2006 Motion <i>DEFT'S MTN FOR SEVERANCE/45 Heard By: Donald Mosley</i>	
03/27/2006	<b>Motion to Suppress</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 03/16/2006 Motion <i>DEFT'S MTN TO SUPPRESS STATEMENT/46 Heard By: Donald Mosley</i>	
03/27/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO SUPPRESS STATEMENT</i>	05C212667- 10160.tif pages
04/05/2006	Hearing <i>STATE'S REQUEST FOR CLARIFICATION OF RULING</i>	05C212667- 10161.tif pages
04/11/2006	<b>Request</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 04/05/2006 Hearing <i>STATE'S REQUEST FOR CLARIFICATION OF RULING Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
04/20/2006	 Subpoena Duces Tecum <i>SUBPOENA - RELATED PARTYID: 05C212667_0005</i>	05C212667- 10162.tif pages
04/20/2006	 Subpoena Duces Tecum <i>SUBPOENA - RELATED PARTYID: 05C212667_0004</i>	05C212667- 10163.tif pages
04/20/2006	 Subpoena Duces Tecum <i>SUBPOENA - RELATED PARTYID: 05C212667_0005</i>	05C212667- 10164.tif pages
04/21/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR SEVERANCE/45 Heard By: Donald Mosley</i>	
04/21/2006	<b>Motion to Suppress</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO SUPPRESS STATEMENT/46 Heard By: Donald Mosley</i>	
04/21/2006	<b>Evidentiary Hearing</b> (9:00 AM) Events: 03/17/2006 Hearing <i>EVIDENTIARY HEARING</i>	
04/21/2006	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 4/21/06 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
04/21/2006	 Application <i>EX PARTE APPLICATION FOR REQUEST OF FUNDS</i>	05C212667- 10165.tif pages
04/21/2006	 Order <i>ORDER FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10166.tif pages
04/24/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT EVIDENTIARY HEARING DEFENDANTS MOTION FOR</i>	05C212667- 10168.tif pages

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	<i>SEVERANCE AND MOTION TO SUPPRESS STATEMENT SEVERANCE AND MOTION TO SUPPRESS STATEMENT</i>	
05/01/2006	Motion <i>ALL PENDING MOTIONS 4/21/06</i>	05C212667-10169.tif pages
05/19/2006	 Order <i>ORDER FOR EXCESS FEES - RELATED PARTYID: 05C212667_0001</i>	05C212667-10170.tif pages
05/19/2006	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES - RELATED PARTYID: 05C212667_0001</i>	05C212667-10171.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGES/51</i>	05C212667-10172.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGE/52</i>	05C212667-10173.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE /53</i>	05C212667-10174.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE/54</i>	05C212667-10175.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /55</i>	05C212667-10176.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /56</i>	05C212667-10177.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY /57</i>	05C212667-10178.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY /58</i>	05C212667-10179.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /59</i>	05C212667-10180.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /60</i>	05C212667-10181.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /61</i>	05C212667-10182.tif pages
06/15/2006	Motion	05C212667-


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	<i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /62</i>	10183.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS &amp; PREJUDICE /63</i>	05C212667- 10184.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS &amp; PREJUDICE /64</i>	05C212667- 10185.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /65</i>	05C212667- 10186.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /66</i>	05C212667- 10187.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /67</i>	05C212667- 10188.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /68</i>	05C212667- 10189.tif pages
06/15/2006	Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/69</i>	05C212667- 10190.tif pages
06/15/2006	 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/70</i>	05C212667- 10191.tif pages
06/15/2006	 Motion <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /71</i>	05C212667- 10192.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /72</i>	05C212667- 10193.tif pages
06/15/2006	 Motion <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS &amp; OTHER COURT PERSONNEL /73</i>	05C212667- 10194.tif pages
06/15/2006	Motion <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS &amp; OTHER COURT PERSONNEL /74</i>	05C212667- 10195.tif pages
06/15/2006	 Motion <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /75</i>	05C212667- 10196.tif pages
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	<i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /76</i>	<i>10197.tif pages</i>
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06/15/2006	Motion <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /78</i>	<i>05C212667-10199.tif pages</i>
06/15/2006	 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /79</i>	<i>05C212667-10200.tif pages</i>
06/15/2006	Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /80</i>	<i>05C212667-10201.tif pages</i>
06/15/2006	 Motion <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL /81</i>	<i>05C212667-10202.tif pages</i>
06/15/2006	Motion <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL /82</i>	<i>05C212667-10203.tif pages</i>
06/15/2006	 Motion <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /83</i>	<i>05C212667-10204.tif pages</i>
06/15/2006	Motion <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /84</i>	<i>05C212667-10205.tif pages</i>
06/15/2006	 Motion <i>DEFT'S MTN TO PROHIBIT EVID &amp; ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/85</i>	<i>05C212667-10206.tif pages</i>
06/15/2006	Motion <i>DEFT'S MTN TO PROHIBIT EVID &amp; ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/86</i>	<i>05C212667-10207.tif pages</i>
06/15/2006	 Motion <i>DEFT'S MTN TO DECLARE NRS 704.206 UNCONSTITUTIONAL /87</i>	<i>05C212667-10208.tif pages</i>
06/15/2006	Motion <i>DEFT'S MTN TO DECLARD NRS 704.206 UNCONSTITUTIONAL /88</i>	<i>05C212667-10209.tif pages</i>
06/15/2006	 Motion <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS' PERSONAL &amp; PROF EXPERIENCE /89</i>	<i>05C212667-10210.tif pages</i>

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06/15/2006	 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /91</i>	05C212667-10212.tif pages
06/15/2006	Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /92</i>	05C212667-10213.tif pages
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGES/51 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGE/52 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE /53 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE/54 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /55 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /56 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASEDUPON UNCONSTITUTIONALITY /57 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASEDUPON UNCONSTITUTIONALITY /58 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /59 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /60 Heard By: Donald Mosley</i>	

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06/26/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /61 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /62 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS &amp; PREJUDICE /63 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS &amp; PREJUDICE /64 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /65 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /66 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /67 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /68 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/69 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/70 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /71 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /72 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS &amp; OTHER COURT</i>




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*PERSONNEL /73 Heard By: Donald Mosley*


06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS &amp; OTHER COURT PERSONNEL /74 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /75 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /76 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /77 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /78 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion to Bifurcate</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /79 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion to Bifurcate</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /80 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURYINSTRUCTIONS AT CALENDAR CALL /81 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURYINSTRUCTIONS AT CALENDAR CALL /82 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /83 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /84 Heard By: Donald Mosley</i>
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT EVID &amp; ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/85 Heard By: Donald Mosley</i>



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06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT EVID &amp; ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/86 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DECLARE NRS 704.206 UNCONSTITUTIONAL /87 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DECLARD NRS 704.206 UNCONSTITUTIONAL /88 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS' PERSONAL &amp; PROF EXPERIENCE /89 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS PER &amp; PROF EXPERIENCE /90 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /91 Heard By: Donald Mosley</i>	
06/26/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /92 Heard By: Donald Mosley</i>	
06/26/2006	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 6/26/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
06/26/2006	Motion <i>ALL PENDING MOTIONS 6/26/06</i>	05C212667-10214.tif pages
06/26/2006	Hearing <i>STATUS CHECK: TRIAL DATE</i>	05C212667-10215.tif pages
06/26/2006	Hearing <i>STATUS CHECK: TRIAL DATE</i>	05C212667-10216.tif pages
06/27/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C212667-10225.tif pages
06/28/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	05C212667-10227.tif pages
06/29/2006	 Motion <i>DEFT'S MTN TO VACATE TRIAL DATE /104 (VJ 6/30/06)</i>	05C212667-10226.tif pages





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06/30/2006	<b>Status Check</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>STATUS CHECK: TRIAL DATE</i>	
06/30/2006	<b>Status Check</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>STATUS CHECK: TRIAL DATE</i>	
06/30/2006	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 6/30/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
07/03/2006	 Expert Witness List <i>NOTICE OF WITNESSES</i>	05C212667- 10238.tif pages
07/03/2006	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>	05C212667- 10239.tif pages
07/05/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C212667- 10241.tif pages
07/06/2006	<b>Status Check</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/26/2006 Hearing <i>STATUS CHECK: TRIAL DATE</i>	
07/06/2006	<b>Status Check</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 06/26/2006 Hearing <i>STATUS CHECK: TRIAL DATE</i>	
07/06/2006	Motion <i>ALL PENDING MOTIONS 6/30/06</i>	05C212667- 10240.tif pages
07/10/2006	<b>CANCELED Motion to Vacate</b> (9:00 AM) Events: 06/29/2006 Motion <i>Vacated</i>	
07/18/2006	<b>CANCELED Calendar Call</b> (9:00 AM) <i>Vacated</i>	
07/18/2006	<b>CANCELED Calendar Call</b> (9:00 AM) <i>Vacated</i>	
07/18/2006	<b>CANCELED Calendar Call</b> (9:00 AM) <i>Vacated</i>	
07/24/2006	<b>CANCELED Jury Trial</b> (1:30 PM) <i>Vacated</i>	
07/24/2006	<b>CANCELED Jury Trial</b> (1:30 PM) <i>Vacated</i>	
07/24/2006	<b>CANCELED Jury Trial</b> (1:30 PM) <i>Vacated</i>	
07/27/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF EVID OF ARREST/FLIGHT /116</i>	05C212667- 10242.tif pages

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07/27/2006	 Motion <i>DEFT'S MTN TO DISMISS DEATH PENALTY DUE TO FED DUE PROCESS VIOLATIONS /117</i>	05C212667-10243.tif pages
07/27/2006	 Motion <i>DEFT'S MTN FOR REDUCTION OF BAIL / RELEASE ON HOUSE ARREST /118</i>	05C212667-10244.tif pages
07/27/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF PHONE/119</i>	05C212667-10245.tif pages
07/27/2006	 Motion <i>DEFT'S MTN FOR RELEASE OF JUVENILE RECORDS /120</i>	05C212667-10246.tif pages
07/27/2006	 Motion <i>DEFT'S MTN FOR DISCLOSURE OF EXCULPATORY EVID /121</i>	05C212667-10247.tif pages
07/27/2006	 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /122</i>	05C212667-10248.tif pages
07/27/2006	 Motion <i>DEFT'S MTN FOR ORDER PERMITTING DISC OF RECORDS PERTAINING TO FAMILY LIFE /123</i>	05C212667-10249.tif pages
07/27/2006	 Motion <i>DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF DEFT'S PRIOR FELONY CONVICTIONS /124</i>	05C212667-10250.tif pages
07/27/2006	 Motion <i>DEFT'S JOINDER TO OTHER DEFTS' MTNS/125</i>	05C212667-10251.tif pages
07/27/2006	 Request <i>KENNETH COUNTS RENEWED MOTION TO SEVER DEFENDANTS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10252.tif pages
07/28/2006	 Application <i>EX PARTE APPLICATION FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10253.tif pages
07/28/2006	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10254.tif pages
08/01/2006	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>	05C212667-10255.tif pages
08/07/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF EVID OF ARREST/FLIGHT /116</i> <i>Heard By: Donald Mosley</i>	

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08/07/2006	<b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN TO DISMISS DEATH PENALTY DUE TO FED DUE PROCESS VIOLATIONS /117 Heard By: Donald Mosley</i>	
08/07/2006	<b>Motion for Own Recognizance Release/Setting Reasonable Bail</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR REDUCTION OF BAIL / RELEASE ON HOUSE ARREST /118 Heard By: Donald Mosley</i>	
08/07/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF PHONE/119 Heard By: Donald Mosley</i>	
08/07/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR RELEASE OF JUVENILE RECORDS /120 Heard By: Donald Mosley</i>	
08/07/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR DISCLOSURE OF EXCULPATORY EVID /121 Heard By: Donald Mosley</i>	
08/07/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /122 Heard By: Donald Mosley</i>	
08/07/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR ORDER PERMITTING DISC OF RECORDS PERTAINING TO FAMILY LIFE /123 Heard By: Donald Mosley</i>	
08/07/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF DEFT'S PRIOR FELONY CONVICTIONS /124 Heard By: Donald Mosley</i>	
08/09/2006	 Response <i>STATES RESPONSE TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES VOIR DIRE ON POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES</i>	05C212667-10256.tif pages
08/09/2006	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL BY JURY VENIRE ONE WEEK PRIOR TO TRIAL</i>	05C212667-10257.tif pages
08/09/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE</i>	05C212667-10258.tif pages
08/09/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO</i>	05C212667-10259.tif pages

**CASE SUMMARY****CASE No. 05C212667-1**

*STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY PENALTY BASED UPON UNCONSTITUTIONALITY*

08/09/2006

 Opposition

*STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION*

05C212667-10260.tif pages

08/09/2006

 Opposition

*STATES OPPOSITION TO DEFENDANTS MOTION TO DETERMINE ADMISSIBILITY OF STATES HEARSAY EVIDENCE BEFORE TRIAL HEARSAY EVIDENCE BEFORE TRIAL*

05C212667-10261.tif pages

08/09/2006

 Response

*STATES RESPONSE TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL 704.206 UNCONSTITUTIONAL*

05C212667-10263.tif pages

08/09/2006

 Response

*STATES RESPONSE TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO CONDUCT VOIR DIRE ON POSSIBLE BIAS AND PREJUDICE DIRE ON POSSIBLE BIAS AND PREJUDICE*

05C212667-10264.tif pages

08/09/2006

 Response

*STATES RESPONSE TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO PRECLUDE THE COUNT FROM PARTICIPATION IN REHABILITATION OF POTENTIAL JURORS COUNT FROM PARTICIPATION IN REHABILITATION OF POTENTIAL JURORS*

05C212667-10280.tif pages

08/10/2006

 Opposition

*STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING INTRODUCTION OF HEARSAY DURING SENTENCING*

05C212667-10262.tif pages

08/10/2006

 Opposition

*STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY*

05C212667-10265.tif pages

08/10/2006

 Opposition

*STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE*

05C212667-10266.tif pages

08/10/2006

 Opposition

*STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES OF IMPUTED AGGRAVATING CIRCUMSTANCES*

05C212667-10267.tif pages

08/10/2006

 Opposition


*STATES OPPOSITION TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE*

05C212667-10268.tif pages

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08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO SUPPRESS EVIDENCE OF THE DEFENDANTS PRIOR FELONY CONVICTIONS OF THE DEFENDANTS PRIOR FELONY CONVICTIONS</i>	05C212667-10269.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR DISCLOSURE OF EXCULPATORY FAMILY MEMBERS EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXECUTION UPON VICTIMS FAMILY MEMBERS EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXECUTION UPON VICTIMS</i>	05C212667-10270.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM</i>	05C212667-10271.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST ALTERNATIVE FOR RELEASE ON HOUSE ARREST</i>	05C212667-10272.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS OF PHONE CONVERSATIONS</i>	05C212667-10273.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES OF PEREMPTORY CHALLENGES</i>	05C212667-10274.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION</i>	05C212667-10275.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS RENEWED MOTION TO SEVER</i>	05C212667-10276.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS COUNTS MOTION TO DISMISS THE DEATH PENALTY DUE TO FEDERAL DUE PROCESS VIOLATIONS DUE TO FEDERAL DUE PROCESS VIOLATIONS</i>	05C212667-10277.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN L LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT ADMISSION OF EVIDENCE OF ARREST OR FLIGHT</i>	05C212667-10278.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR RELEASE OF JUVENILE RECORDS</i>	05C212667-10279.tif pages

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08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS HIDALGOS AND ESPINDOLAS MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATION CIRCUMSTANCES PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATION CIRCUMSTANCES</i>	05C212667-10281.tif pages
08/10/2006	 Opposition <i>OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO BIFURCATE PENALTY PHASE PHASE</i>	05C212667-10282.tif pages
08/10/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS HIDALGOS AND ESPINDOLAS MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILT PHASE PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILT PHASE</i>	05C212667-10283.tif pages
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE</i>	05C212667-10284.tif pages
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION</i>	05C212667-10285.tif pages
08/24/2006	 Reply <i>REPLY TO STATES RESPONSE TO MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN THE REHABILITATION OF POTENTIAL JURORS PARTICIPATING IN THE REHABILITATION OF POTENTIAL JURORS</i>	05C212667-10286.tif pages
08/24/2006	 Reply <i>REPLY TO STATES RESPONSE TO MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL BY JURY VENIRE ONE WEEK PRIOR TO TRIAL</i>	05C212667-10287.tif pages
08/24/2006	 Reply <i>REPLY TO STATES RESPONSE TO MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES</i>	05C212667-10288.tif pages
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION</i>	05C212667-10289.tif pages
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITON TO MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS PROCEEDINGS</i>	05C212667-10290.tif pages
08/24/2006	 Reply	05C212667-

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	<i>REPLY TO STATES RESPONSE TO MOTION TO DECLARE NRS 704.206 UNCONDITIONAL</i>	<i>10291.tif pages</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES CHALLENGES</i>	<i>05C212667-10292.tif pages</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO DETEREMINE ADMISSIBILTY OF STATES HEARSY EVIDENCE BEFORE TRIAL HEARSY EVIDENCE BEFORE TRIAL</i>	<i>05C212667-10293.tif pages</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES AGGRAVATING CIRCUMSTANCES</i>	<i>05C212667-10294.tif pages</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERANTIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE DETERRENCE OR IN THE ALTERANTIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE</i>	<i>05C212667-10295.tif pages</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PRECLUDE THE INTRODUCTION OF HEARSYA DURING SENTENCING HEARSYA DURING SENTENCING</i>	<i>05C212667-10296.tif pages</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE RACIAL BIAS AND PREJUDICE</i>	<i>05C212667-10297.tif pages</i>
08/24/2006	 Reply <i>REPLY STATES OPPOSITON TO MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSITUTIONALITY UNCONSITUTIONALITY</i>	<i>05C212667-10298.tif pages</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION FOR COURT OT ALLOW PRESENTATION OF UNFAIRNESS OF A DEATH SENTENCE EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND</i>	<i>05C212667-10299.tif pages</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES IRRELEVANT MITIGATING CIRCUMSTANCES</i>	<i>05C212667-10300.tif pages</i>
08/28/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO RENEWED MOTION TO SEVER - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10301.tif pages</i>
08/28/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO</i>	<i>05C212667-10302.tif pages</i>



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*SUPPRESS EVIDENCE OF DEFENDANTS PRIOR FELONY CONVICTIONS SUPPRESS EVIDENCE OF DEFENDANTS PRIOR FELONY CONVICTIONS- RELATED PARTYID: 05C212667\_0001*

08/28/2006

 Reply

*KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS PRECLUDE ADMISSION OF PHONE CONVERSATIONS- RELATED PARTYID: 05C212667\_0001*

05C212667-  
10303.tif pages

08/28/2006

 Reply

*KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION FOR RELEASE OF JUVENILE RECORDS JUVENILE RECORDS- RELATED PARTYID: 05C212667\_0001*

05C212667-  
10304.tif pages

08/28/2006

 Reply

*KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT- RELATED PARTYID: 05C212667\_0001*

05C212667-  
10305.tif pages

08/31/2006

**Motion** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGES/51 Heard By: Donald Mosley*

08/31/2006

**Motion** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGE/52 Heard By: Donald Mosley*

08/31/2006

**Motion** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE /53 Heard By: Donald Mosley*

08/31/2006

**Motion** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE/54 Heard By: Donald Mosley*

08/31/2006

**Motion** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /55 Heard By: Donald Mosley*

08/31/2006

**Motion** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /56 Heard By: Donald Mosley*

08/31/2006

**Motion to Strike** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY /57 Heard By: Donald Mosley*

08/31/2006

**Motion to Strike** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY /58 Heard By: Donald Mosley*

08/31/2006

**Motion** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /59 Heard By: Donald Mosley*

08/31/2006

**Motion** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /60 Heard By: Donald Mosley*

08/31/2006

**Motion to Strike** (9:00 AM) (Judicial Officer: Mosley, Donald)

*DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /61 Heard By: Donald Mosley*

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08/31/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /62 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS &amp; PREJUDICE /63 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS &amp; PREJUDICE /64 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /65 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /66 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /67 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /68 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/69 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/70 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /71 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /72 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS &amp; OTHER COURT PERSONNEL /73 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS &amp; OTHER COURT PERSONNEL /74 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /75 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /76 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /77 Heard By:</i>

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*Donald Mosley*

08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /78 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion to Bifurcate</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /79 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion to Bifurcate</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /80 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURYINSTRUCTIONS AT CALENDAR CALL /81 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURYINSTRUCTIONS AT CALENDAR CALL /82 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /83 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /84 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO PROHIBIT EVID &amp; ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/85 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO PROHIBIT EVID &amp; ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/86 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO DECLARE NRS 704.206 UNCONSTITUTIONAL /87 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO DECLARD NRS 704.206 UNCONSTITUTIONAL /88 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS' PERSONAL &amp; PROF EXPERIENCE /89 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS PER &amp; PROF EXPERIENCE /90 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /91 Heard By: Donald Mosley</i>
08/31/2006	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /92 Heard By: Donald Mosley</i>

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08/31/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF EVID OF ARREST/FLIGHT /116</i> <i>Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN TO DISMISS DEATH PENALTY DUE TO FED DUE PROCESS</i> <i>VIOLATIONS /117 Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion for Own Recognizance Release/Setting Reasonable Bail</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR REDUCTION OF BAIL / RELEASE ON HOUSE ARREST /118 Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF PHONE/119 Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR RELEASE OF JUVENILE RECORDS /120 Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR DISCLOSURE OF EXCULPATORY EVID /121 Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /122 Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN FOR ORDER PERMITTING DISC OF RECORDS PERTAINING TO FAMILY LIFE /123 Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF DEFT'S PRIOR FELONY CONVICTIONS /124 Heard By: Donald Mosley</i>	
08/31/2006	<b>Joinder</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 07/27/2006 Motion <i>DEFT'S JOINDER TO OTHER DEFTS' MTNS/125 Heard By: Donald Mosley</i>	
08/31/2006	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 8/31/06 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
08/31/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S RENEWED MTN TO SEVER DEFENDANTS Heard By: Donald Mosley</i>	
08/31/2006	Hearing <i>STATUS CHECK: STATUS CHECK: TRIAL</i>	05C212667-10306.tif pages
09/01/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANTS MOTIONS</i>	05C212667-10308.tif pages
09/06/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE OF HOUSE ARREST IN BAIL OR IN THE ALTERNATIVE FOR RELEASE OF HOUSE ARREST</i>	05C212667-10307.tif pages
09/08/2006	<b>Motion in Limine</b> (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF EVID OF ARREST/FLIGHT /116</i> <i>Heard By: Donald Mosley</i>	





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09/08/2006	<b>Motion for Own Recognizance Release/Setting Reasonable Bail</b> (9:00 AM) <i>DEFT'S MTN FOR REDUCTION OF BAIL / RELEASE ON HOUSE ARREST /118 Heard By: Donald Mosley</i>	
09/08/2006	<b>Motion in Limine</b> (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF PHONE/119 Heard By: Donald Mosley</i>	
09/08/2006	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN FOR RELEASE OF JUVENILE RECORDS /120 Heard By: Donald Mosley</i>	
09/08/2006	<b>Motion in Limine</b> (9:00 AM) <i>DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF DEFT'S PRIOR FELONY CONVICTIONS /124 Heard By: Donald Mosley</i>	
09/08/2006	<b>Status Check</b> (9:00 AM) Events: 08/31/2006 Hearing <i>STATUS CHECK: STATUS CHECK: TRIAL</i>	
09/08/2006	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>DEFT'S RENEWED MTN TO SEVER DEFENDANTS Heard By: Donald Mosley</i>	
09/08/2006	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>ALL PENDING MOTIONS 9/8/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
09/08/2006	Motion <i>ALL PENDING MOTIONS 8/31/06</i>	05C212667-10309.tif pages
09/08/2006	Motion <i>DEFT'S RENEWED MTN TO SEVER DEFENDANTS</i>	05C212667-10310.tif pages
09/11/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C212667-10311.tif pages
09/11/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C212667-10312.tif pages
09/26/2006	Hearing <i>STATE'S REQUEST FOR STATUS CHECK</i>	05C212667-10313.tif pages
09/30/2006	Motion <i>ALL PENDING MOTIONS 9/8/06</i>	05C212667-10314.tif pages
10/03/2006	 Order <i>ORDER</i>	05C212667-10315.tif pages
10/04/2006	<b>Status Check</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 09/26/2006 Hearing <i>STATE'S REQUEST FOR STATUS CHECK Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
10/05/2006	 Reporters Transcript	05C212667-10316.tif pages

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	<i>REPORTER'S TRANSCRIPT STATES REQUEST FOR STATUS CHECK</i>	
11/01/2006	<b>Minute Order</b> (1:30 PM) (Judicial Officer: Mosley, Donald) <i>MINUTE ORDER RE: RECUSAL- DEPT 14 Relief Clerk: Carol Donahoo/cd Heard By: Donald Mosley</i>	
11/01/2006	Hearing <i>MINUTE ORDER RE: RECUSAL- DEPT 14</i>	<i>05C212667-10317.tif pages</i>
11/02/2006	 Notice of Department Reassignment <i>NOTICE OF DEPARTMENT REASSIGNMENT 000854004264004349006275005825FC 005825006275004349004264000854 005825006275004349004264000854</i>	<i>05C212667-10319.tif pages</i>
11/08/2006	 Order <i>ORDER FOR VISITATION - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10320.tif pages</i>
11/17/2006	 Order <i>EX PARTE APPLICATION AND ORDER FOR A CONTACT VISIT WITH A TAPE RECORDING DEVICE DEVICE- RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10321.tif pages</i>
11/17/2006	 Order <i>EX PARTE APPLICATION AND ORDER FOR CONTACT VISITS - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10322.tif pages</i>
11/17/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>	<i>05C212667-10323.tif pages</i>
11/29/2006	Hearing <i>TRIAL SETTING</i>	<i>05C212667-10324.tif pages</i>
12/07/2006	<b>Conversion Hearing Type</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 11/29/2006 Hearing <i>TRIAL SETTING Relief Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
12/08/2006	 Order <i>KENNETH COUNTS EX PARTE APPLICATION AND ORDER FOR CONTACT VISITS - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10335.tif pages</i>
12/26/2006	 Substitution of Attorney <i>SUBSTITUTION OF ATTORNEY - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10336.tif pages</i>
01/19/2007	 Motion <i>DEFT'S MTN TO DISMISS /143</i>	<i>05C212667-10337.tif pages</i>
01/25/2007	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES FOR INVESTIGATOR - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10338.tif pages</i>
01/25/2007	 Order	<i>05C212667-10339.tif pages</i>

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	<i>ORDER FOR EXCESS FEES INVESTIGATOR - RELATED PARTYID: 05C212667_0001</i>	
01/30/2007	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/19/2007 Motion <i>DEFT'S MTN TO DISMISS /143 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
01/30/2007	Hearing  <i>STATUS CHECK: DISCUSSION WITH WITNESS</i>	05C212667- 10340.tif pages
02/05/2007	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10341.tif pages
02/27/2007	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>DEFT'S MTN TO DISMISS /143 Heard By: Valerie Adair</i>	
02/27/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/30/2007 Hearing <i>STATUS CHECK: DISCUSSION WITH WITNESS Heard By: Valerie Adair</i>	
02/27/2007	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 2/27/07 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/27/2007	Motion  <i>ALL PENDING MOTIONS 2/27/07</i>	05C212667- 10342.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER /146</i>	05C212667- 10343.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER TO ALLOW DEFENSE TO ARGUE/147</i>	05C212667- 10344.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/148</i>	05C212667- 10345.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO DISMISS/149</i>	05C212667- 10346.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER DISCLOSURE/150</i>	05C212667- 10347.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE TO PRECLUDE/151</i>	05C212667- 10348.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN FOR DISCOVERY/152</i>	05C212667- 10349.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO STRIKE/153</i>	05C212667- 10350.tif pages

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04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN FOR INDIVIDUAL VOIR DIRE/154</i>	05C212667-10351.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER TO BAR IMPROPER/155</i>	05C212667-10352.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO FEDERALIZE/156</i>	05C212667-10353.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/157</i>	05C212667-10354.tif pages
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/158</i>	05C212667-10355.tif pages
04/10/2007	<b>CANCELED Calendar Call (9:00 AM)</b> <i>Vacated</i>	
04/10/2007	<b>CANCELED Calendar Call (9:00 AM)</b> <i>Vacated</i>	
04/10/2007	<b>CANCELED Calendar Call (9:00 AM)</b> <i>Vacated</i>	
04/10/2007	<b>CANCELED Calendar Call (9:00 AM)</b> <i>Vacated</i>	
04/10/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/159</i>	05C212667-10356.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10357.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10358.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10359.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10360.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10361.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10362.tif pages
04/10/2007	 Receipt of Copy	05C212667-10363.tif pages



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	<i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10364.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10365.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10366.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10367.tif pages
04/10/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10368.tif pages
04/11/2007	 Request <i>KENNETH COUNTS MOTION TO RECONSIDER MOTION TO SEVER DEFENDANTS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10369.tif pages
04/12/2007	 Order <i>ORDER FOR CONTINUATION OF VISITATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10370.tif pages
04/12/2007	 Application <i>EX PARTE APPLICATION FOR EXTENSION OF VISITATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10371.tif pages
04/16/2007	<i>CANCELED Jury Trial (1:30 PM)</i> <i>Vacated</i>	
04/16/2007	<i>CANCELED Jury Trial (1:30 PM)</i> <i>Vacated</i>	
04/16/2007	<i>CANCELED Jury Trial (1:30 PM)</i> <i>Vacated</i>	
04/16/2007	<i>CANCELED Jury Trial (1:30 PM)</i> <i>Vacated</i>	
04/16/2007	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10372.tif pages
04/16/2007	 Ex Parte Order <i>EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10373.tif pages
04/17/2007	<i>CANCELED Calendar Call (9:00 AM)</i> <i>Vacated</i>	
04/17/2007	<i>CANCELED Calendar Call (9:00 AM)</i>	








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	<i>Vacated</i>	
04/17/2007	<i>CANCELED Calendar Call (9:00 AM)</i> <i>Vacated</i>	
04/17/2007	<i>CANCELED Jury Trial (1:30 PM)</i> <i>Vacated</i>	
04/18/2007	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10374.tif pages
04/18/2007	 Ex Parte Order <i>EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10375.tif pages
04/23/2007	<i>CANCELED Jury Trial (1:30 PM)</i> <i>Vacated</i>	
04/23/2007	<i>CANCELED Jury Trial (1:30 PM)</i> <i>Vacated</i>	
04/25/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>	05C212667-10376.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER TO DISMISS THE DEATH PENALTY DUE TO FEDERAL DUE PROCESS DEATH PENALTY DUE TO FEDERAL DUE PROCESS</i>	05C212667-10377.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS SECOND MOTION TO RECONSIDER HIS MOTION TO SEVER TO SEVER</i>	05C212667-10378.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION TO BIFURCATE PENALTY PHASE PENALTY PHASE</i>	05C212667-10379.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS COUNTS MOTION TO RECONSIDER MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXXECUTION UPON VICTIMS FAMILY MEMBERS DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXXECUTION UPON VICTIMS FAMILY MEMBERS</i>	05C212667-10380.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE SEQUESTERED VOIR DIRE</i>	05C212667-10381.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS</i>	05C212667-10382.tif pages

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04/26/2007	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION TO RECONSIDER MOTION TO PRECLUDE THE INTRODUCTION VICTIM IMPACT EVIDENCE INTRODUCTION VICTIM IMPACT EVIDENCE</i>	05C212667-10383.tif pages
04/26/2007	 Application <i>EX PARTE APPLICATION FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10384.tif pages
04/26/2007	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION TO ARGUE LAST AT THE PENALTY PHASE PENALTY PHASE</i>	05C212667-10385.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION FOR DISCOVERY ANDEVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT</i>	05C212667-10386.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT</i>	05C212667-10387.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY NOTICE OF INTENT TO SEEK THE DEATH PENALTY</i>	05C212667-10388.tif pages
04/26/2007	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT IMPROPER PROSECUTORIAL ARGUMENT</i>	05C212667-10389.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY AND HANDLING OF GUNS TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY AND HANDLING OF GUNS</i>	05C212667-10390.tif pages
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COURTS MOTION TO RECONSIDER MOTION TO FEDERALIZE ALL MOTIONS OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE FEDERALIZE ALL MOTIONS OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE</i>	05C212667-10391.tif pages
05/01/2007	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>	05C212667-10393.tif pages
05/01/2007	 Expert Witness List	05C212667-

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	<i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	<i>10394.tif pages</i>
05/04/2007	 Motion <i>DEFT'S MTN TO CONTINUE /161</i>	<i>05C212667-10395.tif pages</i>
05/04/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0003</i>	<i>05C212667-10396.tif pages</i>
05/08/2007	<b>CANCELED Calendar Call</b> (9:00 AM) <i>Vacated</i>	
05/08/2007	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10397.tif pages</i>
05/08/2007	 Order <i>EX PARTE APPLICATION AND ORDER FOR A CONTACT VISIT WITH A TAPE RECORDING DEVICE DEVICE - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10398.tif pages</i>
05/08/2007	 Order <i>ORDER FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10399.tif pages</i>
05/11/2007	Hearing <i>AT THE REQUEST OF THE COURT TO ADDRESS DEFT'S CUSTODY STATUS IN THIS CASE</i>	<i>05C212667-10400.tif pages</i>
05/14/2007	<b>CANCELED Jury Trial</b> (1:30 PM) <i>Vacated</i>	
05/14/2007	 Application <i>EX PARTE APPLICATION FOR REQUEST OF FUNDS - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10401.tif pages</i>
05/14/2007	 Application <i>EX PARTE APPLICATION FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10402.tif pages</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER /146 Heard By: Valerie Adair</i>	
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER TO ALLOW DEFENSE TO ARGUE/147 Heard By: Valerie Adair</i>	
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/148 Heard By: Valerie Adair</i>	
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO DISMISS/149 Heard By: Valerie Adair</i>	

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05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER DISCLOSURE/150 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE TO PRECLUDE/151 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN FOR DISCOVERY/152 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO STRIKE/153 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN FOR INDIVIDUAL VOIR DIRE/154 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER TO BAR IMPROPER/155 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO FEDERALIZE/156 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/157 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/158 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/10/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/159 Heard By: Valerie Adair</i>
05/15/2007	<b>Motion to Continue</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/04/2007 Motion <i>DEFT'S MTN TO CONTINUE /161 Heard By: Valerie Adair</i>
05/15/2007	<b>Request of Court</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/11/2007 Hearing <i>AT THE REQUEST OF THE COURT TO ADDRESS DEFT'S CUSTODY STATUS IN THIS CASE Heard By: Valerie Adair</i>
05/15/2007	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 05-15-07 Heard By: Valerie Adair</i>
05/15/2007	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 05-15-07 Court Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>
05/15/2007	Motion <i>ALL PENDING MOTIONS 05-15-07</i>

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10403.tif pages











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05/15/2007	 Motion <i>DEFT'S MTN TO CONTINUE TRIAL/164</i>	05C212667-10404.tif pages
05/15/2007	Motion <i>ALL PENDING MOTIONS 05-15-07</i>	05C212667-10421.tif pages
05/16/2007	 Motion <i>DEFT'S MTN TO DISMISS /165</i>	05C212667-10405.tif pages
05/16/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10406.tif pages
05/17/2007	<b>CANCELED Calendar Call</b> (9:30 AM) <i>Vacated</i>	
05/17/2007	<b>Motion to Continue</b> (9:30 AM) Events: 05/15/2007 Motion <i>DEFT'S MTN TO CONTINUE TRIAL/164</i>	
05/17/2007	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS (05-17-07) Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
05/17/2007	 Expert Witness List <i>NOTICE OF DEFENDANTS EXPERT WITNESSES - RELATED PARTYID: 05C212667_0001</i>	05C212667-10408.tif pages
05/17/2007	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>	05C212667-10409.tif pages
05/17/2007	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>	05C212667-10410.tif pages
05/17/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF DEFENDANTS EXPERT WITNESSES - RELATED PARTYID: 05C212667_0001</i>	05C212667-10411.tif pages
05/17/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10412.tif pages
05/17/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10413.tif pages
05/17/2007	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>	05C212667-10414.tif pages
05/18/2007	Hearing <i>STATUS CHECK: TRIAL SETTING</i>	05C212667-10407.tif pages
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05/18/2007	Motion <i>ALL PENDING MOTIONS (05-17-07)</i>	10415.tif pages
05/18/2007	 Order <i>ORDER FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10416.tif pages
05/18/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	05C212667- 10417.tif pages
05/18/2007	 Order <i>ORDER FOR FUNDS</i>	05C212667- 10418.tif pages
05/18/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>	05C212667- 10419.tif pages
05/18/2007	 Expert Witness List <i>NOTICE OF WITNESSES</i>	05C212667- 10420.tif pages
05/21/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/18/2007 Hearing <i>STATUS CHECK: TRIAL SETTING Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
05/21/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
05/21/2007	Hearing <i>STATUS CHECK: TRIAL SETTING</i>	05C212667- 10422.tif pages
05/21/2007	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>	05C212667- 10431.tif pages
05/24/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/21/2007 Hearing <i>STATUS CHECK: TRIAL SETTING Relief Clerk: Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
05/24/2007	Hearing <i>STATUS CHECK: JURY QUESTIONNAIRE</i>	05C212667- 10433.tif pages
05/24/2007	 Notice <i>NOTICE OF ALIBI WITNESS - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10434.tif pages
05/25/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/24/2007 Hearing <i>STATUS CHECK: JURY QUESTIONNAIRE Relief Clerk: Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
05/25/2007	 Order <i>ORDER FOR TRANSCRIPT</i>	05C212667- 10435.tif pages
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05/25/2007	 Order <i>EX PARTE APPLICATION AND ORDER FOR A HAIRCUT BY A BARBER - RELATED PARTYID: 05C212667_0001</i>	10436.tif pages
05/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>	05C212667-10437.tif pages
05/29/2007	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/16/2007 Motion <i>DEFT'S MTN TO DISMISS /165 Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
05/29/2007	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10439.tif pages
05/29/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10440.tif pages
05/29/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10441.tif pages
05/29/2007	 Application <i>EX PARTE APPLICATION FOR REQUEST OF FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10442.tif pages
05/29/2007	 Expert Witness List <i>NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0001</i>	05C212667-10443.tif pages
05/29/2007	 Notice <i>DISCLOSURE OF DEFENDANTS EVIDENCE - RELATED PARTYID: 05C212667_0001</i>	05C212667-10444.tif pages
05/31/2007	<b>CANCELED Calendar Call</b> (9:30 AM) <i>Vacated</i>	
05/31/2007	<b>CANCELED Calendar Call</b> (9:30 AM) <i>Vacated</i>	
05/31/2007	<b>CANCELED Calendar Call</b> (9:30 AM) <i>Vacated</i>	
05/31/2007	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/01/2007	 Order <i>NUNC PRO TUNC ORDER OF APPOINTMENT - RELATED PARTYID: 05C212667_0004</i>	05C212667-10447.tif pages
06/01/2007	 Order <i>NUNC PRO TUNC ORDER OF APPOINTMENT - RELATED PARTYID: 05C212667_0004</i>	05C212667-10448.tif pages
06/04/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	









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06/04/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
06/04/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
06/04/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
06/05/2007	<b>Jury Trial</b> (10:30 AM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
06/05/2007	<b>CANCELED Jury Trial</b> (10:30 AM) <i>Vacated</i>	
06/05/2007	Conversion Case Event Type <i>CHANGE OF PLEA</i>	05C212667- 10449.tif pages
06/06/2007	<b>Change of Plea</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 06/05/2007 Conversion Case Event Type <i>CHANGE OF PLEA Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/06/2007	<b>Jury Trial</b> (10:30 AM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/06/2007	 Expert Witness List <i>NOTICE OF WITNESSES</i>	05C212667- 10451.tif pages
06/06/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE HEARING TRIAL PROCEEDINGS DAY 1</i>	05C212667- 10452.tif pages
06/06/2007	 Information <i>AMENDED INFORMATION</i>	05C212667- 10461.tif pages
06/06/2007	 Filed Under Seal <i>FILED UNDER SEAL GUILTY PLEA AGREEMENT</i>	05C212667- 10462.tif pages
06/06/2007	 Memorandum <i>GUILTY PLEA MEMORANDUM/AGREEMENT</i>	05C212667- 10463.tif pages
06/08/2007	 Change of Address <i>NOTICE OF CHANGE OF ADDRESS TELEPHONE AND FACSIMILE NUMBERS - RELATED PARTYID: 05C212667_0005</i>	05C212667- 10453.tif pages
06/08/2007	 Order <i>ORDER</i>	05C212667- 10454.tif pages
06/18/2007	Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION</i>	05C212667- 10456.tif pages

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06/18/2007	Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION</i>	05C212667-10457.tif pages
06/18/2007	Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION</i>	05C212667-10458.tif pages
06/19/2007	Conversion Case Event Type <i>SENTENCING</i>	05C212667-10459.tif pages
06/19/2007	Hearing <i>STATUS CHECK</i>	05C212667-10460.tif pages
06/25/2007	<b>Request of Court</b> (7:30 AM) (Judicial Officer: Bell, Stewart) Events: 06/18/2007 Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i>	
06/25/2007	<b>Request of Court</b> (7:30 AM) (Judicial Officer: Bell, Stewart) Events: 06/18/2007 Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i>	
06/25/2007	<b>Request of Court</b> (7:30 AM) (Judicial Officer: Bell, Stewart) Events: 06/18/2007 Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i>	
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL BY JURY</i>	05C212667-10467.tif pages
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK JURY QUESTIONNAIRE</i>	05C212667-10468.tif pages
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL SETTING ALL</i>	05C212667-10469.tif pages
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANTS MOTION FOR DISMISSAL ALL</i>	05C212667-10470.tif pages
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT MOTIONS</i>	05C212667-10471.tif pages
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE STATU CHECK TRIAL SETTING</i>	05C212667-10472.tif pages
06/26/2007	<b>Request of Court</b> (7:30 AM) (Judicial Officer: Bell, Stewart) <i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i>	
06/26/2007	<b>Request of Court</b> (7:30 AM) (Judicial Officer: Bell, Stewart) <i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i>	
06/26/2007	<b>Request of Court</b> (7:30 AM) (Judicial Officer: Bell, Stewart) <i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i>	





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06/26/2007	<b>All Pending Motions</b> (7:30 AM) (Judicial Officer: Bell, Stewart) <i>ALL PENDING MOTIONS 6-26-07 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
06/26/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 06/19/2007 Hearing <i>STATUS CHECK Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/26/2007	Motion <i>ALL PENDING MOTIONS 6-26-07</i>	05C212667-10464.tif pages
07/05/2007	 Motion <i>STATES MTN TO CONDUCT VIDEOTAPED TEST/192</i>	05C212667-10473.tif pages
07/12/2007	 Opposition <i>LUIS HIDALGO IIIS OPPOSITION TO THE STATES MOTION TO CONDUCT VIDEO TAPED TESTIMONY OF A WITNESS TESTIMONY OF A WITNESS- RELATED PARTYID: 05C212667_0002</i>	05C212667-10474.tif pages
07/13/2007	 Notice <i>NOTICE OF JOINDER IN DEFENDANTS LUIS HIDALGO IIIS OPPOSITION TO THE STATES MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A WITNESS MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A WITNESS- RELATED PARTYID: 05C212667_0001</i>	05C212667-10475.tif pages
07/16/2007	 Receipt of Copy <i>RECEIPT OF COPY</i>	05C212667-10476.tif pages
07/17/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0002</i>	05C212667-10477.tif pages
07/19/2007	 Ex Parte <i>EX PARTE APPLICAITON FOR INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10478.tif pages
07/24/2007	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 07/05/2007 Motion <i>STATES MTN TO CONDUCT VIDEOTAPED TEST/192 Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
07/26/2007	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>STATES MTN TO CONDUCT VIDEOTAPED TEST/192 Court Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
07/26/2007	Hearing <i>STATUS CHECK: OPEN/SEALED DEPOSITIONS</i>	05C212667-10479.tif pages
07/26/2007	Hearing <i>DEPOSITIONS HEARING</i>	05C212667-10480.tif pages
08/02/2007	<b>CANCELED Calendar Call</b> (9:30 AM)	

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	<i>Vacated</i>	
08/06/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
08/13/2007	<b>Status Check</b> (0:00 AM) Events: 07/26/2007 Hearing <i>STATUS CHECK: OPEN/SEALED DEPOSITIONS</i>	
08/13/2007	 Notice <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	05C212667- 10482.tif pages
08/14/2007	 Notice <i>NOTICE OF CHANGE IN STATUS OF COUNSEL FOR PETITIONER - RELATED PARTYID: 05C212667_0003</i>	05C212667- 10483.tif pages
08/15/2007	 Expert Witness List <i>NOTICE OF WITNESSES AND OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0004</i>	05C212667- 10484.tif pages
08/16/2007	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL (VJ 8/28/07) Court Clerk: Phyllis Irby/pi Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
08/16/2007	 Supplement <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	05C212667- 10485.tif pages
08/16/2007	 Request <i>MOTION TO STRIKE DEATH PENALTY AGGRAVATORS OR IN THE ALTERNATIVE MOTION FOR CONTINUANCE AND/OR MOTION FOR STAY MOTION FOR CONTINUANCE AND/OR MOTION FOR STAY- RELATED PARTYID: 05C212667_0004</i>	05C212667- 10486.tif pages
08/16/2007	Motion <i>DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208</i>	05C212667- 10504.tif pages
08/20/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
08/20/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>	05C212667- 10488.tif pages
08/21/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES MOTION TO CONDUCT VIDEOTAPED TEST</i>	05C212667- 10487.tif pages
08/21/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES MOTION TO CONDUCT VIDEOTAPED TEST</i>	05C212667- 10489.tif pages
08/23/2007	Hearing <i>STATUS CHECK: TRIAL STATUS</i>	05C212667- 10490.tif pages
08/23/2007	Hearing	05C212667- 10491.tif pages

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	<i>STATUS CHECK: TRIAL STATUS</i>	
08/23/2007	Hearing <i>STATUS CHECK: TRIAL STATUS</i>	05C212667-10492.tif pages
08/23/2007	Hearing <i>STATUS CHECK: TRIAL STATUS</i>	05C212667-10493.tif pages
08/27/2007	<b>Hearing</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 07/26/2007 Hearing <i>DEPOSITIONS HEARING Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
08/27/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>	05C212667-10494.tif pages
08/28/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 08/23/2007 Hearing <i>STATUS CHECK: TRIAL STATUS Heard By: Valerie Adair</i>	
08/28/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 08/23/2007 Hearing <i>STATUS CHECK: TRIAL STATUS Heard By: Valerie Adair</i>	
08/28/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 08/23/2007 Hearing <i>STATUS CHECK: TRIAL STATUS Heard By: Valerie Adair</i>	
08/28/2007	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 08/23/2007 Hearing <i>STATUS CHECK: TRIAL STATUS Heard By: Valerie Adair</i>	
08/28/2007	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS (8/28/07) Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
08/28/2007	Motion <i>ALL PENDING MOTIONS (8/28/07)</i>	05C212667-10495.tif pages
08/29/2007	 Motion <i>DEFT'S MTN FOR DISCOVERY /209</i>	05C212667-10505.tif pages
08/30/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK TRIAL SETTING</i>	05C212667-10506.tif pages
09/04/2007	<b>Sentencing</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 06/19/2007 Conversion Case Event Type <i>SENTENCING Relief Clerk: Nora Pena Reporter/Recorder: Debbie Winn Heard By: Adair, Valerie</i>	
09/05/2007	 Order <i>ORDER APPOINTING PSYCHIATRIST FOR DEATH PENALTY MITIGATION</i>	05C212667-10507.tif pages
09/11/2007	<b>Motion for Discovery</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 08/29/2007 Motion	

**CASE SUMMARY****CASE No. 05C212667-1**

*DEFT'S MTN FOR DISCOVERY /209 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair*

09/11/2007	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10508.tif pages
09/11/2007	 Ex Parte Order <i>EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10509.tif pages
09/11/2007	 Order <i>ORDER FOR EXCESS FEES - RELATED PARTYID: 05C212667_0001</i>	05C212667-10510.tif pages
09/20/2007	<b>Motion to Strike</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 08/16/2007 Motion <i>DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
09/20/2007	 Order <i>ORDER FOR EXCESS FEES - RELATED PARTYID: 05C212667_0001</i>	05C212667-10511.tif pages
09/20/2007	 Order <i>ORDER FOR REQUEST FOR INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10512.tif pages
09/27/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS AGGRAVATORS</i>	05C212667-10513.tif pages
10/02/2007	 Substitution of Attorney <i>SUBSTITUTION OF ATTORNEY - RELATED PARTYID: 05C212667_0003</i>	05C212667-10514.tif pages
10/04/2007	 Opposition <i>STATES OPPOSITION TODEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS AGGRAVATORS</i>	05C212667-10515.tif pages
10/09/2007	<b>Motion to Strike</b> (0:00 AM) (Judicial Officer: Adair, Valerie) <i>DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
10/09/2007	 Application <i>EX PARTE APPLICATION FOR EXTENSION OF VISITATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10516.tif pages
10/09/2007	 Order <i>ORDER FOR CONTINUATION OF VISITATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10517.tif pages
10/11/2007	<b>Motion to Strike</b> (9:00 AM) <i>DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Heard By: Valerie Adair</i>	

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10/24/2007	 Motion <i>DEFT'S PRO PER MTN ON PTN TO MARRY/210</i>	05C212667- 10518.tif pages
11/06/2007	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 10/24/2007 Motion <i>DEFT'S PRO PER MTN ON PTN TO MARRY/210 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
11/09/2007	 Expert Witness List <i>NOTICE OF EXPERT WITNESS - RELATED PARTYID: 05C212667_0004</i>	05C212667- 10519.tif pages
11/14/2007	 Notice <i>AMENDED NOTICE OF EVIDENCE IN AGGRAVATION</i>	05C212667- 10520.tif pages
11/20/2007	 Substitution of Attorney <i>SUBSTITUTION OF ATTORNEY - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10521.tif pages
11/21/2007	 Certificate <i>CERTIFICATE OF SERVICE - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10522.tif pages
11/21/2007	 Conversion Case Event Type <i>PROPOSED JURY QUESTIONNAIRE - RELATED PARTYID: 05C212667_0004</i>	05C212667- 10523.tif pages
11/21/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0004</i>	05C212667- 10524.tif pages
11/26/2007	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	05C212667- 10525.tif pages
11/27/2007	 Order <i>ORDER DENYING DEFENDANTS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS</i>	05C212667- 10526.tif pages
11/27/2007	 Order <i>ORDER FOR DAILY TRANSCRIPTS</i>	05C212667- 10527.tif pages
11/29/2007	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
12/03/2007	<b>CANCELED Jury Trial</b> (9:30 AM) <i>Vacated</i>	
12/06/2007	<b>CANCELED Jury Trial</b> (10:30 AM) <i>Vacated</i>	
12/07/2007	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	05C212667- 10529.tif pages
01/02/2008	 Request	05C212667- 10530.tif pages





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*MOTION REQUESTING ADDITIONAL FUNDS FOR INVESTIGATION - RELATED  
PARTYID: 05C212667\_0005*


01/05/2008	Hearing  <i>STATE'S REQUEST STATUS CHECK - AGREED</i>	<i>05C212667- 10531.tif pages</i>
01/07/2008	 Motion  <i>DEFT'S MTN FOR AUDIBILITY HEARING &amp; TRANSCRIPT APPROVAL/213</i>	<i>05C212667- 10532.tif pages</i>
01/07/2008	 Motion  <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>	<i>05C212667- 10533.tif pages</i>
01/08/2008	 Motion  <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i>	<i>05C212667- 10534.tif pages</i>
01/08/2008	 Motion  <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR SEVERANCE/216</i>	<i>05C212667- 10535.tif pages</i>
01/08/2008	 Motion  <i>DEFT'S MTN TO SET BAIL /217</i>	<i>05C212667- 10536.tif pages</i>
01/08/2008	 Motion  <i>DEFT'S MTN FOR SEVERANCE FROM CAPITL/218</i>	<i>05C212667- 10537.tif pages</i>
01/08/2008	 Motion  <i>DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES</i>	<i>05C212667- 10538.tif pages</i>
01/09/2008	 Notice  <i>AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATION CIRCUMSTANCES</i>	<i>05C212667- 10539.tif pages</i>
01/09/2008	 Notice  <i>AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>	<i>05C212667- 10540.tif pages</i>
01/09/2008	 Notice  <i>AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>	<i>05C212667- 10542.tif pages</i>
01/09/2008	 Notice  <i>AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>	<i>05C212667- 10544.tif pages</i>
01/10/2008	<b>Request</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/05/2008 Hearing <i>STATE'S REQUEST STATUS CHECK - AGREED Heard By: Valerie Adair</i>	
01/10/2008	 Notice  <i>SECOND AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>	<i>05C212667- 10541.tif pages</i>
01/10/2008		<i>05C212667-</i>



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	 Request <i>NOTICE OF MOTION AND MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE AGGRAVATING CIRCUMSTANCE</i>	<i>10543.tif pages</i>
01/11/2008	 Motion <i>DEFT'S MTN TO JOIN IN MTN TO SET BAIL/220</i>	<i>05C212667-10545.tif pages</i>
01/14/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0003</i>	<i>05C212667-10550.tif pages</i>
01/14/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO III'S NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10551.tif pages</i>
01/15/2008	<b>Sentencing</b> (9:30 AM) <i>SENTENCING Heard By: Valerie Adair</i>	
01/15/2008	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL</i>	
01/15/2008	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL</i>	
01/15/2008	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL</i>	
01/15/2008	<b>Request</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>STATE'S REQUEST STATUS CHECK - AGREED Heard By: Valerie Adair</i>	
01/15/2008	<b>Motion</b> (9:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING &amp; TRANSCRIPT APPROVAL/213</i>	
01/15/2008	<b>Motion</b> (9:30 AM) <i>DFT'S MTN TO SUPPRESS CUSTODIAL STATEMENTS/214</i>	
01/15/2008	<b>Motion</b> (9:30 AM) <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i>	
01/15/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR SEVERANCE/216 Heard By: Valerie Adair</i>	
01/15/2008	<b>Motion to Set Bail</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/08/2008 Motion <i>DEFT'S MTN TO SET BAIL /217 Heard By: Valerie Adair</i>	
01/15/2008	<b>Motion to Sever</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/08/2008 Motion <i>DEFT'S MTN FOR SEVERANCE FROM CAPITL/218 Heard By: Valerie Adair</i>	
01/15/2008	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 1/15/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
01/15/2008	Motion <i>ALL PENDING MOTIONS 1/15/08</i>	<i>05C212667-10546.tif pages</i>
01/17/2008	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie)	






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	<i>CALENDAR CALL</i>	
01/17/2008	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL</i>	
01/17/2008	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL</i>	
01/17/2008	 Request <i>EX PARTE MOTION REQUESTING ADDITIONAL FUNDS FOR INVESTIGATION AND ORDER - RELATED PARTYID: 05C212667_0005</i>	05C212667-10553.tif pages
01/18/2008	 Opposition <i>OPPOSITION TO DEFTS SECOND MOTION TO RECONSIDER MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES AGGRAVATING CIRCUMSTANCES</i>	05C212667-10552.tif pages
01/22/2008	<b>Motion to Strike</b> (8:30 AM) (Judicial Officer: Bell, Stewart) <i>DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L.</i>	
01/22/2008	<i>CANCELED</i> <b>Jury Trial</b> (10:30 AM) <i>Vacated</i>	
01/22/2008	<i>CANCELED</i> <b>Jury Trial</b> (10:30 AM) <i>Vacated</i>	
01/22/2008	<i>CANCELED</i> <b>Jury Trial</b> (10:30 AM) <i>Vacated</i>	
01/22/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO III S NOTICE OF EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002</i>	05C212667-10555.tif pages
01/22/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>	05C212667-10556.tif pages
01/22/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS AGGRAVATORS</i>	05C212667-10558.tif pages
01/23/2008	<b>Motion to Strike</b> (8:30 AM) <i>DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES Court Clerk: Tina Hurd/th Relief Clerk: Tia Everett Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
01/23/2008	 Order <i>ORDER DENYING MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES - RELATED PARTYID: 05C212667_0001</i>	05C212667-10559.tif pages
01/23/2008	 Order <i>ORDER FOR DAILY TRANSCRIPTS</i>	05C212667-10561.tif pages
01/24/2008	<i>CANCELED</i> <b>Calendar Call</b> (9:30 AM) <i>Vacated</i>	

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**CASE SUMMARY**  
**CASE No. 05C212667-1**

01/24/2008	<i>CANCELED</i> <b>Calendar Call</b> (9:30 AM) <i>Vacated</i>	
01/24/2008	<i>CANCELED</i> <b>Calendar Call</b> (9:30 AM) <i>Vacated</i>	
01/24/2008	<b>Minute Order</b> (1:30 PM) (Judicial Officer: Adair, Valerie) <i>MINUTE ORDER RE: RE: BAIL FOR DEFTS. HILDALGO AND Court Clerk: Denise Husted</i> <i>Heard By: Valerie Adair</i>	
01/24/2008	Hearing  <i>MINUTE ORDER RE: RE: BAIL FOR DEFTS. HILDALGO AND</i>	<i>05C212667-10557.tif</i> pages
01/24/2008	 Expert Witness List  <i>DEFENDANT LUIS A HIDALGO IIIS SUPPLEMENTAL NOTICE OF EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10560.tif</i> pages
01/24/2008	 Opposition  <i>STATES OPPOSITION TO DEFENDANTS MOTION TO SUPPRESS HIS CUSTODIAL STATEMENTS</i>	<i>05C212667-10563.tif</i> pages
01/25/2008	 Motion  <i>DEFT'S MTN IN LIMINE TO ALLOW STATEMENT/227</i>	<i>05C212667-10562.tif</i> pages
01/25/2008	 Expert Witness List  <i>SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10564.tif</i> pages
01/25/2008	 Reporters Transcript  <i>REPORTER'S TRANSCRIPT MOTIONS</i>	<i>05C212667-10565.tif</i> pages
01/25/2008	 Order  <i>EX PARTE APPLICATION AND ORDER FOR A HAIRCUT BY A BARBER - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10566.tif</i> pages
01/28/2008	<i>CANCELED</i> <b>Jury Trial</b> (10:00 AM) <i>Vacated</i>	
01/28/2008	<i>CANCELED</i> <b>Jury Trial</b> (10:00 AM) <i>Vacated</i>	
01/28/2008	<i>CANCELED</i> <b>Jury Trial</b> (10:00 AM) <i>Vacated</i>	
01/28/2008	<i>CANCELED</i> <b>Jury Trial</b> (10:00 AM) <i>Vacated</i>	
01/29/2008	<b>Motion</b> (9:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING &amp; TRANSCRIPT APPROVAL/213</i>	
01/29/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/07/2008 Motion <i>DEFT'S MTN FOR AUDIBILITY HEARING &amp; TRANSCRIPT APPROVAL/213</i>	










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01/29/2008	<b>Motion</b> (9:30 AM) <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>	
01/29/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/07/2008 Motion <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>	
01/29/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i>	
01/29/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/08/2008 Motion <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i>	
01/29/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/08/2008 Motion <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR SEVERANCE/216 Heard By: Valerie Adair</i>	
01/29/2008	<b>Motion to Strike</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/08/2008 Motion <i>DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES Heard By: Valerie Adair</i>	
01/29/2008	<b>CANCELED Motion</b> (9:30 AM) Events: 01/11/2008 Motion <i>Vacated</i>	
01/29/2008	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 1/29/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
01/29/2008	<b>Jury Trial</b> (1:30 PM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
01/29/2008	 Information <i>SECOND AMENDED INFORMATION</i>	05C212667-10569.tif pages
01/30/2008	<b>Jury Trial</b> (10:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
01/30/2008	Motion <i>ALL PENDING MOTIONS 1/29/08</i>	05C212667-10568.tif pages
01/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL JURY VOIR DIRE DAY ONE</i>	05C212667-10572.tif pages
01/30/2008	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0001</i>	05C212667-10573.tif pages
01/30/2008	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0001</i>	05C212667-10574.tif pages
01/30/2008	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0001</i>	05C212667-10576.tif pages


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01/31/2008	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
01/31/2008	 Proof <i>OFFER OF PROOF - RELATED PARTYID: 05C212667_0001</i>	05C212667-10577.tif pages
01/31/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10578.tif pages
01/31/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10579.tif pages
01/31/2008	 Expert Witness List <i>NOTICE OF WITNESS FOR PENALTY PHASE - RELATED PARTYID: 05C212667_0001</i>	05C212667-10580.tif pages
01/31/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL JURY VOIR DIRE DAY TWO</i>	05C212667-10581.tif pages
01/31/2008	 Expert Witness List <i>NOTICE OF DEFTS EXPERT WITNESS FOR PENALTY PHASE - RELATED PARTYID: 05C212667_0001</i>	05C212667-10582.tif pages
01/31/2008	 Jury List <i>DISTRICT COURT JURY LIST</i>	05C212667-10600.tif pages
02/01/2008	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/01/2008	 Motion <i>DEFT'S MTN TO SET BAIL /229</i>	05C212667-10570.tif pages
02/01/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY THREE</i>	05C212667-10586.tif pages
02/04/2008	<b>Change of Plea (9:00 AM)</b> (Judicial Officer: Adair, Valerie) <i>CHANGE OF PLEA Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/04/2008	<b>Jury Trial (1:00 PM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/04/2008	Hearing <i>STATUS CHECK: SENTENCING</i>	05C212667-10571.tif pages
02/04/2008	Conversion Case Event Type <i>CHANGE OF PLEA</i>	05C212667-10575.tif pages







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02/04/2008	 Expert Witness List <i>SUPPLEMTNTAL NOTICE OF WITNESSES</i>	05C212667- 10584.tif pages
02/04/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT EXCERPT OF PROCEEDINGS TESTIMONY OF RONTEA ZONE</i>	05C212667- 10585.tif pages
02/04/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEPOSITION OF OMAR MANOR</i>	05C212667- 10587.tif pages
02/04/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY FOUR</i>	05C212667- 10588.tif pages
02/04/2008	 Information <i>THIRD AMENDED INFORMATION</i>	05C212667- 10613.tif pages
02/04/2008	 Memorandum <i>GUILTY PLEA MEMORANDUM/AGREEMENT</i>	05C212667- 10614.tif pages
02/04/2008	 Filed Under Seal <i>AGREEMENT TO TESTIFY - RELATED PARTYID: 05C212667_0003</i>	05C212667- 10651.tif pages
02/05/2008	<b>Motion</b> (9:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING &amp; TRANSCRIPT APPROVAL/213</i>	
02/05/2008	<b>Motion</b> (9:30 AM) <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>	
02/05/2008	<b>Motion</b> (9:30 AM) <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i>	
02/05/2008	<b>Motion in Limine</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/25/2008 Motion <i>DEFT'S MTN IN LIMINE TO ALLOW STATEMENT/227 Heard By: Valerie Adair</i>	
02/05/2008	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 2/5/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/05/2008	<b>Jury Trial</b> (10:00 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/05/2008	Motion <i>ALL PENDING MOTIONS 2/5/08</i>	05C212667- 10583.tif pages
02/05/2008	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	05C212667- 10589.tif pages
02/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY FIVE</i>	05C212667- 10590.tif pages

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02/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY FIVE JAYSON TAOIPUS TESTIMONY</i>	05C212667- 10591.tif pages
02/05/2008	 Conversion Case Event Type <i>ORDER TO TRANSPORT</i>	05C212667- 10592.tif pages
02/05/2008	 Request <i>MOTION TO PRECLUDE TESTIMONY FROM DETECTIVES RE THEIR INTERPRETATION OF THIRD PHONE CONVERSATIONS THIRD PHONE CONVERSATIONS- RELATED PARTYID: 05C212667_0001</i>	05C212667- 10593.tif pages
02/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY THREE</i>	05C212667- 10594.tif pages
02/06/2008	<b>Jury Trial</b> (10:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/06/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT HEARING RE JURY TRIAL DAY SIX</i>	05C212667- 10630.tif pages
02/07/2008	<b>Jury Trial</b> (9:00 AM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/07/2008	<b>Motion</b> (9:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING &amp; TRANSCRIPT APPROVAL/213</i>	
02/07/2008	<b>Motion</b> (9:30 AM) <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>	
02/07/2008	<b>Motion to Set Bail</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 02/01/2008 Motion <i>DEFT'S MTN TO SET BAIL /229 Heard By: Valerie Adair</i>	
02/07/2008	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 2/7/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/07/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO III S SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10599.tif pages
02/07/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO III S SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>	05C212667- 10602.tif pages
02/07/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY SEVEN</i>	05C212667- 10603.tif pages
02/07/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ESPINDOLA PLEA</i>	05C212667- 10604.tif pages
02/08/2008	<b>Jury Trial</b> (9:00 AM)	

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	<i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/08/2008	 Motion <i>DEFT'S MTN FOR DISCLOSURE/233</i>	<i>05C212667-10595.tif pages</i>
02/08/2008	 Motion <i>DEFT'S MTN FOR DISCLOSURE OF THE EXISTENCE/234</i>	<i>05C212667-10596.tif pages</i>
02/08/2008	 Motion <i>DEFT'S MTN TO COMPEL PRODUCTION OF HANDWRITTEN NOTES/235</i>	<i>05C212667-10597.tif pages</i>
02/08/2008	Conversion Case Event Type <i>SENTENCING</i>	<i>05C212667-10598.tif pages</i>
02/08/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY EIGHT</i>	<i>05C212667-10601.tif pages</i>
02/08/2008	 Conversion Case Event Type <i>ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10605.tif pages</i>
02/08/2008	 Judgment <i>VERDICT (COUNT 1)</i>	<i>05C212667-10609.tif pages</i>
02/08/2008	Judgment <i>VERDICT (COUNT 2) - RELATED PARTYID: 05C212667_0001</i>	<i>05C212667-10610.tif pages</i>
02/08/2008	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	<i>05C212667-10611.tif pages</i>
02/08/2008	 Proposed Verdict Forms Not Used at Trial <i>PROPOSED VERDICT FORMS NOT USED AT TRIAL</i>	<i>05C212667-10663.tif pages</i>
02/08/2008	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. MURDER. Not Guilty	
02/08/2008	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Not Guilty	
02/08/2008	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
02/11/2008	<b>Jury Trial</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Court Clerk: Denise Husted Heard By: Valerie Adair</i>	
02/11/2008	<b>CANCELED Jury Trial</b> (9:30 AM) <i>Vacated</i>	






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02/11/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 02/08/2008 Motion <i>DEFT'S MTN FOR DISCLOSURE/233</i>	
02/11/2008	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 2/11/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/11/2008	<b>Motion</b> (10:30 AM) (Judicial Officer: Adair, Valerie) <i>DEFT'S MTN FOR AUDIBILITY HEARING &amp; TRANSCRIPT APPROVAL/213</i>	
02/11/2008	<b>Motion</b> (10:30 AM) (Judicial Officer: Adair, Valerie) <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>	
02/11/2008	Hearing <i>HEARING: POTENTIAL CONFLICT</i>	05C212667-10607.tif pages
02/11/2008	 Expert Witness List <i>DEFT LUIS A HIDALGO III'S SECOND SUPPLEMENTAL NTC OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>	05C212667-10612.tif pages
02/11/2008	 Notice <i>NOTICE OF HABITUAL CRIMINALITY</i>	05C212667-10615.tif pages
02/12/2008	<b>Sentencing</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/12/2008	 Memorandum <i>MEMORANDUM OF LAW REGARDING JOINT REPRESENTATION OF CO DEFENDANTS</i>	05C212667-10616.tif pages
02/12/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO III S THIRD SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>	05C212667-10618.tif pages
02/13/2008	<b>Hearing</b> (1:30 PM) (Judicial Officer: Adair, Valerie) Events: 02/11/2008 Hearing <i>HEARING: POTENTIAL CONFLICT Heard By: Valerie Adair</i>	
02/13/2008	Motion <i>ALL PENDING MOTIONS 2/7/08</i>	05C212667-10617.tif pages
02/13/2008	 Response <i>RESPONSE TO STATE OF NEVADAS MEMORANDUM OF LAW REGARDING JOINT REPRESENTATION OF CO DEFENDANTS REPRESENTATION OF CO DEFENDANTS- RELATED PARTYID: 05C212667_0002</i>	05C212667-10621.tif pages
02/14/2008	<b>Motion</b> (10:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING &amp; TRANSCRIPT APPROVAL/213</i>	
02/14/2008	<b>Motion</b> (10:30 AM) <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>	
02/14/2008	<b>Motion</b> (10:30 AM) (Judicial Officer: Adair, Valerie) <i>DEFT'S MTN FOR DISCLOSURE/233</i>	








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02/14/2008	<b>Motion</b> (10:30 AM) Events: 02/08/2008 Motion <i>DEFT'S MTN FOR DISCLOSURE OF THE EXISTENCE/234</i>	
02/14/2008	<b>Motion to Compel</b> (10:30 AM) Events: 02/08/2008 Motion <i>DEFT'S MTN TO COMPEL PRODUCTION OF HANDWRITTEN NOTES/235</i>	
02/14/2008	<b>Hearing</b> (10:30 AM) (Judicial Officer: Adair, Valerie) <i>HEARING: POTENTIAL CONFLICT Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/14/2008	<b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 2/14/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/14/2008	Motion <i>ALL PENDING MOTIONS 2/11/08</i>	05C212667- 10620.tif pages
02/15/2008	 Motion <i>DEFT'S MTN FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING/242</i>	05C212667- 10622.tif pages
02/15/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT VERDICT</i>	05C212667- 10623.tif pages
02/19/2008	<b>CANCELED Jury Trial</b> (10:30 AM) <i>Vacated</i>	
02/20/2008	 Motion <i>DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243 VJ 5/22 STAY BY NSC</i>	05C212667- 10624.tif pages
02/20/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10629.tif pages
02/21/2008	<b>Jury Trial</b> (1:00 PM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/22/2008	<b>CANCELED Jury Trial</b> (9:00 AM) <i>Vacated</i>	
02/22/2008	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR NEW TRIAL</i>	05C212667- 10631.tif pages
02/26/2008	<b>Motion for New Trial</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 02/15/2008 Motion <i>DEFT'S MTN FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING/242 Heard By: Valerie Adair</i>	
02/26/2008	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 02/20/2008 Motion <i>DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243 VJ 5/22 STAY BY NSC</i>	
02/26/2008	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie)	








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	<i>ALL PENDING MOTIONS 2/26/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/26/2008	Motion <i>ALL PENDING MOTIONS 2/26/08</i>	05C212667-10632.tif pages
03/06/2008	<b>CANCELED Calendar Call</b> (9:30 AM) <i>Vacated</i>	
03/06/2008	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667-10633.tif pages
03/10/2008	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
03/10/2008	Motion <i>ALL PENDING MOTIONS 2/14/08</i>	05C212667-10634.tif pages
03/11/2008	<b>Motion for New Trial</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>DEFT'S MTN FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING/242</i> <i>Relief Clerk: REBECCA FOSTER Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
03/11/2008	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243 VJ 5/22 STAY BY NSC</i>	
03/14/2008	 Order <i>ORDER DENYING DEFENDANTS MOTION FOR NEW TRIAL</i>	05C212667-10635.tif pages
03/20/2008	<b>Sentencing</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 02/08/2008 Conversion Case Event Type <i>SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
03/20/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CHANGE OF PLEA</i>	05C212667-10636.tif pages
03/20/2008	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Guilty	
03/20/2008	<b>Disposition</b> (Judicial Officer: User, Conversion)	
03/20/2008	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. MURDER. Guilty	
03/20/2008	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. DEGREES OF MURDER Guilty	
03/20/2008	<b>Sentence</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 96 Months to Maximum 240 Months Placement: NSP	


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**CASE SUMMARY**  
**CASE No. 05C212667-1**

	Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 515 Days to Maximum 515 Days Converted Disposition: Sentence# 0003: CREDIT FOR TIME SERVED Minimum 514 Days to Maximum 514 Days Converted Disposition: Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0005: ADMINISTRATION FEE Amount: \$25.00	
03/25/2008	<b>Sentencing</b> (9:30 AM) <i>SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
03/28/2008	Conversion Case Event Type <i>SENTENCE TO RUN CONSECUTIVE TO CALIFORNIA TIME</i>	05C212667-10639.tif pages
03/28/2008	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>	05C212667-10640.tif pages
03/28/2008	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>	05C212667-10641.tif pages
03/31/2008	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	05C212667-10642.tif pages
03/31/2008	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	05C212667-10643.tif pages
03/31/2008	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	05C212667-10644.tif pages
03/31/2008	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	05C212667-10645.tif pages
04/07/2008	 Ex Parte Order <i>EX PARTE ORDER FOR EXCESS FEES AND FINAL COMPENSATION - RELATED PARTYID: 05C212667_0001</i>	05C212667-10646.tif pages
04/07/2008	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES</i>	05C212667-10647.tif pages
04/09/2008	 Motion <i>STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250</i>	05C212667-10648.tif pages
04/10/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 04/09/2008 Motion <i>STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250 Heard By: Valerie Adair</i>	








DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

04/15/2008	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 02/04/2008 Hearing <i>STATUS CHECK: SENTENCING Heard By: Valerie Adair</i>	
04/15/2008	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250 Heard By: Valerie Adair</i>	
04/15/2008	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 4/15/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
04/15/2008	Motion <i>ALL PENDING MOTIONS 4/15/08</i>	05C212667- 10650.tif pages
04/16/2008	 Opposition <i>OPPOSITION TO STATES MTN TO CONDUCT VIDEOTAPED TESTIMONY OF COOPERATING WITNESS WITNESS- RELATED PARTYID: 05C212667_0001</i>	05C212667- 10652.tif pages
04/16/2008	 Filed Under Seal <i>FILED UNDER SEAL EXHIBIT 2 TO OPPOSITION TO STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY - SEALED TESTIMONY - SEALED</i>	05C212667- 10895.tif pages
04/17/2008	<b>Motion</b> (9:30 AM) <i>STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250 Heard By: Valerie Adair</i>	
04/23/2008	 Order <i>EX PARTE APPLICATION AND ORDER FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10653.tif pages
04/23/2008	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10654.tif pages
04/30/2008	 Notice of Appeal <i>NOTICE OF APPEAL (51549) - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10655.tif pages
04/30/2008	 Request <i>REQUEST FOR ROUGH DRAFT TRANSCRIPT - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10656.tif pages
04/30/2008	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10657.tif pages
04/30/2008	 Request <i>REQUEST FOR ROUGH DRAFT TRANSCRIPT - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10658.tif pages
05/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MOTIONS</i>	05C212667- 10659.tif pages
05/08/2008	 Filed Under Seal	05C212667- 10660.tif pages






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**CASE SUMMARY**  
**CASE No. 05C212667-1**

	<i>FILED UNDER SEAL ORDER SEALING AGREEMENT TO TESTIFY AND EXHIBIT 2 OF OPPOSITION TO STATES MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS OPPOSITION TO STATES MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS</i>	
05/09/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ALL PENDING MOTIONS</i>	05C212667- 10661.tif pages
05/09/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ALL PENDING MOTIONS</i>	05C212667- 10662.tif pages
05/20/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS SENTENCING</i>	05C212667- 10664.tif pages
05/20/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANTS MOTION FOR NEW TRIAL AND REQUEST FOR EVIDENTIARY HEARING EVIDENTIARY HEARING</i>	05C212667- 10665.tif pages
05/22/2008	<b>Motion to Dismiss</b> (9:30 AM) <i>DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243 VJ 5/22 STAY BY NSC</i>	
05/22/2008	<b>CANCELED Calendar Call</b> (9:30 AM) <i>Vacated</i>	
05/27/2008	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
05/29/2008	Hearing <i>STATUS CHECK: TRIAL SETTING</i>	05C212667- 10666.tif pages
06/05/2008	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10667.tif pages
06/17/2008	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/29/2008 Hearing <i>STATUS CHECK: TRIAL SETTING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/18/2008	 Notice of Intent to Seek Death Penalty <i>AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667- 10670.tif pages
06/25/2008	 Motion <i>STATES MTN TO CONSOLIDATE WITH C241394/256</i>	05C212667- 10672.tif pages
06/26/2008	 Application <i>EX PARTE APPLICATION FOR ADDITIONAL MITIGATION EXPERT INVESTIGATIVE FEES PURSUANT TO NRS 7.135 PURSUANT TO NRS 7.135- RELATED PARTYID: 05C212667_0004</i>	05C212667- 10673.tif pages
06/26/2008	 Order <i>ORDER - RELATED PARTYID: 05C212667_0004</i>	05C212667- 10674.tif pages

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

06/30/2008	 Motion <i>NOTICE OF INTENT REV OF PROB</i>	05C212667-10675.tif pages
07/03/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK TRIAL SETTING/AFFIDAVIT DEFENDANTS MOTION FOR DISCLOSURE OF EXISTENCE OF ELECTRONIC SURVEILLANCE DEFENDANTS MOTION FOR DISCLOSURE OF INTERCEPTED COMMUNICATIONS FOR DISCLOSURE OF EXISTENCE OF ELECTRONIC SURVEILLANCE DEFENDANTS MOTION FOR DISCLOSURE OF INTERCEPTED COMMUNICATIONS</i>	05C212667-10676.tif pages
07/10/2008	<b>Motion to Consolidate</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 06/25/2008 Motion <i>STATES MTN TO CONSOLIDATE WITH C241394/256 Heard By: Valerie Adair</i>	
07/10/2008	<b>Notice of Intent to Seek Revocation of Probation</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 06/30/2008 Motion <i>NOTICE OF INTENT REV OF PROB Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
07/22/2008	<b>Motion to Consolidate</b> (9:30 AM) <i>STATES MTN TO CONSOLIDATE WITH C241394/256 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
08/12/2008	<b>Motion to Consolidate</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>STATES MTN TO CONSOLIDATE WITH C241394/256 Heard By: Valerie Adair</i>	
08/19/2008	 Order <i>ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING THE TERMS THEREOF</i>	05C212667-10677.tif pages
10/13/2008	 Filed Under Seal <i>FILED UNDER SEAL - EX PARTE APPLICATION FOR DEFT LUIS A HIDALGO III TO BE GORDON SILVER TRANSPORTED FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICES OF GORDON SILVER TRANSPORTED FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICES OF- RELATED PARTYID: 05C212667_0002</i>	05C212667-10678.tif pages
10/14/2008	 Order <i>ORDER TO SEAL EX PARTE APPLICATION AND ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>	05C212667-10679.tif pages
10/14/2008	 Filed Under Seal <i>FILED UNDER SEAL - DEFENDANT LUIS A HIDALGO IIIS EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>	05C212667-10680.tif pages
10/20/2008	Hearing <i>TRIAL SETTING</i>	05C212667-10681.tif pages
10/20/2008	 Notice of Intent to Seek Death Penalty <i>AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C212667-10682.tif pages
10/23/2008	<b>Conversion Hearing Type</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 10/20/2008 Hearing <i>TRIAL SETTING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	

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**CASE SUMMARY**  
**CASE No. 05C212667-1**

10/28/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE TRIAL SETTING</i>	05C212667-10685.tif pages
10/30/2008	 Filed Under Seal <i>FILED UNDER SEAL - RECORDERS TRANSCRIPT OF HEARING RE MOTIONS</i>	05C212667-10686.tif pages
10/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE DEFTS MTN TO SET BAIL</i>	05C212667-10687.tif pages
10/30/2008	 Order <i>ORDER TO SEAL</i>	05C212667-10688.tif pages
11/13/2008	Hearing <i>STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394</i>	05C212667-10689.tif pages
11/20/2008	<b>Request</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 11/13/2008 Hearing <i>STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
11/21/2008	 Substitution of Attorney <i>SUBSTITUTION OF ATTORNEYS - RELATED PARTYID: 05C212667_0002</i>	05C212667-10690.tif pages
12/08/2008	 Opposition <i>DEFTS LUIS HIDALGO JR AND LUIS HIDALGO IIIS OPPOSITION TO THE MTN TO CONSOLIDATE CASE NO C241394 INTO C212667 CONSOLIDATE CASE NO C241394 INTO C212667- RELATED PARTYID: 05C212667_0002</i>	05C212667-10691.tif pages
12/08/2008	 Request <i>DEFT LUIS A HIDALGO IIIS MTN TO STRIKE THE AMENDED NOTICE TO SEEK DEATH PENALTY - RELATED PARTYID: 05C212667_0002</i>	05C212667-10692.tif pages
12/15/2008	 Response <i>RESPONSE TO DEFT LUIS HIDALGO JR AND LUIS HIDALGO IIIS OPPOSITION TO CONSOLIDATE CASE NO C241394 INTO C212667 CONSOLIDATE CASE NO C241394 INTO C212667</i>	05C212667-10693.tif pages
12/19/2008	<b>Request</b> (9:30 AM) <i>STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Relief Clerk: Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
12/22/2008	 Notice <i>DEFT LUIS A HIDALGO IIIS AMENDED NOTICE TO STRIKE THE AMENDED NOTICE TO SEEK DEATH PENALTY DEATH PENALTY- RELATED PARTYID: 05C212667_0002</i>	05C212667-10695.tif pages
12/29/2008	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATES REQUEST FOR STATUS CHECK ON MOTION TO CONSOLIDATE MOTION TO CONSOLIDATE</i>	05C212667-10696.tif pages
12/29/2008	 Filed Under Seal	05C212667-



DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

	<i>FILED UNDER SEAL - EX PARTE APPLICATION FOR LUIS HIDALGO III TO BE TRANSPORTED FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICE OF GORDON SILVER FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICE OF GORDON SILVER- RELATED PARTYID: 05C212667_0002</i>	<i>10697.tif pages</i>
12/29/2008	 Order <i>ORDER TO SEAL EX PARTE APPLICATION AND ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10698.tif pages</i>
12/29/2008	 Filed Under Seal <i>FILED UNDER SEAL - DEFT LUIS A HIDALGO IIIS EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10699.tif pages</i>
12/31/2008	 Opposition <i>STATES OPPOSITION TO DEFT LUIS A HIDALGO IIIS AMENDED NOTICE TO STRIKE THE AMENDED NOTICE TO SEEK DEATH PENALTY AMENDED NOTICE TO SEEK DEATH PENALTY</i>	<i>05C212667-10700.tif pages</i>
01/05/2009	 Expert Witness List <i>DEFT LUIS A HIDALGO III'S 3RD SUPPLEMENTAL NOTICE OF EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10701.tif pages</i>
01/06/2009	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF EXPERT WITNESSES</i>	<i>05C212667-10703.tif pages</i>
01/07/2009	 Motion <i>STATE'S MTN TO REMOVE MR GENTILE AS ATTORNEY OR TO REQ WAIVERS/262</i>	<i>05C212667-10702.tif pages</i>
01/07/2009	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>	<i>05C212667-10705.tif pages</i>
01/08/2009	 Motion <i>DEFT'S MTN FOR FAIR &amp; ADEQUATE VOIR DIRE/263</i>	<i>05C212667-10704.tif pages</i>
01/09/2009	<b>Request</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
01/09/2009	 Order <i>ORDER ADMITTING TO PRACTICE - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10731.tif pages</i>
01/12/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT - STATES REQUEST - STATUS CHECK ON MTN TO CONSOLIDATE</i>	<i>05C212667-10706.tif pages</i>
01/15/2009	 Filed Under Seal <i>DEFENDANT LUIS A HIDALGO IIIS EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10708.tif pages</i>
01/15/2009	 Filed Under Seal	<i>05C212667-10709.tif pages</i>

**CASE SUMMARY****CASE No. 05C212667-1**

*EX PARTE APPLICATION FOR DEFT LUIS A HIDALGO III TO BE TRANSPORTED FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICES OF GORDON SILVER CLARK COUNTY DETENTION CENTER TO THE LAW OFFICES OF GORDON SILVER- RELATED PARTYID: 05C212667\_0002*

01/15/2009



Order

*ORDER TO SEAL EX PARTE APPLICATION AND ORDER TO TRANSPORT - RELATED PARTYID: 05C212667\_0002*

05C212667-  
10710.tif pages

01/16/2009

**Request** (9:30 AM)

*STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Heard By: Valerie Adair*

01/16/2009

**Motion** (9:30 AM) (Judicial Officer: Adair, Valerie)

*STATE'S MTN TO REMOVE MR GENTILE AS ATTORNEY OR TO REQ WAIVERS/262 Heard By: Valerie Adair*

01/16/2009

**Motion** (9:30 AM) (Judicial Officer: Adair, Valerie)

*DEFT'S MTN FOR FAIR & ADEQUATE VOIR DIRE/263 Heard By: Valerie Adair*

01/16/2009

**All Pending Motions** (9:30 AM) (Judicial Officer: Adair, Valerie)

*ALL PENDING MOTIONS 1-16-09 Relief Clerk: REBECCA FOSTER Reporter/Recorder: Janie Olsen Heard By: Valerie Adair*

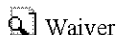
01/16/2009

Motion

*ALL PENDING MOTIONS 1-16-09*

05C212667-  
10707.tif pages

01/16/2009



Waiver

*WAIVER OF RIGHTS TO A DETERMINATION OF PENALTY BY THE TRIAL JURY*

05C212667-  
10711.tif pages

01/16/2009

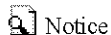


Order

*ORDER GRANTING THE STATES MOTION TO CONSOLIDATE C241394 INTO C212667*

05C212667-  
10712.tif pages

01/16/2009



Notice

*SUPPLEMENTAL NOTICE OF WITNESSES*

05C212667-  
10713.tif pages

01/20/2009

**Motion** (9:30 AM) (Judicial Officer: Adair, Valerie)

Events: 01/07/2009 Motion

*STATE'S MTN TO REMOVE MR GENTILE AS ATTORNEY OR TO REQ WAIVERS/262 Heard By: Valerie Adair*

01/20/2009

**Motion** (9:30 AM) (Judicial Officer: Adair, Valerie)

Events: 01/08/2009 Motion

*DEFT'S MTN FOR FAIR & ADEQUATE VOIR DIRE/263 Heard By: Valerie Adair*

01/20/2009



Notice of Witnesses and/or Expert Witnesses

*NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C212667\_0002*

05C212667-  
10717.tif pages

01/20/2009



Opposition

*OPPOSITION TO STATE OF NEVADAS MTN IN LIMINE TO EXCLUDE TESTIMONY OF VALERIE FRIDLAND FRIDLAND- RELATED PARTYID: 05C212667\_0002*

05C212667-  
10718.tif pages

01/20/2009



Opposition

05C212667-  
10881.tif pages









DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

	<i>STATES OPPOSITION TO DEFT LUIS A HIDALGO JRS MTN TO SUPPRESS EVIDENCE</i>	
01/20/2009	 Opposition <i>STATES OPPOSITION TO DEFT LUIS A HIDALGO JRS MTN TO SUPPRESS EVIDENCE</i>	05C212667-10882.tif pages
01/22/2009	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
01/23/2009	<b>Decision</b> (10:50 AM) (Judicial Officer: Adair, Valerie) <i>DECISION: MATTERS ADDRESSED ON 1/22/09 Court Clerk: Denise Husted Heard By: Valerie Adair</i>	
01/23/2009	Hearing <i>DECISION: MATTERS ADDRESSED ON 1/22/09</i>	05C212667-10715.tif pages
01/23/2009	Hearing <i>STATE'S REQUEST FOR CLARIFICATION</i>	05C212667-10716.tif pages
01/26/2009	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
01/26/2009	<b>Request</b> (10:00 AM) (Judicial Officer: Adair, Valerie) Events: 01/23/2009 Hearing <i>STATE'S REQUEST FOR CLARIFICATION Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
01/26/2009	 Notice of Witnesses and/or Expert Witnesses <i>DEFENDANTS SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>	05C212667-10720.tif pages
01/26/2009	 Information <i>FOURTH AMENDED INFORMATION</i>	05C212667-10721.tif pages
01/27/2009	<b>Jury Trial</b> (12:30 PM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
01/28/2009	<b>Jury Trial</b> (10:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
01/29/2009	<b>Jury Trial</b> (9:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
01/29/2009	 Subpoena Duces Tecum <i>SUBPOENA - CRIMINAL - RELATED PARTYID: 05C212667_0002</i>	05C212667-10722.tif pages
01/29/2009	 Memorandum <i>LUIS A HIDALGO JRS TRIAL MEMORANDUM - REDACTED - RELATED PARTYID: 05C212667_0002</i>	05C212667-10723.tif pages
01/30/2009	<b>Jury Trial</b> (10:00 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By:</i>	











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**CASE SUMMARY**  
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	<i>Adair, Valerie</i>	
02/02/2009	<b>Jury Trial (10:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/02/2009	 Notice of Witnesses and/or Expert Witnesses <i>SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002</i>	05C212667-10724.tif pages
02/02/2009	 Jury List <i>DISTRICT COURT JURY LIST</i>	05C212667-10885.tif pages
02/03/2009	<b>Jury Trial (10:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Relief Clerk: Carol Donahoo (3:45 p.m.) Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/03/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE EXCERPT OF PROCEEDINGS - EXCERPT OF PROCEEDINGS - STATES OPENING STATEMENT PROCEEDINGS - STATES OPENING STATEMENT</i>	05C212667-10726.tif pages
02/04/2009	<b>Jury Trial (10:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/04/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE EXCERPT OF PROCEEDINGS</i>	05C212667-10725.tif pages
02/05/2009	<b>Jury Trial (9:00 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/05/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE EXCERPT OF PROCEEDINGS</i>	05C212667-10727.tif pages
02/06/2009	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/09/2009	<b>Jury Trial (9:00 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/09/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE EXCERPT OF PROCEEDINGS - HEARD 02-06-09 02-06-09</i>	05C212667-10884.tif pages
02/10/2009	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/10/2009	 Notice of Witnesses and/or Expert Witnesses <i>DEFTS FIRST SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>	05C212667-10728.tif pages

DEPARTMENT 21  
**CASE SUMMARY**  
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02/10/2009	 Bench Warrant <i>BENCH WARRANT ISSUED</i>	05C212667- 10729.tif pages
02/10/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT EXCERPT OF PROCEEDINGS OF ANABEL ESPINDOLAS TESTIMONY TESTIMONY</i>	05C212667- 10733.tif pages
02/11/2009	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/11/2009	Conversion Case Event Type <i>STATUS CHANGE: ACTIVE TO WARRANT</i>	05C212667- 10730.tif pages
02/12/2009	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/12/2009	 Proposed Verdict Forms Not Used at Trial <i>PROPOSED VERDICT FORMS NOT USED AT TRIAL</i>	05C212667- 10734.tif pages
02/13/2009	<b>Jury Trial (9:30 AM)</b> (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
02/13/2009	 Jury List <i>AMENDED DISTRICT COURT JURY LIST</i>	05C212667- 10880.tif pages
02/17/2009	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/17/2009	 Judgment <i>VERDICT</i>	05C212667- 10738.tif pages
02/17/2009	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>	05C212667- 10741.tif pages
02/17/2009	 Proposed Verdict Forms Not Used at Trial <i>PROPOSED VERDICT FORMS NOT USED AT TRIAL</i>	05C212667- 10763.tif pages
02/18/2009	Conversion Case Event Type <i>SENTENCING VJ 5/1/09</i>	05C212667- 10732.tif pages
02/18/2009	Motion <i>O.R. RELEASE/BAIL REDUCTION VA 2/18/09</i>	05C212667- 10735.tif pages
02/18/2009	 Motion <i>DEFT'S MTN FIR O.R. RELEASE FOR HOUSE ARREST/271</i>	05C212667- 10736.tif pages


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02/18/2009	 Request <i>MOTION FOR OWN RECOGNIZANCE RELEASE FOR HOUSE ARREST - RELATED PARTYID: 05C212667_0003</i>	05C212667-10737.tif pages
02/24/2009	<b>CANCELED Motion for Own Recognizance Release/Setting Reasonable Bail (9:30 AM)</b> Events: 02/18/2009 Motion <i>Vacated</i>	
02/24/2009	<b>Motion for Own Recognizance Release/Setting Reasonable Bail (9:30 AM)</b> (Judicial Officer: Adair, Valerie) Events: 02/18/2009 Motion <i>DEFT'S MTN FIR O.R. RELEASE FOR HOUSE ARREST/271 Relief Clerk: Sharon Chun Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/24/2009	 Ex Parte <i>EX PARTE APPLICATION TO EXTEND TIME TO FILE MTN FOR NEW TRIAL - RELATED PARTYID: 05C212667_0002</i>	05C212667-10739.tif pages
02/24/2009	 Ex Parte Order <i>DEFENDANTS LUI EX PARTE ORDER TO EXTEND TIME TO FILE MTN FOR NEW TRIAL - RELATED PARTYID: 05C212667_0002</i>	05C212667-10740.tif pages
03/10/2009	 Motion <i>DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272</i>	05C212667-10742.tif pages
03/10/2009	Motion <i>DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/273</i>	05C212667-10743.tif pages
03/11/2009	 Request <i>SUPPLEMENT TO LUIS A HIDALGO JRS MOTION FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>	05C212667-10744.tif pages
03/17/2009	 Opposition <i>STATES OPPOSITION TO DEFT LUIS HIDALGO IIIS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL IN THE ALTERNATIVE A NEW TRIAL</i>	05C212667-10745.tif pages
03/18/2009	 Order <i>ORDER FOR EXPEDITED TRANSCRIPT</i>	05C212667-10746.tif pages
03/18/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF DEFTS MTN FOR OR RELEASE FOR HOUSE ARREST</i>	05C212667-10747.tif pages
03/20/2009	 Order <i>STIPULATION AND ORDER TO CONTINUE HEARING ON DEFTS LUIS A HIDALGO JRS AND LUIS A HIDALGO IIIS MTNS FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL LUIS A HIDALGO IIIS MTNS FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>	05C212667-10748.tif pages
03/23/2009	 Notice	05C212667-10749.tif pages

**CASE SUMMARY****CASE No. 05C212667-1**

*NOTICE OF ENTRY OF ORDER TO CONTINUE HEARING ON DEFTS LUIS A HIDALGO JRS AND LUIS A HIDALGO IIIS MTNS FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL LUIS A HIDALGO IIIS MTNS FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667\_0002*

03/23/2009

 Stipulation

*STIPULATION AS TO THE RELEASE OF UNITED STATES SAVINGS BONDS TO DEFT LUIS A HIDALGO III AND SUBSTITUTION OF EVIDENCE HIDALGO III AND SUBSTITUTION OF EVIDENCE- RELATED PARTYID: 05C212667\_0002*

05C212667-10795.tif pages

03/23/2009

 Order

*ORDER TO RELEASE UNITED STATES SAVINGS BONDS TO LUIS A HIDALGO III OR JOHNARRASCADA AND SUBSTITUTE INTO EVIDENCE PHOTOCOPIES OR PHOTOGRAPHS OF THE UNITED STATES SAVINGS BONDS ARRASCADA AND SUBSTITUTE INTO EVIDENCE PHOTOCOPIES OR PHOTOGRAPHS OF THE UNITED STATES SAVINGS BONDS- RELATED PARTYID: 05C212667\_0002*

05C212667-10796.tif pages


03/23/2009

 Order

*ORDER TO RELEASE UNITED STATES SAVINGS BONDS TO LUIS A HIDALGO III OR JOHNARRASCADA AND SUBSTITUTE INTO EVIDENCE PHOTOCOPIES OR PHOTOGRAPHS OF THE UNITED STATES SAVINGS BONDS ARRASCADA AND SUBSTITUTE INTO EVIDENCE PHOTOCOPIES OR PHOTOGRAPHS OF THE UNITED STATES SAVINGS BONDS- RELATED PARTYID: 05C212667\_0002*

05C212667-10877.tif pages

03/23/2009

 Stipulation

*STIPULATION AS TO THE RELEASE OF UNITED STATES SAVINGS BONDS TO DEFT LUIS A HIDALGO III AND SUBSTITUTION OF EVIDENCE HIDALGO III AND SUBSTITUTION OF EVIDENCE- RELATED PARTYID: 05C212667\_0002*

05C212667-10878.tif pages

03/24/2009

**Motion for Judgment** (9:30 AM) (Judicial Officer: Adair, Valerie)

Events: 03/10/2009 Motion

*DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272 Heard By: Valerie Adair*

03/24/2009

**Motion for Judgment** (9:30 AM) (Judicial Officer: Adair, Valerie)

Events: 03/10/2009 Motion

*DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/273*

04/15/2009

 Reply

*REPLY TO THE STATES OPPOSITION TO DEFT LUIS HIDALGO IIIS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667\_0002*

05C212667-10751.tif pages

04/15/2009

 Reply

*REPLY TO THE STATES OPPOSITION TO DEFT LUIS HIDALGO IIIS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667\_0002*

05C212667-10883.tif pages

04/17/2009

 Reply

*REPLY TO STATES OPPOSITION TO DEFT LUIS A HIDALGO JRS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667\_0002*

05C212667-10753.tif pages

04/21/2009

**Motion for Judgment** (9:30 AM) (Judicial Officer: Adair, Valerie)*DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/273*

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04/21/2009	<b>Motion for Judgment</b> (10:30 AM) (Judicial Officer: Adair, Valerie) <i>DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
04/24/2009	 <b>Judgment</b> <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	05C212667- 10754.tif pages
04/27/2009	 <b>Points and Authorities</b> <i>SUPPLEMENTAL POINTS AND AUTHORITIES TO DEFT LUIS A HIDALGO JRS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>	05C212667- 10755.tif pages
05/01/2009	<b>Motion for Judgment</b> (10:30 AM) <i>DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
05/01/2009	<b>Hearing</b> <i>STATUS CHECK: SENTENCING</i>	05C212667- 10756.tif pages
05/05/2009	<b>CANCELED Sentencing</b> (9:30 AM) Events: 02/18/2009 Conversion Case Event Type <i>Vacated</i>	
05/05/2009	Conversion Case Event Type <i>STATUS CHANGE: WARRANT TO ACTIVE</i>	05C212667- 10757.tif pages
05/05/2009	 <b>Bench Warrant</b> <i>BENCH WARRANT RETURN</i>	05C212667- 10758.tif pages
05/07/2009	<b>Bench Warrant Return</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/05/2009 Bench Warrant <i>BENCH WARRANT RETURN Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
05/07/2009	<b>Hearing</b> <i>REVOCATION OF PROBATION</i>	05C212667- 10759.tif pages
05/28/2009	 <b>Notice</b> <i>AMENDED NOTICE OF EVIDENCE IN AGGRAVATION</i>	05C212667- 10761.tif pages
06/02/2009	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/01/2009 Hearing <i>STATUS CHECK: SENTENCING Relief Clerk: Shelly Landwehr/sl Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/02/2009	Conversion Case Event Type <i>SENTENCING</i>	05C212667- 10762.tif pages
06/11/2009	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/15/2009	<b>Jury Trial</b> (9:30 AM) (Judicial Officer: Adair, Valerie)	



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	<i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/15/2009	Hearing <i>STATUS CHECK: APPOINTMENT OF DAN ALBREGTS/RESET TRIAL</i>	05C212667-10764.tif pages
06/15/2009	 Order <i>ORDER FOR DAILY TRANSCRIPTS</i>	05C212667-10765.tif pages
06/16/2009	<b>Revocation of Probation</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 05/07/2009 Hearing <i>REVOCATION OF PROBATION Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
06/18/2009	<b>Status Check</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 06/15/2009 Hearing <i>STATUS CHECK: APPOINTMENT OF DAN ALBREGTS/RESET TRIAL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/19/2009	 Objection <i>LUIS A HIDALGO JRS OBJECTIONS TO THE SUPPLEMENTAL PRESENTENCE INVESTIGATION REPORT REPORT- RELATED PARTYID: 05C212667_0002</i>	05C212667-10769.tif pages
06/19/2009	 Memorandum <i>LUIS A HIDALGO JRS SENTENCING MEMORANDUM - RELATED PARTYID: 05C212667_0002</i>	05C212667-10770.tif pages
06/19/2009	 Memorandum <i>LUIS A HIDALGO IIIS SENTENCING MEMORANDUM - RELATED PARTYID: 05C212667_0002</i>	05C212667-10771.tif pages
06/19/2009	 Order <i>ORDER REGARDING PLAINTIFFS MOTION TO STAY PROCEEDINGS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10774.tif pages
06/19/2009	 Order <i>ORDER</i>	05C212667-10775.tif pages
06/23/2009	<b>Sentencing</b> (10:00 AM) (Judicial Officer: Adair, Valerie) Events: 06/02/2009 Conversion Case Event Type <i>SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
06/23/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE JURY TRIAL - HEARD 06-15-09</i>	05C212667-10772.tif pages
06/23/2009	 Order <i>ORDER DIRECTING THE DEPT OF PAROLE AND PROBATION TO MAKE THE FOLLOWINGCORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORTS FOR THE ABOVE REFERENCED DEFENDANTS CORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORTS FOR THE ABOVE REFERENCED DEFENDANTS</i>	05C212667-10789.tif pages
06/23/2009	 Order	05C212667-

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	<i>ORDER DIRECTING THE DEPARTMENT OF PAROLE AND PROBATION TO MAKE THE FOLLOWING CORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORTS FOR THE ABOVE REFERENCED DEFENDANTS CORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORTS FOR THE ABOVE REFERENCED DEFENDANTS</i>	<i>10879.tif pages</i>
06/29/2009	 Order <i>ORDER FOR TRANSCRIPT</i>	<i>05C212667-10773.tif pages</i>
06/30/2009	<b>Revocation of Probation</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>REVOCATION OF PROBATION Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
07/06/2009	 Judgment <i>AMENDED JUDGMENT OF CONVICTION</i>	<i>05C212667-10776.tif pages</i>
07/06/2009	 Ex Parte <i>EX PARTE APPLICATION REQUESTING THAT DEFT LUIS A HIDALGO IIIS EX PARTE APPLICATION REQUESTING AN ORDER DECLARING HIM INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL BE SEALED APPLICATION REQUESTING AN ORDER DECLARING HIM INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL BE SEALED- RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10777.tif pages</i>
07/06/2009	 Ex Parte Order <i>EX PARTE ORDER DECLARING LUIS A HIDALGO JR INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10778.tif pages</i>
07/06/2009	 Ex Parte <i>EX PARTE APPLICATION REQUESTING THAT DEFTS LUIS A HIDALGO JRS EX-PARTE APPLICATION REQUESTING AN ORDER DECLARING HIM INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL BE SEALED APPLICATION REQUESTING AN ORDER DECLARING HIM INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL BE SEALED- RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10779.tif pages</i>
07/06/2009	 Ex Parte Order <i>EX PARTE ORDER TO SEAL EX-PARTE APPLICATION TO DECLARE LUIS A HIDALGO JR INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10780.tif pages</i>
07/06/2009	 Ex Parte <i>EX PARTE APPLICATION REQUESTING THAT DEFT LUIS A HIDALGO III BE DECLARED INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10781.tif pages</i>
07/06/2009	 Ex Parte Order <i>EX PARTE ORDER DECLARING LUIS A HIDALGO III INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002</i>	<i>05C212667-10782.tif pages</i>
07/06/2009	 Filed Under Seal	<i>05C212667-10783.tif pages</i>

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*EX PARTE APPLICATION REQUESTING THAT DEFT LUIS A HIDALGO JR BE  
DECLARED INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL  
INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL- RELATED  
PARTYID: 05C212667\_0002*

07/09/2009	 Order <i>ORDER FOR EXPEDITED TRANSCRIPTS</i>	05C212667- 10787.tif pages
07/10/2009	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	05C212667- 10784.tif pages
07/10/2009	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	05C212667- 10785.tif pages
07/13/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE SENTENCING - HEARD 6-23-09</i>	05C212667- 10786.tif pages
07/14/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATUS CHECK - APPOINTMENT OF DAN ALBREGTS - RESET TRIAL - HEARD 06-18-09 ALBREGTS - RESET TRIAL - HEARD 06-18- 09</i>	05C212667- 10788.tif pages
07/16/2009	 Notice of Appeal <i>LUIS A HIDALGO JRS NOTICE OF APPEAL (SC 54272) - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10790.tif pages
07/16/2009	 Notice of Appeal <i>LUIS A HIDALGO IIIS NOTICE OF APPEAL (SC 54209) - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10791.tif pages
07/29/2009	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10794.tif pages
07/30/2009	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10792.tif pages
07/30/2009	 Request <i>REQUEST FOR TRANSCRIPTS OF PROCEEDINGS - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10886.tif pages
07/30/2009	 Statement <i>CASE APPEAL STATEMENT</i>	05C212667- 10887.tif pages
07/30/2009	 Request <i>REQUEST FOR TRANSCRITPS FO PROCEEDINGS - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10888.tif pages
07/31/2009	 Request <i>REQUEST FOR TRANSCRIPTS OF PROCEEDINGS - RELATED PARTYID: 05C212667_0002</i>	05C212667- 10793.tif pages


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08/11/2009	 Ex Parte <i>LUIS A HIDALGO JRS EX PARTE APPLICATION REQUESTING THE STATE OF NEVADA TO PAY FOR TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS DUE TO HIS INDIGENCY FOR TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS DUE TO HIS INDIGENCY- RELATED PARTYID: 05C212667_0002</i>	05C212667-10797.tif pages
08/17/2009	 Notice <i>NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 05C212667_0002</i>	05C212667-10798.tif pages
08/18/2009	 Judgment <i>AMENDED JUDGMENT OF CONVICTION JURY TRIAL</i>	05C212667-10889.tif pages
08/21/2009	 Ex Parte Order <i>EX PARTE ORDER ORDERING THE STATE OF NEVADA TO PAY FOR DISTRICT COURTTRANSCRIPTS OF PROCEEDINGS ON BEHALF OF LUIS A HIDALGO III DUE TO HIS INDIGENCY TRANSCRIPTS OF PROCEEDINGS ON BEHALF OF LUIS A HIDALGO III DUE TO HIS INDIGENCY- RELATED PARTYID: 05C212667_0002</i>	05C212667-10799.tif pages
08/21/2009	 Ex Parte <i>LUIS A HIDALGO IIIS EX PARTE APPLICATION REQUESTING THE STATE OF NEVADA TO PAY FOR TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS DUE TO HIS INDIGENCY FOR TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS DUE TO HIS INDIGENCY- RELATED PARTYID: 05C212667_0002</i>	05C212667-10800.tif pages
10/05/2009	 Receipt <i>RECEIPT OF EXHIBITS</i>	05C212667-10801.tif pages
11/20/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE MOTIONS - HEARD 01-16-09</i>	05C212667-10802.tif pages
11/20/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE DEFENDANTS MOTIONS - HEARD 02-11-08</i>	05C212667-10803.tif pages
11/20/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE DEFTS MTN FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL - HEARD 02-05-08 TRANSCRIPT APPROVAL - HEARD 02-05-08</i>	05C212667-10804.tif pages
11/20/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - CALENDAR CALL - STATES MTN IN LIMINETO EXCLUDE TESTIMONY OF VALERIE FRIDLAND - DEFT LUIS HIDALGO JRS MTN TO SUPPRESS EVIDENCE - HEARD 01-22-09 TO EXCLUDE TESTIMONY OF VALERIE FRIDLAND - DEFT LUIS HIDALGO JRS MTN TO SUPPRESS EVIDENCE - HEARD 01-22-09</i>	05C212667-10805.tif pages
11/20/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATES MTN TO CONSOLIDATE WITH C241394 - STATES MTN TO CONSOLIDATE WITH C212667 - STATES MTN TO CONSOLIDATE WITH C212667</i>	05C212667-10806.tif pages

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11/20/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFT LUIS HIDALGO IIIS MTN FORHIDALGO JRS MTN FOR JUDGMENT OF ACQUITTAL - HEARD 05-01-09 JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE FOR A NEW TRIAL - DEFT LUIS A HIDALGO JRS MTN FOR JUDGMENT OF ACQUITTAL - HEARD 05-01-09 JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE FOR A NEW TRIAL - DEFT LUIS A</i>	05C212667-10807.tif pages
11/20/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATUS CHECK - HEARD 06-26-07</i>	05C212667-10808.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL JANUARY 30 2009</i>	05C212667-10809.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL FEBRUARY 11 2009</i>	05C212667-10810.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 1 JURY VOIR DIRE JANUARY 27 2009</i>	05C212667-10811.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 5 FEBRUARY 2 2009</i>	05C212667-10812.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 6 FEBRUARY 3 2009</i>	05C212667-10813.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL JANUARY 28 2009</i>	05C212667-10814.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL JANUARY 29 2009</i>	05C212667-10815.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 9 FEBRUARY 6 2009</i>	05C212667-10816.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 8 FEBRUARY 5 2009</i>	05C212667-10817.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 7 FEBRUARY 4 2009</i>	05C212667-10818.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 11 FEBRUARY 10 2009</i>	05C212667-10819.tif pages
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 14 VERDICT FEBRUARY 17 2009</i>	05C212667-10820.tif pages
11/24/2009	 Reporters Transcript	05C212667-10821.tif pages

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	<i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 13 FEBRUARY 12 2009</i>	
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 10 FEBRUARY 9 2009</i>	05C212667-10822.tif pages
12/17/2009	 Motion <i>DEFT'S PRO PER MTN TO WITHDRAW CNSL/283</i>	05C212667-10824.tif pages
12/17/2009	 Request <i>MOTION TO WITHDRAW COUNSEL - RELATED PARTYID: 05C212667_0001</i>	05C212667-10825.tif pages
12/29/2009	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 12/17/2009 Motion <i>DEFT'S PRO PER MTN TO WITHDRAW CNSL/283 Court Clerk: Denise Husted Heard By: Valerie Adair</i>	
01/11/2010	 Motion <i>DEFT'S PRO PER MTN FOR RELIEF FROM JUDGMENT/284</i>	05C212667-10826.tif pages
01/21/2010	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/11/2010 Motion <i>DEFT'S PRO PER MTN FOR RELIEF FROM JUDGMENT/284 Court Clerk: Denise Husted Reporter/Recorder: Patti Slattery Heard By: Adair, Valerie</i>	
01/25/2010	 Motion <i>DEFT'S PRO PER MTN FOR PRODCUTION OF DOCUMENTS PAPERS PLEADINGS AND TNGBL/285</i>	05C212667-10827.tif pages
02/04/2010	 Opposition <i>STATES OPPOSITION TO DEFTS MTN FOR RELIEF FROM JUDGMENT</i>	05C212667-10828.tif pages
02/09/2010	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 01/25/2010 Motion <i>DEFT'S PRO PER MTN FOR PRODCUTION OF DOCUMENTS PAPERS PLEADINGS AND TNGBL/285 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/11/2010	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>DEFT'S PRO PER MTN FOR RELIEF FROM JUDGMENT/284 Court Clerk: Melissa Benson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
02/25/2010	 Order <i>ORDER DENYING DEFENDANTS PRO PER MOTION FOR RELIEF FROM JUDGMENT</i>	05C212667-10829.tif pages
03/08/2010	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>	05C212667-10830.tif pages
03/08/2010	 Notice of Appeal <i>NOTICE OF APPEAL (SC 55608) - RELATED PARTYID: 05C212667_0001</i>	05C212667-10831.tif pages
03/11/2010	 Statement <i>CASE APPEAL STATEMENT</i>	05C212667-10832.tif pages

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

03/18/2010	 Motion <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL/286</i>	05C212667- 10834.tif pages
03/30/2010	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 03/18/2010 Motion <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL/286 Relief Clerk: Shelly Landwehr Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
03/30/2010	 Order <i>ORDER TO ALLOW COURT APPOINTED EXPERT DAVID L SCHMIDT PHD AND OR ASSISTANT OF DAVID L SCHMIDT PHD SPECIFICALLY ROBYN DONALDSON AND LEA THALOR CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER DAVID L SCHMIDT PHD SPECIFICALLY ROBYN DONALDSON AND LEA THALOR CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER- RELATED PARTYID: 05C212667_0004</i>	05C212667- 10835.tif pages
04/01/2010	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE DEFTS MTN TO DISMISS COUNSEL AND APPOINTMENT OF ALTERNATE COUNSEL - HEARD 03-30-10 APPOINTMENT OF ALTERNATE COUNSEL - HEARD 03-30-10</i>	05C212667- 10836.tif pages
04/16/2010	 Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>	05C212667- 10837.tif pages
04/16/2010	 Points and Authorities <i>POINTS AND AUTHORITIES IN SUPPORT OF POST-CONVICTION WRIT - RELATED PARTYID: 05C212667_0001</i>	05C212667- 10838.tif pages
04/19/2010	 Notice of Witnesses and/or Expert Witnesses <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>	05C212667- 10839.tif pages
04/19/2010	 Notice <i>SECOND AMENDED NOTICE OF EVIDENCE IN AGGRAVATION</i>	05C212667- 10840.tif pages
04/22/2010	 Order <i>ORDER FOR PRODUCTION OF INMATE JAYSON TAOIPU BAC #1037733</i>	05C212667- 10841.tif pages
04/26/2010	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0004</i>	05C212667- 10842.tif pages
04/26/2010	 Order for Petition for Writ of Habeas Corpus <i>ORDER THAT WRIT OF HABEAS CORPUS ISSUE</i>	05C212667- 10843.tif pages
04/28/2010	 Motion <i>STATE'S MTN FOR DISCOVERY RE: EXPERT TESTIMONY &amp; MTN IN LIMINE RE: EXPT/288</i>	05C212667- 10844.tif pages
04/30/2010	 Motion <i>DEFT'S MTN TO SUPPRESS /289</i>	05C212667- 10845.tif pages

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**


04/30/2010	 Points and Authorities <i>ADDITIONAL POINTS AND AUTHORITIES IN SUPPORT OF POST-CONVICTION WRIT - RELATED PARTYID: 05C212667_0001</i>	05C212667-10846.tif pages
05/04/2010	 Opposition <i>STATES OPPOSITION TO DEFTS MTN TO SUPPRESS</i>	05C212667-10847.tif pages
05/05/2010	 Proof of Service <i>PROOF OF SERVICE - RELATED PARTYID: 05C212667_0001</i>	05C212667-10848.tif pages
05/05/2010	 Affidavit <i>AFFIDAVIT OF SERVICE OF POST CONVICTION WRIT OF HABEAS CORPUS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10849.tif pages
05/05/2010	 Proof of Service <i>PROOF OF SERVICE - RELATED PARTYID: 05C212667_0001</i>	05C212667-10850.tif pages
05/05/2010	 Writ <i>WRIT OF HABEAS CORPUS - RELATED PARTYID: 05C212667_0001</i>	05C212667-10851.tif pages
05/10/2010	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0004</i>	05C212667-10852.tif pages
05/11/2010	<b>Motion</b> (9:30 AM) Events: 04/28/2010 Motion <i>STATE'S MTN FOR DISCOVERY RE: EXPERT TESTIMONY &amp; MTN IN LIMINE RE: EXPRT/288</i>	
05/11/2010	<b>Motion to Suppress</b> (9:30 AM) Events: 04/30/2010 Motion <i>DEFT'S MTN TO SUPPRESS /289</i>	
05/11/2010	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 5/11/10 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	
05/11/2010	 Order <i>ORDER GRANTING THE STATES MOT FOR DISCOVERY RE EXPERT TESTIMONY</i>	05C212667-10853.tif pages
05/12/2010	Motion <i>ALL PENDING MOTIONS 5/11/10</i>	05C212667-10854.tif pages
05/12/2010	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATES MOTION FOR DISCOVERY RE EXPERT TESTIMONY - DEFTS MOTION TO SUPPRESS - HEARD 05-11-10 EXPERT TESTIMONY - DEFTS MOTION TO SUPPRESS - HEARD 05-11-10</i>	05C212667-10855.tif pages
05/13/2010	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>	















DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

05/17/2010	<b>Jury Trial</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
05/18/2010	<b>Jury Trial</b> (10:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
05/18/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 1 - JURY VOIR DIRE - HEARD 05-17-10 HEARD 05-17-10</i>	05C212667-10858.tif pages
05/19/2010	<b>Jury Trial</b> (10:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
05/19/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 2 JURY VOIR DIRE 05-18-10</i>	05C212667-10860.tif pages
05/20/2010	<b>Jury Trial</b> (9:00 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
05/20/2010	 Order <i>ORDER FOR DAILY TRANSCRIPTS</i>	05C212667-10859.tif pages
05/20/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 3 ON 05-19-10</i>	05C212667-10861.tif pages
05/20/2010	 Subpoena Duces Tecum <i>CRIMINAL SUBPOENA - REGULAR - ANABEL ESPINDOLA LOCATED AT 1013 WOODBRIDGE DRIVE LAS VEGAS NV 89108 DRIVE LAS VEGAS NV 89108- RELATED PARTYID: 05C212667_0004</i>	05C212667-10862.tif pages
05/21/2010	<b>Jury Trial</b> (10:00 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
05/21/2010	 Jury List <i>DISTRICT COURT JURY LIST</i>	05C212667-10857.tif pages
05/21/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 4 - HEARD 05-20-10</i>	05C212667-10863.tif pages
05/21/2010	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	05C212667-10864.tif pages
05/21/2010	 Information <i>FIFTH AMENDED INFORMATION</i>	05C212667-10865.tif pages
05/24/2010	<b>Jury Trial</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By:</i>	

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**










	<i>Adair, Valerie</i>	
05/24/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 5 - HEARD 05-21-10</i>	05C212667-10872.tif pages
05/25/2010	<b>Jury Trial</b> (9:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: David Wall</i>	
05/25/2010	Motion <i>PENALTY HEARING</i>	05C212667-10866.tif pages
05/25/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 6 - HEARD 05-24-10</i>	05C212667-10870.tif pages
05/25/2010	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>	05C212667-10876.tif pages
05/27/2010	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	05C212667-10869.tif pages
06/02/2010	<b>Motion</b> (11:00 AM) (Judicial Officer: Loehrer, Sally) Events: 05/25/2010 Motion <i>PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
06/02/2010	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>	05C212667-10894.tif pages
06/02/2010	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	05C212667-10896.tif pages
06/02/2010	 Proposed Jury Instructions Not Used At Trial <i>DEFTS PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	05C212667-10901.tif pages
06/03/2010	<b>Petition for Writ of Habeas Corpus</b> (9:30 AM) (Judicial Officer: Smith, Douglas E.) Events: 04/16/2010 Petition <i>PTN FOR WRIT OF HABEAS CORPUS Relief Clerk: Susan Jovanovich /sj Reporter/Recorder: Janie Olsen Heard By: Doug Smith</i>	
06/03/2010	<b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i>	
06/03/2010	Petition <i>PTN FOR WRIT OF HABEAS CORPUS (CONTINUED FROM 6/03/10)</i>	05C212667-10893.tif pages
06/03/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS PENALTY PHASE DAY 1</i>	05C212667-10897.tif pages
06/04/2010	<b>Motion</b> (9:30 AM) <i>PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By:</i>	

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

	<i>Doug Smith</i>	
06/04/2010	Conversion Case Event Type <i>SENTENCING</i>	05C212667-10898.tif pages
06/04/2010	 Verdict Submitted to the Jury But Returned Unsigned <i>VERDICT(S) SUBMITTED TO JURY BUT RETURNED UNSIGNED</i>	05C212667-10903.tif pages
06/04/2010	Judgment <i>ENTRY IN ERROR</i>	05C212667-10904.tif pages
06/04/2010	 Verdict <i>VERDICT</i>	05C212667-10905.tif pages
06/04/2010	 Verdict <i>SPECIAL VERDICT</i>	05C212667-10906.tif pages
06/04/2010	 Verdict <i>SPECIAL VERDICT</i>	05C212667-10907.tif pages
06/04/2010	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>	05C212667-10908.tif pages
06/04/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - PENALTY PHASE DAY 2 - HEARD 06-03-10</i>	05C212667-10909.tif pages
06/08/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE PENALTY PHASE VERDICT 06-04-10</i>	05C212667-10910.tif pages
06/11/2010	 Order <i>STIPULATION AND ORDER EXTENDING TIME</i>	05C212667-10911.tif pages
06/23/2010	 Order <i>ORDER FOR PRODUCTION OF INMATE KENNETH JAY COUNTS BAC #1017559</i>	05C212667-10913.tif pages
06/28/2010	 Opposition <i>STATES OPPOSITION TO DEFTS PETITION FOR WRIT OF HABEAS CORPUS</i>	05C212667-10914.tif pages
06/29/2010	 Request <i>EX PARTE MOTION FOR RELEASE OF EVIDENCE</i>	05C212667-10915.tif pages
06/29/2010	 Order <i>ORDER RELEASING EVIDENCE</i>	05C212667-10916.tif pages
07/01/2010	<b>Petition for Writ of Habeas Corpus (9:30 AM)</b> (Judicial Officer: Adair, Valerie) Events: 06/03/2010 Petition <i>PTN FOR WRIT OF HABEAS CORPUS (CONTINUED FROM 6/03/10) Court Clerk: Dameda</i>	

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE No. 05C212667-1**

*Scott Reporter/Recorder: Janie Olsen Heard By: Valerie Adair*

07/01/2010	Motion <i>PTN FOR WRIT OF HABEAS CORPUS (CONT. 7/1/10)</i>	05C212667-10917.tif pages
07/08/2010	 Receipt <i>RECEIPT OF EXHIBITS</i>	05C212667-10919.tif pages
07/09/2010	 Reply <i>REPLY TO STATES OPPOSITION TO POINTS AND AUTHORITIES IN SUPPORT OF POST-CONVICTION WRIT POST-CONVICTION WRIT- RELATED PARTYID: 05C212667_0001</i>	05C212667-10920.tif pages
07/15/2010	 Order <i>ORDER FOR PRODUCTION OF INMATE KENNETH COUNTS BAC #1017559</i>	05C212667-10921.tif pages
08/12/2010	<b>CANCELED Sentencing</b> (9:30 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - On In Error</i>	
08/19/2010	 <b>Motion</b> (9:30 AM) (Judicial Officer: Adair, Valerie) Events: 07/01/2010 Motion	
08/25/2010	 Criminal Order to Statistically Close Case	
09/10/2010	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada	
10/14/2010	Notice of Entry of Decision and Order <i>Notice of Entry of Decision and Order</i>	
10/15/2010	 Notice of Entry of Decision and Order <i>Notice of Entry of Decision and Order</i>	
11/15/2010	 Notice of Appeal (criminal) Party: Defendant Counts, Kenneth	
11/15/2010	 Ex Parte Motion Filed By: Defendant Counts, Kenneth <i>Ex Parte Motion for Rough Draft Transcripts of the Above Captioned Case</i>	
11/15/2010	 Case Appeal Statement Filed By: Defendant Counts, Kenneth	

**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> Counts, Kenneth	
Total Charges	545.00
Total Payments and Credits	370.00
<b>Balance Due as of 11/22/2010</b>	<b>175.00</b>

ORIGINAL

FILED

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*Am. J. 10*  
CLERK OF THE COURT

1 **ORDR**

2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 GIANCARLO PESCI  
6 Chief Deputy District Attorney  
7 Nevada Bar #007135  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

05C212667-1  
FFCL  
Findings of Fact, Conclusions of Law and J  
927431



10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 KENNETH COUNTS,  
14 #1525643

15 Defendant.

CASE NO: 05C212667-1

DEPT NO: XXI

16 FINDINGS OF FACT, CONCLUSIONS OF  
17 LAW AND ORDER

18 DATE OF HEARING: August 19, 2010

19 TIME OF HEARING: 9:30 A.M.

20 THIS CAUSE having come on for hearing before the HONORABLE VALERIE  
21 ADAIR, District Judge, on the 19th day of August, 2010, the Petitioner being present,  
22 represented by MICHAEL H. SCHWARTZ, ESQ., the Respondent being represented by  
23 DAVID ROGER, District Attorney, by and through GIANCARLO PESCI, Chief Deputy  
24 District Attorney, and the Court having considered the matter, including briefs, transcripts,  
25 arguments of counsel, and documents on file herein, now therefore, the Court makes the  
following findings of fact and conclusions of law:

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///

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CLERK OF THE COURT  
SEP 10 2010  
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FINDINGS OF FACT

1. On June 20, 2005, the State filed an Information charging Defendant Kenneth Counts with Count 1 – Conspiracy to Commit Murder (Felony – NRS 200.010, 200.030, 193.165) and Count 2 – Murder With Use of a Deadly Weapon (Felony – NRS 200.010, 200.030, 193.165).
2. On July 7, 2005, the State filed a Notice of Intent to Seek the Death Penalty.
3. On February 8, 2008, following trial, the jury returned a verdict of guilty on Count 1 – Conspiracy to Commit Murder.
4. On February 11, 2008, the State filed a habitual criminal notice pursuant to NRS 207.010.
5. On March 11, 2008, Defendant's Motion for New Trial and Request for Evidentiary Hearing was heard and denied.
6. On March 21, 2008, Defendant was adjudged a habitual criminal and sentenced to a minimum term of ninety-six (96) months and a maximum term of two-hundred forty (240) months with one thousand twenty-nine (1029) days credit for time served.
7. The Judgment of Conviction was filed on March 31, 2008.
8. On May 7, 2008, Defendant filed a Notice of Appeal. On March 27, 2009, the Nevada Supreme Court affirmed Defendant's conviction. Remittitur issued on April 21, 2009.
9. On January 11, 2010, Defendant filed a Motion for Relief from Judgment. The State filed its Opposition on February 4, 2010. On February 11, 2010, the district court denied Defendant's motion. On February 25, 2010, the district court issued an Order Denying Defendant's Pro Per Motion for Relief from Judgment. On March 8, 2010, Defendant filed a Notice of Appeal.
10. On April 16, 2010, Defendant filed a Petition for Writ of Habeas Corpus and Points and Authorities in Support of Post-Conviction Writ. On April 30, 2010, Defendant filed Additional Points and Authorities in Support of Post-Conviction Writ. The State filed its Opposition on June 28, 2010. Defendant filed a Reply on July, 9, 2010.

- 1 11. Defendant previously raised the claim that the district court erred in adjudicating him  
2 as a habitual criminal in his direct appeal. The Nevada Supreme Court affirmed the  
3 district court's sentence, holding that "the district court properly imposed habitual  
4 criminal status on Counts because he had two prior felony convictions in California."  
5 Counts v. State, Order of Affirmance 51549, Mar. 27, 2009, p. 9. The Nevada  
6 Supreme Court's ruling on the issue of the habitual criminal statute is the law of the  
7 case.
- 8 12. Defendant's bare allegations that counsel was ineffective are insufficient to  
9 overcome the presumption that counsel was effective. Defense counsel was not  
10 ineffective for failing to raise futile objections or to make futile motions.
- 11 13. Defendant's allegation that the State failed to provide him with copies of the  
12 Judgments of Conviction prior to sentencing is belied by the record. See Sent. Trans.,  
13 Mar. 20, 2008, pp. 2-3.
- 14 14. Defendant's failure to raise the issue of the allegedly inaccurate PSI in his direct  
15 appeal constitutes a waiver of the same.
- 16 15. The issue of guilt was not close. The Nevada Supreme Court found that there was  
17 "substantial evidence to support [Defendant's] conviction for conspiracy to commit  
18 murder." Counts v. State, Order of Affirmance 51549, Mar. 27, 2009, p. 4. Further,  
19 the Court found that the district court properly imposed habitual criminal status on  
20 [Defendant] *because he had two prior felony convictions in California.* Id. at 9.  
21 Therefore, there was no cumulative error.

#### 22 CONCLUSIONS OF LAW

- 23 1. Where an issue has already been decided on the merits by the Nevada Supreme Court,  
24 the Court's ruling is law of the case, and the issue will not be revisited. Pelligrini v.  
25 State, 117 Nev. 860, 884, 34 P.3d 519, 535 (2001); see McNelson v. State, 115 Nev.  
26 396, 990 P.2d 1263, 1276 (1999); Hall v. State, 91 Nev. 314, 315-16, 535 P.2d 797,  
27 798-99 (1975); see also Valerio v. State, 112 Nev. 383, 386, 915 P.2d 874, 876  
28 (1996); Hogan v. Warden, 109 Nev. 952, 860 P.2d 710 (1993). The law of a first

1 appeal is the law of the case in all later appeals in which the facts are substantially the  
2 same; this doctrine cannot be avoided by more detailed and precisely focused  
3 argument. Hall, supra; see also McNelton, supra; Hogan, supra.

- 4 2. Nevada has adopted the test set forth in Strickland v. Washington, 466 U.S. 668, 687,  
5 104 S.Ct. 2052 (1984), to evaluate claims of ineffective assistance of counsel. Means  
6 v. State, 120 Nev. 1001, 103 P.3d 25 (2004). Under Strickland and Means, any  
7 evaluation of counsel's performance begins with the "strong presumption that  
8 counsel's conduct falls within the wide range of reasonable professional assistance."  
9 Id. (citing Strickland, 466 U.S. at 689, 104 S.Ct. 2052). In addition, the defendant has  
10 the burden of overcoming the presumption that trial (or appellate) counsel's actions  
11 were the product of sound trial strategy. Id. (citing Strickland, 466 U.S. at 689,  
12 quoting Michel v. Louisiana, 350 U.S. 91, 101, 76 S.Ct. 158 (1955)).
- 13 3. To establish ineffective assistance of counsel, under Strickland, a claimant must show  
14 both that counsel's performance was deficient and that the deficient performance  
15 prejudiced the defense. Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107  
16 (1996) (citing Strickland, 466 U.S. at 687)). The court need not address both  
17 components of the inquiry if the petitioner makes an insufficient showing on either  
18 one. Id. (citing Strickland, 466 U.S. at 697). Deficient performance is representation  
19 that falls below an objective standard of reasonableness. Id. (citing Dawson v. State,  
20 108 Nev. 112, 115, 825 P.2d 593, 595 (1992)).
- 21 4. To show prejudice, the claimant must show a reasonable probability that but for  
22 counsel's errors the result of the trial (or appeal) would have been different. Id. at  
23 988 (citing Strickland, 466 U.S. at 694). "A fair assessment of attorney performance  
24 requires that every effort be made to eliminate the distorting effects of hindsight, to  
25 reconstruct the circumstances of counsel's challenged conduct, and to evaluate the  
26 conduct from counsel's perspective at the time." Id. at 987-88, 923 P.2d at 1107  
27 (citing Strickland, 466 U.S. at 689).

28 ///



- 1 5. A petitioner must demonstrate the facts underlying a claim of ineffective assistance of  
2 counsel by a preponderance of the evidence, and the district court's factual findings  
3 regarding a claim of ineffective assistance of counsel are entitled to deference when  
4 reviewed on appeal. Means, 120 Nev. at 1012, 103 P.3d at 33; Riley v. State, 110  
5 Nev. 638, 647, 878 P.2d 272, 278 (1994).
- 6 6. Counsel cannot be deemed ineffective for refusing to make futile objections. Ennis v.  
7 State, 122 Nev. 694, 137 P.3d 1095 (2006).
- 8 7. Claims which are belied by the record are insufficient to afford a defendant relief in a  
9 post-conviction petition. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225  
10 (1984). "A claim is 'belied' by the record when it is contradicted or proven to be  
11 false by the record as it existed at the time the claim was made." Mann v. State, 118  
12 Nev. 351, 354, 46 P.3d 1228, 1230 (2002).
- 13 8. Nevada law dictates that all claims appropriate for direct appeal must be pursued on  
14 direct appeal, or they will be "*considered waived in subsequent proceedings.*"  
15 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)  
16 (*disapproved on other grounds by Thomas v. State*, 115 Nev. 148, 979 P.2d 222  
17 (1999)); *see also* NRS 34.810(1)(b)(2). The Nevada Supreme Court has emphasized  
18 that, "A court must dismiss a habeas petition if it presents claims that either were or  
19 could have been presented in an earlier proceeding, unless the court finds both cause  
20 for failing to present the claims earlier or for raising them again and actual prejudice  
21 to the petitioner." Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).
- 22 9. Relevant factors to consider in evaluating a claim of cumulative error are (1) whether  
23 the issue of guilt is close, (2) the quantity and character of the error, and (3) the  
24 gravity of the crime charged. Mulder v. State, 116 Nev. 1, 17, 992 P.2d 845, 854--  
25 55 (2000) (*citing Leonard v. State*, 114 Nev. 1196, 1216, 969 P.2d 288, 301 (1998)).

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DATED this 9<sup>th</sup> day of September, 2010.

DISTRICT JUDGE

BY

GIANCARLO PESCI  
Chief Deputy District Attorney  
Nevada Bar #007135

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FILED

OCT 15 2010

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DISTRICT COURT  
CLARK COUNTY, NEVADA

*Steven D. Grierson*  
CLERK OF COURT

KENNETH COUNTS

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C212667-1  
Dept No: XXI

NOTICE OF ENTRY OF  
DECISION AND ORDER

PLEASE TAKE NOTICE that on September 10, 2010, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on October 15, 2010.

STEVEN D. GRIERSON, CLERK OF THE COURT

By:

*Angie Calvillo*  
Angie Calvillo, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 15<sup>th</sup> day of October, 2010, I placed a copy of this Notice of Entry of Decision and Order in:

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

06C212667-1  
NOED

Notice of Entry of Decision and Order  
1000399



☒ The United States mail addressed as follows:

KENNETH COUNTS ID#1017559  
Ely State Prison  
P.O. Box 1989  
Ely, NV 89301

Attorney: Michael H. Schwarz, Esq.  
626 South 7<sup>th</sup> Street #1  
Las Vegas, NV 89101

*Angie Calvillo*  
Angie Calvillo, Deputy Clerk

ORIGINAL

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*Am. ...*  
CLERK OF THE COURT

1 **ORDR**

2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 GIANCARLO PESCI  
6 Chief Deputy District Attorney  
7 Nevada Bar #007135  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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Findings of Fact, Conclusions of Law and J  
927431



THE STATE OF NEVADA,

Plaintiff,

-vs-

KENNETH COUNTS,  
#1525643

Defendant.

CASE NO: 05C212667-1

DEPT NO: XXI

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER

DATE OF HEARING: August 19, 2010  
TIME OF HEARING: 9:30 A.M.

THIS CAUSE having come on for hearing before the HONORABLE VALERIE ADAIR, District Judge, on the 19th day of August, 2010, the Petitioner being present, represented by MICHAEL H. SCHWARTZ, ESQ., the Respondent being represented by DAVID ROGER, District Attorney, by and through GIANCARLO PESCI, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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09-09-10A11:24 RCVD

CLERK OF THE COURT  
SEP 10 2010  
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FINDINGS OF FACT

1. On June 20, 2005, the State filed an Information charging Defendant Kenneth Counts with Count 1 – Conspiracy to Commit Murder (Felony – NRS 200.010, 200.030, 193.165) and Count 2 – Murder With Use of a Deadly Weapon (Felony – NRS 200.010, 200.030, 193.165).
2. On July 7, 2005, the State filed a Notice of Intent to Seek the Death Penalty.
3. On February 8, 2008, following trial, the jury returned a verdict of guilty on Count 1 – Conspiracy to Commit Murder.
4. On February 11, 2008, the State filed a habitual criminal notice pursuant to NRS 207.010.
5. On March 11, 2008, Defendant's Motion for New Trial and Request for Evidentiary Hearing was heard and denied.
6. On March 21, 2008, Defendant was adjudged a habitual criminal and sentenced to a minimum term of ninety-six (96) months and a maximum term of two-hundred forty (240) months with one thousand twenty-nine (1029) days credit for time served.
7. The Judgment of Conviction was filed on March 31, 2008.
8. On May 7, 2008, Defendant filed a Notice of Appeal. On March 27, 2009, the Nevada Supreme Court affirmed Defendant's conviction. Remittitur issued on April 21, 2009.
9. On January 11, 2010, Defendant filed a Motion for Relief from Judgment. The State filed its Opposition on February 4, 2010. On February 11, 2010, the district court denied Defendant's motion. On February 25, 2010, the district court issued an Order Denying Defendant's Pro Per Motion for Relief from Judgment. On March 8, 2010, Defendant filed a Notice of Appeal.
10. On April 16, 2010, Defendant filed a Petition for Writ of Habeas Corpus and Points and Authorities in Support of Post-Conviction Writ. On April 30, 2010, Defendant filed Additional Points and Authorities in Support of Post-Conviction Writ. The State filed its Opposition on June 28, 2010. Defendant filed a Reply on July, 9, 2010.

1 11. Defendant previously raised the claim that the district court erred in adjudicating him  
2 as a habitual criminal in his direct appeal. The Nevada Supreme Court affirmed the  
3 district court's sentence, holding that "the district court properly imposed habitual  
4 criminal status on Counts because he had two prior felony convictions in California."  
5 Counts v. State, Order of Affirmance 51549, Mar. 27, 2009, p. 9. The Nevada  
6 Supreme Court's ruling on the issue of the habitual criminal statute is the law of the  
7 case.

8 12. Defendant's bare allegations that counsel was ineffective are insufficient to  
9 overcome the presumption that counsel was effective. Defense counsel was not  
10 ineffective for failing to raise futile objections or to make futile motions.

11 13. Defendant's allegation that the State failed to provide him with copies of the  
12 Judgments of Conviction prior to sentencing is belied by the record. See Sent. Trans.,  
13 Mar. 20, 2008, pp. 2-3.

14 14. Defendant's failure to raise the issue of the allegedly inaccurate PSI in his direct  
15 appeal constitutes a waiver of the same.

16 15. The issue of guilt was not close. The Nevada Supreme Court found that there was  
17 "substantial evidence to support [Defendant's] conviction for conspiracy to commit  
18 murder." Counts v. State, Order of Affirmance 51549, Mar. 27, 2009, p. 4. Further,  
19 the Court found that the district court properly imposed habitual criminal status on  
20 [Defendant] *because he had two prior felony convictions in California.* Id. at 9.  
21 Therefore, there was no cumulative error.

#### 22 CONCLUSIONS OF LAW

23 1. Where an issue has already been decided on the merits by the Nevada Supreme Court,  
24 the Court's ruling is law of the case, and the issue will not be revisited. Pelligrini v.  
25 State, 117 Nev. 860, 884, 34 P.3d 519, 535 (2001); see McNelton v. State, 115 Nev.  
26 396, 990 P.2d 1263, 1276 (1999); Hall v. State, 91 Nev. 314, 315-16, 535 P.2d 797,  
27 798-99 (1975); see also Valerio v. State, 112 Nev. 383, 386, 915 P.2d 874, 876  
28 (1996); Hogan v. Warden, 109 Nev. 952, 860 P.2d 710 (1993). The law of a first

1 appeal is the law of the case in all later appeals in which the facts are substantially the  
2 same; this doctrine cannot be avoided by more detailed and precisely focused  
3 argument. Hall, supra; see also McNelson, supra; Hogan, supra.

- 4 2. Nevada has adopted the test set forth in Strickland v. Washington, 466 U.S. 668, 687,  
5 104 S.Ct. 2052 (1984), to evaluate claims of ineffective assistance of counsel. Means  
6 v. State, 120 Nev. 1001, 103 P.3d 25 (2004). Under Strickland and Means, any  
7 evaluation of counsel's performance begins with the "strong presumption that  
8 counsel's conduct falls within the wide range of reasonable professional assistance."  
9 Id. (citing Strickland, 466 U.S. at 689, 104 S.Ct. 2052). In addition, the defendant has  
10 the burden of overcoming the presumption that trial (or appellate) counsel's actions  
11 were the product of sound trial strategy. Id. (citing Strickland, 466 U.S. at 689,  
12 quoting Michel v. Louisiana, 350 U.S. 91, 101, 76 S.Ct. 158 (1955)).
- 13 3. To establish ineffective assistance of counsel, under Strickland, a claimant must show  
14 both that counsel's performance was deficient and that the deficient performance  
15 prejudiced the defense. Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107  
16 (1996) (citing Strickland, 466 U.S. at 687)). The court need not address both  
17 components of the inquiry if the petitioner makes an insufficient showing on either  
18 one. Id. (citing Strickland, 466 U.S. at 697). Deficient performance is representation  
19 that falls below an objective standard of reasonableness. Id. (citing Dawson v. State,  
20 108 Nev. 112, 115, 825 P.2d 593, 595 (1992)).
- 21 4. To show prejudice, the claimant must show a reasonable probability that but for  
22 counsel's errors the result of the trial (or appeal) would have been different. Id. at  
23 988 (citing Strickland, 466 U.S. at 694). "A fair assessment of attorney performance  
24 requires that every effort be made to eliminate the distorting effects of hindsight, to  
25 reconstruct the circumstances of counsel's challenged conduct, and to evaluate the  
26 conduct from counsel's perspective at the time." Id. at 987-88, 923 P.2d at 1107  
27 (citing Strickland, 466 U.S. at 689).

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- 1 5. A petitioner must demonstrate the facts underlying a claim of ineffective assistance of  
2 counsel by a preponderance of the evidence, and the district court's factual findings  
3 regarding a claim of ineffective assistance of counsel are entitled to deference when  
4 reviewed on appeal. Means, 120 Nev. at 1012, 103 P.3d at 33; Riley v. State, 110  
5 Nev. 638, 647, 878 P.2d 272, 278 (1994).
- 6 6. Counsel cannot be deemed ineffective for refusing to make futile objections. Ennis v.  
7 State, 122 Nev. 694, 137 P.3d 1095 (2006).
- 8 7. Claims which are belied by the record are insufficient to afford a defendant relief in a  
9 post-conviction petition. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225  
10 (1984). "A claim is 'belied' by the record when it is contradicted or proven to be  
11 false by the record as it existed at the time the claim was made." Mann v. State, 118  
12 Nev. 351, 354, 46 P.3d 1228, 1230 (2002).
- 13 8. Nevada law dictates that all claims appropriate for direct appeal must be pursued on  
14 direct appeal, or they will be "*considered waived in subsequent proceedings.*"  
15 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)  
16 (*disapproved on other grounds by Thomas v. State*, 115 Nev. 148, 979 P.2d 222  
17 (1999)); *see also* NRS 34.810(1)(b)(2). The Nevada Supreme Court has emphasized  
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21 to the petitioner." Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).
- 22 9. Relevant factors to consider in evaluating a claim of cumulative error are (1) whether  
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25 55 (2000) (*citing Leonard v. State*, 114 Nev. 1196, 1216, 969 P.2d 288, 301 (1998)).

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DATED this 9<sup>th</sup> day of September, 2010.

10. Valmiki Adan  
DISTRICT JUDGE

BY   
 GIANCARLO PESCI  
 Chief Deputy District Attorney  
 Nevada Bar #007135

jg/MVU

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 27, 2005**

05C212667-1

The State of Nevada vs Kenneth Counts

**June 27, 2005****9:00 AM****Initial Arraignment**

**INITIAL  
ARRAIGNMENT  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

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

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

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

Counsel requested 21 days from the filing of the Preliminary Hearing Transcript to file a writ.

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05C212667-1

COURT ORDERED, Defendant's rights are reserved.

CUSTODY (ALL)

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 11, 2005**

05C212667-1

The State of Nevada vs Kenneth Counts

**July 11, 2005****9:00 AM****Request****STATE'S REQUEST  
FOR  
APPOINTMENT OF  
COUNSEL / STATUS  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Counts, Kenneth Defendant  
Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

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

CUSTODY (ALL)

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

PRINT DATE: 11/22/2010

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Minutes Date: June 27, 2005

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 14, 2005**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**July 14, 2005****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 7/14/05  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:**      Counts, Kenneth      Defendant  
                 Kane, Edward R.      Attorney

**JOURNAL ENTRIES**

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

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

CUSTODY (ALL)

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 04, 2005

05C212667-1

The State of Nevada vs Kenneth Counts

August 04, 2005

9:00 AM

All Pending Motions

ALL PENDING

MOTIONS 8/4/05

Relief Clerk: Melissa  
Swinn

Reporter/Recorder:

Joe D'Amato Heard

By: Donald Mosley

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	DiGiacomo, Sandra	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

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

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

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

Ms. Wildeveld stated she has not received the transcript and intends to file a writ. Further,

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Minutes Date:

June 27, 2005

Defendant Counts has a medical problem with his shoulder and needs to see a doctor. Court Services Officer stated he will make sure the Defendant is seen by a doctor. Colloquy regarding pending writs, supplements and replies. Counsel agreed upon two weeks for supplements and 30 days for the State to respond.

CUSTODY (ALL)

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 11, 2005**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**August 11, 2005****9:00 AM****Motion**

**DEFT'S MTN FOR  
REDUCTION IN  
BAIL OR FOR  
RELEASE ON  
HOUSE ARREST/12  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina M.	Attorney

**JOURNAL ENTRIES**

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

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Minutes Date: June 27, 2005



05C212667-1

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 21, 2005**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**September 21, 2005****9:00 AM****Motion**

**DEFT'S MTN TO  
PLACE ON  
CALENDAR FOR  
THE PURPOSE OF  
BEIND APPOINTED  
AS CO-CNSL/18  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- Court noted Mr. DiGiacomo, Mr. Pesci, Mr. Bunin, Mr. Oram, Mr. Draskovich and Mr. Hart were in chambers prior to calendar. Court inquired if Defendant knew him. Defendant indicated he did not. At request of Mr. Stein, who appeared in chambers after meeting but before calendar, COURT ORDERED, matter CONTINUED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2005

05C212667-1

The State of Nevada vs Kenneth Counts

September 27, 2005

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 9/27/05**  
**Relief Clerk: Melissa  
Swin**  
**Reporter/Recorder:  
Joe D'Amato Heard**  
**By: Donald Mosley**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Miller, Ross J.  
Whipple, Bret O.

Attorney  
Attorney

**JOURNAL ENTRIES**

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

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

CUSTODY (ALL)

CONTINUED TO: 10/6/05 9 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 06, 2005**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**October 06, 2005****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 10/6/05  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

AS TO THE WRIT: Court noted the issue stems from the tape introduced at the Preliminary Hearing. Mr. Draskovich concurred and stated it is unclear who is actually speaking. Mr. DiGiacomo stated that was untrue, that the Detective that is familiar with their voices identified them. Arguments by Mr. Draskovich, Mr. Oram and Ms. Wildeveld regarding the tape, how it was obtained and the statements made and asking for the tape to be disallowed. Court noted there was a quantum of

evidence produced at the Preliminary Hearing and he needs to evaluate if the Justice of the Peace had enough sufficient evidence to bind this over and this Court feels he did. Therefore, COURT ORDERED, Writ DENIED.

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

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

COURT ORDERED, matter set for trial in ordinary course.

CUSTODY (ALL)

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 28, 2005**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**November 28, 2005****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 11/28/05  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Joseph  
Pavlikowski****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Counts, Kenneth  
Stanton, David L.  
Whipple, Bret O.Defendant  
Attorney  
Attorney**JOURNAL ENTRIES**

- STATE'S MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE...DEFT'S MOTION TO SEVER DEFENDANTS  
Mr. Whipple advised he did not receive the State's Opposition and requested matter be continued.  
Further, Mr. Whipple FILED IN OPEN COURT Kenneth Counts' Opposition to Motion to File Amended Notice Alleging an Additional Aggravating Circumstance and Motion to Strike Aggravating Circumstances. COURT ORDERED, both Motions CONTINUED.  
...CONTINUED 12/12/05 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 12, 2005**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**December 12, 2005****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 12/12/05****Court Clerk: Linda  
Skinner****Reporter/Recorder:  
Joe D'Amato Heard****By: Donald Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Whipple, Bret O.	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

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

AS TO MOTION TO SEVER: Mr. DiGiacomo stated he had no objection and feels Deft Carroll should

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Minutes Date: June 27, 2005

be severed. Mr. Figler stated he was unaware of this motion and Defendant should be present. Ms. Wildeveld stated this pertains to Deft. Counts. Court noted the allegations are that the Defendants hired Deft Counts to kill someone. Ms. Wildeveld argued that 5 people got together and formed a plan that Deft. Counts was not involved in; he was picked up by a van, driven to the scene and driven back. Arguments by Mr. DiGiacomo. Ms. Wildeveld stated the majority of evidence does not pertain to Deft. Counts. Mr. DiGiacomo stated there will be testimony that Defendant was paid \$6,000 after the murder. Following additional arguments, COURT ORDERED, Motion DENIED. Mr. Figler and Mr. Whipple advised they have submitted Ex-Parte Orders for Investigators that they have not received back from the Court. Court advised \$5,000 would be approved and will see if the Orders are in chambers.

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

CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 21, 2005**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**December 21, 2005****9:00 AM****Initial Arraignment****INITIAL****ARRAIGNMENT****Court Clerk: Sandra****Anderson/sa Relief****Clerk: Kathleen****Arnold****Reporter/Recorder:****Kiara Schmidt Heard****By: J. CHARLES****THOMPSON****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney

**JOURNAL ENTRIES**

- DEFT. TAOIPU ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

07-18-06 9:00 AM CALENDAR CALL

07-24-06 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 22, 2005**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**December 22, 2005****9:00 AM****Motion to Strike**

**DEFT'S MTN TO  
STRIKE Court Clerk:  
Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Nelson III, Roy L. Attorney

**JOURNAL ENTRIES**

- Court noted Ms. Weckerly and Mr. Draskovich appeared in chambers prior to calendar. At request of counsel, COURT ORDERED the following briefing schedule: Ms. Weckerly to reply by 1/5 and matter set for argument.

**CUSTODY**

**CLERK'S NOTE:** This motion also applies to Deft. Espindola and she should be added to calendar next date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 19, 2006**

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05C212667-1

The State of Nevada vs Kenneth Counts

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**January 19, 2006****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 1/19/06  
Court Clerk: Melissa  
Swinn  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Donald Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:** Rutledge, Brian S. Attorney

**JOURNAL ENTRIES**

- DEFENDANTS HIDALGO AND ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO  
SEEK DEATH PENALTY

COURT ORDERED, matter CONTINUED TWO WEEKS.

CUSTODY

CONTINUED TO: 2/2/06 @ 9AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 02, 2006**

05C212667-1

The State of Nevada vs Kenneth Counts

**February 02, 2006**

**9:00 AM**

**All Pending Motions**

**ALL PENDING**

**MOTIONS 2/2/06**

**Court Clerk: Linda**

**Skinner**

**Reporter/Recorder:**

**Joe D'Amato Heard**

**By: Donald Mosley**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

Nelson III, Roy L.

Attorney

**JOURNAL ENTRIES**

- DEFTS' MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY (HIDALGO & ESPINDOLA)

Court noted at request of Mr. Draskovich, COURT ORDERED, matter CONTINUED.

CUSTODY (BOTH)

...CONTINUED 2/17/06 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 17, 2006

05C212667-1

The State of Nevada vs Kenneth Counts

March 17, 2006

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 3/17/06**  
**Relief Clerk: Jennifer  
Lott**  
**Reporter/Recorder:  
Joe D'Amato Heard**  
**By: Donald Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Counts, Kenneth	Defendant
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Wildeveld, Kristina	Attorney
	M.	

**JOURNAL ENTRIES**

- DEFTS HIDALGO'S AND ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY.....DEFT COUNTS' MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE...DEFT COUNTS' MTN TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE...DEFT COUNTS' MOTION FOR INDIVIDUAL VOIR DIRE.....DEFT COUNTS' MOTION IN LIMINE TO EXCLUDE AUTOPSY, CRIME SCENE, AND OTHER GRUESOME PHOTOGRAPHS.. ....DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE....DEFT COUNTS' MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"....DEFT COUNTS' MOTION TO BIFURCATE PENALTY PHASE...DEFT COUNTS' MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT.....DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG

PRINT DATE: 11/22/2010

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Minutes Date:

June 27, 2005

AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES....DEFT COUNTS' MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT....DEFT COUNTS' MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER

Mr. Figler requested to join Defendant Carroll in motions if necessary. Mr. Jackson stated Court's secretary told him to be present, his client Defendant Taoipu is not on calendar; however, counsel requested Court move 3/27/06 motions to accommodate his schedule. Mr. Di Giacomo stated Defendant Taoipu (Mr. Jackson's client) fled to California, was brought back through Boulder City, he was given the same case number, and Mr. Jackson filed a Motion to Sever Defendant Taoipu. COURT ORDERED, motions CONTINUED and Evidentiary Hearing SET 4/21/06 at 9:00 a.m. COURT ORDERED, all motions MUST BE ON CALENDAR FROM NOW ON. Mr. Figler will file his motions in short order. Ms. Wildeveld requested Defendant Counts' motions be separated from other defendants as Defendant Counts is not involved if other charges. COURT ORDERED, Request is DENIED. Ms. Wildeveld requested to Join in Motions in issues are related.

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

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

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

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

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

DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE: Argument by Ms. Wildeveld in opposition to the jury hearing benevolent testimony regarding victim as he did participate in a drug deal. COURT ORDERED, Court WILL ALLOW

testimony from victim's son and daughter; however, Court RESERVES RULING on this motion. DEFT COUNTS' MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE": Matter submitted by counsel. COURT ORDERED, motion is DENIED. DEFT COUNTS' MOTION TO BIFURCATE PENALTY PHASE: Matter submitted by Ms. Wildeveld, and argument by Mr. Pesci. COURT ORDERED, motion is DENIED.

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

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

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

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

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

CUSTODY

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