

1 **NOTC**
2 CHRISTOPHER R. ORAM, ESQ.
3 Nevada Bar No. 004349
4 520 South Fourth Street, Second Floor
5 Las Vegas, Nevada 89101
6 (702) 384-5563

7 Attorney for Defendant
8 JASON MCCARTY

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

11 * * * * *

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 JASON MCCARTY,


16 Defendant.

CASE NO. C224572
DEPT. NO. XVII

17 **NOTICE OF APPEAL**

18 NOTICE is hereby given that Defendant, JASON MCCARTY, hereby appeals to the
19 Supreme Court of the State of Nevada from his sentence of April 5, 2011, the Judgement of
20 Conviction not have been entered as of this date.

21 DATED this 5th day of April, 2011.

22 By 
23 CHRISTOPHER R. ORAM
24 Nevada Bar #004349
25 520 South Fourth Street., #370
26 Las Vegas, Nevada 89101

27 Attorney for Defendant
28 JASON MCCARTY

FILED

APR 5 2 08 AM '11

Electronically Filed
APR 06 2011 02:45 p.m.
Tracie K. Lindeman

CERTIFICATE OF MAILING

I hereby certify that I am an employee of CHRISTOPHER R ORAM and that on the 5th day of April, 2011; I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing **NOTICE OF APPEAL**, addressed to:

Supreme Court Clerk
Supreme Court Building
201 S. Carson Street
Carson City, NV 89170

David Roger
District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

Catherine Cortez Masto
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717


An employee of Christopher R. Oram Esq.

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623

FILED

APR 5 2 08 AM '11

CLERK OF DISTRICT COURT

CASA
CHRISTOPHER R. ORAM, ESQ.
Nevada Bar No. 004349
520 South Fourth Street, Second Floor
Las Vegas, Nevada 89101
(702) 384-5563

Attorney for Defendant
JASON MCCARTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

JASON MCCARTY,
Defendant.

CASE NO. C224572
DEPT. NO. XVII

CASE APPEAL STATEMENT

1. Appellant : JASON MCCARTY
2. Judge : Hon. Michael Villani
3. Parties in District Court : State of Nevada v. JASON MCCARTY
4. Parties in Appeal : JASON MCCARTY v. State of Nevada
5. Counsel on Appeal : Christopher R. Oram, Esq.
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
(702) 384-5563

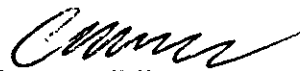
DAVID J. ROGER
District Attorney
200 South Third Street
Las Vegas, NV 89155
(702) 455-4711

CATHERINE CORTEZ MASTO
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

- 1 6. Appellant was represented by court appointed counsel in the district court.
- 2 7. Appellant is currently represented by court appointed counsel on appeal.
- 3 8. Appellant has not been granted leave to proceed in form pauperis as of this date.
- 4 9. On April 5, 2011, Mr. McCarty was sentenced by the Honorable Michael Villani. The
- 5 Judgement of Conviction not having been entered as of this date.

6 DATED this 5th day of April, 2011.

7 Respectfully submitted by:

8 

9 CHRISTOPHER R. ORAM, ESQ.
10 Nevada Bar No. 004349
11 520 S. Fourth Street, 2nd Floor
12 Las Vegas, Nevada 89101
13 (702) 384-5563

14 Attorney for Defendant
15 JASON MCCARTY
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and that on the 5th day of April, 2011, I did deposit in the United States Postal Service office at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above foregoing **CASE APPEAL STATEMENT**, addressed to:

Supreme Court Clerk
Supreme Court Building
201 S. Carson Street
Carson City, Nevada 89701

David Roger
District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

Catherine Cortez Masto
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717


An employee of Christopher R. Oram, Esq.

CHRISTOPHER R. ORAM, LTD.
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LAS VEGAS, NEVADA 89101
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DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-3

The State of Nevada vs Jason D McCarty

§	Location:	Department 17
§	Judicial Officer:	Villani, Michael
§	Filed on:	07/27/2006
§	Case Number History:	
§	Conversion Case Number:	C224572
§	Defendant's Scope ID #:	0932255
§	Lower Court Case Number:	06FH00742

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
3. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	Case Flags: Bail Set
3. KIDNAPPING IN FIRST DEGREE	F	01/01/1900	
3. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
4. KIDNAPPING IN FIRST DEGREE	F	01/01/1900	
4. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
5. BATTERY WITH SUBSTANTIAL BODILY HARM	F	01/01/1900	
6. ROBBERY	F	01/01/1900	
7. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	
7. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
7. PANDERING	F	01/01/1900	
<i>Filed As:</i> KIDNAPPING IN FIRST DEGREE	F	07/27/2006	
8. CONSP KIDNAP 1ST DEGREE	F	01/01/1900	
<i>Filed As:</i> PANDERING	F	07/27/2006	
9. CONSP KIDNAP 1ST DEGREE	F	01/01/1900	
<i>Filed As:</i> PANDERING	F	07/27/2006	
10. DEGREES OF MURDER	F	01/01/1900	
10. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	
10. MURDER.	F	01/01/1900	
11. BURGLARY.	G	01/01/1900	
11. CONSPIRACY TO COMMIT A CRIME	G	01/01/1900	
12. KIDNAP 1ST DEGREE	F	01/01/1900	
<i>Filed As:</i> BURGLARY.	F	07/27/2006	
13. KIDNAPPING IN FIRST DEGREE	F	01/01/1900	
13. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
14. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
14. MURDER WITH A DEADLY WEAPON	F	01/01/1900	
<i>Filed As:</i> KIDNAPPING IN FIRST DEGREE	F	07/27/2006	
15. MURDER.	F	01/01/1900	
15. DEGREES OF MURDER	F	01/01/1900	
15. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
16. ROBBERY WITH A DEADLY WEAPON	F	01/01/1900	

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	<i>Filed As:</i> MURDER.	F	07/27/2006
16.	DEGREES OF MURDER	F	01/01/1900
16.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
17.	ROBBERY	F	01/01/1900
17.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
18.	ROBBERY	F	01/01/1900
18.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900

Related Cases

06C224572-1 (Multi-Defendant Case)
06C224572-2 (Multi-Defendant Case)

Warrants

Arrest Warrant - McCarty, Jason D (Judicial Officer: Villani, Michael)
10/18/2010 12:07 PM Returned - Served
10/13/2010 11:58 AM Active
Fine: \$0 Bond: \$0

DATE	CASE ASSIGNMENT
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Current Case Assignment

Case Number	06C224572-3
Court	Department 17
Date Assigned	12/28/2008
Judicial Officer	Villani, Michael










PARTY INFORMATION

Defendant	McCarty, Jason D	<i>Lead Attorneys</i> Sgro, Anthony P. <i>Retained</i> 7023864122(W)
Plaintiff	State of Nevada	Roger, David J. 702-671-2700(W)










DATE	EVENTS & ORDERS OF THE COURT	INDEX
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07/27/2006	 Criminal Bindover <i>CRIMINAL BINDOVER</i>	
07/27/2006	Hearing <i>INITIAL ARRAIGNMENT</i>	
08/01/2006	 Information	
08/02/2006	Initial Arraignment (9:00 AM) (Judicial Officer: Williams, Kevin) Events: 07/27/2006 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Melissa Swinn Relief Clerk: Chanel West/cw Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>	
08/02/2006	Conversion Case Event Type	

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CASE No. 06C224572-3















	<i>SENTENCING</i>	
08/02/2006	Hearing <i>INITIAL ARRAIGNMENT</i>	
08/02/2006	Hearing <i>INITIAL ARRAIGNMENT</i>	06C224572-30007.tif pages
08/02/2006	 Information	
08/02/2006	 Memorandum <i>GUILTY PLEA AGREEMENT</i>	
08/02/2006	 Conversion Case Event Type <i>AGREEMENT TO TESTIFY</i>	06C224572-30010.tif pages
08/09/2006	 Criminal Bindover	
08/09/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 19, 2006</i>	
08/16/2006	Initial Arraignment (9:00 AM) (Judicial Officer: Williams, Kevin) Events: 08/02/2006 Hearing <i>INITIAL ARRAIGNMENT Heard By: Kevin Williams</i>	
08/16/2006	Initial Arraignment (9:00 AM) (Judicial Officer: Williams, Kevin) Events: 08/02/2006 Hearing <i>INITIAL ARRAIGNMENT Heard By: Kevin Williams</i>	
08/16/2006	All Pending Motions (9:00 AM) (Judicial Officer: Williams, Kevin) <i>ALL PENDING MOTIONS 8/16/06 Court Clerk: Melissa Swinn Relief Clerk: Chanel West/cw Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>	
08/16/2006	Hearing <i>STATUS CHECK: CONFIRMATION OF TRIAL DATE</i>	
08/17/2006	Hearing <i>STATUS CHECK: CONFIRMATION OF TRIAL DATE</i>	
08/22/2006	Motion <i>ALL PENDING MOTIONS 8/16/06</i>	
08/23/2006	 Conversion Case Event Type <i>DEFENDANT'S SUBMISSION TO THE CLARK COUNTY DISTRICT ATTORNEY'S DEATH REVIEW COMMITTEE</i>	
08/23/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>	
08/30/2006	 Motion <i>MOTION TO EXTEND TIME TO FILE WRIT OF HABEAS CORPUS</i>	
08/30/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 19, 2006</i>	

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08/30/2006	 Notice of Intent to Seek Death Penalty
08/30/2006	 Amended Information
08/30/2006	 Notice of Intent to Seek Death Penalty
08/31/2006	 Receipt of Copy
08/31/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 27, 2006</i>
09/05/2006	Status Check (8:30 AM) Events: 08/16/2006 Hearing <i>STATUS CHECK: CONFIRMATION OF TRIAL DATE</i>
09/05/2006	Status Check (8:30 AM) Events: 08/17/2006 Hearing <i>STATUS CHECK: CONFIRMATION OF TRIAL DATE</i>
09/05/2006	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 08/30/2006 Motion <i>DEFT'S MTN TO EXTEND TIME TO FILE WRIT OF HABEAS CORPUS/ Heard By: Jackie Glass</i>
09/05/2006	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 9/5/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
09/05/2006	Motion <i>ALL PENDING MOTIONS 9/5/06</i>
09/05/2006	Petition <i>DEFT. MALONE'S PETITION FOR WRIT OF HABEAS CORPUS</i>
09/05/2006	Petition <i>DEFT. MCCARTY'S PETITION FOR WRIT OF HABEAS CORPUS</i>
09/05/2006	Motion <i>HEARING: ALL MOTIONS</i>
09/05/2006	Hearing <i>HEARING: ALL MOTIONS</i>
09/06/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 31, 2006</i>
09/06/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 24, 2006</i>
09/06/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 26, 2006</i>
09/06/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 20, 2006</i>

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09/11/2006	 Ex Parte <i>EX-PARTE APPLICATION FOR EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS</i>
09/20/2006	 Order <i>ORDER OF APPOINTMENT</i>
09/21/2006	Sentencing (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 08/02/2006 Conversion Case Event Type <i>SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
09/21/2006	Hearing <i>FURTHER PROCEEDINGS: SENTENCING</i>
09/21/2006	 Order <i>ORDER APPOINTING COUNSEL</i>
09/22/2006	 Application <i>EX-PARTE APPLICATION TO APPOINT INVESTIGATOR AND FOR FEES IN EXCESS OF STATUTORY MAXIMUM AND FOR CONTACT VISITS</i>
10/09/2006	 Motion to Sever
10/11/2006	 Order <i>ORDER APPOINTING MARK HENRY OF NORDEEN INVESTIGATIONS AS INVESTIGATOR AND FOR CONTACT VISITS</i>
10/13/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>
10/13/2006	 Filed Under Seal <i>DEFENDANT'S EX-PARTE ORDER TO TRANSPORT - FILED UNDER SEAL</i>
10/13/2006	 Filed Under Seal <i>ORDER TO FILE UNDER SEAL - FILED UNDER SEAL</i>
10/13/2006	 Filed Under Seal <i>DEFENDANT'S EX-PARTE APPLICATION PURSUANT TO NRS 7.135 FOR ORDER TO TRANSPORT DEFENDANT FOR PSYCHIATRIC EXAMINATION AND FOR ORDER TO FILE UNDER SEAL- FILED UNDER SEAL</i>
10/23/2006	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT MCCARTY'S MOTION TO SEVER</i>
10/25/2006	 Motion to Sever
10/25/2006	 Motion <i>JOINDER WITH CO-DEFENDANT JASON MCCARTY'S MOTION TO SEVER</i>
10/25/2006	 Order <i>ORDER TO FILE UNDER SEAL</i>

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10/25/2006	 Receipt of Copy
10/25/2006	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
10/25/2006	 Application <i>EX-PARTE APPLICATION TO APPOINT DR. JOHN FABIAN AS EXPERT AND FOR FEES IN EXCESS OF STATUTORY MAXIMUM AND FOR CONTACT VISITS</i>
10/31/2006	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 09/05/2006 Motion <i>HEARING: ALL MOTIONS Heard By: Jackie Glass</i>
10/31/2006	Hearing (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 09/05/2006 Hearing <i>HEARING: ALL MOTIONS Heard By: Jackie Glass</i>
10/31/2006	Motion to Sever (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 10/09/2006 Motion to Sever <i>DEFT'S MTN TO SEVER /19 Heard By: Jackie Glass</i>
10/31/2006	Joinder (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 10/25/2006 Motion <i>DEFT'S JOINDER TO MTN TO SEVER/21 Heard By: Jackie Glass</i>
10/31/2006	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 10/31/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
10/31/2006	Motion <i>ALL PENDING MOTIONS 10/31/06</i>
11/06/2006	 Petition for Writ of Habeas Corpus
11/06/2006	 Receipt of Copy
11/07/2006	Motion to Sever (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 10/25/2006 Motion to Sever <i>DEFT'S MTN TO SEVER /20 Heard By: Jackie Glass</i>
11/07/2006	 Certificate of Mailing
11/07/2006	 Order <i>ORDER APPOINTING DR. JOHN FABIAN AS EXPERT AND FOR FEES IN EXCESS OF STATUTORY MAXIMUM AND FOR CONTACT VISITS</i>
11/08/2006	 Application <i>EX-PARTE APPLICATION TO APPOINT DR. STEVEN LEE MCINTIRE AS EXPERT AND FOR FEES IN EXCESS OF STATUTORY MAXIMUM AND FOR CONTACT VISITS</i>
11/09/2006	 Order <i>ORDER TO FILE UNDER SEAL - FILED UNDER SEAL</i>
11/09/2006	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-3












11/13/2006	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT MALONE'S MOTION TO SEVER</i>
11/15/2006	 Petition for Writ of Habeas Corpus
11/16/2006	 Order <i>ORDER APPOINTING DR. STEVEN LEE MCINTIRE AS EXPERT AND FOR FEES IN EXCESS OF STATUTORY MAXIMUM AND FOR CONTACT VISITS</i>
11/16/2006	 Application <i>EX-PARTE APPLICATION FOR EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS</i>
11/20/2006	 Reply <i>DEFENDANT MCCARTY'S REPLY TO STATE'S OPPOSITION TO DEFENDANT MCCARTY'S MOTION TO SEVER</i>
11/21/2006	Motion to Sever (8:30 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO SEVER /19 Heard By: Jackie Glass</i>
11/21/2006	Motion to Sever (8:30 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO SEVER /20 Heard By: Jackie Glass</i>
11/21/2006	Joinder (8:30 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S JOINDER TO MTN TO SEVER/21 Heard By: Jackie Glass</i>
11/21/2006	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 11/21/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/21/2006	Hearing <i>DECISION</i>
11/22/2006	 Return to Writ of Habeas Corpus
11/22/2006	 Return to Writ of Habeas Corpus
11/27/2006	 Order <i>ORDER TO FILE UNDER SEAL - RELATED PARTYID: 06C224572_0002</i>
11/27/2006	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
11/28/2006	Motion <i>ALL PENDING MOTIONS 11/21/06</i>
11/30/2006	Motion to Sever (8:30 AM) <i>DEFT'S MTN TO SEVER /19 Heard By: Jackie Glass</i>
11/30/2006	Motion to Sever (8:30 AM) <i>DEFT'S MTN TO SEVER /20 Heard By: Jackie Glass</i>
11/30/2006	Joinder (8:30 AM) <i>DEFT'S JOINDER TO MTN TO SEVER/21 Heard By: Jackie Glass</i>
11/30/2006	Decision (8:30 AM)

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DEPARTMENT 17
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CASE No. 06C224572-3

	Events: 11/21/2006 Hearing <i>DECISION</i>
11/30/2006	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 11/30/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/30/2006	Motion <i>ALL PENDING MOTIONS 11/30/06</i>
12/07/2006	 Order <i>ORDER TO FILE UNDER SEAL</i>
12/07/2006	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
12/08/2006	 Reply <i>REPLY TO STATE'S RETURN TO WRIT OF HABEAS CORPUS</i>
12/12/2006	Petition (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 09/05/2006 Petition <i>DEFT. MALONE'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Jackie Glass</i>
12/12/2006	Petition (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 09/05/2006 Petition <i>DEFT. MCCARTY'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Jackie Glass</i>
12/12/2006	Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 11/06/2006 Petition for Writ of Habeas Corpus <i>PTN FOR WRIT OF HABEAS CORPUS /23 Heard By: Jackie Glass</i>
12/12/2006	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 12/12/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
12/12/2006	Motion <i>ALL PENDING MOTIONS 12/12/06</i>
12/12/2006	Motion <i>HEARING: ALL PRETRIAL MOTIONS // EVIDENTIARY HEARING</i>
12/12/2006	Motion <i>HEARING: ALL PRETRIAL MOTIONS // EVIDENTIARY HEARING</i>
12/12/2006	 Ex Parte Motion <i>EX-PARTE MOTION FOR AUTHORIZATION OF PAYMENT OF FEES</i>
12/14/2006	 Order <i>ORDER TO FILE UNDER SEAL</i>
12/14/2006	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL)</i>
01/02/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
01/02/2007	CANCELED Calendar Call (8:30 AM)

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-3

	<i>Vacated</i>
01/08/2007	<i>CANCELED Jury Trial (10:00 AM)</i> <i>Vacated</i>
01/08/2007	<i>CANCELED Jury Trial (10:00 AM)</i> <i>Vacated</i>
01/18/2007	 Order
01/18/2007	Order <i>ORDER</i>
01/18/2007	 Order
01/18/2007	Order <i>ORDER</i>
01/25/2007	Further Proceedings (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 09/21/2006 Hearing <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Relief Clerk: Pamela Humphrey & Kathy Klein/kk Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
01/30/2007	 Ex Parte Motion <i>EX-PARTE MOTION FOR AUTHORIZATION OF PAYMENT OF FEES</i>
02/01/2007	 Order <i>ORDER TO FILE UNDER SEAL - RELATED PARTYID: 06C224572_0002</i>
02/01/2007	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
02/14/2007	 Order <i>ORDER AUTHORIZING PAYMENT OF FEES</i>
03/09/2007	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
03/09/2007	 Order <i>ORDER TO FILE UNDER SEAL</i>
03/27/2007	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
03/27/2007	 Order <i>ORDER TO FILE UNDER SEAL - FILED UNDER SEAL</i>
04/05/2007	 Order <i>ORDER GRANTING CONTACT VISIT</i>
04/27/2007	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
04/27/2007	

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DEPARTMENT 17
CASE SUMMARY
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Order

ORDER TO FILE UNDER SEAL - FILED UNDER SEAL

05/02/2007



Motion

NOTICE OF MOTION AND MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL

05/02/2007



Motion

*NOTICE OF MOTION AND MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH
BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION*

05/02/2007



Motion

NOTICE OF MOTION AND MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS

05/02/2007



Motion

*NOTICE OF MOTION AND MOTION TO STRIKE DEATH PENALTY BASED UPON
UNCONSTITUTIONALITY*

05/02/2007



Motion

*NOTICE OF MOTION AND MOTION TO PRECLUDE THE COURT FROM
PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS*

05/02/2007



Motion

*NOTICE OF MOTION AND MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON
IRRELEVANT MITIGATING CIRCUMSTANCES*

05/02/2007



Motion

MOTION TO ALLOW DEFENSE TO ARGUE LAST AT THE PENALTY PHASE

05/02/2007



Motion

MOTION FOR IN CAMERA REVIEW OF PRE-SENTENCE REPORTS

05/02/2007



Motion

*MOTION TO COMPEL PROSECUTING ATTORNEY TO DISCLOSE DEATH PENALTY
DATA*

05/02/2007



Motion

MOTION TO DISCLOSE INFORMANTS

05/02/2007



Motion

*MOTION FOR DISCLOSURE OF UNCHARGED ACTS PRIOR CRIMINAL CONDUCT OF
DEFENDANT*

05/02/2007



Motion

*MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER
AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY
WILL BE SOUGHT*

05/02/2007



Motion

MOTION FOR ACCUSED TO APPEAR AT ALL PROCEEDINGS WITHOUT RESTRAINTS






05/02/2007



Motion

*MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE
JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT*

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-3

05/02/2007	 Motion for Discovery
05/02/2007	 Motion <i>MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"</i>
05/02/2007	 Motion <i>MOTION IN LIMINE TO PROHIBIT INTRODUCTION AT TRIAL OF UNCORROBORATED ACCOMPLICE TESTIMONY</i>
05/02/2007	 Motion <i>MOTION FOR LISTS OF NAMES AND ADDRESSES OF PERSONS WHO MAY HAVE EVIDENCE FAVORABLE TO DEFENDANT AND FOR DISCLOSURE OF OTHER DISCOVERY MATERIAL</i>
05/02/2007	 Motion <i>MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY CHALLENGES</i>
05/02/2007	 Motion <i>MOTION TO PROHIBIT THE PROSECUTOR FROM ARGUING AND THE COURT FROM GIVING INSTRUCTIONS REGARDING STATUTORY MITIGATING FACTORS NOT RAISED BY THE DEFENSE</i>
05/02/2007	 Motion <i>MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS</i>
05/02/2007	 Motion in Limine
05/02/2007	 Motion <i>MOTION TO PRECLUDE RE-ADMISSION OF TRIAL PHASE EVIDENCE AND EXHIBITS IN PENALTY PHASE, AND RELATED PROSECUTORIAL COMMENT</i>
05/03/2007	 Receipt of Copy
05/09/2007	 Motion to Suppress
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO DECLARE NRS 704.206/35 Heard By: Jackie Glass</i>
05/15/2007	Motion to Strike (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH/36 Heard By: Jackie Glass</i>
05/15/2007	Motion to Bifurcate (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/37 Heard By: Jackie Glass</i>
05/15/2007	Motion to Strike (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY/38 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie)




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CASE SUMMARY
CASE No. 06C224572-3

	Events: 05/02/2007 Motion <i>DEFT'S MTN TO PRECLUDE/39 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO PROHIBIT EVIDENCE/40 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO ALLOW DEFENSE TO ARGUE/41 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR IN CAMERA REVIEW/42 Heard By: Jackie Glass</i>
05/15/2007	Motion to Compel (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO COMPEL PROSECUTING ATTY/43 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO DISCLOSE INFORMANTS/44 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR DISCLOSURE OF UNCHARGED ACTS/45 Heard By: Jackie Glass</i>
05/15/2007	Motion for Discovery (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR DISCOVERY /46 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR ACCUSED TO APPEAR AT ALL/47 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES/48 Heard By: Jackie Glass</i>
05/15/2007	Motion for Discovery (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion for Discovery <i>DEFT'S MTN FOR DISCOVERY /49</i>
05/15/2007	Motion in Limine (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN IN LIMINE TO PROHIBIT ANY REFERENCES/50 Heard By: Jackie Glass</i>
05/15/2007	Motion in Limine (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN IN LIMINE TO PROHIBIT INTRO AT TRIAL/51 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR LISTS OF NAMES/52 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO REQUIRE PROSECUTOR TO STATE/53 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie)

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CASE SUMMARY
CASE No. 06C224572-3

	Events: 05/02/2007 Motion <i>DEFT'S MTN TO PROHIBIT THE PROSECUTOR/54 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO SUBMIT QUESTIONNAIRE/55 Heard By: Jackie Glass</i>
05/15/2007	Motion in Limine (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion in Limine <i>DEFT'S MTN IN LIMINE /56 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/02/2007 Motion <i>DEFT'S MTN TO PRECLUDE RE-ADMISSION OF TRIAL/57 Heard By: Jackie Glass</i>
05/15/2007	Motion to Suppress (9:00 AM) <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
05/24/2007	 Motion <i>MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL</i>
05/24/2007	 Motion <i>MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"</i>
05/24/2007	 Motion <i>MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE</i>
05/24/2007	 Motion <i>MOTION TO BIFURCATE PENALTY PHASE</i>
05/24/2007	 Motion <i>MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT</i>
05/24/2007	 Motion <i>MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE PURSUANT TO NRS 175.552, 200.033 AND 200.035</i>
05/24/2007	 Motion <i>MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE</i>
05/24/2007	 Motion <i>MOTION FOR SEPARATE JURY DURING JOINT TRIAL</i>
05/24/2007	 Motion <i>MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO MALONE</i>
05/24/2007	 Motion <i>MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION</i>
05/24/2007	 Motion

CASE SUMMARY**CASE No. 06C224572-3***MOTION TO ALLOW JURY QUESTIONNAIRE*

05/24/2007	 Motion <i>MOTION FOR DISCOVERY OF PROSECUTION RECORDS, FILES AND INFORMATION NECESSARY TO A FAIR TRIAL</i>
05/24/2007	 Motion <i>MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES NECESSARY TO A FAIR TRIAL</i>
05/25/2007	 Motion <i>MOTION TO SUPPRESS STATEMENTS OF DONALD HERB, OR IN THE ALTERNATIVE MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF STATEMENTS MADE BY CO-DEFENDANT HERB AT THE TIME OF TRIAL</i>
05/25/2007	 Receipt of Copy
05/30/2007	 Receipt of Copy
06/05/2007	 Filed Under Seal <i>EX PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
06/05/2007	 Order <i>ORDER TO FILE UNDER SEAL</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL PROSECUTING ATTORNEY TO DISCLOSE DEATH PENALTY DATA</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR ACCUSED TO APPEAR AT ALL PROCEEDINGS WITHOUT RESTRAINTS</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISCLOSE INFORMANTS</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR LISTS OF NAMES AND ADDRESSES OF PERSONS WHO MAY HAVE EVIDENCE FAVORABLE TO DEFENDANT AND FOR FULL DISCLOSURE OF ALL OTHER DISCOVERY MATERIAL</i>
06/06/2007	 Opposition

CASE SUMMARY**CASE No. 06C224572-3**

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR IN CAMERA REVIEW OF PRE-SENTENCE REPORTS

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO PROHIBIT INTRODUCTION AT TRIAL OF UNCORROBORATED ACCOMPLICE TESTIMONY

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCLOSURE OF UNCHARGED ACTS PRIOR CRIMINAL CONDUCT OF DEFENDANT

06/06/2007



Order

ORDER TO FILE UNDER SEAL

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT

06/06/2007



Response

STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH CASES THE DEATH PENALTY WILL BE SOUGHT

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO PRECLUDE RE-ADMISSION OF TRIAL PHASE EVIDENCE AND EXHIBITS IN PENALTY PHASE, AND ANY RELATED PROSECUTORIAL COMMENT

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY CHALLENGES

06/06/2007



Opposition

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

06/06/2007



Opposition

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL

06/06/2007



Opposition





STATE'S OPPOSITION TO DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE

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06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES</i>
06/06/2007	 Filed Under Seal <i>FILED UNDER SEAL EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 06C224572_0002</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO BIFURCATE PENALTY PHASE</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO BIFURCATE PENALTY PHASE</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY OF PROSECUTION RECORDS, FILES AND INFORMATION NECESSARY TO A FAIR TRIAL</i>
06/06/2007	 Opposition <i>OPPOSITION TO DEFENDANT'S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE PURSUANT TO NRS 175.552, 200.033 AND 200.035</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT</i>
06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES NECESSARY TO A FAIR TRIAL</i>

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06/06/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTE UNCONSTITUTIONAL</i>
06/12/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO PROHIBIT THE PROSECUTOR FROM ARGUING AND THE COURT FROM GIVING INSTRUCTIONS REGARDING STATUTORY MITIGATING FACTORS NOT RAISED BY THE DEFENSE</i>
06/14/2007	 Opposition <i>OPPOSITION TO DEFENDANT MALONE'S MOTION TO SUPPRESS STATEMENTS OF DONALD HERB, OR IN THE ALTERNATIVE MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF THE STATEMENT MADE BY CO- DEFENDANT HERB AT THE TIME OF TRIAL</i>
06/14/2007	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT MC CARTY'S MOTION TO SUPPRESS</i>
06/14/2007	 Opposition <i>OPPOSITION TO DEFENDANTS MALONE'S MOTION FOR SEPARATE JURY DURING JOINT TRIAL</i>
06/21/2007	Motion to Suppress (9:00 AM) (Judicial Officer: Glass, Jackie) Events: 05/09/2007 Motion to Suppress <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
06/21/2007	 Reply <i>REPLY TO STATE'S OPPOSITION TO MOTION TO SUPPRESS</i>
06/22/2007	Motion for Discovery (8:30 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN FOR DISCOVERY /49</i>
06/22/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO SUBMIT QUESTIONNAIRE/55 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN TO DECLARE DEATH PENALTY/59 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN IN LIMINE TO PROHIBIT/60 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN TO FEDERALIZE/61 Heard By: Jackie Glass</i>
06/22/2007	Motion to Bifurcate (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/62 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN IN LIMINE TO BAR IMPROPER/63 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN TO PRECLUDE THE CONSIDERATION/64 Heard By: Jackie Glass</i>






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06/22/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN TO ALLOW THE DEFENSE/65 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN TO SEPERATE JURY/66 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE THE STATE/67 Heard By: Jackie Glass</i>
06/22/2007	Motion to Compel (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN TO COMPEL DISCLOSURE/68 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/69 Heard By: Jackie Glass</i>
06/22/2007	Motion for Discovery (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN FOR DISCOVERY /70 Heard By: Jackie Glass</i>
06/22/2007	Motion for Discovery (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/24/2007 Motion <i>DEFT'S MTN FOR DISCOVERY /71 Heard By: Jackie Glass</i>
06/22/2007	Motion to Suppress (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/25/2007 Motion <i>DEFT'S MTN TO SUPPRESS STATEMENTS/72 Court Clerk: Sandra Jeter Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) Events: 12/12/2006 Motion <i>HEARING: ALL PRETRIAL MOTIONS // EVIDENTIARY HEARING</i>
06/22/2007	Motion (9:00 AM) Events: 12/12/2006 Motion <i>HEARING: ALL PRETRIAL MOTIONS // EVIDENTIARY HEARING</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO DECLARE NRS 704.206/35 Heard By: Jackie Glass</i>
06/22/2007	Motion to Strike (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH/36 Heard By: Jackie Glass</i>
06/22/2007	Motion to Bifurcate (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/37 Heard By: Jackie Glass</i>
06/22/2007	Motion to Strike (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO STRIKE DEATH PENALTY/38 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO PRECLUDE/39 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO PROHIBIT EVIDENCE/40 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie)

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	<i>DEFT'S MTN TO ALLOW DEFENSE TO ARGUE/41 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN FOR IN CAMERA REVIEW/42 Heard By: Jackie Glass</i>
06/22/2007	Motion to Compel (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO COMPEL PROSECUTING ATTY/43 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO DISCLOSE INFORMANTS/44 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN FOR DISCLOSURE OF UNCHARGED ACTS/45 Heard By: Jackie Glass</i>
06/22/2007	Motion for Discovery (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN FOR DISCOVERY /46 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN FOR ACCUSED TO APPEAR AT ALL/47 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES/48 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN IN LIMINE TO PROHIBIT ANY REFERENCES/50 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN IN LIMINE TO PROHIBIT INTRO AT TRIAL/51 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN FOR LISTS OF NAMES/52 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO REQUIRE PROSECUTOR TO STATE/53 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO PROHIBIT THE PROSECUTOR/54 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN IN LIMINE /56 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO PRECLUDE RE-ADMISSION OF TRIAL/57 Heard By: Jackie Glass</i>
06/22/2007	Motion to Suppress (9:00 AM) <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
06/22/2007	All Pending Motions (9:00 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 6/22/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
06/22/2007	Motion <i>ALL PENDING MOTIONS 6/22/07</i>
07/20/2007	 Request <i>EX-PARTE MOTION FOR AUTHORIZATION OF PAYMENT OF FEES</i>
07/24/2007	 Order

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08/01/2007	 Request <i>EX-PARTE MOTION FOR PAYMENT OF EXPERT FEES IN EXCESS OF THE STATUTORY MAXIMUM</i>
08/07/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
08/07/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
08/13/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/13/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/23/2007	 Filed Under Seal <i>EX-PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
08/23/2007	 Filed Under Seal <i>ORDER TO FILE UNDER SEAL - FILED UNDER SEAL</i>
09/06/2007	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING</i>
09/06/2007	Hearing <i>STATES REQUEST STATUS CHECK</i>
09/06/2007	Hearing <i>STATES REQUEST STATUS CHECK</i>
09/07/2007	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
09/11/2007	Request (8:30 AM) Events: 09/06/2007 Hearing <i>STATES REQUEST STATUS CHECK</i>
09/11/2007	Request (8:30 AM) Events: 09/06/2007 Hearing <i>STATES REQUEST STATUS CHECK</i>
09/11/2007	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 9/11/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
09/11/2007	 Filed Under Seal <i>EX-PARTE ORDER TO TRANSPORT (FILED UNDER SEAL) - FILED UNDER SEAL</i>
09/11/2007	 Filed Under Seal <i>ORDER TO FILE UNDER SEAL - FILED UNDER SEAL</i>
09/20/2007	Motion <i>ALL PENDING MOTIONS 9/11/07</i>
10/05/2007	Motion to Suppress (10:00 AM)

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-3

DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass

10/16/2007	 Motion <i>MOTION FOR DEFENDANT'S MOTION TO APPOINT NEW COUNSEL</i>
10/16/2007	 Receipt of Copy
10/24/2007	 Ex Parte Order <i>EX-PARTE ORDER FOR INTERIM FEES</i>
10/30/2007	Motion for Judgment (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 10/16/2007 Motion <i>DEFT'S MTN FOR JUDGMENT NEW COUNSEL/85 Court Clerk: Denise Trujillo Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/29/2007	Motion to Suppress (8:30 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
11/29/2007	Motion for Discovery (10:00 AM) <i>DEFT'S MTN FOR DISCOVERY /49</i>
11/29/2007	Motion (10:00 AM) <i>DEFT'S MTN TO SUBMIT QUESTIONNAIRE/55 Heard By: Jackie Glass</i>
11/29/2007	Motion (10:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/69 Heard By: Jackie Glass</i>
11/29/2007	Motion for Discovery (10:00 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN FOR DISCOVERY /70 Heard By: Jackie Glass</i>
11/29/2007	All Pending Motions (10:00 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 11/29/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/29/2007	Motion <i>ALL PENDING MOTIONS 11/29/07</i>
11/29/2007	Hearing <i>STATUS CHECK: JURY QUESTIONNAIRE</i>
11/29/2007	Hearing <i>STATUS CHECK: JURY QUESTIONNAIRE</i>
12/06/2007	Motion to Suppress (8:30 AM) <i>DEFT'S MTN TO SUPPRESS /58 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
01/31/2008	 Motion <i>MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE, OR, IN THE ALTERNATIVE, MOTION FOR CORRECTIVE INSTRUCTION</i>
01/31/2008	 Receipt of Copy
02/19/2008	Motion to Dismiss (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 01/31/2008 Motion <i>DEFT'S MTN TO DISMISS FOR FAILURE/89 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-3

02/25/2008	 Opposition <i>OPPOSITION TO DEFENDANT MALONE'S MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE, OR IN THE ALTERNATIVE, MOTION FOR CORRECTIVE INSTRUCTION</i>
03/11/2008	<i>CANCELED</i> Calendar Call (8:30 AM) <i>Vacated</i>
03/11/2008	<i>CANCELED</i> Calendar Call (8:30 AM) <i>Vacated</i>
03/11/2008	Motion to Dismiss (8:30 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO DISMISS FOR FAILURE/89 Court Clerk: Sandra Jeter Relief Clerk: Denise Trujillo/dt Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
03/13/2008	Motion to Dismiss (8:30 AM) <i>DEFT'S MTN TO DISMISS FOR FAILURE/89 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
03/17/2008	<i>CANCELED</i> Jury Trial (10:00 AM) <i>Vacated</i>
03/17/2008	<i>CANCELED</i> Jury Trial (10:00 AM) <i>Vacated</i>
03/25/2008	 Order <i>EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS</i>
03/27/2008	 Order <i>ORDER DENYING DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE, OR IN THE ALTERNATIVE, MOTION FOR CORRECTIVE INSTRUCTION</i>
04/17/2008	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
05/06/2008	 Receipt of Copy
05/07/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF AUGUST 16, 2006</i>
05/13/2008	 Motion <i>MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY</i>
05/13/2008	 Receipt of Copy
05/27/2008	Motion to Strike (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/13/2008 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK/90 Heard By: Jackie Glass</i>
05/30/2008	Status Check (9:00 AM) Events: 11/29/2007 Hearing <i>STATUS CHECK: JURY QUESTIONNAIRE</i>
05/30/2008	Status Check (9:00 AM) Events: 11/29/2007 Hearing <i>STATUS CHECK: JURY QUESTIONNAIRE</i>

DEPARTMENT 17
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CASE No. 06C224572-3

05/30/2008 **All Pending Motions** (9:00 AM) (Judicial Officer: Glass, Jackie)
ALL PENDING MOTIONS 5/30/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass


05/30/2008 Motion
ALL PENDING MOTIONS 5/30/08


05/30/2008 Hearing
STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE


05/30/2008 Hearing
STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE


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06/03/2008  Opposition
STATE'S OPPOSITION TO DEFENDANT'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY


06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF NOVEMBER 29, 2007


06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF OCTOBER 30, 2007


06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF DECEMBER 12, 2006


06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF OCTOBER 31, 2006


06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF NOVEMBER 30, 2006


06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF SEPTEMBER 5, 2006


06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF MARCH 13, 2008

06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF SEPTEMBER 11, 2007







06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF JUNE 22, 2007

06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF DECEMBER 6, 2007



06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF FEBRUARY 19, 2008

06/06/2008  Reporters Transcript
REPORTER'S TRANSCRIPT OF MARCH 11, 2008

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-3






06/06/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOVEMBER 21, 2006</i>
06/10/2008	Status Check (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/30/2008 Hearing <i>STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE Heard By: Jackie Glass</i>
06/10/2008	Status Check (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 05/30/2008 Hearing <i>STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE Heard By: Jackie Glass</i>
06/10/2008	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 6/10/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
06/10/2008	Motion <i>ALL PENDING MOTIONS 6/10/08</i>
06/10/2008	 Ex Parte Order <i>EX PARTE ORDER APPOINTING MITIGATION SPECIALIST CLAUDIA AHUMADA DEGRATI, PH.D.</i>
06/12/2008	Status Check (8:30 AM) (Judicial Officer: Glass, Jackie) <i>STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE Heard By: Jackie Glass</i>
06/12/2008	Status Check (8:30 AM) (Judicial Officer: Glass, Jackie) <i>STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE Heard By: Jackie Glass</i>
06/12/2008	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 6/12/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
06/13/2008	Motion <i>ALL PENDING MOTIONS 6/12/08</i>
06/24/2008	Motion to Strike (8:30 AM) (Judicial Officer: Glass, Jackie) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK/90 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
07/02/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 10, 2008</i>
07/02/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 24, 2008</i>
07/02/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 12, 2008</i>
07/02/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MAY 30, 2008</i>
07/29/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>

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07/29/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
08/04/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/04/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/14/2008	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING</i>
08/28/2008	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
10/02/2008	 Motion <i>MOTION FOR MEDICAL FEES AND COSTS</i>
10/02/2008	 Receipt of Copy
10/14/2008	Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 10/02/2008 Motion <i>DEFT'S MTN FOR MEDICAL FEES & COSTS/100 Relief Clerk: Willa Pettice Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/07/2008	Hearing <i>STATUS CHECK</i>
11/13/2008	Status Check (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 11/07/2008 Hearing <i>STATUS CHECK Court Clerk: Sandra Jeter Heard By: Glass, Jackie</i>
11/13/2008	Hearing <i>STATUS CHECK</i>
11/18/2008	Status Check (8:30 AM) (Judicial Officer: Glass, Jackie) <i>STATUS CHECK</i>
11/18/2008	Status Check (8:30 AM) Events: 11/13/2008 Hearing <i>STATUS CHECK</i>
11/18/2008	All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie) <i>ALL PENDING MOTIONS 11/18/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/18/2008	Hearing <i>STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE</i>
11/18/2008	Hearing <i>STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE</i>
11/18/2008	Motion <i>ALL PENDING MOTIONS 11/18/08</i>
11/25/2008	All Pending Motions (8:00 AM) (Judicial Officer: Villani, Michael)

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*ALL PENDING MOTIONS 11-25-08 Court Clerk: Kristen Brown Reporter/Recorder:
Michelle Ramsey Heard By: Michael Villani*

11/25/2008	Status Check (8:15 AM) (Judicial Officer: Villani, Michael) Events: 11/18/2008 Hearing <i>STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE Heard By: Michael Villani</i>
11/25/2008	Status Check (8:15 AM) (Judicial Officer: Villani, Michael) Events: 11/18/2008 Hearing <i>STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE Heard By: Michael Villani</i>
11/25/2008	Motion <i>ALL PENDING MOTIONS 11-25-08</i>
12/04/2008	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF NOVEMBER 25, 2008</i>
12/30/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
12/30/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
01/05/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/05/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/06/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOVEMBER 18, 2008</i>
01/06/2009	Reporters Transcript <i>REPORTER'S TRANSCRIPT RE STATUS CHECK</i>
01/06/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF OCTOBER 14, 2008</i>
01/07/2009	 Motion <i>MOTION TO DISMISS COUNSEL</i>
01/12/2009	 Motion <i>MOTION TO RECUSE THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE OR IN THE ALTERNATIVE MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF STATEMENTS MADE BY CO-DEFENDANT HERB AT THE TIME OF TRIAL</i>
01/12/2009	 Receipt of Copy
01/20/2009	Motion to Dismiss (8:00 AM) (Judicial Officer: Villani, Michael) Events: 01/07/2009 Motion <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL/111 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
01/27/2009	 Motion <i>Defendant Jason McCarty's Joinder in Co-Defendant Domic Malone's Motion to Recuse the</i>













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*Clark County District Attorney's Office or in the Alternative Motion in Limine to Prohibit
Introduction of Statements Made by Co-Defendant Herb at the Time of Trial*

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01/27/2009	 Motion <i>DEFT'S MTN FOR MEDICAL FEES & COSTS/114</i>
01/28/2009	 Receipt of Copy
01/28/2009	 Opposition <i>OPPOSITION TO DEFENDANT'S MOTION TO RECUSE THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE, OR IN THE ALTERNATIVE, MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF STATEMENTS MADE BY CO-DEFENDANT HERB AT THE TIME OF TRIAL</i>
01/29/2009	Further Proceedings (8:00 AM) (Judicial Officer: Villani, Michael) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>
01/30/2009	 Reply <i>REPLY TO STATE'S OPPOSITION</i>
02/05/2009	Motion (8:00 AM) (Judicial Officer: Villani, Michael) Events: 01/12/2009 Motion <i>DEFT'S MTN TO RECUSE THE DISTRICT ATTY'S OFFICE/112 Heard By: Michael Villani</i>
02/05/2009	Joinder (8:00 AM) (Judicial Officer: Villani, Michael) Events: 01/27/2009 Motion <i>DEFT'S JOINDER TO DOMONIC'S MTN TO RECUSE /113 Heard By: Michael Villani</i>
02/05/2009	All Pending Motions (8:00 AM) (Judicial Officer: Villani, Michael) <i>ALL PENDING MOTIONS 2-05-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
02/05/2009	Motion <i>ALL PENDING MOTIONS 2-05-09</i>
02/10/2009	Motion (8:00 AM) (Judicial Officer: Villani, Michael) Events: 01/27/2009 Motion <i>DEFT'S MTN FOR MEDICAL FEES & COSTS/114 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>
02/12/2009	Motion (8:00 AM) (Judicial Officer: Villani, Michael) <i>DEFT'S MTN FOR MEDICAL FEES & COSTS/114 Court Clerk: Kristen Brown Reporter/Recorder: Patti Slattery Heard By: Michael Villani</i>
02/17/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 5, 2009</i>
02/17/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT FEBRUARY 10, 2009</i>
02/17/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JANUARY 20, 2009</i>
02/23/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 12, 2009</i>

DEPARTMENT 17
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CASE No. 06C224572-3










03/16/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS WITH MITIGATION EXPERTS PALMER INVESTIGATIVE SERVICES</i>
03/16/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS WITH MITIGATION EXPERTS PALMER INVESTIGATIVE SERVICES</i>
03/16/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS WITH MITIGATION EXPERTS PALMER INVESTIGATIVE SERVICES</i>
05/18/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS</i>
05/18/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS</i>
05/18/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS</i>
05/18/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS</i>
05/18/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS</i>
05/18/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS</i>
05/19/2009	 Motion <i>MOTION FOR MEDICAL TREATMENT AND TRANSPORATION</i>
05/19/2009	 Receipt of Copy
05/20/2009	 Subpoena Duces Tecum <i>SUBPOENA</i>
05/26/2009	 Subpoena Duces Tecum <i>SUBPOENA</i>
06/02/2009	Motion (8:00 AM) (Judicial Officer: Villani, Michael) Events: 05/19/2009 Motion <i>DEFT'S MOTION FOR MEDICAL TREATMENT AND TRANSPORATION Court Clerk: Kristen Brown Relief Clerk: Michele Tucker/mlt Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
06/09/2009	 Subpoena Duces Tecum <i>SUBPOENA</i>
08/18/2009	 Subpoena Duces Tecum <i>SUBPOENA - CLARK COUNTY DETENTION CENTER - RELATED PARTYID: 06C224572_0003</i>


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08/20/2009	 Motion <i>MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF HEARSAY STATEMENTS MADE BY CO-DEFENDANT MCCARTY AND OTHERS THAT REFERENCE DEFENDANT MALONE AT THE TIME OF TRIAL</i>
08/20/2009	 Motion <i>DEFENDANT'S MOTION TO REQUIRE THE COURT TO ADVISE THE PROSPECTIVE JURORS AS TO THE MANDATORY SENTENCES REQUIRED IF THE DEFENDANT IS CONVICTED OF SECOND DEGREE MURDER AND/OR FIRST DEGREE KIDNAPPING</i>
08/20/2009	 Receipt of Copy
08/20/2009	 Receipt of Copy
08/21/2009	 Receipt of Copy
08/21/2009	 Opposition <i>OPPOSITION TO DEFENDANT MALONE'S MOTION TO REQUIRE THE COURT ADVISE THE PROSPECTIVE JURORS AS TO THE MANDATORY SENTENCES IF THE DEFENDANT IS CONVICTED OF SECOND DEGREE MURDER AND/OR FIRST DEGREE KIDNAPPING</i>
08/26/2009	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT MALONE'S MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF HEARSAY STATEMENTS MADE BY CO-DEFENDANT MALONE AT THE TIME OF TRIAL</i>
08/27/2009	 Reply <i>REPLY TO OPPOSITION TO MOTION</i>
08/31/2009	 Subpoena Duces Tecum <i>SUBPOENA</i>
09/01/2009	Motion in Limine (8:00 AM) (Judicial Officer: Villani, Michael) Events: 08/20/2009 Motion <i>DEFT'S MTN IN LIMINE TO PROHIBIT INTRODUCTION/117 Heard By: Michael Villani</i>
09/01/2009	Motion (8:00 AM) (Judicial Officer: Villani, Michael) Events: 08/20/2009 Motion <i>DEFT'S MTN TO REQUIRE THE COURT TO ADVSE/118 Heard By: Michael Villani</i>
09/01/2009	All Pending Motions (8:00 AM) (Judicial Officer: Villani, Michael) <i>ALL PENDING MOTIONS 9-01-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
09/01/2009	Motion <i>ALL PENDING MOTIONS 9-01-09</i>
09/09/2009	 Reporters Transcript <i>REPORTERS'S TRANSCRIPT OF SEPTEMBER 1, 2009</i>
09/15/2009	 Motion <i>MOTION TO PLACE ON CALENDER ON ORDER SHORTENING TIME TO CONTINUE TRIAL DATE</i>








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09/18/2009	 Motion <i>MOTION TO SUPPRESS STATEMENTS OF DEFENDANT, OR IN THE ALTERNATIVE, MOTION IN LIMINE</i>
09/18/2009	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF DEFENDANT'S EXPERT WITNESSES</i>
09/18/2009	 Subpoena Duces Tecum <i>SUBPOENA</i>
09/18/2009	 Receipt of Copy
09/21/2009	 Opposition <i>OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE TRIAL DATE</i>
09/21/2009	 Notice of Expert Witnesses
09/22/2009	Motion to Continue (8:00 AM) (Judicial Officer: Villani, Michael) Events: 09/15/2009 Motion <i>DEFT'S MTN TO CONTINUE TRIAL DATE ON OST/0120 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
09/23/2009	 Notice of Expert Witnesses
09/24/2009	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>
09/24/2009	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>
09/29/2009	Motion to Suppress (8:00 AM) (Judicial Officer: Villani, Michael) Events: 09/18/2009 Motion <i>DEFT'S MTN TO SUPPRESS STATEMENTS OF DEFENDANT Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
09/29/2009	 Application <i>EX-PARTE APPLICATION ALLOWING CONTACT VISITS WITH MELISSA ESTORES</i>
09/29/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS</i>
09/29/2009	 Ex Parte Order <i>EX-PARTE ORDER ALLOWING CONTACT VISITS WITH EXPERT DR. MICHAEL R. KLEIN, JR., MD., F.A.C.S.</i>
09/29/2009	 Application <i>EX-PARTE APPLICATION ALLOWING CONTACT VISITS WITH DEFENDANT BY EXPERT DR. MICHAEL R. KLEIN, JR., MD., F.A.C.S.</i>
09/30/2009	 Order <i>ORDER GRANTING DEFENDANT'S MOTION AND ORDER TO TRANSPORT</i>
10/01/2009	 Motion

CASE SUMMARY**CASE No. 06C224572-3***MOTION TO WAIVE TRIAL BY JURY ON ALL COUNTS ALLEGING THE NAMED VICTIM
MELLISSA ESTORES*10/01/2009  Receipt of Copy10/01/2009  Subpoena Duces Tecum
*SUBPOENA*10/02/2009  Notice of Witnesses10/05/2009 Hearing
*STATE'S REQUEST STATUS CK/COUNSEL*10/05/2009  Response
*STATE'S RESPONSE TO DEFENDANT'S MOTION TO WAIVE TRIAL BY JURY ON ALL
COUNTS ALLEGING THE NAMED VICTIM MELISSA ESTORES*10/05/2009  Subpoena Duces Tecum
*SUBPOENA*10/05/2009  Subpoena Duces Tecum
*SUBPOENA - FIESTA HOTEL AND CASINO - RELATED PARTYID: 06C224572_0003*06C224572-
30336.tif pages10/05/2009  Subpoena Duces Tecum
*SUBPOENA*10/06/2009 **CANCELED Calendar Call** (8:00 AM)
*Vacated*10/06/2009 **Calendar Call** (8:00 AM) (Judicial Officer: Villani, Michael)
*CALENDAR CALL (VC 03-25-10) Court Clerk: Kristen Brown Reporter/Recorder: Michelle
Ramsey Heard By: Michael Villani*10/06/2009 Hearing
*STATUS CHECK: VIDEO TAPES/STATE'S MTN FOR DOCUMENTS PRODUCED TO
EXPERT WITNESS*10/07/2009  Notice of Witnesses and/or Expert Witnesses
*SUPPLEMENTAL NOTICE OF WITNESSES*10/07/2009  Subpoena Duces Tecum
*SUBPOENA*10/07/2009  Subpoena Duces Tecum
*SUBPOENA*10/07/2009  Brief
*BRIEF IN SUPPORT OF STATE'S REQUEST FOR DISCOVERY*10/08/2009 **Request** (8:00 AM)
Events: 10/05/2009 Hearing
*STATE'S REQUEST STATUS CK/COUNSEL*10/08/2009 **Status Check** (8:00 AM)
Events: 10/06/2009 Hearing







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CASE SUMMARY
CASE No. 06C224572-3

*STATUS CHECK: VIDEO TAPES/STATE'S MTN FOR DOCUMENTS PRODUCED TO
EXPERT WITNESS*

10/08/2009	All Pending Motions (8:00 AM) (Judicial Officer: Villani, Michael) <i>ALL PENDING MOTIONS 10-08-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
10/08/2009	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF DEFENDANT'S WITNESSES</i>
10/08/2009	 Receipt of Copy
10/08/2009	Motion <i>ALL PENDING MOTIONS 10-08-09</i>
10/08/2009	Hearing <i>CONFIRMATION OF COUNSEL (HART)</i>
10/09/2009	 Notice of Witnesses and/or Expert Witnesses <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>
10/12/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/12/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/12/2009	All Pending Motions (10:00 AM) (Judicial Officer: Villani, Michael) <i>ALL PENDING MOTIONS 10-12-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
10/12/2009	Motion <i>ALL PENDING MOTIONS 10-12-09</i>
10/12/2009	Hearing <i>STATUS CHECK: TRIAL SETTING/POSSIBLE CONFLICT</i>
10/12/2009	Hearing <i>STATUS CHECK: TRIAL SETTING/POSSIBLE CONFLICT</i>
10/13/2009	CANCELED Motion (8:00 AM) Events: 10/01/2009 Motion <i>Vacated</i>
10/20/2009	 Subpoena Duces Tecum <i>SUBPOENA</i>
10/20/2009	 Subpoena Duces Tecum
10/20/2009	 Subpoena Duces Tecum <i>SUBPOENA</i>
10/20/2009	 Subpoena Duces Tecum <i>SUBPOENA</i>
10/20/2009	 Affidavit

DEPARTMENT 17
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AFFIDAVIT OF ANTHONY P. SGRO, ESQ.

10/22/2009	 Subpoena Duces Tecum
10/22/2009	 Subpoena Duces Tecum
10/22/2009	 Order <i>ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS STATEMENTS OF DEFENDANT</i>
10/27/2009	Status Check (8:00 AM) Events: 10/12/2009 Hearing <i>STATUS CHECK: TRIAL SETTING/POSSIBLE CONFLICT</i>
10/27/2009	Status Check (8:00 AM) Events: 10/12/2009 Hearing <i>STATUS CHECK: TRIAL SETTING/POSSIBLE CONFLICT</i>
10/27/2009	All Pending Motions (8:00 AM) (Judicial Officer: Villani, Michael) <i>ALL PENDING MOTIONS 10-27-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
10/27/2009	Motion <i>ALL PENDING MOTIONS 10-27-09</i>
10/28/2009	 Subpoena Duces Tecum
11/04/2009	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - CLARK COUNTY DETENTION CENTER - RELATED PARTYID: 06C224572_0003</i>
11/10/2009	Further Proceedings (8:00 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Relief Clerk: Pamela Humphrey & Kathy Klein/kk Reporter/Recorder: Rachelle Hamilton</i>
11/10/2009	Motion for Confirmation of Counsel (8:00 AM) Events: 10/08/2009 Hearing <i>CONFIRMATION OF COUNSEL (HART)</i>
11/10/2009	All Pending Motions (8:30 AM) (Judicial Officer: Adair, Valerie) <i>ALL PENDING MOTIONS 11-10-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Valerie Adair</i>
11/10/2009	Motion <i>ALL PENDING MOTIONS 11-10-09</i>
11/10/2009	Hearing <i>STATUS CHECK: SENTENCING</i>
12/03/2009	 Motion <i>DEFT'S PRO PER MTN FOR SPEEDY TRIAL OR MTN T</i>
12/15/2009	Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 12/03/2009 Motion <i>DEFT'S PRO PER MTN FOR SPEEDY TRIAL OR MTN T Relief Clerk: Nicole McDevitt Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>

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12/15/2009	Hearing <i>FARETTA CANVAS</i>
01/08/2010	Hearing (9:00 AM) (Judicial Officer: Villani, Michael) Events: 12/15/2009 Hearing <i>FARETTA CANVAS Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
02/01/2010	 Motion <i>MOTION TO PRESERVE AND PRODUCE EVIDENCE INCLUDING POTENTIALLY EXCULPATORY EVIDENCE</i>
02/01/2010	 Motion <i>EX PARTE MOTION FOR EXPENSES FOR PRIVATE INVESTIGATORS</i>
02/16/2010	Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 02/01/2010 Motion <i>DEFT'S PRO PER MTN FOR TO PRESERVE AND PRODU Heard By: Michael Villani</i>
02/16/2010	Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 02/01/2010 Motion <i>DEFT'S PRO PER EXPARTE MTN FOR EXPENSES FOR Heard By: Michael Villani</i>
02/16/2010	All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael) <i>ALL PENDING MOTIONS (02-16-10) Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
02/17/2010	Motion <i>ALL PENDING MOTIONS (02-16-10)</i>
02/26/2010	 Order <i>ORDER GRANTING DEFENDANT'S MOTION</i>
03/02/2010	 Motion <i>MOTION FOR JUDICIAL DETERMINATION OF STANDBY COUNSELS OBLIGATIONS PURSUANT TO HOLLOWAY V. STATE.</i>
03/03/2010	 Receipt of Copy
03/03/2010	 Certificate of Facsimile
03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JANUARY 8, 2010</i>
03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DECEMBER 15, 2009</i>
03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 12, 2009</i>
03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 6, 2009</i>
03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 22, 2009</i>













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03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 27, 2009</i>
03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 29, 2009</i>
03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 8, 2009</i>
03/05/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 16, 2010</i>
03/16/2010	Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 03/02/2010 Motion <i>DEFT'S MTN FOR JUDICIAL DETERMINATION OF Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
03/16/2010	Motion <i>MOTION FOR JUDICIAL DETERMINATION</i>
03/18/2010	Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 03/16/2010 Motion <i>MOTION FOR JUDICIAL DETERMINATION Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>
03/18/2010	 Motion <i>RENEWED MOTION TO SEVER</i>
03/22/2010	 Ex Parte Order <i>EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS</i>
03/24/2010	 Order <i>ORDER FOR DAILY TRANSCRIPTS</i>
03/25/2010	Motion (8:15 AM) (Judicial Officer: Villani, Michael) <i>MOTION FOR JUDICIAL DETERMINATION Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
03/25/2010	 Motion <i>MOTION FOR RECONSIDERATION OF WRIT OF HABEAS CORPUS</i>
03/25/2010	 Request <i>MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF HEARSAY STATEMENTS MADE BY CO-DEFENDANT MCCARTY AND OTHERS THAT REFERENCE DEFENDANT MALONE AT THE TIME OF TRIAL</i>
03/30/2010	CANCELED Calendar Call (8:15 AM) <i>Vacated</i>
03/30/2010	CANCELED Calendar Call (8:15 AM) <i>Vacated</i>
03/30/2010	Motion to Sever (8:15 AM) (Judicial Officer: Villani, Michael) Events: 03/18/2010 Motion <i>MCCARTY'S RENEWED MOTION TO SEVER Heard By: Michael Villani</i>

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04/05/2010	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
04/05/2010	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
04/09/2010	 Opposition <i>OPPOSITION TO DEFENDANT MALONE'S MOTION FOR RECONSIDERATION OF WRIT OF HABEAS CORPUS</i>
04/09/2010	 Opposition <i>STATE'S OPPOSITION TO MCCARTY'S RENEWED MOTION TO SEVER</i>
04/12/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MARCH 25, 2010</i>
04/12/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MARCH 16, 2010</i>
04/12/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MARCH 18, 2010</i>
04/13/2010	Motion to Sever (8:15 AM) (Judicial Officer: Villani, Michael) <i>MCCARTY'S RENEWED MOTION TO SEVER Heard By: Michael Villani</i>
04/13/2010	Motion (8:15 AM) Events: 03/25/2010 Motion <i>MOTION FOR RECONSIDERATION OF WRIT OF MTN</i>
04/13/2010	All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael) <i>ALL PENDING MOTIONS (04-13-10) Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
04/14/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 13, 2010</i>
04/22/2010	Motion <i>ALL PENDING MOTIONS (04-13-10)</i>
04/29/2010	Motion to Sever (8:15 AM) <i>MCCARTY'S RENEWED MOTION TO SEVER Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
05/18/2010	Status Check (8:15 AM) (Judicial Officer: Villani, Michael) Events: 11/10/2009 Hearing <i>STATUS CHECK: SENTENCING Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
05/18/2010	Hearing <i>STATUS CHECK: SENTENCING (CONTINUED FROM 05-18-10)</i>
05/18/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 29, 2010</i>
07/08/2010	 Motion <i>MOTION FOR PARALEGAL; FINANCIAL ASSISTANCE; MEDICAL; PRIVATE</i>

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	INVESTIGATOR(S)	
07/08/2010	 Receipt of Copy	
07/20/2010	Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 07/08/2010 Motion <i>DEFT'S MOTION FOR PARALEGAL FINANCIAL ASSISTANCE MEDICAL PRIVATE INVESTIGATOR Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>	
07/20/2010	Motion <i>DEFT'S MOTION FOR PARALEGAL; FINANCIAL ASSTNANCE; MEDICAL; PRIVATE INVESTIGATOR</i>	06C224572-30407.tif pages
07/27/2010	CANCELED Motion (8:15 AM) <i>Vacated - On In Error</i>	
09/10/2010	 Notice of Witnesses <i>Supplemental Notice of Witnesses</i>	
09/14/2010	 Notice of Expert Witnesses	
09/15/2010	 Receipt of Copy	
09/24/2010	 Order <i>Order for Daily Transcripts</i>	
09/27/2010	 Affidavit of Service	
09/30/2010	 Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Jury Questionnaire</i>	
10/05/2010	CANCELED Calendar Call (8:15 AM) <i>Vacated</i>	
10/05/2010	CANCELED Calendar Call (8:15 AM) <i>Vacated</i>	
10/05/2010	 Status Check (10:00 AM) (Judicial Officer: Villani, Michael) <i>Jury Questionnaire</i>	
10/05/2010	 Order Filed By: Plaintiff State of Nevada <i>Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Prisoner</i>	
10/05/2010	 Petition Filed by: Plaintiff State of Nevada	
10/05/2010	 Application Filed By: Plaintiff State of Nevada <i>Application for Production of Inmate Ryan Noe</i>	
10/05/2010	 Writ of Habeas Corpus	

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Writ of Habeas Corpus Ad Testificandum

10/07/2010	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Witnesses</i>
10/08/2010	 Writ of Habeas Corpus <i>Writ of Habeas Corpus Ad Testificandum</i>
10/08/2010	 Reporters Transcript <i>Reporter's Transcript of October 5, 2010</i>
10/08/2010	 Reporters Transcript <i>Reporter's Transcript of September 30, 2010</i>
10/08/2010	 Petition
10/08/2010	 Order <i>Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Prisoner</i>
10/08/2010	 Application <i>Application for Production of Inmate Leonard Robinson</i>
10/11/2010	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/11/2010	 Affidavit of Service
10/12/2010	 Jury Trial (10:00 AM) (Judicial Officer: Villani, Michael) 10/12/2010-10/15/2010, 10/18/2010-10/20/2010, 10/25/2010-10/28/2010, 11/01/2010-11/05/2010, 11/08/2010-11/10/2010, 11/12/2010, 11/15/2010-11/18/2010
10/13/2010	 Ex Parte Filed By: Plaintiff State of Nevada <i>Ex Parte Application for Order Requiring Material Witness to Post Bail</i>
10/13/2010	 Order Filed By: Plaintiff State of Nevada <i>Order Requiring Material Witness to Post Bail or be Committed to Custody</i>
10/13/2010	 Warrant Filed by: Plaintiff State of Nevada <i>Warrant of Arrest</i>
10/13/2010	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of October 12, 2010</i>
10/13/2010	 Order for Production of Inmate
10/14/2010	CANCELED Request of Court (8:15 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
10/14/2010	 Reporters Transcript
















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	Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of October 13, 2010</i>
10/15/2010	 Request of Court (8:30 AM) (Judicial Officer: Villani, Michael)
10/15/2010	 Order Filed By: Plaintiff State of Nevada <i>Order for Issuance fo Writ of Habeas Corpus ad Testificandum for a Prisoner</i>
10/15/2010	 Petition Filed by: Plaintiff State of Nevada
10/15/2010	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript October 14, 2010</i>
10/15/2010	 Application Filed By: Plaintiff State of Nevada <i>Application for Production fo Inmate Ryan Noe</i>
10/18/2010	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of October 15, 2010</i>
10/18/2010	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of October 15, 2010</i>
10/19/2010	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of October 18, 2010</i>
10/19/2010	 Jury List
10/20/2010	 Writ of Habeas Corpus <i>Writ of Habeas Corpus Ad Testificandum</i>
10/20/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of October 19, 2010</i>
10/20/2010	 Affidavit of Service
10/21/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of October 20, 2010</i>
10/23/2010	 Order for Production of Inmate <i>Order for Production of Inmate Melissa Estores, BAC # 1035695</i>
10/26/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of October 25, 2010</i>






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10/27/2010	 Transcript of Proceedings <i>Reporter's Transcript of October 26, 2010</i>
10/28/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of October 27, 2010</i>
11/01/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Jury Trial - Day 11 - October 28, 2010</i>
11/02/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Jury Trial - Day 12 - November 1, 2010</i>
11/03/2010	 Memorandum <i>Bench Memorandum</i>
11/03/2010	 Amended Information Filed By: Plaintiff State of Nevada <i>Second Amended Information</i>
11/03/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Jury Trial - Day 13 November 2, 2010</i>
11/03/2010	Disposition (Judicial Officer: Villani, Michael) 7. CONSPIRACY TO COMMIT A CRIME Charges Amended/Dropped 7. KIDNAP WITH USE OF A DEADLY WEAPON Charges Amended/Dropped 11. CONSPIRACY TO COMMIT A CRIME Charges Amended/Dropped 16. DEGREES OF MURDER Charges Amended/Dropped 16. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped 18. ROBBERY Charges Amended/Dropped 18. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
11/04/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Jury Trial - Day 14 November 3, 2010</i>
11/05/2010	 Transcript of Proceedings <i>Reporter's Transcript of November 4, 2010</i>
11/08/2010	 Transcript of Proceedings <i>Reporter's Transcript of November 5, 2010</i>
11/09/2010	 Transcript of Proceedings <i>Reporter's Transcript of November 8, 2010</i>

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11/09/2010	 Instructions to the Jury <i>Instructions to the Jury (Instruction No. 1)</i>
11/09/2010	 Verdict
11/10/2010	 Minute Order (10:00 AM) (Judicial Officer: Villani, Michael)
11/10/2010	 Ex Parte Filed By: Defendant McCarty, Jason D <i>Ex-Parte Application Allowing Contact Visit by Dr. Dodge Slagle with Defendant</i>
11/10/2010	 Ex Parte Order Filed By: Defendant McCarty, Jason D <i>Ex-Parte Order Allowing Contact Visits by Dr. Dodge Slagle with Defendant McCarty</i>
11/10/2010	 Notice <i>Notice Of Mitigation Witness List</i>
11/11/2010	 Notice <i>Supplement to Notice of Witnesses [N.R.S. 174.234 (1) (a)]</i>
11/11/2010	 Notice of Expert Witnesses
11/12/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of November 9, 2010</i>
11/12/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of November 10, 2010</i>
11/15/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of November 12, 2010</i>
11/16/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of November 15, 2010</i>
11/17/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of November 16, 2010</i>
11/17/2010	 Amended Jury List <i>Amended Jury</i>
11/17/2010	 Instructions to the Jury
11/18/2010	 Special Verdict Form <i>Special Verdict</i>

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11/18/2010	 Special Verdict Form <i>Special Verdict Form Not Used</i>
11/19/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Reporter's Transcript of November 18, 2010</i>
11/19/2010	 Recorders Transcript of Hearing <i>Reporter's Transcript of November 17, 2010</i>
11/23/2010	CANCELED Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
01/20/2011	 Sentencing (8:15 AM) (Judicial Officer: Villani, Michael) 01/20/2011, 04/05/2011
02/28/2011	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing for January 20, 2011</i>

1 JOC

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5 DISTRICT COURT

Alvin L. Johnson
CLERK OF THE COURT

6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

CASE NO. C224572-3

11 JASON DUVAL MCCARTY
12 #0932255

DEPT. NO. XVII

13 Defendant.

14 JUDGMENT OF CONVICTION
15 (JURY TRIAL)

16
17 The Defendant previously entered a plea of not guilty to the crimes of COUNT 3
18 - CONSPIRACY TO COMMIT KIDNAPPING (Felony), in violation of NRS 200.310,
19 200.320, 199.480; COUNT 4 - FIRST DEGREE KIDNAPPING (Felony), in violation of
20 NRS 200.310, 200.320; COUNT 5 - BATTERY WITH SUBSTANTIAL BODILY HARM
21 (Felony), in violation of NRS 200.481; COUNT 6 - ROBBERY (Category B Felony), in
22 violation of NRS 200.380; COUNT 7 - PANDERING (Felony), in violation of NRS
23 201.300; COUNT 8 - CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor),
24 in violation of NRS 205.060, 199.480; COUNT 9 - CONSPIRACY TO COMMIT
25 KIDNAPPING (Felony), in violation of NRS 200.310, 200.320, 199.480; COUNT 10 -
26 CONSPIRACY TO COMMIT MURDER (Felony), in violation of NRS 200.010, 200.030,
27
28

1 199.480; COUNT 11 – BURGLARY (Felony), in violation of NRS 205.060; COUNT 12 –
2 FIRST DEGREE KIDNAPPING (Felony), in violation of NRS 200.310, 200.320; COUNT
3 13 - FIRST DEGREE KIDNAPPING (Felony), in violation of NRS 200.310, 200.320;
4
5 COUNT 14 – MURDER WITH USE OF A DEADLY WEAPON (Felony), in violation of
6 NRS 200.010, 200.030, 193.165; COUNT 15 - MURDER WITH USE OF A DEADLY
7 WEAPON (Felony), in violation of NRS 200.010, 200.030, 193.165; COUNT 16 –
8 ROBBERY WITH USE OF A DEADLY WEAPON (Felony), in violation of NRS 200.380,
9 193.165; and COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON (Felony),
10 in violation of NRS 200.380, 193.165; and the matter having been tried before a jury
11 and the Defendant having been found guilty of the crimes of COUNT 3 –
12
13 CONSPIRACY TO COMMIT KIDNAPPING (Felony), in violation of NRS 200.310,
14 200.320, 199.480; COUNT 4 – FIRST DEGREE KIDNAPPING (Felony), in violation of
15 NRS 200.310, 200.320; COUNT 5 – BATTERY WITH SUBSTANTIAL BODILY HARM
16 (Felony), in violation of NRS 200.481; COUNT 6 – ROBBERY (Category B Felony), in
17 violation of NRS 200.380; COUNT 7 – PANDERING (Felony), in violation of NRS
18 201.300; COUNT 8 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor),
19 in violation of NRS 205.060, 199.480; COUNT 9 – CONSPIRACY TO COMMIT
20 KIDNAPPING (Felony), in violation of NRS 200.310, 200.320, 199.480; COUNT 10 –
21
22 CONSPIRACY TO COMMIT MURDER (Felony), in violation of NRS 200.010, 200.030,
23 199.480; COUNT 11 – BURGLARY (Felony), in violation of NRS 205.060; COUNT 12 –
24 FIRST DEGREE KIDNAPPING (Felony), in violation of NRS 200.310, 200.320; COUNT
25 13 - FIRST DEGREE KIDNAPPING (Felony), in violation of NRS 200.310, 200.320;
26
27 COUNT 14 – FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON
28

1 (Felony), in violation of NRS 200.010, 200.030, 193.165; COUNT 15 – FIRST DEGREE
2 MURDER WITH USE OF A DEADLY WEAPON (Felony), in violation of NRS 200.010,
3 200.030, 193.165; COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON
4 (Felony), in violation of NRS 200.380, 193.165; and COUNT 17 - ROBBERY WITH USE
5 OF A DEADLY WEAPON (Felony), in violation of NRS 200.380, 193.165; thereafter, on
6 the 5TH day of April, 2011, the Defendant was present in court for sentencing with his
7 counsels, KEVIN LEIK, Deputy Public Defender, and CHRISTOPHER ORAM, ESQ.,
8 and good cause appearing,
9

10
11 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in
12 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee
13 including testing to determine genetic markers, and Indigent Defense Civil Assessment
14 Fee of \$250.00, the Defendant is SENTENCED as follows: AS TO COUNT 3 - TO A
15 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of
16 TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC); AS
17 TO COUNT 4 – LIFE with Parole Eligibility after a MINIMUM of FIVE (5) YEARS in the
18 Nevada Department of Corrections (NDC), COUNT 4 to run CONSECUTIVE to COUNT
19 3; AS TO COUNT 5 - TO A MAXIMUM of FORTY-EIGHT (48) MONTHS with a
20 MINIMUM Parole Eligibility of NINETEEN (19) MONTHS in the Nevada Department of
21 Corrections (NDC), COUNT 5 to run CONCURRENT with COUNT 4; AS TO COUNT 6
22 – TO A MAXIMUM of ONE HUNDRED FIFTY (150) MONTHS with a MINIMUM Parole
23 Eligibility of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC),
24 COUNT 6 to run CONCURRENT with COUNT 5; AS TO COUNT 7 - TO A MAXIMUM
25 of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of NINETEEN (19)
26
27
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1 MONTHS in the Nevada Department of Corrections (NDC), COUNT 7 to run
2 CONSECUTIVE to COUNT 6; AS TO COUNT 8 – TWELVE (12) MONTHS in the Clark
3 County Detention Center (CCDC), COUNT 8 to run CONSECUTIVE to COUNT 7; AS
4 TO COUNT 9 – TO A MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole
5 Eligibility of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections
6 (NDC), COUNT 9 to run CONCURRENT with COUNT 8; AS TO COUNT 10 - TO A
7 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
8 Eligibility of FORTY EIGHT (48) MONTHS in the Nevada Department of Corrections
9 (NDC), COUNT 10 to run CONCURRENT with COUNT 9; AS TO COUNT 11 - TO A
10 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
11 Eligibility of FORTY EIGHT (48) MONTHS in the Nevada Department of Corrections
12 (NDC), COUNT 11 to run CONCURRENT with COUNT 10; AS TO COUNT 12 – LIFE
13 WITHOUT the possibility of Parole in the Nevada Department of Corrections (NDC),
14 COUNT 12 to run CONSECUTIVE to COUNT 11; AS TO COUNT 13 – LIFE WITHOUT
15 the possibility of Parole in the Nevada Department of Corrections (NDC), COUNT 13 to
16 run CONSECUTIVE to COUNT 12; AS TO COUNT 14 – Defendant SENTENCED to
17 DEATH; AS TO COUNT 15 – Defendant SENTENCED to DEATH; AS TO COUNT 16 -
18 TO A MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole
19 Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE
20 HUNDRED EIGHTY (180) MONTHS MAXIMUM and FORTY-EIGHT (48) MONTHS
21 MINIMUM for Use of a Deadly Weapon in the Nevada Department of Corrections
22 (NDC), COUNT 16 to run CONSECUTIVE to COUNT 13; AS TO COUNT 17 - TO A
23 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole
24
25
26
27
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1 Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE
2 HUNDRED EIGHTY (180) MONTHS MAXIMUM and FORTY-EIGHT (48) MONTHS
3 MINIMUM for Use of a Deadly Weapon in the Nevada Department of Corrections
4 (NDC), COUNT 17 to run CONSECUTIVE to COUNT 16; with ONE THOUSAND
5 SEVEN HUNDRED SEVENTY-SIX (1,776) DAYS Credit for Time Served.
6

7 COURT FURTHER ORDERED, STAY GRANTED.
8

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10 DATED this 6 day of April, 2011

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13 MICHAEL VILLANI
14 DISTRICT JUDGE *qd*
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 02, 2006

06C224572-3

The State of Nevada vs Jason D McCarty

August 02, 2006

9:00 AM

Initial Arraignment

INITIAL
ARRAIGNMENT
Court Clerk: Melissa
Swinn Relief Clerk:
Chanel West/cw
Reporter/Recorder:
Kiara Schmidt Heard
By: Kevin Williams

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

JOURNAL ENTRIES

- NEGOTIATIONS are as contained in the Guilty Plea Agreement. GUILTY PLEA AGREEMENT and AGREEMENT TO TESTIFY FILED IN OPEN COURT. DEFENDANT HERB ARRAIGNED AND PLED GUILTY TO ACCESSORY TO MURDER (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) for a PSI Report and set for SENTENCING. CUSTODY
9/21/06 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 16, 2006

06C224572-3

The State of Nevada vs Jason D McCarty

August 16, 2006

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS 8/16/06
Court Clerk: Melissa
Swinn Relief Clerk:
Chanel West/cw
Reporter/Recorder:
Kiara Schmidt Heard
By: Kevin Williams

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

- AS TO DEFENDANT MALONE: DEFT. MALONE ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter SET for TRIAL. Defense counsel requested 21 days, from the filing of the transcript, to file any necessary writs, and COURT SO ORDERED.

DEFT. MCCARTY ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter SET for TRIAL. Mr. Sgro requested 21 days from the filing of the transcript, to file any necessary writs, and COURT SO ORDERED. Further COURT ORDERED, Mr. Sgro's appointment as counsel CONTINUES, and Mr. Sgro to submit appropriate paperwork to Department V.

Mr. DiGiacomo provided counsel with additional discovery in open court.

CUSTODY(BOTH)

9/5/06 8:30 AM CONFIRMATION OF TRIAL DATE(BOTH)

PRINT DATE: 04/06/2011

Page 2 of 113

Minutes Date:

August 02, 2006

06C224572-3

1/2/07 8:30 AM CALENDAR CALL (BOTH)

1/8/07 10:00 AM JURY TRIAL(BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 05, 2006**

06C224572-3

The State of Nevada vs Jason D McCarty

September 05, 2006**8:30 AM****All Pending Motions****ALL PENDING
MOTIONS 9/5/06
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dennie, Chad N.	Attorney
Di Giacomo, Marc P.	Attorney
McCarty, Jason D	Defendant
Oram, Christopher R.	Attorney
Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

-

STATUS CHECK: CONFIRMATION OF TRIAL DATE (BOTH)...DEFT. MALONE'S MOTION TO**PRINT DATE: 04/06/2011****Page 4 of 113****Minutes Date:****August 02, 2006**

EXTEND TIME TO FILE WRIT OF HABEAS CORPUS

Mr. Pike requested 30 days from receipt stating he just received the six-volume transcript. Mr. Sgro joined in Mr. Pike's request and advised he is missing one of the volumes. Mr. Digiacomo stated he has no objection to counsels' request because this was a six-day Preliminary Hearing. Further, he will check to make sure all volumes have been filed. COURT ORDERED, motion GRANTED. Defense counsel has until October 20 to file their Writs; State to respond by November 21; any Reply to be filed by December 5; and matter SET for HEARING.

Following a conference at the bench, Court noted Mr. Sgro requested another attorney be appointed as co-counsel; it has no problem appointing Mr. Sgro to the case, however, ORDERED, MR. ORAM APPOINTED as CO-COUNSEL opposed to counsel's suggestion. FURTHER, ADMONISHED defense counsel that they are to coordinate their efforts and not duplicate efforts.

Colloquy reference pretrial motions and trial date. Mr. Digiacomo stated a severance may occur and each trial will take at least two weeks. COURT ORDERED, defense counsel to file severance motion by October 2; State to respond by October 16 and matter SET for HEARING. FURTHER, all motions to be heard on October 31 at which time trial setting will be further discussed.

CUSTODY (MALONE & MCCARTY)

10/31/06 8:30 AM ALL PRETRIAL MOTIONS...DEFTS' MOTION FOR SEVERANCE (MALONE & MCCARTY)

12/12/06 8:30 AM DEFTS. PETITIONS FOR WRIT OF HABEAS CORPUS (MALONE & MCCARTY)

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

06C224572-3

The State of Nevada vs Jason D McCarty

September 21, 2006**8:30 AM****Sentencing****SENTENCING****Court Clerk: Sandra
Jeter****Reporter/Recorder:****Rachelle Hamilton****Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- Following a conference at the bench, COURT ORDERED, deft. RELEASED from HOUSE ARREST;
matter CONTINUED. Deft. ADMONISHED to keep in touch with his probation officer.

NIC

1/25/07 8:30 AM FURTHER PROCEEDINGS: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2006

06C224572-3

The State of Nevada vs Jason D McCarty

October 31, 2006

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS 10/31/06
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Dennie, Chad N.	Attorney
	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney

JOURNAL ENTRIES

- HEARING (ALL MOTIONS)(BOTH)...DEFT. MCCARTY'S MOTION TO SEVER...DEFT. MALONE'S JOINDER TO MOTION TO SEVER

Mr. Oram moved to continue stating Mr. Sgro is out of town. Colloquy regarding scheduling conflicts. Mr. Dennie requested additional time to file deft. McCarty's writ. Mr. Digiacomo submitted stating the writ is due tomorrow. COURT ORDERED, counsel to file deft. McCarty's writ by 11/15/06. Mr. Cano stated he believes Mr. Pike already filed deft. Malone's writ, however, if the writ hasn't been filed, requested the same time as deft. McCarty's. SO ORDERED. COURT FURTHER ORDERED, motions to sever will be heard on 11/21/06 and writs remain scheduled for 12/12/06. State DIRECTED to make sure they respond. Mr. Dennie stated Mr. Sgro is unavailable on the 21st. Court directed co-counsel be prepared to argue in Mr. Sgro's absence.

CUSTODY

06C224572-3

11/21/06 8:30 AM DEFTS' MOTIONS TO SEVER

12/12/06 8:30 AM DEFTS' WRITS OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 21, 2006

06C224572-3

The State of Nevada vs Jason D McCarty

November 21, 2006

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS 11/21/06
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Dennie, Chad N.	Attorney
	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Owens, Christopher J.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

- DEFT. MCCARTY'S MOTION TO SEVER: Mr. Sgro argued for severance stating there are Bruton issues. Response by Mr. Digiacomo that he does not intend to use any testimonial evidence and he will not be using any statements by deft. Malone that implicate deft. McCarty. Further arguments by counsel. COURT ORDERED, the State will not be permitted to use anything that will violate Bruton. Further argument by Mr. Sgro that severance should be granted because co-defts. have antagonistic defenses, there was a third person involved but not charged and only deft. Malone is charged in Counts 1 and 2 which relate to a prior incident. Argument in response by Mr. Digiacomo.

DEFT. MALONE'S JOINDER WITH CO-DEFT. MCCARTY'S MOTION TO SEVER...DEFT. MALONE'S MOTION TO SEVER: Argument by Mr. Cano in support of severance of defts. and Counts 1 and 2. Again, Mr. Digiacomo advised he does not intend to use any statements made to the

officer by deft. Malone to implicate deft. McCarty, therefore, no Bruton issues exist. Further, he is agreeable to any redactions pursuant to Richardson. In addition, advised if defts. are severed, the trial will take a month as this is a massive case. Further arguments by counsel.

Court noted it wishes to review the pleadings more in depth and ORDERED, matter CONTINUED for DECISION.

CUSTODY (BOTH)

CONTINUED TO: 11/30/06 8:30 AM DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 30, 2006

06C224572-3

The State of Nevada vs Jason D McCarty

November 30, 2006

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS 11/30/06
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Dennie, Chad N.	Attorney
	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Owens, Christopher J.	Attorney

JOURNAL ENTRIES

- DEFT. MCCARTY'S MOTION TO SEVER...DEFT. MALONE'S JOINDER WITH CO-DEFT.
MCCARTY'S MOTION TO SEVER...DEFT. MALONE'S MOTION TO SEVER

After reviewing the applicable cases and pleadings, Court FINDS the crimes were part of the same transaction and joinder of the counts is not unfairly prejudicial. FURTHER, joinder of the trial will not subject the defendants to any legally cognizable prejudice and ORDERED, defendants' Motions to Sever, DENIED. State to prepare the Order.

Court noted it understands there may be an issue with the date of the trial. Mr. Digiacomo advised Mr. Oram and Mr. Owens have another capital murder trial set at the same time. COURT ORDERED, the issue of the trial date will be addressed when Mr. Oram and Mr. Sgro are present. CUSTODY (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 12, 2006

06C224572-3

The State of Nevada vs Jason D McCarty

December 12, 2006

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS 12/12/06
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Owens, Christopher J.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

- DEFT. MCCARTY'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT. MALONE'S PETITION FOR WRIT OF HABEAS CORPUS

Following arguments by Mr. Pike, Mr. Sgro and Mr. Digiacomo, Court FINDS there is sufficient evidence to keep all of the charges as they are including the kidnapping and pandering and ORDERED, petitions DENIED. Colloquy regarding resetting of the trial and motion dates. Mr. Sgro advised there are statements and an evidentiary hearing will need to be held on same. COURT ORDERED, all current dates, VACATED and RESET; all defense motions to be filed by 4/16/07; State to file its responses by 5/16/07 and any reply to be filed by 6/6/07. Court noted it does not like jury questionnaires; however, if counsel intends to have one, they are to begin working on it now and not wait until the last minute and get together and see what can be agreed upon and submit to the Court

what is not in agreement.

CUSTODY (MALONE & MCCARTY)

6/22/07 9:00 AM ALL PRETRIAL MOTIONS...EVIDENTIARY HEARING (MALONE & MCCARTY)

8/7/07 8:30 AM CALENDAR CALL (MALONE & MCCARTY)

8/13/07 10:00 AM JURY TRIAL (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 25, 2007**

06C224572-3

The State of Nevada vs Jason D McCarty

January 25, 2007**8:30 AM****Further Proceedings****FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Sandra
Jeter Relief Clerk:
Pamela Humphrey &
Kathy Klein/kk
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- At request of counsel, COURT ORDERED, matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 22, 2007

06C224572-3

The State of Nevada vs Jason D McCarty

June 22, 2007

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS 6/22/07
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Owens, Christopher J.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES**- HEARING: ALL PRETRIAL MOTIONS**

Mr. Sgro stated there is a conflict with the trial date because he and Mr. Owens have an older case in Department XXI scheduled for trial at the same time as the instant matter. Mr. Cano stated he anticipates being ready for the 8/13/07 trial date and objects to a continuance. Counsel advised the instant matter will take anywhere from 3 to 4 weeks to try. Mr. Digiacomo stated he cannot be prepared before March 2008, however, advised the reason the Department XXI case was continued was due to an issue with the defense. Mr. Owens stated he doesn't believe Mr. Cano will be ready in August and is just attempting to create an issue. COURT ORDERED, current trial date VACATED; matter RESET for TRIAL in accordance with counsels' schedules.

DEFT MCCARTY'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL/35: Submitted.

COURT ORDERED, DENIED.

DEFT. MCCARTY'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION/36: Submitted. COURT ORDERED, DENIED. DEFT MCCARTY'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS/37: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY/38: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS/39: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES/40: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE/41: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION FOR IN-CAMERA REVIEW OF PRE-SENTENCE REPORTS/42: Submitted. COURT ORDERED, DENIED. Argument by Mr. Sgro that this motion is routinely granted with the documents being submitted to Chambers and the Court making a determination of what is relevant. Upon inquiry, Mr. Digiacoia stated the only witness that may have a PSI is Herb but it is an unrelated Drug Court case. Mr. Sgro stating he is looking for impeachment evidence and/or evidence showing bias. Mr. Cano joined in. COURT FURTHER ORDERED, PREVIOUS RULING REVERSED; motion GRANTED and the State is ORDERED to provide any PSIs to the Court for in-camera review at which time it will make a determination.

DEFT MCCARTY'S MOTION TO COMPEL PROSECUTING ATTORNEY TO DISCLOSE DEATH PENALTY DATA/43: Mr. Cano joined and submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO DISCLOSE INFORMANTS/44: Mr. Digiacoia stated there are no other confidential informants besides Herb. Mr. Owens expressed concern that the title of the motion is deceiving and the defense is requesting more information. Further advised, the State has already provided all Giglio information. Colloquy. COURT ORDERED, motion GRANTED and DENIED IN PART; State to disclose any informants and provide the defense with whatever needs to be turned over pursuant to Giglio.

DEFT MCCARTY'S MOTION FOR DISCLOSURE OF UNCHARGED ACTS PRIOR TO CRIMINAL CONDUCT OF DEFENDANT/45: Submitted. Upon inquiry, Mr. Digiacoia stated deft. McCarty had 23 cases in the system and believes those have been previously provided. Mr. Owens expressed concern that the defense is requesting the time periods moved up in which the State has to disclose thus holding the State to an even higher standard than required under Rule 250. Further, the State has provided everything and will continue to provide everything. Mr. Digiacoia stated he previously told Mr. Sgro and Mr. Pike that they need to come to the District Attorney's Office to review the file and the State will act in good faith. Mr. Sgro requested the Court impose a drop-dead date in which the detectives have to provide everything including their notebooks to the State so the defense can go to the DA's Office knowing everything the State will be going to trial with has been submitted. Further arguments. COURT ORDERED, motion GRANTED; matter to be set for STATUS CHECK in late November. The State is to make sure they have everything and then counsel are to set a date for the defense to go to the District Attorney's Office. FURTHER, if anything subsequent comes up, the State is under an obligation to provide it to the defense. Mr. Digiacoia requested the defense come

over very shortly.

DEFT MCCARTY'S MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT/46: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION FOR ACCUSED TO APPEAR AT ALL PROCEEDINGS WITHOUT RESTRAINTS/47: COURT ORDERED, motion GRANTED IN PART and pertains ONLY TO THE TRIAL PROCEEDINGS. FURTHER, deft. will not be restrained at trial; however, the Court's ruling is subject to modification and may change dependent on deft.'s behavior as well as officer and courtroom safety.

DEFT MCCARTY'S MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT/48: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION FOR DISCOVERY/49: Court NOTED it dealt with this subject matter in deft.'s prior motion. FURTHER, if anything needs to be supplemented, the Court will readdress at the November status check and ORDERED, matter CONTINUED.

DEFT MCCARTY'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"/50: COURT ORDERED, motion GRANTED; it will be called the "trial phase" and counsel are ADMONISHED to do their best to comport; however, if the defense requests a mistrial based on a "slip" by the State, it will be denied.

DEFT MCCARTY'S MOTION IN LIMINE TO PROHIBIT INTRODUCTION AT TRIAL OF UNCORROBORATED ACCOMPLICE TESTIMONY/51: Court FINDS the accomplice testimony cannot stand alone and will have to be backed up but will not be excluded; therefore, ORDERED, motion DENIED.

DEFT MCCARTY'S MOTION FOR LISTS OF NAMES AND ADDRESSES OF PERSONS WHO MAY HAVE EVIDENCE FAVORABLE TO DEFENDANT AND FOR DISCLOSURE OF OTHER DISCOVERY MATERIAL/52: Mr. Owens stated the problem with this motion is the laundry list requested by the defense. COURT ORDERED, motion GRANTED IN PART and in compliance with the requirements of discovery but DENIED IN PART as to the extreme laundry list requested by the defense. FURTHER, if there is anything favorable to the defense and vice versa, both sides are required to provide it to the other.

DEFT MCCARTY'S MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY CHALLENGES/53: Court FINDS the State does not have to give reasons and ORDERED, motion DENIED.

DEFT MCCARTY'S MOTION TO PROHIBIT THE PROSECUTOR FROM ARGUING AND THE COURT FROM GIVING INSTRUCTIONS REGARDING STATUTORY MITIGATING FACTORS NOT RAISED BY THE DEFENSE/54: Submitted. COURT ORDERED, motion DENIED. Motion RECALLED at the request of Mr. Sgro who argued this motion is routinely granted in part. Arguments by Mr. Sgro and Mr. Owens. Colloquy. Mr. Sgro stated the jurors should not be instructed on mitigators that defts. do not argue. Mr. Owens concurred and stated the defense controls the mitigators. COURT ORDERED, previous ORDER RESCINDED; motion GRANTED IN PART as outlined by Mr. Sgro in his last statement. FURTHER, anything else will be addressed as it comes up.

DEFT MCCARTY'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS/55:

Court noted it is not a fan of questionnaires. Mr. Digiacoimo stated he believes questionnaires slow down the selection process but will submit. Colloquy. COURT ORDERED, counsel are to work together and submit a questionnaire to the Court within 60 days of today. FURTHER, Court encouraged counsel to make the Questionnaire more generic and less specific. Matter CONTINUED and will be re-addressed at the November status check.

DEFT MCCARTY'S MOTION IN LIMINE/56: Court NOTED it needs to know who would or wouldn't be inclined to impose the death penalty; therefore, ORDERED, motion DENIED.

DEFT MCCARTY'S MOTION TO PRECLUDE RE-ADMISSION OF TRIAL PHASE EVIDENCE AND EXHIBITS IN PENALTY PHASE, AND RELATED PROSECUTORIAL COMMENTS/57: Court noted in the Penalty Phase there is a lot of discretion and ORDERED motion DENIED. FURTHER, counsel will be permitted to submit whatever is appropriate within the rules and the law.

DEFT MCCARTY'S MOTION TO SUPPRESS/58: Mr. Digiacoimo advised the State agreed to an evidentiary hearing on the instant motion but they are not prepared to do it today because they just received the Reply this morning. COURT ORDERED, matter SET for HEARING. Mr. Digiacoimo stated he intends to put on testimony from Detectives Ridings and Collins and possibly a third officer. Mr. Sgro requested testimony be heard from all persons involved in the statement. Mr. Digiacoimo stated he will subpoena the witnesses if Mr. Sgro provides him with the names. Further, he will provide the Court with a copy of all three recordings and transcripts thereof ahead of time in order to save time.

DEFT MCCARTY'S MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL/59: Submitted. COURT ORDERED, DENIED.

DEFT MALONE'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL (NOT ON CALENDAR): Mr. Cano stated he submitted the instant motion but apparently it did not make it on calendar. Submitted. COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"/60: Submitted. COURT ORDERED, motion GRANTED.

DEFT MALONE'S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE-ENTITLED CASE/61: Following arguments by Mr. Cano, Mr. Owens and Mr. Oram, COURT ORDERED, motion DENIED. DEFT MALONE'S MOTION TO BIFURCATE PENALTY PHASE/62: Submitted. COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT/63: Brief argument by Mr. Cano in support of his motion. COURT ORDERED, motion DENIED; however, counsel are ADMONISHED they are to adhere to the rules of professional conduct. FURTHER, motion maybe readdressed at trial if necessary.

DEFT MALONE'S MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE PURSUANT TO NRS 175.552, 200.033 AND 200.035/64: Submitted. COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE/65: Submitted. COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION FOR SEPARATE JURY DURING JOINT TRIAL/66: Arguments by Mr. Cano and Mr. Digiacoimo. Court NOTED this issue was already ruled upon. Further, Mr. Digiacoimo previously articulated what was and wasn't coming in order to keep defts. together; therefore,

ORDERED, motion DENIED.

DEFT MALONE'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO MALONE/67: Mr. Cano stated no Opposition has been filed. Mr. Digiacomo stated he hasn't offered any photographs as of yet.

COURT ORDERED, motion DENIED; however, the Court will decide what photographs will be admitted, the number, how long they will be shown to the Jury and whether they are duplicative.

DEFT MALONE'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTOR/68: Statements by Mr. Cano, Mr. Digiacomo and Mr. Oram.

COURT ORDERED, motion GRANTED; State to provide all Giglio information.

DEFT MALONE'S MOTION TO ALLOW JURY QUESTIONNAIRE/69: Matter CONTINUED in accordance with the Court's previous ruling as to deft. McCarty's motion and will be re-addressed at the November status check.

DEFT MALONE'S MOTION FOR DISCOVERY OF PROSECUTORIAL RECORDS, FILES AND INFORMATION NECESSARY TO A FAIR TRIAL/70: COURT ORDERED, motion GRANTED IN PART and all previously imposed deadlines and orders reference deft. McCarty's motion on same issues apply. However, motion DENIED IN PART as to the laundry list. FURTHER, matter CONTINUED to the November status check.

DEFT MALONE'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES NECESSARY TO A FAIR TRIAL/71: Mr. Digiacomo stated usually the Special Public Defender subpoenas whatever they need from the Detention Center. COURT ORDERED, motion DENIED and defense counsel are to subpoena the records; however, if the State has any of that information, they are to turn it over to the defense.

DEFT MALONE'S MOTION TO SUPPRESS STATEMENTS OF DONALD HERB, OR IN THE ALTERNATIVE, MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF STATEMENTS MADE BY CO-DEFENDANT HERB AT THE TIME OF TRIAL/72: Arguments by Mr. Cano and Mr. Digiacomo. COURT ORDERED, motion DENIED.

CUSTODY (BOTH)

10/5/07 9:00 AM EVIDENTIARY HEARING: DEFT. MCCARTY'S MOTION TO SUPPRESS/58

11/29/07 8:30 AM STATUS CHECK: DEFT MCCARTY'S MOTION FOR DISCLOSURE OF UNCHARGED ACTS PRIOR TO CRIMINAL CONDUCT OF DEFENDANT/45...DEFT MCCARTY'S MOTION FOR DISCOVERY/49...DEFT MALONE'S MOTION FOR DISCOVERY OF PROSECUTORIAL RECORDS, FILES AND INFORMATION NECESSARY TO A FAIR TRIAL/70...DEFT MCCARTY'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS/55...DEFT MALONE'S MOTION TO ALLOW JURY QUESTIONNAIRE/69

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 07, 2007**

06C224572-3

The State of Nevada vs Jason D McCarty

September 07, 2007**8:30 AM****Further Proceedings****FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- Mr. Digiacomo stated this matter is to be continued and he will notify Mr. Durham of the next date.
COURT ORDERED, matter CONTINUED. Court ADMONISHED deft. to stay in contact with his attorney.

NIC

CLERK'S NOTE: 9/10/07 - I placed a copy of this minute order in Mr. Durham's attorney bin./sj

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

06C224572-3

The State of Nevada vs Jason D McCarty

September 11, 2007**8:30 AM****All Pending Motions****ALL PENDING
MOTIONS 9/11/07
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT: Di Giacomo, Marc P. Attorney
McCarty, Jason D Defendant
Oram, Christopher R. Attorney

JOURNAL ENTRIES

- Court noted Mr. Oram will be in another capital murder trial at the same time as the instant matter. Colloquy reference scheduling conflicts and counsels' availability. COURT ORDERED, current trial date of 3/17/08 VACATED; matter RESET in AUGUST 2008 pursuant to the agreement of counsel. FURTHER, motion deadlines STAND.
CUSTODY (MALONE & MCCARTY)
7/29/08 8:30 AM CALENDAR CALL (MALONE & MCCARTY)
8/04/08 10:00 AM JURY TRIAL (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 30, 2007**

06C224572-3

The State of Nevada vs Jason D McCarty

October 30, 2007

8:30 AM

Motion for Judgment

DEFT'S MTN FOR
JUDGMENT NEW
COUNSEL/85 Court
Clerk: Denise
Trujillo
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Mr. Cano advised Deft. wants to withdraw his motion. Deft. concurred. COURT ORDERED, matter
OFF CALENDAR.
CUSTODY

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

06C224572-3

The State of Nevada vs Jason D McCarty

November 29, 2007**10:00 AM****All Pending Motions****ALL PENDING
MOTIONS 11/29/07
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Owens, Christopher J.	Attorney
	Powell, Jonathan L.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

- DEFT. MALONE'S MOTION FOR DISCOVERY OF PROSECUTION RECORDS, FILES AND INFORMATION NECESSARY FOR A FAIR TRIAL: Mr. Pike advised he met with the State; they were able to catalog all discovery, therefore, the State is in compliance but if anything comes up, he will raise the issue. Further, discovery is going on pace and they've issued a number of subpoenas for records. COURT ORDERED, motion OFF CALENDAR.

DEFT. MALONE'S MOTION TO ALLOW JURY QUESTIONNAIRE ... DEFT MCCARTY'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS: Mr. Pike advised he provided the State with a copy of their questionnaire in hopes counsel will be able to prepare a joint questionnaire. Mr. Oram agreed with Mr. Pike's representations and stated they apply to deft. Malone as well. Mr.

Digiacommo stated he believes counsel can reach an agreement on most of the questions. COURT ORDERED, motions GRANTED; all counsel are to exchange their versions of the Questionnaire and matter SET for STATUS CHECK as to the final version. FURTHER, 6/27/08 will be the date the jurors are brought in to fill out the questionnaires. Colloquy reference number of jurors needed for the panel.

EVIDENTIARY HEARING: DEFT. MCCARTY'S MOTION TO SUPPRESS: Arguments and colloquy reference parameters of testimony. Court NOTED it will begin with the May 25 statements regarding voluntariness. Testimony and exhibits. (See attached worksheets.) Arguments by counsel. COURT ORDERED, motion CONTINUED for DECISION.

CUSTODY (MALONE & MCCARTY)

12/6/07 8:30 AM DECISION: DEFT. MCCARTY'S MOTION TO SUPPRESS (MALONE & MCCARTY)

5/30/08 9:00 AM STATUS CHECK: JURY QUESTIONNAIRE (MALONE & MCCARTY)

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

06C224572-3

The State of Nevada vs Jason D McCarty

December 06, 2007

8:30 AM

Motion to Suppress

**DEFT'S MTN TO
SUPPRESS /58 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.	Attorney
Luzaich, Elissa	Attorney
McCarty, Jason D	Defendant
Oram, Christopher R.	Attorney
Powell, Jonathan L.	Attorney

JOURNAL ENTRIES

- Court stated its FINDINGS and ORDERED, motion DENIED. State to prepare the Order.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 19, 2008

06C224572-3

The State of Nevada vs Jason D McCarty

February 19, 2008

8:30 AM

Motion to Dismiss

DEFT'S MTN TO
DISMISS FOR
FAILURE/89 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for the State's Response; State to file same on or before 3/4/08.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 11, 2008**

06C224572-3

The State of Nevada vs Jason D McCarty

March 11, 2008**8:30 AM****Motion to Dismiss****DEFT'S MTN TO
DISMISS FOR
FAILURE/89 Court
Clerk: Sandra Jeter
Relief Clerk: Denise
Trujillo/dt
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Fattig, John T Attorney**JOURNAL ENTRIES**

- Mr. Cano requested matter be CONTINUED, there being no opposition, COURT SO ORDERED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 13, 2008**

06C224572-3

The State of Nevada vs Jason D McCarty

March 13, 2008**8:30 AM****Motion to Dismiss****DEFT'S MTN TO
DISMISS FOR
FAILURE/89 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Owens, Christopher J. Attorney**JOURNAL ENTRIES**

- Following arguments by counsel, Court stated its FINDINGS and ORDERED, motion DENIED.
State to prepare the Order.

CUSTODY

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

06C224572-3

The State of Nevada vs Jason D McCarty

April 17, 2008**8:30 AM****Further Proceedings****FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Fattig, John T Attorney**JOURNAL ENTRIES**

- Mr. Zentz present for Mr. Durham and stated he understands this matter is being continued until after the co-defendants' trial. COURT ORDERED, matter CONTINUED.
NIC (HERB)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 30, 2008

06C224572-3

The State of Nevada vs Jason D McCarty

May 30, 2008

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS 5/30/08
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney
Oram, Christopher R. Attorney
Owens, Christopher J. Attorney
Powell, Jonathan L. Attorney

JOURNAL ENTRIES

- COURT ORDERED, defts.' presence WAIVED THIS DATE. FURTHER, the Questionnaire provided by the State is fine, however, counsel to prepare a final version with Questions 60 and 61 from Mr. Cano's Questionnaire added. Mr. Cano stated he prefers the Questionnaire he submitted. Court noted counsel will have an opportunity during Voir Dire to ask more questions; therefore, previous ruling STANDS; Deft. Malone's Proposed Questionnaire marked as Court's Exhibit 1. COURT FURTHER NOTED the prospective jurors will be brought in on 6/27/08 to complete the Questionnaires and it will be requesting a lot more jurors.

Mr. Oram requested permission to submit an Order for a mitigation expert in the instant case as well as in the Crawley case and the COURT SO ORDERED.

Colloquy regarding possible conflict with Mr. Oram's trial schedule. COURT ORDERED, matter SET for status check.

06C224572-3

CUSTODY (MALONE & MCCARTY)

6/10/08 8:30 AM STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 10, 2008

06C224572-3

The State of Nevada vs Jason D McCarty

June 10, 2008

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS 6/10/08
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Owens, Christopher J.	Attorney
	Powell, Jonathan L.	Attorney

JOURNAL ENTRIES

- STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE (MALONE & MCCARTY)

Mr. Oram advised Judge Leavitt did not sever the defendants Cologne/Perez and that trial is going forward on August 12. Further, Mr. Oram stated that when the instant matter was set for trial, he objected but Mr. Lalli made representations that he would make sure there wouldn't be a conflict. Mr. Digiacomo submitted. Mr. Cano objected to any continuance. Court NOTED it will not sever the defendants. Mr. Cano requested the Court reconsider severance. DENIED. Mr. Oram stated he and counsel have discussed three possible settings - January 2009, April 2009 or switching trials out with the Crawley case. Mr. Cano stated he and co-counsel are not available until April 2009 and he cannot go forward on the November 2008 date currently set in the Crawley matter. In addition, he has a

firm setting in Department XII on the Kelvin Johnson matter in January 2009. COURT ORDERED, matter CONTINUED and it will e-mail Judge Leavitt to see if she will agree to allow this Court to have the priority setting in January 2009.
CUSTODY (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 12, 2008

06C224572-3

The State of Nevada vs Jason D McCarty

June 12, 2008

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS 6/12/08
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Powell, Jonathan L.	Attorney

JOURNAL ENTRIES

- Judge Glass stated she spoke with Judge Leavitt who indicated she is in agreement with this Court resetting the instant trial for the January 2009 setting; therefore, COURT ORDERED, current trial date VACATED and RESET over Mr. Cano's objection. Future motion dates, STAND. Court ADMONISHED counsel this matter will proceed to trial on the next date irregardless of any other Court's trial settings.

CUSTODY

12/30/08 8:30 AM CALENDAR CALL (MALONE & MCCARTY)

01/05/09 10:00 AM JURY TRIAL (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 24, 2008**

06C224572-3

The State of Nevada vs Jason D McCarty

June 24, 2008**8:30 AM****Motion to Strike****DEFT'S MTN TO
STRIKE NTC OF
INTENT TO
SEEK/90 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- Following arguments by counsel, COURT ORDERED, motion DENIED. FURTHER, defense counsel to provide Mr. Digiacomo with a list of items they want tested by close of business tomorrow as formal notice was provided to the State this date in open court.
CUSTODY (MALONE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2008

06C224572-3

The State of Nevada vs Jason D McCarty

August 28, 2008

8:30 AM

Further Proceedings

**FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

JOURNAL ENTRIES

- Pursuant to the request of the parties, COURT ORDERED, matter CONTINUED.
NIC

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

06C224572-3

The State of Nevada vs Jason D McCarty

October 14, 2008**8:30 AM****Motion****DEFT'S MTN FOR
MEDICAL FEES &
COSTS/100 Relief
Clerk: Willa Pettice
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- The Court advised it spoke with the Clark County Detention Center and they can provide the needed medical attention. The Court NOTED it does not want Deft transferred to a medical facility. Mr. Pike requested Deft be taken care of as soon as possible. The Court stated it would call the Detention Center.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 13, 2008**

06C224572-3

The State of Nevada vs Jason D McCarty

November 13, 2008**8:30 AM****Status Check****STATUS CHECK**
Court Clerk: Sandra
Jeter Heard By:
Glass, Jackie**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney
Oram, Christopher R. Attorney
Sgro, Anthony P. Attorney**JOURNAL ENTRIES**

- The Court Services Officer advised defendant was transported to Courtroom 10D. Court noted defendant McCarty was not placed on calendar and ORDERED, matter CONTINUED and both defendants to appear on calendar next date.

CUSTODY (MALONE & MCCARTY)

11/18/08 8:30 AM STATUS CHECK (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 18, 2008

06C224572-3

The State of Nevada vs Jason D McCarty

November 18, 2008

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS 11/18/08
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES**- STATUS CHECK (MALONE & MCCARTY)**

Mr. Bindrup present appearing for Mr. Pike. Colloquy. Court NOTED it placed this matter on calendar as it is a CAPITAL MURDER CASE which has a January trial setting and, pursuant to some upcoming case load transfers, it will be transferred to Judge Villani. FURTHER, the Court understands counsel have some scheduling conflicts with the current setting and it would like them to address same with Judge Villani; therefore, ORDERED, matter SET on JUDGE VILLANI'S CALENDAR for status check.

CUSTODY

11/25/08 8:15 AM STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 25, 2008

06C224572-3

The State of Nevada vs Jason D McCarty

November 25, 2008

8:00 AM

All Pending Motions

ALL PENDING
MOTIONS 11-25-08
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Powell, Jonathan L.	Attorney

JOURNAL ENTRIES

- STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE (MALONE)...STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE (MCCARTY)

Mr. Powell advised the Court that Mr. Sgro will be in a Construction Defect case and will not be able to handle this case on the current trial date. Mr. Oram stated that all parties, including the deft's, of this request. Counsel advised the Court that this will be a 4-6 week trial. Colloquy between Court and counsel regarding trial dates. Statement by deft. Malone. COURT ORDERED, Trial VACATED and RESET.

CUSTODY (BOTH)

10/06/09 8:00 AM CALENDAR CALL

10/12/09 10:00 AM JURY TRIAL (FIRM)

PRINT DATE: 04/06/2011

Page 40 of 113

Minutes Date:

August 02, 2006

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 20, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

January 20, 2009

8:00 AM

Motion to Dismiss

DEFT'S PRO PER
MTN TO DISMISS
COUNSEL/111 Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Statement by the deft. Mr. Pike stated that he has provided the deft. discovery at least two times after meeting with the District Attorney; further, a list has been provided to the deft. with all the documents that have been provided and has instructed the deft. to go through the list and to make a list of documents he does not have but the deft. has not provided that list. Mr. Pike further noted that 18 motions have been filed in this case including a Petition for Writ of Habeas Corpus. COURT ORDERED, Motion DENIED. Court advised the deft. that if discovery is missing, then will need to provide a list to the attorneys.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 29, 2009**

06C224572-3

The State of Nevada vs Jason D McCarty

January 29, 2009**8:00 AM****Further Proceedings****FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Nelson III, Roy L. Attorney**JOURNAL ENTRIES**

- Mr. Nelson stated this is Mr. DiGiacomo's and Mr. Owens' case and requested this matter be
CONTINUED, COURT SO ORDERED.

NIC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 05, 2009**

06C224572-3

The State of Nevada vs Jason D McCarty

February 05, 2009**8:00 AM****All Pending Motions****ALL PENDING
MOTIONS 2-05-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT: McCarty, Jason D Defendant
 Owens, Christopher J. Attorney
 Powell, Jonathan L. Attorney

JOURNAL ENTRIES

- DEFT. MALONE'S MOTION TO RECUSE THE DISTRICT ATTORNEY'S OFFICE...DEFT. MCCARTY'S JOINDER TO MALONE'S MOTION TO RECUSE

Arguments by counsel. COURT ORDERED, Motion and Joinder DENIED. Mr. Pike stated that pursuant to the Court's instruction, the deft. was provided with a catalog of documents; deft. sent a letter indicating what he did not have and have the documents present today; further, the deft. has expressed a discontent in refusing to bring a motion. Statement by the deft. Corrections Officer advised counsel that the documents can be provided to the deft. in court. Court noted Mr. Pike has turned over the requested documents to the deft.

CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 10, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

February 10, 2009

8:00 AM

Motion

DEFT'S MTN FOR
MEDICAL FEES &
COSTS/114 Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:** Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Charlotte Bible, Esq., present on behalf of Metro. Statements by counsel. COURT ORDERED, matter CONTINUED for a report from the doctor describing the condition and to make a definitive decision as to if it is required at this time.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2009**

06C224572-3

The State of Nevada vs Jason D McCarty

February 12, 2009**8:00 AM****Motion****DEFT'S MTN FOR
MEDICAL FEES &
COSTS/114 Court
Clerk: Kristen Brown
Reporter/Recorder:
Patti Slattery Heard
By: Michael Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Owens, Christopher J. Attorney**JOURNAL ENTRIES**

- Charlotte Bible, Esq., present on behalf of Metro. Court stated it has reviewed the report and understands that the deft's condition does not qualify as a medical emergency. Statement by Mr. Cano. Conference at the Bench. COURT ORDERED, Motion DENIED but will sign an order upon application for an evaluation and after the evaluation is received, counsel can place this matter back on calendar.

CUSTODY

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

06C224572-3

The State of Nevada vs Jason D McCarty

June 02, 2009**8:00 AM****Motion****DEFT'S MOTION
FOR MEDICAL
TREATMENT AND
TRANSPORATION
Court Clerk: Kristen
Brown Relief Clerk:
Michele Tucker/mlt
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P. Attorney**JOURNAL ENTRIES**

- Mr. Pike requested glasses and treatment be provided to the defendant. COURT ORDERED, Mr. Pike to an submit Order to Metro's for signature and then the Court will sign the Order.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 01, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

September 01, 2009

8:00 AM

All Pending Motions

ALL PENDING
MOTIONS 9-01-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO REQUIRE THE COURT TO ADVISE THE PROSPECTIVE JURORS AS TO THE MANDATORY SENTENCES REQUIRED IF THE DEFT. IS CONVICTED OF 2ND DEGREE MURDER AND/OR 1ST DEGREE KIDNAPPING: Submitted by counsel. COURT ORDERED, Motion DENIED.

DEFT'S MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF HEARSAY STATEMENTS MADE BY CO DEFT. MCCARTY AND OTHERS THAT REFERENCE DEFT. MALONE AT TIME OF TRIAL: Arguments by counsel. Court stated it will consider this as a trial brief by both parties. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 22, 2009**

06C224572-3

The State of Nevada vs Jason D McCarty

September 22, 2009**8:00 AM****Motion to Continue****DEFT'S MTN TO
CONTINUE TRIAL
DATE ON OST/0120
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Di Giacomo, Marc P.	Attorney
	Lalli, Christopher J.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney

JOURNAL ENTRIES

- Mr. Oram requested to withdraw the motion; will be ready to proceed with trial based on his conversation with the deft. COURT ORDERED, Motion WITHDRAWN.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 29, 2009**

06C224572-3

The State of Nevada vs Jason D McCarty

September 29, 2009**8:00 AM****Motion to Suppress****DEFT'S MTN TO
SUPPRESS
STATEMENTS OF
DEFENDANT Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Lalli, Christopher J. Attorney
 Oram, Christopher R. Attorney**JOURNAL ENTRIES**

- Arguments by counsel. COURT ORDERED, Motion DENIED. Colloquy between Court and counsel regarding jury questionnaire and lack of reports from deft's expert witnesses. Arguments by counsel. Mr. Lalli requested the Court direct counsel to have the experts prepare a report; if an expert witness is reviewing materials, have the right to know what materials are being reviewed; further, the State has the right to obtain their own expert witness. Mr. Oram stated his expert witness are reviewing past medical records. COURT ORDERED, the medical records or any functional testing be turned over to the State and counsel for Deft. Malone. Mr. Lalli further requested the deft. be made available for independent testing. Mr. Pike advised the Court that witness Shiro has been retained on a consulting basis to help analyze and offer suggestion for possible cross examination; because there was no DNA evidence tying the deft. to this, Mr. Shiro may be called if something else happens or if something unusual comes out.

CUSTODY**PRINT DATE:** 04/06/2011**Page** 49 of 113**Minutes Date:**

August 02, 2006

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 06, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

October 06, 2009

8:00 AM

Calendar Call

CALENDAR CALL
(VC 03-25-10) Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	Lalli, Christopher J.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

- Counsel stated they are ready to proceed to trial.

Deft's Motion to Waive Trial set for October 13, 2009: Mr. Pike stated it is only as to the counts that involve Melissa Estores but the State will not give permission. Mr. DiGiacomo stated an opposition was filed and will not give consent. COURT ORDERED, Motion DENIED.

Colloquy between Court and counsel regarding the audio and video tapes. Mr. DiGiacomo stated as to the information on the witnesses; a witness list was filed with an updated address; does not have the address to the person indicated but when he obtains it, will provide it to Mr. Sgro. Mr. Sgro requested the phone number as well. Court stated it will have a status check on the video and discovery issues. Arguments by counsel regarding records produced to the deft's expert witnesses. Court stated it will consider today's request as an oral motion. Further arguments by counsel. COURT ORDERED, each side is to file a brief by tomorrow at 3:00 pm and will address it on

06C224572-3

Thursday, October 8, 2009.

CUSTODY (BOTH)

10/08/09 8:00 AM STATUS CHECK: VIDEO TAPES/STATE'S MOTION FOR DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 08, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

October 08, 2009

8:00 AM

All Pending Motions

ALL PENDING
MOTIONS 10-08-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	Lalli, Christopher J.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

- STATUS CHECK: VIDEO TAPES/STATE'S MOTION FOR DOCUMENTS (MALONE & MCCARTY) ...STATE'S REQUEST STATUS CHECK: COUNSEL (HERB)

DEFT. HERB: Mr. DiGiacomo stated that Mr. Durham has withdrawn. COURT ORDERED, Mr. Hart APPOINTED AS COUNSEL and set for Confirmation.

DEFT'S MALONE & MACCARTY: Mr. Sgro stated that the District Attorney called yesterday and said the tape does not exist but the police report reflects that there was a tape. Mr. Lalli stated that he can not make any representations and that he is continuing to work on it and will provide everything that he has. Arguments by counsel regarding the State's Motion for Documents. COURT ORDERED, Counsel is to provide everything to the Court that was provided to the doctor for an in-camera review and the Court will then make a determination.

06C224572-3

CUSTODY (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 12, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

October 12, 2009

10:00 AM

All Pending Motions

ALL PENDING
MOTIONS 10-12-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Lalli, Christopher J.	Attorney
	McCarty, Jason D	Defendant
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES**- TRIAL BY JURY (MALONE & MCCARTY)**

Court stated it received a call that Mr. Oram had a family emergency and all parties agree that Mr. Oram will not be able to participate in the trial, therefore, will need a continuance. Mr. Sgro and Mr. Cano advised the Court that they have spoken with the deft's about the situation. Court FINDS there is good cause shown to continue the trial. COURT ORDERED, Trial OFF CALENDAR. Statement by Deft. Malone regarding a possible conflict with Mr. Sgro. Statement by Mr. Sgro. Mr. Digiacomo noted that Mr. Sgro does not represent Deft. Malone. COURT ORDERED, matter set for status check regarding the possible conflict and for a trial setting.

CUSTODY (BOTH)

10/27/09 8:00 AM STATUS CHECK: POSSIBLE CONFLICT/TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 27, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

October 27, 2009

8:00 AM

All Pending Motions

ALL PENDING
MOTIONS 10-27-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	Lalli, Christopher J.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

- Colloquy between Court and counsel regarding the video tapes being produced and trial dates. Arguments by counsel. Court stated counsel can file the appropriate motion. COURT ORDERED, matter set for trial in April and will give a secondary date in the event this case does not proceed to trial in April. Upon Court's inquiry, Mr. Sgro stated that he did contact the State Bar about the conflict issue. Mr. Cano stated it has been determined that a conflict does not exist.

CUSTODY (BOTH)

3/30/10 8:15 AM CALENDAR CALL (BOTH)

4/05/10 10:00 AM JURY TRIAL (BOTH)

10/05/10 8:15 AM CALENDAR CALL (BOTH)

10/11/10 10:00 AM JURY TRIAL (BOTH)

PRINT DATE: 04/06/2011

Page 55 of 113

Minutes Date:

August 02, 2006

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 10, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

November 10, 2009

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 11-10-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Valerie
Adair**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Lalli, Christopher J. Attorney

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (HART)...FURTHER PROCEEDINGS: SENTENCING
Mr. Hart CONFIRMED AS COUNSEL. COURT ORDERED, matter CONTINUED.
CUSTODY
5/18/10 8:15 AM FURTHER PROCEEDINGS: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 15, 2009

06C224572-3

The State of Nevada vs Jason D McCarty

December 15, 2009

8:15 AM

Motion

DEFT'S PRO PER
MTN FOR SPEEDY
TRIAL OR MTN T
Relief Clerk: Nicole
McDevitt
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Lalli, Christopher J. Attorney

JOURNAL ENTRIES

- Court noted that Deft. is represented by counsel and therefore, cannot file proper person motions. Colloquy between Court and Mr. Pike regarding allegations in motion. Court FINDS Motion was not properly filed and ORDERED, Motion DENIED WITHOUT PREJUDICE. Colloquy between Court, Deft. and Mr. Pike regarding Defense counsel not filing Deft's documents and Deft's request to represent himself. COURT ORDERED, matter SET for Faretta Canvas.

CUSTODY

1/8/10 9:00 AM FARETTA CANVAS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 08, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

January 08, 2010

9:00 AM

Hearing

FARETTA CANVAS

Court Clerk: Kristen
Brown

Reporter/Recorder:

Michelle Ramsey

Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney
Lalli, Christopher J. Attorney

JOURNAL ENTRIES

- Court noted it has provided the deft. with a copy of the Information. Court canvassed the deft. Court stated it is clear that the deft. does not understand the elements of the crime, proper defenses and is not familiar with the evidence or procedure. Argument by Mr. Lalli. Court FINDS the deft. has knowingly and voluntarily WAIVED his right to counsel but has concerns about the deft's physical limitation regarding his eye sight; Court has discretion to not allow the deft. to represent himself. Mr. Lalli stated the deft. meets the eligibility to represent himself and has a constitutional right to do so and perhaps the issue regarding the deft's eye sight can be dealt with by having the deft's glasses repaired; further, requested that Mr. Pike and Mr. Cano be appointed as stand by counsel. Argument by Mr. Schieck. Court FINDS the deft. is competent to WAIVE his right and FINDS it was freely and voluntarily WAIVED; deft. knows the consequences, however, due to the deft's eye issues, ORDERED, Motion GRANTED; FURTHER ORDERED, Mr. Pike and Mr. Cano will be APPOINTED as STAND BY COUNSEL. Argument by Mr. Schieck regarding the appointment. Mr. Schieck further advised the Court that not everything can be turned over to the deft. as the jail will not permit some of the stuff to be provided to the deft. Deft. stated that he understands that he will

not be provided with certain things. Upon Court's inquiry, Deft. stated that he will not be ready to proceed to trial in April. Arguments by Mr. Lalli and Mr. DiGiacomo regarding the trial dates and noted that this is an issue that is a basis for denying deft's motion to represent himself. Court stated that if the deft. can not be ready, will deny the motion to represent himself. Upon Court's inquiry, deft. stated that he will be ready to proceed to trial in April. Mr. DiGiacomo requested an order that stand by counsel be ready to proceed to trial in the event that the deft. elects not to represent himself. Mr. Schieck stated that counsel had previously announced ready and will do what they can but can not control what transpires between now and the trial since the deft. is representing himself.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 16, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

February 16, 2010

8:15 AM

All Pending Motions

ALL PENDING
MOTIONS (02-16-10)
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney
Lalli, Christopher J. Attorney

JOURNAL ENTRIES

- DEFT.'S PRO PER MOTION TO PRESERVE AND PRODUCE EVIDENCE INCLUDING POTENTIALLY EXCULPATORY EVIDENCE . . . DEFT.'S PRO PER MOTION FOR EXPENSES FOR PRIVATE INVESTIGATOR

Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as Deft.'s stand-by counsel.

Court and counsel indicated that due to the poor quality of the handwritten motions, they were difficult to read. Colloquy regarding providing Deft. with a Felt Tip Pen to prepare his motions so they will be legible. COURT SO ORDERED. Deft. requested some supplies to organize his papers; i.e., files rubber bands, etc. COURT FURTHER ORDERED, said supplies shall be provided to Deft.

Colloquy regarding the requested discovery. Mr. DiGiacomo advised that Mr. Pike and Mr. Cano had been to his office and all discovery in his possession has been provided to Deft. Malone. Court directed Deft. to look through everything that has been provided and if something is missing; Deft. to make a specific request.

With regard to the Motion for Expenses for Private Investigation, COURT ORDERED, Motion

06C224572-3

GRANTED. Deft. to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 16, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

March 16, 2010

8:15 AM

Motion

DEFT'S MTN FOR
JUDICIAL
DETERMINATION
OF Court Clerk:
Carol Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

JOURNAL ENTRIES

- Deft. Herb not present. Mr. DiGiacomo advised the Motion was filed on behalf of Deft. Malone not Deft. Herb so the wrong Deft. is on calendar. COURT ORDERED, Motion for Judicial Determination of Standby Counsel's Obligations pursuant to Hollaway vs. State placed on calendar as to Deft. Malone.

CUSTODY

03/18/10 8:15 AM Deft. Malone's Motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 18, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

March 18, 2010

8:15 AM

Motion

MOTION FOR
JUDICIAL
DETERMINATION
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

JOURNAL ENTRIES

- Mr. Pike advised he and Charles Cano, Dep SPD, are standby counsel and have assumed an Amicus position with the Court. The SPD is to present a mitigation defense regardless of the Deft. s wishes unless the Court precludes such a presentation. Upon Court's inquiry, Deft. stated he may have an objection but is not sure he has seen the motion.

Colloquy regarding Deft.'s request to review certain materials. The investigator, Mr. Dillard, will make the appropriate arrangements to meet with Deft. COURT ORDERED, Motion CONTINUED; Mr. Pike to make sure Deft. has a copy of the Motion and, if possible, Mr. Dillard to be present next date.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 25, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

March 25, 2010

8:15 AM

Motion

MOTION FOR
JUDICIAL
DETERMINATION
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney
Lalli, Christopher J. Attorney
Oram, Christopher R. Attorney
Sgro, Anthony P. Attorney

JOURNAL ENTRIES

- David Schieck, Dep SPD, appearing on behalf of Charles Cano, Dep SPD.
Deft. Malone's Motion for Reconsideration of Writ of Habeas Corpus and Deft. Malone's Motion in Limine to Prohibit Introduction of Hearsay Statements made by Co-Defendant McCarthy and Others that Reference Deft. Malone at the Time of Trial FILED IN OPEN COURT.
Colloquy regarding the Motion for Judicial Determination. COURT ORDERED, Motion GRANTED.
With regard to Deft. Malone's Motion in Limine, Court advised no hearsay statements will be allowed.
Mr. Pike needs additional surgery; colloquy regarding the trial date. COURT ORDERED, the April 5, 2010, trial date shall be VACATED; the new trial date will be October 11, 2010, which was previously scheduled as a back-up.

Mr. Oram made representations regarding the Motion to Sever. COURT ORDERED, the Motion to Sever and Deft. Malone's Motion for Reconsideration shall be set for April 13.

CUSTODY

04/13/10 8:15 MOTION TO SEVER & MOTION FOR RECONSIDERATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 13, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

April 13, 2010

8:15 AM

All Pending Motions

ALL PENDING
MOTIONS (04-13-10)
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

- 0. DEFT. MALONE'S MOTION FOR RECONSIDERATION OF WRIT OF HABEAS CORPUS ...
DEFT. MCCARTY'S RENEWED MOTION TO SEVER

Deft. Malone stated a copy of the State's Opposition to his Motion for Reconsideration was not served upon him; he received a copy from his stand-by counsel, Randall Pike, SPD; colloquy. No oral argument. COURT ORDERED, Motion for Reconsideration DENIED as the Court previously found that slight or marginal evidence was presented to support the charges. Deft. has presented no new evidence to convince the Court that its previous decision was incorrect. Furthermore, pursuant to EDCR 7.12, Deft. did not seek permission from the Court to file said motion.

Arguments by counsel on the Renewed Motion to Sever. Court advised it wanted to review the previous motion to sever and ORDERED, matter CONTINUED. Deft. Malone requested he be transported for the continued hearing. COURT SO ORDERED.

06C224572-3

CUSTODY (BOTH)

CONTINUED TO: 04/29/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 29, 2010**

06C224572-3

The State of Nevada vs Jason D McCarty

April 29, 2010**8:15 AM****Motion to Sever****MCCARTY'S
RENEWED
MOTION TO SEVER
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Di Giacomo, Marc P.	Attorney
	Lalli, Christopher J.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Sgro, Anthony P.	Attorney

JOURNAL ENTRIES

-

Colloquy regarding Deft. Malone's intentions to continue to represent himself; Deft. stated he will be representing himself. COURT ORDERED, McCarty's Renewed Motion to Sever GRANTED. Court discussed with counsel the order in which the trials should go forward. Mr. DiGiacomo advised the State would prefer that Deft. McCarty go first and then Malone could follow immediately after. COURT ORDERED, the October trial date STANDS for both Deft.'s; counsel are directed to meet with one another and the Detective sixty (60) days prior to trial to ensure all discovery has been exchanged.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 18, 2010**

06C224572-3

The State of Nevada vs Jason D McCarty

May 18, 2010**8:15 AM****Status Check****STATUS CHECK:
SENTENCING
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Lalli, Christopher J. Attorney**JOURNAL ENTRIES**

- Mr. Lalli advised the parties would like to continue this matter until sometime in November.
COURT SO ORDERED.

CUSTODY

CONTINUED TO: 11/23/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 20, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

July 20, 2010

8:15 AM

Motion

DEFT'S MOTION
FOR PARALEGAL
FINANCIAL
ASSISTANCE
MEDICAL PRIVATE
INVESTIGATOR
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK: Kristen Brown

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

JOURNAL ENTRIES

- Also present: Randall Pike, SPD, standby counsel for Deft. Malone.

Deft. stated in his Motion that all inmates have lost the privilege to go to the law library; that he was found to be indigent but has not been provided with the funds or materials to conduct his legal defense; that he needs medical treatment for an impacted wisdom tooth; and that he wants Investigator Tom Dillard removed and replaced with Richard Franky. Deft. claims Investigator Dillard has done nothing on his case. Colloquy regarding Deft.'s Motion. Upon Court's inquiry, Deft. stated that he has had no contact with Investigator Dillard except for an initial meeting. COURT ORDERED, Motion CONTINUED. Court directed Investigator Dillard to be present next date. CUSTODY

CONTINUED TO: 07/27/10 8:15 AM

PRINT DATE: 04/06/2011

Page 71 of 113

Minutes Date:

August 02, 2006

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

September 30, 2010 8:15 AM

Status Check

Jury Questionnaire

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Christopher Oram, Esq., and Jonathan Powell, Esq., present on behalf of Deft. McCarty, who is also present.

Also present today: Deft. Malone, the Co-Deft. and his stand-by counsel.

Colloquy regarding the Jury Questionnaire. COURT ORDERED, matter CONTINUED for the purpose of discussing and finalizing said Questionnaire.

CUSTODY

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 05, 2010**

06C224572-3

The State of Nevada vs Jason D McCarty

October 05, 2010**10:00 AM****Status Check****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; and Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Also present: Anthony Sgro, Esq., and Christopher Oram, Esq., on behalf of Deft. McCarty, who is also present.

Upon Court's inquiry, Deft. Malone stated he was not ready for trial as he thought he was going second; colloquy. Mr.Sgro announced ready. COURT ORDERED, the trial for Deft. McCarty will go forward on Tuesday, October 12, 2010. The trial for Deft. Malone shall be VACATED and RESET.

Counsel discuss the Jury Questionnaire for Deft. Malone's case; Deft. was giving a copy of both Questionnaires. COURT ORDERED, matter set for status check.

CUSTODY (BOTH)

10/12/10 10:00 AM JURY TRIAL (MCCARTY)

10/19/10 8:15 AM STATUS CHECK: JURY QUESTIONNAIRE (MALONE)

10/26/10 8:15 AM CALENDAR CALL (MALONE)

PRINT DATE: 04/06/2011**Page** 73 of 113**Minutes Date:**

August 02, 2006

06C224572-3

11/01/10 10:00 AM JURY TRIAL (MALONE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 12, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 12, 2010

10:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:15 a.m. Jury Trial commenced. Court and counsel begin Voir Dire examination of the prospective Jurors.

5:00 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 10/13/10 9:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 13, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 13, 2010

9:15 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:20 a.m. Jury Trial resumed. Court and counsel continued Voir Dire examination of the prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court canvassed Prospective Juror No. 77 with regard to his prior knowledge of this case; the Juror had mentioned that he may have read about this case in the newspaper.

5:10 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 14, 2010

10:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:25 a.m. Jury Trial resumed. Court and counsel continued Voir Dire examination of the prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court canvassed Prospective Juror No. 84 with regard to his prior knowledge of this case; the Juror had mentioned that he may have read about this case in the newspaper.

PROSPECTIVE JURORS PRESENT: Court and counsel continued Voir Dire examination of the prospective Jurors.

5:00 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 10/15/10 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 15, 2010**

06C224572-3

The State of Nevada vs Jason D McCarty

October 15, 2010**8:30 AM****Request of Court****Material Witness
Warrant Return****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State. Also present: Ramaan Hall, the Material Witness.

A Warrant of Arrest was issued for Ramaan Hall and he was picked up and brought before the Court. Mr. Lalli stated that Hall has agreed to make himself available to testify at Deft. Malone's trial; however, he shall remain in custody until he testifies at Deft. McCarty's trial. Court directed Hall to remain in touch with the State's Investigators. COURT ORDERED, Hall to be present for Deft. Malone's trial.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 15, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 15, 2010

9:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:20 a.m. Jury Trial resumed. Court and counsel continued Voir Dire examination of the prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Mr. Oram made an argument with regard to the makeup of the entire Jury venire; specifically he noted the lack of African-American members and requested a new panel. Argument by Mr. DiGiacomo. Court believes there has been no systematic exclusion, as the prospective Jurors were randomly summoned. Therefore, COURT ORDERED, request DENIED.

5:05 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 10/18/10 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 18, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 18, 2010

9:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:54 a.m. Jury Trial resumed.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Mr. Sgro advised that two of the witnesses he planed on calling have moved to Florida; he has asked for some assurances from the State that these witnesses will be available to testify at the trial; colloquy.

PROSPECTIVE JURORS PRESENT: Court and counsel continued Voir Dire examination of the prospective Jurors.

OUTSIDE PRESENCE OF THE PROSPECTIVE JURORS: Court and counsel canvass Prospective Juror No. 370 with regard to her employment; she is employed at the Clark County Detention Center (CCDC) as a nurse.

PROSPECTIVE JURORS PRESENT: Court and counsel continued Voir Dire examination of the prospective Jurors.

OUTSIDE PRESENCE OF THE PROSPECTIVE JURORS: Colloquy regarding the outstanding

discovery as it relates to the penalty phase of the trial and the cell phone and cell site records.

5:30 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 10/19/10 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 19, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 19, 2010

8:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

8:18 a.m. Jury Trial resumed. Court and counsel continued Voir Dire examination of the prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court canvassed Prospective Juror No. 105 as he believes he may know a relative of the Deft. and presented a note to the Court indicating same. The Note will be marked as a Court's Exhibit.

PROSPECTIVE JURORS PRESENT: Court and counsel continued Voir Dire examination of the prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Due to the removal of Prospective Jurors No. 98 and No. 36 from the Jury Panel, Mr. Oram presented argument in support of his Batson Challenge. Court directed the Court Clerk to mark the Jury Questionnaire of Prospective Juror No. 98 as a Court's Exhibit. For the reasons stated on the record, Mr. Oram requested a new Jury Panel. Further, Mr. Oram objected to the State running SCOPE on Prospective Juror No. 36. Mr. DiGiacomo stated that SCOPE was only run on two of the prospective Jurors, Juror No. 36 and No. 76.

Arguments by counsel. COURT ORDERED, State to provide the SCOPE of the above-mentioned

Prospective Jurors to the Defense; Mr. Oram's request for a new panel is DENIED.

PROSPECTIVE JURORS PRESENT: Jury and four (4) alternates selected and sworn.

Clerk read the Amended Information to the Jury and stated the Deft.'s plea thereto.

Opening statements by Mr. DiGiacomo and Mr. Oram. EXCLUSIONARY RULE INVOKED.
Testimony and exhibits presented (see worksheets).

4:55 p.m. Jury Trial concluded for the day. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 10/20/10 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 20, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 20, 2010

9:30 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:00 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

5:00 p.m. Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 10/25/10 9:45 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 25, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 25, 2010

9:45 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:47 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Deft. made a statement to the Court regarding his concerns on how the trial is proceeding.

JURY PRESENT: Testimony and exhibits presented (see worksheets)

OUTSIDE THE PRESENCE OF THE JURY: Court met with counsel regarding certain photographs. COURT ORDERED, State's Exhibits 23 and 24 shall be EXCLUDED.

5:18 p.m. Court concluded for the day COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 10/26/10 9:45 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 26, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 26, 2010

9:30 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:58 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Mr. Sgro advised that, to date, Defense has received no Notice of Expert with regard to the cell phone records and cell site information as required under the Statute; therefore, he is requesting that the State be precluded from presenting any expert testimony in this case. Arguments by counsel. COURT ORDERED, based on Sanchez, this Court will allow the testimony if the Custodian of Records who is going to testify is qualified as a Custodian of Records and the proper foundation for the testimony is laid.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding the redactions the Defense wanted to make to Deft.'s statement.

6:05 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 10/27/10 9:00 AM

PRINT DATE: 04/06/2011

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Minutes Date:

August 02, 2006

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 27, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 27, 2010

9:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:32 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding the discovery and redaction issues.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

3:30 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 10/28/10 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

October 28, 2010

10:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:15 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: For the reasons stated on the record, Mr. Sgro orally moved the Court for a mistrial. Arguments by counsel. COURT ORDERED, Motion DENIED. Mr. Oram then orally moved for a mistrial based on cumulative error; colloquy. COURT ORDERED, Motion DENIED.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY; Colloquy regarding Donald Herb's Agreement to Testify. The Court is going to allow the Jury to have an un-redacted copy. Further colloquy regarding Deft.'s statement and the requested redactions.

5:28 p.m. Jury Trial concluded for the day, COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 11/01/10 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 01, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 01, 2010 9:30 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:50 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Argument by Mr. Sgro regarding the playing of Deft.'s statement to the Jury; colloquy.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding the discovery issue with respect to the Defense expert, Dr. Michael Klein.

6:26 p.m. Jury Trial concluded for the date. COURT ORDERED, trial CONTINUED.

CUSTODY

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 02, 2010 10:00 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:07 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding the redactions of the recording and the search warrant for Deft.'s phone. Mr. DiGiacomo advised that the Defense would stipulate that Melissa Estores provided a buccal swab which was used for a DNA profile and Ms. Estores would stipulate to what Domonic Malone's cell phone number was.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court canvassed Juror No. 1 as to how she was feeling because she was wearing a surgical mask and coughing. COURT ORDERED, Juror No. 1 shall be RELEASED.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding the testimony of the cerebral palsy expert and the doctor's report. Mr. Oram stated for the record the parameters of the doctor's testimony. COURT ORDERED, the expert may testify within the parameters stated on the record.

06C224572-3

JURY PRESENT: Testimony and exhibits presented (see worksheets).

5:05 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 11/03/10 9:45 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 03, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 03, 2010 9:45 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;;;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:34 a.m. Jury Trial resumed. Deft.'s Bench Memorandum FILED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Lalli advised there were some typographical errors in the State's charging document; he requested leave of Court to file a Second Amended Information. There being no objection by the Defense, COURT ORDERED, Mr. Lalli's request GRANTED; Second Amended Information FILED IN OPEN COURT.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Mr. Sgro advised that Patricia McCarty has been subpoenaed; however, she does not want to testify. Patricia McCarty is present in court and upon Court's inquiry, she explained why she did not want to testify; colloquy. Court directed Mr. Sgro to prepare the appropriate Order, the Court will sign same, and then it will be ready to go, if necessary.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

4:50 a.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

PRINT DATE: 04/06/2011

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Minutes Date:

August 02, 2006

06C224572-3

CUSTODY

CONTINUED TO: 11/04/10 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 04, 2010**

06C224572-3

The State of Nevada vs Jason D McCarty

November 04, 2010 10:00 AM Jury Trial**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo;;**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:45 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Court reviewed the telephone call between Deft. and Aaron Robinson. It was brought to the Court's attention yesterday (November 3) that there may have been some discussion of other crimes. COURT ORDERED, State limited as stated on the record. Mr. Lalli to make the appropriate redactions from the disc.

JURY PRESENT: Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY: Court noted it received a letter from Juror No. 14; colloquy. Mr. Sgro moved to excuse Juror No. 14 and challenged her for cause. COURT ORDERED, challenge DENIED.

JURY PRESENT: Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding the taped communications between Detective Collins, Detective Ridings, and Deft. that was played to the Jury. For the reasons state on the record Mr. Sgro moved the Court for a mistrial. COURT ORDERED, motion DENIED.

5:00 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY**PRINT DATE:** 04/06/2011**Page** 94 of 113**Minutes Date:**

August 02, 2006

06C224572-3

CONTINUED TO: 11/05/10 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 05, 2010

10:30 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Susan Jovanovich

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	Lalli, Christopher J.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Powell, Jonathan L.	Attorney
	Sgro, Anthony P.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT: Mr. Powell not present. Last portion of the video recording (State's admitted evidence), was played to the Jury IN OPEN COURT.

Transcript of JURY TRIAL - DAY 15 FILED IN OPEN COURT. Mr. Powell present. Testimony and exhibits presented (See Worksheets.). Court excused Jury and parties for the lunch recess.

OUTSIDE PRESENCE OF JURY: Objections placed on record. Mr. Sgro moved for a mistrial. Arguments by parties regarding State allegedly committing misconduct, including inappropriate questioning and comments made during examination of State's witness, redaction made in transcript of Deft's statements, and misrepresentations made to the Court by the State during a bench conference. Court stated these representations do not warrant a mistrial; and will allow further testimony of State's current witness. Mr. Lalli made a clarification regarding specific statements made by Deft. from a transcript. Mr. Oram agreed with the clarification. Mr. DiGiacomo made objections to defense having any tape recordings that have not been admitted into evidence, played in front of the Jury.

JURY PRESENT: Further testimony and exhibits presented (See worksheets.). State rested. Court admonished and excused the Jury for the weekend.

OUTSIDE PRESENCE OF JURY: Deft. admonished of his right not to testify. Upon Court's inquiry, Deft. acknowledged. Matter trailed for Deft. to be canvassed.

Canvass of Deft. SEALED BY ORDER OF THE COURT; Transcript of these proceedings to be SEALED.

Court recessed. TRIAL CONTINUES.

CUSTODY

11/08/10 9:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 08, 2010**

06C224572-3

The State of Nevada vs Jason D McCarty

November 08, 2010 9:00 AM Jury Trial**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo; Susan Jovanovich**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES**

PRESENT:	Di Giacomo, Marc P.	Attorney
	Lalli, Christopher J.	Attorney
	McCarty, Jason D	Defendant
	Oram, Christopher R.	Attorney
	Powell, Jonathan L.	Attorney
	Sgro, Anthony P.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:30 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions and Verdict forms settled on the record.

JURY PRESENT: Court instructed the Jury. Closing arguments by Mr. Lalli.

2:00 p.m. Court Clerk, Susan Jovanovich, now present.

Susan Jovanovich, Relief Clerk (2:06 p.m. - 5:30 p.m.)

JURY PRESENT: Closing arguments by Mr. Oram. Court admonished and excused the Jury for a short break.

PRINT DATE: 04/06/2011**Page** 98 of 113**Minutes Date:**

August 02, 2006

OUTSIDE PRESENCE OF JURY: Objections placed on record regarding Mr. Oram's comments made to Jury during closing arguments, including additional comments made on hearsay evidence. Mr. Lalli argued regarding Mr. Oram's comments being improper, unprofessional and inappropriate; and thereafter requested Court to admonish the Jury to disregard any alleged inappropriate statements by counsel, and to further admonish Mr. Sgro to not make any inappropriate comments during his closing arguments. Arguments by Mr. Sgro and Mr. Oram regarding State's delay on making objections during Mr. Oram's closing arguments. Colloquy as to Court's ruling on previous objections. Further arguments as to Metro reports and witness intimidation allegations. Court stated it will not admonish the Jury at this time, further noting parties are allowed to make the appropriate objections during closing arguments. Court advised parties to not wait until conclusion of the arguments, to raise concerns. Counsel acknowledged. Further colloquy regarding clarification on State's rebuttal argument strategy, due to objections previously raised.

JURY PRESENT: Closing arguments by Mr. Sgro. Court admonished and excused the Jury for the evening.

OUTSIDE PRESENCE OF JURY: Objections placed on the record as to proposed Jury instructions, including Jury Instructions 30, 31, and 36. Arguments by counsel. Court stated FINDINGS. Exhibits presented (See Worksheets.).

Court recessed. TRIAL CONTINUES with rebuttal arguments by the State.

11/09/10 10:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 09, 2010 10:00 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:09 a.m. Jury Trial resumed with rebuttal to Closing Arguments by Mr. DiGiacomo.

At the hour of 11:44 a.m. the Jury retired to deliberate. Court thanked and excused the alternates.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Oram moved the Court for a mistrial due to prosecutorial misconduct. Arguments by counsel. COURT ORDERED, motion DENIED.

At the hour of 4:19 p.m. the Jury returned with a verdict as follows:

GUILTY of COUNT 3 - CONSPIRACY TO COMMIT KIDNAPPING (F)
GUILTY of COUNT 4 - FIRST DEGREE KIDNAPPING (F)
GUILTY of COUNT 5 - BATTERY WITH SUBSTANTIAL BODILY HARM (F)
GUILTY of COUNT 6 - ROBBERY (F)
GUILTY of COUNT 7 - PANDERING (F)
GUILTY of COUNT 8 - CONSPIRACY TO COMMIT BURGLARY (GM)
GUILTY of COUNT 9 - CONSPIRACY TO COMMIT KIDNAPPING (F)
GUILTY of COUNT 10 - CONSPIRACY TO COMMIT MURDER (F)

GUILTY of COUNT 11 - BURGLARY (F)
GUILTY of COUNT 12 - FIRST DEGREE KIDNAPPING (F)
GUILTY of COUNT 13 - FIRST DEGREE KIDNAPPING (F)
GUILTY of COUNT 14 - MURDER WITH USE OF A DEADLY WEAPON (F)
GUILTY of COUNT 15 - MURDER WITH USE OF A DEADLY WEAPON (F)
GUILTY of COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON (F)
GUILTY of COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON (F)

Jury polled. Court thanked and excused the Jury.

CUSTODY

11/10/10 10:00 AM ARGUMENT ON SUBMISSION OF REPORTS

11/12/10 8:00 AM PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 10, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 10, 2010 10:00 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

10:30 a.m. Hearing OUTSIDE THE PRESENCE OF THE JURY: Court noted it ordered yesterday, November 9, 2010, that the defense turn over any reports from the psychiatrist/psychologist and any raw data that person utilized to base their opinions on. Arguments by counsel regarding mitigation expert and report issues. COURT ORDERED, decision DEFERRED. A written decision will be issued later today.

11:32 a.m. Hearing concluded. Penalty Hearing shall begin Friday at 8:00 a.m.

CUSTODY

11/12/10 8:00 AM PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 10, 2010**

06C224572-3

The State of Nevada vs Jason D McCarty

November 10, 2010 10:00 AM Minute Order**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- The Court has performed an in-camera review of the Mitigation Report prepared by Sheila Cahill and Mary Jo Fleming. If either Ms. Cahill or Ms. Fleming is going to be called as a witness for the Defendant as part of the Defendant's mitigation case, then the defense shall turn over said report forthwith. However, the Defense, at their request, may redact the portions of the report which the Court has highlighted on the copy which was provided for in-camera inspection and returned to the Defense. The report in question states at page 16 that a final mitigation report may be prepared. If such a report has been prepared and either Ms. Cahill or Ms. Fleming is going to testify, then the final report is to be immediately turned over to the Court for another in-camera inspection.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 12, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 12, 2010 8:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

8:36 a.m. Penalty Hearing commenced. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the mitigation experts and reports.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Mr. Sgro orally moved to dismiss Juror No. 7 for the reasons stated on the record; apparently there are some scheduling conflicts among the Jurors. Arguments by counsel. COURT ORDERED, Motion DENIED.

1:37 p.m. Pentalty Hearing concluded for the day. COURT ORDERED, hearing CONTINUED.

CUSTODY

CONTINUED TO: 11/15/10 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 15, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 15, 2010 9:30 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:42 a.m. Penalty Hearing resumed. OUTSIDE THE PRESENCE OF THE JURY: Court canvassed Deft. with regard to his right of allocution.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court advised it represented the witness, Kelly McCarty, in a criminal case. The Court has no independent recollection but wanted to advise counsel.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Mr. Sgro orally moved the Court for a mistrial following the victim impact testimony of Carl Combado and the testimony of Dr. Michael Klein for the reasons stated on the record. COURT ORDERED, Motion DENIED.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court questioned Patricia McCarty with regard to

gestures she was making during the testimony of Sheila Cahill. COURT ORDERED, Ms. McCarty 86'd from the building during the pendency of this trial.

5:57 p.m. Penalty Hearing concluded for the day. COURT ORDERED, hearing CONTINUED.

CUSTODY

CONTINUED TO: 11/16/10 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 16, 2010 10:00 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:56 a.m. Penalty Hearing resumed. OUTSIDE THE PRESENCE OF THE JURY: Defense wants to introduce the criminal history of the Co-Deft. Domonic Malone; colloquy. COURT ORDERED, request DENIED.

JURY PRESENT: Testimony and exhibits presented (see worksheets). Unsworn statement given by Deft.

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions settled on the record.

JURY PRESENT: Court instructed the Jury.

5:05 p.m. Penalty Hearing concluded for the day. COURT ORDERED, hearing CONTINUED.

CUSTODY

CONTINUED TO: 11/17/10 9:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 17, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 17, 2010 9:15 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:30 a.m. Penalty Hearing resumed. OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding Juror No. 16, the Jury Instructions and Special Verdict Form.

JURY PRESENT: Closing arguments by Mr. Lalli, Mr. Sgro and Mr. Oram; rebuttal, Mr. DiGiacomo.

At the hour of 2:29 p.m., the Jury retired to deliberate.

OUTSIDE THE PRESENCE OF THE JURY: For the record, Mr. Oram advised that there are no African-Americans on the deliberating Jury; a Batson Challenge was previously made; colloquy.

2:33 p.m. Court RECESSED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 18, 2010

06C224572-3

The State of Nevada vs Jason D McCarty

November 18, 2010 9:00 AM Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo;

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

9:00 a.m. Jury present to deliberate. At the hour of 12:40 p.m., the Jury returned with a Special Verdict as recorded herein.

Jury polled. COURT ORDERED, matter set for sentencing; Deft. remanded to custody, without bail. Court thanked and excused the Jury and alternates.

OUTSIDE THE PRESENCE OF THE JURY: For the record, Court noted that it received a note from the Jury. Apparently they were given the first draft of the Special Verdict form. The Court met with counsel in Chambers and the correct Verdict form was provided to them for their deliberations.

CUSTODY

01/20/11 8:15 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 20, 2011**

06C224572-3

The State of Nevada vs Jason D McCarty

January 20, 2011**8:15 AM****Sentencing****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Anthony Sgro, Esq., and Christopher Oram, Esq., present on behalf of Deft. McCarty, who is also present.

Court noted it did not receive a Presentence Investigation (PSI) report and, therefore, cannot proceed with sentencing today. Upon Court's inquiry, neither counsel for the State nor the Defense received one either. COURT ORDERED, matter CONTINUED. State to contact Parole and Probation (P&P) to see if the preparation of the PSI can be expedited.

CUSTODY**CONTINUED TO:** 03/24/11 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 05, 2011**

06C224572-3

The State of Nevada vs Jason D McCarty

April 05, 2011**8:15 AM****Sentencing****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Christopher Oram, Esq., and Kevin Leik, Dep PD, present on behalf of Deft. McCarty, who is also present.

Pursuant to the Jury's verdict, DEFT. MCCARTY ADJUDGED GUILTY of COUNT 3 - CONSPIRACY TO COMMIT KIDNAPPING (F); COUNT 4 - FIRST DECREE KIDNAPPING (F); COUNT 5 - BATTERY WITH SUBSTANTIAL BODILY HARM (F); COUNT 6 - ROBBERY (F); COUNT 7 - PANDERING (F); COUNT 8 - CONSPIRACY TO COMMIT BURGLARY (GM); COUNT 9 - CONSPIRACY TO COMMIT KIDNAPPING (F); COUNT 10 - CONSPIRACY TO COMMIT MURDER (F); COUNT 11 - BURGLARY (F); COUNT 12 - FIRST DEGREE KIDNAPPING (F); COUNT 13 - FIRST DEGREE KIDNAPPING (F); COUNT 14 - MURDER WITH USE OF A DEADLY WEAPON; COUNT 15 - MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON (F); and COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Matter argued and submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA Analysis fee including testing to determine genetic markers, and an Indigent Defense Civil Assessment fee in the amount of \$250.00, Deft. SENTENCED as follows:

AS TO COUNT 3, Deft. SENTENCED to a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC).

AS TO COUNT 4, Deft. SENTENCED to LIFE in NDC, with PAROLE ELIGIBILITY after a MINIMUM of FIVE (5) YEARS has been served, CONSECUTIVE to COUNT 3.

PRINT DATE: 04/06/2011

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Minutes Date:

August 02, 2006

AS TO COUNT 5, Deft. SENTENCED to a MAXIMUM of FORTY-EIGHT (48) MONTHS and a MINIMUM of NINETEEN (19) MONTHS in NDC, CONCURRENT with COUNT 4.

AS TO COUNT 6, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED FIFTY (150) MONTHS and a MINIMUM of SIXTY (60) MONTHS in NDC, CONCURRENT with COUNT 5.

AS TO COUNT 7, Deft. SENTENCED to a MAXIMUM of FORTY-EIGHT (48) MONTHS and a MINIMUM of NINETEEN (19) MONTHS in NDC, CONSECUTIVE to COUNT 6.

AS TO COUNT 8, Deft. SENTENCED to the Clark County Detention Center (CCDC) for TWELVE (12) MONTHS, CONSECUTIVE to COUNT 7.

AS TO COUNT 9, Deft. SENTENCED to a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in NDC, CONCURRENT with COUNT 8.

AS TO COUNT 10, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in NDC, CONCURRENT with COUNT 9.

AS TO COUNT 11, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in NDC, CONCURRENT with COUNT 10.

AS TO COUNT 12, Deft. SENTENCED to LIFE in NDC WITHOUT the POSSIBILITY OF PAROLE, CONSECUTIVE to COUNT 11.

AS TO COUNT 13, Deft. SENTENCED to LIFE in NDC WITHOUT the POSSIBILITY OF PAROLE, CONSECUTIVE to COUNT 12.

AS TO COUNT 14, Deft. SENTENCED to DEATH.

AS TO COUNT 15, Deft. SENTENCED to DEATH.

AS TO COUNT 16, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in NDC, plus a CONSECUTIVE term of a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for use of a deadly weapon, CONSECUTIVE to COUNT 13.

AS TO COUNT 17, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in NDC, plus a CONSECUTIVE term of a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for use of a deadly weapon, CONSECUTIVE to COUNT 16.

Deft. has ONE THOUSAND SEVEN HUNDRED SEVENTY-SIX (1776) DAYS credit for time served. Mr. Oram requested a STAY and advised that Deft. will be seeking an appeal. COURT ORDERED, STAY GRANTED. Further, Mr. Lalli presented the Warrant of Execution and Order of Execution, which was signed in open court.

BOND, if any, EXONERATED.

Count's

EXHIBITS

CASE NO.

C224572-3

Penalty Hearing

[illegible]

Court's

EXHIBITS

CASE NO.

C-224572-3

	DATE	OFFERED	OBJ	DATE	ADMITTED
1. Letter from doctor				10/19	✓
2. Letter from Dept. of Air Force				10/19	✓
3. Letter from doctor				10/19	✓
4. Letter from Prospective Juror				10/19	✓
5. Letter from Prospective Juror				10/19	✓
6. Letter from Prospective Juror				10/19	✓
7. Letter from Juror #7				10/20	✓
8. Letter from Prospective Juror				10/25	✓
9. Question from Juror #13				10/26	✓
10. Question from Juror #2				10/26	✓
11. Question from Juror #1				10/26	✓
12. Question from Juror #7				10/26	✓
13. Question from Juror #2				10/27	✓
14. Question from Juror #16				10/27	✓
15. Question from Juror #7				10/28	✓
16. Question from Juror #16				10/28	✓
17. Question from Juror #16				10/28	✓
18. Question from Juror #7				10/28	✓
19. Arraignment of Court				10/28	✓
20. Question from Juror #1				10/28	✓
21. Question from Juror #7				11/1	✓
22. Question from Juror #1				11/1	✓
23. Letter from Juror #14				11/4	✓
24. Proposed Instruction by Defense				11/8	✓
25. Proposed Instruction by Defense				11/8	✓
30. Interview of Nicolen Broadway (Filed Under Seal)				10/25	✓

STATE'S EXHIBITS

CASE NO.

C224572-3

	DATE	OFFERED	OBJ	DATE	ADMITTED
1. Photograph	10/25	✓	no	10/25	✓
2. Photograph		✓			✓
3. Photograph		✓			✓
4. Photograph		✓			✓
5. Photograph		✓			✓
6. Photograph	10/25	✓	no	10/25	✓
7. Photograph		✓			✓
8. Photograph		✓			✓
9. Photograph		✓			✓
10. Photograph		✓			✓
11. Photograph		✓			✓
12. Photograph		✓			✓
13. Photograph		✓			✓
14. Photograph		✓			✓
15. Photograph		✓			✓
16. Photograph		✓			✓
17. Photograph		✓			✓
18. Photograph		✓			✓
19. Photograph	10/25	✓	no	10/25	✓
20. Photograph	10/25	✓	no	10/25	✓
21. Photograph		✓			✓
22. Photograph	10/25	✓	no	10/25	✓
23. Photograph					
24. Photograph					
25. Photograph	10/25	✓	no	10/25	✓
26. Photograph		✓			✓
27. Photograph		✓			✓
28. Photograph	10/25	✓	no	10/25	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
29. Photograph	10/25	✓	no	10/25	✓
30. Photograph		✓			✓
31. Photograph		✓			✓
32. Photograph		✓			✓
33. Photograph		✓			✓
34. Photograph		✓			✓
35. Photograph	10/25	✓	no	10/25	✓
36. Photograph		✓			✓
37. Photograph		✓			✓
38. Photograph		✓			✓
39. Photograph		✓			✓
40. Photograph		✓			✓
41. Photograph		✓			✓
42. Photograph		✓			✓
43. Photograph		✓			✓
44. Photograph	10/25	✓	no	10/25	✓
45. Photograph	10/25	✓	no	10/25	✓
46. Photograph	11/1	✓	no	11/1	✓
47. Photograph	10/26	✓	no	10/26	✓
48. Photograph	10/26	✓	no	10/26	✓
49. Photograph		✓			✓
50. Photograph		✓			✓
51. Photograph		✓			✓
52. Photograph		✓			✓
53. Photograph		✓			✓
54. Photograph		✓			✓
55. Photograph		✓			✓
56. Photograph	10/26	✓	no	10/26	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
57. Photograph	10/20	✓	no	10/20	✓
58. Photograph		✓			✓
59. Photograph		✓			✓
60. Photograph		✓			✓
61. Photograph		✓			✓
62. Photograph		✓			✓
63. Photograph		✓			✓
64. Photograph		✓			✓
65. Photograph		✓			✓
66. Photograph		✓			✓
67. Photograph	10/20	✓	no	10/20	✓
68. Photograph	10/25	✓	no	10/25	✓
69. Photograph	10/25	✓	no	10/25	✓
70. Photograph	11/2	✓	no	11/2	✓
71. Photograph		✓			✓
72. Photograph		✓			✓
73. Photograph		✓			✓
74. Photograph		✓			✓
75. Photograph		✓			✓
76. Photograph		✓			✓
77. Photograph		✓			✓
78. Photograph		✓			✓
79. Photograph		✓			✓
80. Photograph		✓			✓
81. Photograph		✓			✓
82. Photograph		✓			✓
83. Photograph		✓			✓
84. Photograph	11/1	✓	no	11/1	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
85. Photograph	11/2	✓	NO	11/2	✓
86. Photograph		✓			✓
87. Photograph		✓			✓
88. Photograph		✓			✓
89. Photograph		✓			✓
90. Photograph		✓			✓
91. Photograph		✓			✓
92. Photograph		✓			✓
93. Photograph		✓			✓
94. Photograph		✓			✓
95. Photograph		✓			✓
96. Photograph		✓			✓
97. Photograph		✓			✓
98. Photograph		✓			✓
99. Photograph		✓			✓
100. Photograph		✓			✓
101. Photograph		✓			✓
102. Photograph		✓			✓
103. Photograph		✓			✓
104. Photograph		✓			✓
105. Photograph		✓			✓
106. Photograph	11/2	✓	NO	11/2	✓
107. Evidence Envelope					
107A.					
108. Evidence Envelope	10/2ce	✓	NO	10/2ce	✓
108A. Latent Print Card-1	10/2ce	✓	NO	10/2ce	✓
109 Evidence Envelope	10/2ce	✓	NO	10/2ce	✓
109A. Contents	10/2ce	✓	NO	10/2ce	✓
108B. Latent Print Card-2	10/2ce	✓	NO	10/2ce	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
110. Evidence Envelope					
110A.					
111. Evidence Envelope	11/1	✓	no	11/1	✓
111A. Latent Fingerprint Cards	11/1	✓	no	11/1	✓
112. Evidence Envelope (Card Contents)	11/2	✓	no	11/2	✓
112A. not opened					
113. Evidence Envelope	11/2	✓	no	11/2	✓
113A. See attached					
114. Evidence Envelope					
114A.					
115. Evidence Envelope	11/2	✓	no	11/2	✓
115A. Latent Light Cards	11/2	✓	no	11/2	✓
116. Evidence Envelope (Card Contents)	11/2	✓	no	11/2	✓
116A. Not opened					
116B.					
116C.					
116D.					
116E.					
116F.					
117. Evidence Envelope	11/1	✓	no	11/1	✓
117A. Necklace	11/1	✓	no	11/1	✓
118. Evidence Bag	11/1	✓	no	11/1	✓
118A. Golf Club Head	11/1	✓	no	11/1	✓
119. Evidence Container	11/1	✓	no	11/1	✓
119A. Knives	11/1	✓	no	11/1	✓
120. Evidence Container	11/1	✓	no	11/1	✓
120A. Golf Club Shaft	11/1	✓	no	11/1	✓
121. Photograph	10/20	✓	no	10/20	✓

C224572-3

5-A

	DATE	OFFERED	OBJ	DATE	ADMITTED
122. Photograph	10/20	✓	no	10/20	✓
123. Photograph	10/20	✓	no	10/20	✓
124. Photograph ✓					
125. Photograph	10/20	✓	no	10/20	✓
126. Photograph ✓					
127. Photograph	10/20	✓	no	10/20	✓
128. Photograph		✓	✓		✓
129. Photograph		✓	✓		✓
130. Photograph		✓	✓		✓
131. Photograph	10/20	✓	no	10/20	✓
132. Photograph ✓					
133. Photograph	10/20	✓	no	10/20	✓
134. Photograph	10/20	✓	no	10/20	✓
135. Photograph	10/20	✓	no	10/20	✓
136. Photograph	10/20	✓	no	10/20	✓
137. Photograph	10/20	✓	no	10/20	✓
138. Photograph	10/20	✓	no	10/20	✓
139. Photograph	10/25	✓	no	10/25	✓
140. Photograph	10/25	✓	no	10/25	✓
141. "		✓			✓
142. "		✓			✓
143. "		✓			✓
144. "		✓			✓
145. "		✓			✓
146. "		✓			✓
147. "		✓			✓
148. "		✓			✓
149. Photograph	10/25	✓	no	10/25	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
150. Photograph	10/25	✓	no	10/25	✓
151. "	10/25	✓	no	10/25	✓
152. "	11/1	✓	no	11/1	✓
153. "	10/27	✓	no	10/27	✓
154. "	11/1	✓	no	11/1	✓
155. "		✓			✓
156. "		✓			✓
157. "		✓			✓
158. "		✓			✓
159. "		✓			✓
160. "		✓			✓
161. "		✓			✓
162. "		✓			✓
163. "		✓			✓
164. "		✓			✓
165. "		✓			✓
166. "		✓			✓
167. "		✓			✓
168. "	11/1	✓	no	11/1	✓
169. "					
170. "	10/27	✓	yes	10/27	✓
171. "	10/25	✓	no	10/25	✓
172. "	10/28	✓	no	10/28	✓
173. "	11/1	✓	no	11/1	✓
174. "		✓			✓
175. "		✓			✓
176. "		✓			✓
177. Photograph	11/1	✓	no	11/1	✓

		DATE	OFFERED	OBJ	DATE	ADMITTED
178.	Photograph	11/1	✓	no	11/1	✓
179.	"	10/27	✓	no	10/27	✓
180.	"					
181.	"	11/1	✓	no	11/1	✓
182.	"		✓			✓
183.	"		✓			✓
184.	"		✓			✓
185.	"		✓			✓
186.	"		✓			✓
187.	"	11/1	✓	no	11/1	✓
188.	"	10/27	✓	Yes	10/27	✓
189.	"	11/1	✓	no	11/1	✓
190.	"	11/1	✓	no	11/1	✓
191.	"					
192.	"	11/1	✓	no	11/1	✓
193.	"		✓			✓
194.	"		✓			✓
195.	"		✓			✓
196.	"		✓			✓
197.	"		✓			✓
198.	"		✓			✓
199.	"		✓			✓
200.	Photograph	11/1	✓	no	11/1	✓
201.	LumpD- CAD	10/25	✓	Yes	10/25	✓
202.	Photograph	10/20	✓	no	10/20	✓
203.	"					
204.	"					
205.	Photograph	10/20	✓	no	10/20	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
206. Photograph	10/26	✓	no	10/26	✓
207. "					
208. "					
209. "					
210. "					
211. "	10/26	✓	no	10/26	✓
212. "					
213. "	10/26	✓	no	10/26	✓
214. "	10/26	✓	no	10/26	✓
215. "					
216. "					
217. "					
218. "					
219. "	10/26	✓	no	10/26	✓
220. "					
221. "	10/26	✓	no	10/26	✓
222. "	10/26	✓	no	10/26	✓
223. "					
224. "	10/26	✓	no	10/26	✓
225. "					
226. "	10/26	✓	no	10/26	✓
227. "	10/26	✓	no	10/26	✓
228. "	10/26	✓	no	10/26	✓
229. "	10/26	✓	no	10/26	✓
230. "	10/26	✓	no	10/26	✓
231. "	10/26	✓	no	10/26	✓
232. "		✓			✓
233. Photograph	10/26	✓	no	10/26	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
234. Photograph					
235. "	10/26	✓	no	10/26	✓
236. "					
237. "					
238. "	10/26	✓	no	10/26	✓
239. "					
240. "	10/26	✓	no	10/26	✓
241. "	10/26	✓	no	10/26	✓
242. "					
243. "	10/26	✓	no	10/26	✓
244. "	10/26	✓	no	10/26	✓
245. "					
246. "					
247. "					
248. "	10/26	✓	no	10/26	✓
249. "					
250. "					
251. "					
252. "					
253. "	10/26	✓	no	10/26	✓
254. Photograph					
255. Call records	10/26	✓	no	10/26	✓
256. Cell records	10/26	✓	no	10/26	✓
257. Cold Case Series Premiere	10/27	✓	no	10/27	✓
258. Agreement to Testify	10/28	✓	no	10/28	✓
259. Minute Order (Donald J. Herb)	10/28	✓	no	10/28	✓
260. Cell records	10/28	✓	Yes	10/28	✓
261. Cell records	10/28	✓	Yes	10/28	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
262 Facsimile	10/28	✓	yes	10/28	✓
263 Sprint Nextel	10/28	✓	yes	10/28	✓
264 Cell site list	10/28	✓	yes	10/28	✓
265 Evidence Bag	11/1	✓	no	11/1	✓
265A VHS Tape		✓			✓
265B VHS Tape		✓			✓
265C VHS Tape		✓			✓
265D VHS Tape		✓			✓
265E VHS Tape		✓			✓
265F VHS Tape	11/1	✓	no	11/1	✓
266 Evidence Bag	11/1	✓	no	11/1	✓
266A VHS Tape	11/1	✓	no	11/1	✓
266B VHS Tape		✓			✓
266C VHS Tape		✓			✓
266D VHS Tape	11/1	✓	no	11/1	✓
267 Evidence Envelope (and contents)	11/2	✓	no	11/2	✓
267A Not opened					
268 Evidence Envelope (and contents)	11/2	✓	no	11/2	✓
268A Not opened					
269 CD (spontaneous)	11/1	✓	no	11/1	✓
270 CD (am/pm)	11/1	✓	no	11/1	✓
271 Photograph	11/1	✓	no	11/1	✓
272 Photograph	11/3	✓	yes	11/3	✓
273 "	11/2	✓	no	11/2	✓
274 "	11/3	✓	yes	11/3	✓
275 "	11/3	✓	yes	11/3	✓
276 "		✓			✓
277 Photograph	11/3	✓	yes	11/3	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
278. Photograph	11/3	✓	yes	11/3	✓
279. "	1	✓	1	1	✓
280. "	11/3	✓		11/3	✓
281. "	11/2	✓	no	11/2	✓
282. "					
283. "	11/3	✓	yes	11/3	✓
284. "	11/3	✓	yes	11/3	✓
285. "	11/3	✓	yes	11/3	✓
286. "	11/3	✓	yes	11/3	✓
287. "	1	✓	1	1	✓
288. Photograph	11/3	✓	yes	11/3	✓
289. Transcript	11/5	✓	no	11/5	✓
290. Transcript	11/5	✓	no	11/5	✓
290A Transcript	11/5	✓	no	11/5	✓
291 Transcript	11/5	✓	no	11/5	✓
291-A "	11/5	✓	no	11/5	✓
291-B " Transcript	11/5	✓	no	11/5	✓
293 Jason McCarty Statement	11/3	✓	no	11/3	✓
294 CD	11/5	✓	yes	11/5	✓
*295. Cell records (Demonstrative)	✓	✓	no	11/3	✓
(Do not give to jury)					
296. Cell records	11/5	✓	no	11/5	✓
297. Cell records	11/5	✓	no	11/5	✓
298. Transcript	11/5	✓	yes		
299. Transcript	11/5	✓	yes		

STATE'S

EXHIBITS

CASE NO.

C224572-3

Penalty Hearing

[illegible]

EXHIBITS

CASE NO.

C224572-3

[illegible]

Certification of Copy

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

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; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION; DISTRICT COURT MINUTES; EXHIBITS
LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

JASON DUVAL MCCARTY,

Defendant(s),

Case No: C224572-3

DEATH PENALTY

Dept No: XVII

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 6 day of April 2011.

Steven D. Grierson, Clerk of the Court

Heather Lofquist, Deputy Clerk