

01C177394

STATE'S FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE...STATUS CHECK:
INDIGENCE

Court noted a telephone call on Friday advising counsel agreed to continue matters. As there was no objection, COURT ORDERED, above matters CONTINUED. As counsel agreed, COURT ORDERED, Trial date is VACATED and RESET in ordinary course.

CONTINUED TO: 5/19/06 9:00 AM ABOVE MATTERS

9/7/06 9:30 AM CALENDAR CALL

9/11/06 10:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 19, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

May 19, 2006

9:00 AM

Status Check

STATUS CHECK:
INDIGENCE Court
Clerk: Willa Pettice
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to be heard at Calendar Call.
BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 19, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

May 19, 2006

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS(5/19/06)
Court Clerk: Willa
Pettice
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS . . . DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT . . . DEFT'S MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS . . . DEFT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON . . . DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE . . . DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS . . . DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY . . . DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFT DURING INTERROGATION . . . DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL . . . DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS . . . DEFT'S MOTION TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE
Shari Greengerger, Esq. and Sara Zalkin, Esq., appeared PRO HAC VICE for Deft.

MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS: Following arguments by counsel, COURT ORDERED, Motion GRANTED. DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE: Following arguments by counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS: Following arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON: Following arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE: Following arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS: Following arguments by Counsel, COURT ORDERED, Motion CONTINUED to be heard at Calendar Call. DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY: Following Arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFT DURING INTERROGATION: Following arguments by Counsel, COURT ORDERED, Motion DENIED. DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL: At the request of Ms. Greenberger, COURT ORDERED, Motion CONTINUED. DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS: Following arguments by Counsel and request by Deft's Counsel for an evidentiary hearing, COURT ORDERED, Motion DENIED. DEFT'S MOTION TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE: Following arguments by Counsel and request by Deft's Counsel for an evidentiary hearing, COURT ORDERED, Motion DENIED.

BOND

5/23/06 9:00 A.M. DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL/STATUS CHECK: INDIGENCE

9/7/06 9:00 A.M. DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 23, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

May 23, 2006

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS FOR
5/23/06 Court Clerk:
Billie Jo Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- STATUS CHECK: INDIGENCE...STATUS CHECK: SET DATE ON ARGUMENT/DECISION ON MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL...DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR PAGLINI'S EVALUATION OF MS LOBATO AS TO STATUS CHECK: INDIGENCE: Arguments by counsel regarding defendant being indigent. Upon the Court's inquiry as to an annuity, defendant advised her father had power of attorney and it was gone. COURT ORDERED, matter SET for Argument/Decision on Motion to Exclude Testimony/Evidence on Journal. COURT ORDERED, a briefing schedule set as follows: Deft's Brief Due: 6/30/06 State's Opposition Due: 7/14/06 Defense Reply Due: 7/21/06 ARGUMENT/DECISION: 7/28/06 9:00 AM AS TO DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR PAGLINI'S EVALUATION OF MS LOBATO: COURT ORDERED, a briefing schedule set as follows: Reply Due: 6/30/06 ARGUMENT/DECISION: 7/28/06 9:00 AM

01C177394

AS TO DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS: COURT ORDERED, Defendant's Motion in Limine set for 5/19/06 is CONTINUED to 9/7/06 at 9:30 AM with the Calendar Call.

COURT ORDERED, Trial date STANDS.

BOND

CONTINUED TO: 7/28/06 9:00 AM ARGUMENT/DECISION ON MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL...DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR PAGLINI'S EVALUATION OF MS LOBATO

9/7/06 9:30 AM DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 28, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

July 28, 2006

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS (7/28/06)
Relief Clerk: Willa
Pettice
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- ARGUMENT/DECISION MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL . . .
DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF
EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OF PREFERENTIAL TREATMENT FOR
KORINDA MARTIN'S COOPERATION WITH THE STATE . . . DEFT'S MOTION TO DISMISS . . .
DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR. PAGLINI'S
EVALUATION OF MS. LOBATO

Sara Zalkin, Esq., and Shari Lynn Greenberger, Esq. also appeared on behalf of Deft.
ARGUMENT/DECISION MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL:
Arguments by Ms. Greenberger regarding the credibility of the witness, Korinda Martin, stating the
Attorney General investigated her at length and she was prosecuted by the Clark County District
Attorney, where they stated in their arguments Martin was a "liar" and "not credible". Further
arguments by Ms. Greenberger stating it would be unethical for Martin to testify and Martin has
motivation to testify falsely. Opposition by Ms. Digiacomio stating there is no authority to exclude a

witness even though she is painted as a liar, further, Martin gave the District Attorney's Office information about the murder before the autopsy results were published. Following further arguments by counsel regarding evidence which was not preserved and Martin's sexual involvement with a corrections officer, COURT ORDERED, Motion DENIED as to excluding testimony of Martin; DENIED as to exclusion of testimony regarding the journal and GRANTED as to admitting evidence of Martin's sentencing in her own case; Ms. DiGiacomo to prepare the Order.

DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OF PREFERENTIAL TREATMENT FOR KORINDA MARTIN'S COOPERATION WITH THE STATE: The Court stated it did not have an Opposition to this Motion. Ms. DiGiacomo stated she was on trial and did not file an opposition. Ms. Zalkin stated this Motion is regarding special treatment the witness is getting regarding her testimony in the first trial. Ms. DiGiacomo advised Martin requested her office to write a letter to the Parole Board for her and they did, however, it was not promised to her. There was nothing promised to Martin or any other witness for their testimony. COURT ORDERED, there being no Opposition filed by the State, Motion GRANTED; Defense Counsel to prepare the Order, the State to provide any discovery to Defense.

DEFT'S MOTION TO DISMISS: Mr. Schieck advised he would like to file a Reply to State's Opposition and requested Motion be continued. Following opposition by Ms. DiGiacomo, COURT ORDERED, Reply due 8/4/06, date set for Argument/Decision on Motion to Dismiss.

DEFT'S MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR. PAGLINI'S EVALUATION OF MS. LOBATO: Arguments by Ms. Greenberger stating the report should be excluded because it is privileged and Martin did not waive her privilege; further, the report was disclosed by prior counsel which does not constitute a voluntary disclosure. Opposition by Ms. DiGiacomo stating the court is aware of what privileged information is and this report was done for the purpose of litigation and preparation of defense strategy and, therefore, privilege does not apply. Following further arguments by Ms. Greenberger and opposition by Ms. DiGiacomo, the Court stated its Findings and ORDERED, Motion DENIED. Court recessed following discussions regarding upcoming Motions and discovery. The Court stated the trial date appears to be secure. 8/10/06 10:30 A.M. ARGUMENT/DECISION ON MOTION TO DISMISS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 10, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

August 10, 2006

10:30 AM

Hearing

ARGUMENT/DECISION ON DEFT'S MOTION TO DISMISS Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- Arguments by counsel. Court stated its findings, and ORDERED, Defendant's Motion to Dismiss is DENIED. The State to prepare the Order. All future dates STAND. Court inquired if counsel viewed documents in the Evidence Vault, to which they advised they had. Colloquy regarding status of other issues.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 07, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 07, 2006

9:30 AM

All Pending Motions

ALL PENDING
MOTIONS FOR
9/7/06 Court Clerk:
Billie Jo Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- STATE'S MOTION FOR RECIPROCAL DISCOVERY...DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS...CALENDAR CALL

Ms. Zalkin and Ms. Greenberger, Defendant's California attorneys, also present. Counsel announced ready for Trial. Ms. DiGiacomo advised of three witnesses who have not been found and advised their testimony would be read into the record. Mr. Schieck advised they were looking for the same witnesses and would advise the State if they were found. Ms. DiGiacomo advised the Trial would be three weeks long and her case-in-chief would probably end on 9/18/06.

AS TO STATE'S MOTION FOR RECIPROCAL DISCOVERY: As there was no opposition, COURT ORDERED, Motion GRANTED pursuant to EDCR 3.20. The State to prepare the Order. Colloquy regarding scheduling.

AS TO DEFT'S MOTION IN LIMINE: All counsel advised they looked at the photographs in the vault

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and found no inked photographs. They would request the same photographs admitted previously be admitted and may request additional photographs be admitted. COURT ORDERED, Motion CONTINUED for ruling. Trial date STANDS. Colloquy regarding scheduling and Ms. DiGiacomo requested Trial end on 9/22/06 at noon. COURT SO ORDERED.

BOND

CONTINUED TO: 9/11/06 10:15 AM DEFT'S MOTION IN LIMINE TO EXCLUDE
INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS
10:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 11, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 11, 2006

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS ...JURY TRIAL

AS TO DEFT'S MOTION IN LIMINE: Counsel met in Court and reviewed photographs. COURT ORDERED, matter CONTINUED to 9/12/06 at 11:00 AM for the State to make two copies of Exhibit 125A, a redacted audio tape. The original will be returned to the Clerk.

JURY TRIAL: PROSPECTIVE JURY PANEL PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Court introduced staff. The Clerk called the Roll of the prospective Jury Panel with all present. Ms. DiGiacomo made introductions. Mr. Schieck made introductions. Voir dire oath given. State's Motion to Admit Prior Testimony of Jeremy Davis and Richard Shott FILED IN OPEN COURT. Voir dire continues. EVENING RECESS. OUTSIDE PRESENCE OF THE PROSPECTIVE JURY PANEL: State's Motion was filed in Open Court. If the defense to reply, they will do so at 11:00 AM on 9/12/06.

01C177394

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 12, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 12, 2006

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS ...JURY TRIAL

AS TO DEFT'S MOTION IN LIMINE: As to the State's Motion to Admit Prior Testimony of Jeremy Davis and Richard Shott, arguments by counsel. COURT ORDERED, Motion GRANTED pursuant to EDCR 3.20. The State to prepare the Order. There may be some portions of their testimony redacted before presenting to the Jury which will be done outside the presence of the Jury. Counsel met in Court and reviewed photographs. COURT ORDERED, the following: Defense had no objection to the State admitting photographs from the first Trial. The State will not offer Exhibits 39, 34, 98, 105. The State is moving to ADMIT Exhibits 62, 73, 81, 88, 93A, 97, 100, 101, 102. As there was no objection, COURT SO ORDERED. The Court will hold in abeyance ruling on Exhibits 69 and 70 as the State has not determined whether or not they will offer those Exhibits.

JURY TRIAL: SECOND PROSPECTIVE JURY PANEL PRESENT: Ms. Greenberger and Ms. Zalkin,

defendant's California attorneys, also present. Court introduced staff. The Clerk called the Roll of the prospective Jury Panel with all present. Voir dire oath given. Ms. DiGiacomo made introductions. Mr. Schieck made introductions. Voir dire continues with the second Prospective Jury Panel. At 3:40 PM, voir dire continues with both Prospective Jury Panels. Prospective Jury Panel ADMONISHED and released for the evening. OUTSIDE PRESENCE OF THE PROSPECTIVE JURY PANEL: At last sidebar, Court noted discussion regarding punishment held in Chambers. At the prior Trial counsel stipulated to waive punishment by the Jury and Court sentenced defendant. This time the defense wanted a waiver but the State was not in agreement. The Jury will be making the determination on penalty should the case go to penalty phase. The Court did not ask any questions regarding the penalty phase and expected the State to ask such questions. Mr. Schieck has case law to provide to the Court limiting maximum exposure of defendant as to extent of punishment of first Trial if there is a conviction in this Trial. The State had Points and Authorities which it provided to the Court and defense. Court and counsel to review documents tonight and counsel to argue matter at 10:00 AM on 9/13/06. Voir dire to continue at 10:30 AM on 9/13/06.

The Court was unclear whether counsel had stipulated to admit all photographs from the prior Trial or whether counsel to lay foundation. Mr. Schieck requested foundation be laid for this Jury and that he did not anticipate any objections. COURT SO ORDERED and objections to be made where appropriate. EVENING RECESS.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 13, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 13, 2006

1:00 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Court reviewed cases submitted by counsel and NRS 175.552, which was marked at Court Exhibit 3. Arguments by counsel. Court stated its findings that there was no violation of law having the Jury do the sentencing phase and it would be in compliance with State statute, and ORDERED, State's request to put forth voir dire questions to the Jury advising they would do the penalty phase if there was a conviction of first degree Murder is GRANTED. Mr. Schieck requested to preserve their right to object to a harsher sentence. COURT SO ORDERED.

As a redacted version of Mr. Davis' testimony was not available, counsel advised they would address at a later time. Ruling on Exhibits 69 and 70 is still pending. Mr. Schieck advised he has still had no response to his phone calls to Ms. Paulette. Ms. DiGiacomo advised she is back now. Court noted Mr. Schieck could talk with her on a break. If no response, to let the Court know.

JURY TRIAL: PROSPECTIVE JURY PANEL PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Voir dire continues. Court thanked and excused the prospective Jurors in the audience. Peremptory Challenge. Jury and three Alternates selected. OUTSIDE THE PRESENCE OF THE JURY: Counsel made a record of the challenges for cause. JURY PRESENT: Jury and three Alternates selected and sworn. Opening remarks by the Court. The Clerk read the Information to the Jury and stated the defendant's plea thereto. EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding which portions of the Davis transcript are redacted. Counsel came to agreement.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 14, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 14, 2006

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Opening statements by Mr. Kephart. Opening statements by Ms. Greenberger. OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart moved for a Mistrial. Arguments by counsel. Court stated its findings, and ORDERED, request DENIED as relief sought is extreme and not warranted. JURY PRESENT: Testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Counsel agreed any evidence admitted in this Trial may be shown to the Jury on the Elmo without first being published. COURT SO ORDERED. Counsel stipulated to WAIVE JURY NOTEBOOKS. COURT SO ORDERED.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 15, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 15, 2006

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Mr. Kephart OBJECTED to any conversations being brought into evidence between defendant and some witnesses without the State opening the door. Arguments by counsel. Court stated its findings, and ORDERED, request PREMATURE. Mr. Kephart advised the first witness has medical concerns and has to be on the road by 1:00 PM so she can get home before dark. Mr. Schieck acknowledged. Colloquy regarding scheduling of experts. Counsel stipulated that Exhibit 133 is ADMITTED. COURT SO ORDERED. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: The State INVOKED THE EXCLUSIONARY RULE. Court ADMONISHED witness Dixie Tienken not to talk to anyone regarding this case. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Court noted and State advised witness Tienken returned at 3:28 PM. The witness advised she arrived about 3:25 PM. She advised

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she could return on Monday at 3:00 PM. Court advised her she remained under the
ADMONISHMENT not to talk to anyone regarding this case.
BOND

01C177394

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 18, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 18, 2006

1:00 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: DiGiacomo, Sandra Attorney
Kephart, William D. Attorney
Lobato, Kirstin B Defendant
Roger, David J. Attorney
Schieck, David M. Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart requested Exhibits Q-1 and Q-2 from Dr. Brosiak's report be admitted into evidence when he testifies. Mr. Schieck confirmed he would move for their admittance.

BOND

01C177394

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 19, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 19, 2006

10:30 AM

Jury Trial

**TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: DiGiacomo, Sandra Attorney
Kephart, William D. Attorney
Lobato, Kirstin B Defendant
Roger, David J. Attorney
Schieck, David M. Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS.
BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 20, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 20, 2006

1:15 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart advised of circumstances at lunch break where he, Ms. DiGiacomo, and defendant ended up on the elevator. He wanted to make sure nothing happened and there were was no misbehavior. Mr. Schieck advised there was no issue. He further advised he had ended up on the elevator with the Bailiff and a Juror. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS.
BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 21, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 21, 2006

10:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Upon the Court's inquiry, Ms. DiGiacomo advised counsel stipulated to admit the gold chain, which she will do on the record. Colloquy regarding scheduling of witnesses. Ms. DiGiacomo provided the defense with a copy of Christina Paulette's notes. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) Ms. DiGiacomo advised counsel stipulated that the State's Exhibit 11, a gold chain, belongs to Duran Bailey. The Court received 8 questions from the Jury which will be addressed tomorrow. EVENING RECESS.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 22, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 22, 2006

10:30 AM

Jury Trial

TRIAL BY JURY
Relief Clerk:
Michelle Jones
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) Court advised jury and counsel of upcoming trial schedule. COURT ADMONISHED and EXCUSED jury for the evening recess.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 25, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 25, 2006

11:00 AM

Jury Trial

TRIAL BY JURY
Relief Clerk:
Michelle Jones
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) Following a conference at the bench, COURT ORDERED, all items admitted today pertain to the actual bag or envelope and it's contents. COURT ADMONISHED AND EXCUSED jury for the afternoon recess.

JURY PRESENT. Testimony and exhibits presented. (See worksheets.) COURT ADMONISHED AND EXCUSED JURY FOR THE EVENING with the instruction to return on 9/26/06 at 11:00 A.M.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 26, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 26, 2006

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Mr. Kephart advised the Exclusionary Rule was in effect and requested persons to leave the Courtroom. COURT SO ORDERED. Arguments by counsel regarding defense expert witness on the Amended Notice of Witnesses. Court stated its findings, and ORDERED, Motion GRANTED. Dr. Laufer will be permitted to testify in areas where he was properly noticed on the Amended Notice of Witnesses filed 8/18/06. Mr. Kephart objected to Dr. Laufer's power point presentation as he had not seen it on the basis of something inappropriate in the presentation. The State was provided pictures. Ms. Greenberger to advise Dr. Laufer of the Court's ruling before he testified. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 27, 2006

1:00 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Counsel agreed to the redacted version of Diane Parker's testimony to be read into the record. COURT SO ORDERED. Colloquy regarding DNA testing on the cigarette butts. Nothing was detected for defendant. The State OBJECTED to the power point presentation of Brent Turby as he is not giving any expert testimony but only an opinion based on what other witnesses said. Court directed counsel to bring this matter up before he testifies to be addressed. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: The Court questioned separately Juror #1 Arieno and #6 Moir whether they could continue with the Trial next week. Court directed Mr. Arieno to reschedule his appointments and deliveries after Wednesday. As Ms. Moir needed a letter advising the Trial was continuing, Court advised it would be provided. Colloquy regarding scheduling. Mr. Schieck OBJECTED to the

01C177394

testimony of Det. Thowsen, requested his testimony be stricken, and stated his reasons. Arguments by counsel. Court stated its findings, and ORDERED, Motion to Strike is DENIED. Mr. Schieck advised the reports are hearsay information.

BOND

01C177394

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 28, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 28, 2006

1:00 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: DiGiacomo, Sandra Attorney
Kephart, William D. Attorney
Lobato, Kirstin B Defendant
Roger, David J. Attorney
Schieck, David M. Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding scheduling tomorrow. Counsel stipulated to reading the testimony of Bodziak.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 29, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

September 29, 2006

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. At the hour of 1:09 PM, the State RESTED. Counsel stipulated to ADMIT Exhibit 133. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.)

OUTSIDE THE PRESENCE OF THE JURY: Counsel advised of a long argument regarding Brent Turvey's testimony and power point presentation. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE PRESENCE OF THE JURY: Colloquy regarding scheduling. Arguments by counsel regarding Brent Turvey's testimony and power point presentation. Court stated its findings, and ORDERED, request GRANTED IN PART and DENIED IN PART and Brent Turvey can testify.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 02, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

October 02, 2006

1:00 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding Lobato previous statements. Court stated its findings, and ORDERED, objection SUSTAINED. Colloquy regarding Brent Turvey's updated version of his power point presentation. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the State coming on defendant's right to remain silent. Defendant made three prior statements which was testimony in a prior proceeding. Further arguments by counsel. Court stated its findings, and ORDERED, counsel to research matter and meet in Courtroom at 11:30 AM tomorrow. Further arguments by counsel.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 03, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

October 03, 2006

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Arguments regarding legal research regarding testimony issue and defendant's Fifth Amendment rights. Court stated its findings, and ORDERED, counsel may refer to testimony from prior proceedings in this case. The Court reconsiders is prior ruling. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding sidebar discussions as to hearsay. Court stated its findings, and ORDERED, objection SUSTAINED. Arguments by counsel regarding Ashley Lobato as a witness.

BOND

01C177394

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 04, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

October 04, 2006

1:00 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: DiGiacomo, Sandra Attorney
Kephart, William D. Attorney
Lobato, Kirstin B Defendant
Roger, David J. Attorney
Schieck, David M. Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Further testimony and Exhibits presented. (See Worksheets.) EVENING RECESS.
BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

October 05, 2006

8:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Ms. DiGiacomo and defendant not present. Jury Instructions and Verdict form SETTLED IN OPEN COURT. JURY PRESENT: Further testimony and Exhibits presented. (See Worksheets.) OUTSIDE THE PRESENCE OF THE JURY: The Court advised Defendant of her right to testify on her own behalf. Defendant stated she understood. JURY PRESENT: The defense RESTED. Court instructed the Jury. Closing arguments by Ms. DiGiacomo. Closing arguments by Mr. Schieck. Rebuttal arguments by Mr. Kephart. Bailiff, Matron, and Court Recorder sworn to take charge of the Jury. At the hour of 6:35 PM, the Jury retired to deliberate. Court thanked and excused two Alternate Jurors. EVENING RECESS.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 06, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

October 06, 2006

8:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- JURY PRESENT: Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Jury deliberations CONTINUES. At the hour of 3:03 PM, the Jury returned with a verdict of GUILTY in CT. 1 - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F) AND CT. 2 - SEXUAL PENETRATION OF A DEAD HUMAN BODY (F). Jury polled. The Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. The State requested defendant be remanded on CT. 2 as it is nonprobationable. Arguments by counsel. Court stated its findings, and ORDERED, defendant REMANDED TO CUSTODY with an in-custody sentencing date. Mr. Schieck argued for the Court to consider House Arrest. Court stated its findings, and ORDERED, defendant REMANDED.

CUSTODY

11/21/06 9:00 AM SENTENCING

01C177394

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 21, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

November 21, 2006

9:00 AM

Sentencing

SENTENCING

Court Clerk: Billie Jo
Craig

Reporter/Recorder:

Lisa Lizotte Heard

By: Vega, Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- Ms. Greenberger and Ms. Zalkin, defendant's California attorneys, also present. Court noted counsel met in Chambers regarding a deficiency in the PSI. Arguments by counsel as to need for a psychosexual evaluation if probation to be considered. Mr. Kephart also advised there should not be an enhancement in CT. II. As defendant did not wish to waive the psychosexual evaluation and as Mr. Schieck concurrent with the mistakes in the PSI, COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) for an Amended PSI and sentencing is CONTINUED. Court directed the State to annotate in the file the problems with the current PSI that are to be corrected and that a psychosexual evaluation to be performed. Mr. Kephart noted another mistake was that a new offense by defendant that is currently being processed and that the Attorney General's office should be sending him the information shortly. Court directed him to annotate the file regarding the new offense as well.

CUSTODY

PRINT DATE: 09/07/2011

Page 98 of 128

Minutes Date:

August 10, 2001

01C177394

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 02, 2007

01C177394

The State of Nevada vs Kirstin B Lobato

February 02, 2007

9:00 AM

Sentencing

SENTENCING

Relief Clerk: Pamela

Humphrey

Reporter/Recorder:

Lisa Lizotte Heard

By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Shari Greenburger, Esq., and Sara Zalkin, Esq., also present on behalf of deft.

COURT noted it received the Amended Presentence Investigation Report (PSI) dated 1/17/07 along with a Psychological Evaluation submitted by JoAnn Lujan, LCSW. State moved to offer and admit as Court exhibits a Memorandum with a CD containing recordings of phone calls deft. made while in custody at the Clark County Detention Center (CCDC) and two (2) letters deft. mailed to individuals while in custody and one (1) letter deft. received while in custody. COURT SO ORDERED. Counsel objected to the admission of deft's recorded telephone conversations. COURT ORDERED, RULING STANDS.

Additionally, Mr. Schieck lodged with the COURT a copy of the Psychosexual Risk Assessment report from Dr. Paglini, deft's Sentencing Memorandum, Statement of Defendant in Aid of Sentencing and Letters in Aid of Sentencing. Further, Mr. Schieck argued as to counts one and two running concurrent. Matter submitted. Statements by deft. DEFT. LOBATO ADJUDGED GUILTY of

CT. 1 - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F) AND CT. 2 - SEXUAL PENETRATION OF A DEAD HUMAN BODY (F).

COURT ORDERED, in addition to the \$25 Administrative Assessment fee, \$800 Psychosexual Evaluation fee, \$1,000 fine and the \$150 DNA Analysis fee, Deft. SENTENCED as follows:

COUNT 1 - to a MINIMUM term of FORTY-EIGHT (48) MONTHS and a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS; plus an equal and CONSECUTIVE MINIMUM term of FORTY-EIGHT (48) MONTHS and a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS for deadly weapon enhancement in the NEVADA DEPARTMENT OF CORRECTIONS; and

COUNT 2 - to a MINIMUM term of SIXTY (60) MONTHS and a MAXIMUM term of ONE HUNDRED AND EIGHTY (180) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONCURRENT with COUNT 1 with ONE THOUSAND FIVE HUNDRED FORTY-FOUR (1,544) days credit time served.

COURT ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Additionally, the Deft. is ORDERED to submit to a blood or saliva test to determine genetic status and Defendant to REGISTER as a sex offender pursuant to NRS 179D.450 within 48 hours of sentencing or release from custody.

COURT FURTHER ORDERED, deft. REMANDED into CUSTODY. BOND, if any, EXONERATED. NDC

CLERK'S NOTE: As to Count 2 on 2/7/07 Sentence amended to 180 months in the Nevada Department of Corrections./pdh

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 15, 2010

01C177394

The State of Nevada vs Kirstin B Lobato

July 15, 2010

9:00 AM

Motion

STATE'S MTN FOR
EXTENDED
BRIEFING
SCHEDULE/0 Court
Clerk: Nora Pena
Relief Clerk: Sylvia
Courtney/sc
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Jackson, Alzora B. Attorney
Kephart, William D. Attorney

JOURNAL ENTRIES

- Ms. Jackson advised Deft was represented by the Special Public Defender and neither she nor Deft have been served with State's motion; in the meantime, the Special Defender's Motion to Withdraw has been put on hold. Ms. Jackson stated the Special Public Defender cannot represent Deft post conviction. Statement by Michelle Kabell, who has power of attorney to handle Deft's affairs including filing the petition on Deft's behalf. Mr. Kephart explained he is not attorney of record in this case and will contact the State's appellate division. MATTER TRAILED.

MATTER RECALLED:

Deputy District Attorney Law Clerk Smith appeared and advised Deft was served by mail on 6/25/10. COURT ORDERED, Special Public Defender's motion to withdraw GRANTED; State's motion GRANTED pursuant to EDCR 3.20; 7/22/10 date for Deft's Petition for Habeas Corpus VACATED and RESET; State to file return or motion to dismiss by 8/23/10.

PRINT DATE: 09/07/2011

Page 102 of 128

Minutes Date:

August 10, 2001

01C177394

NDC

09/30/10 10:30 AM DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

CLERK'S NOTE: A copy of this minute order has been distributed to: Kirstin Blaise Lobato, #95558, Florence McClure Women's Correctional Center, 4370 Smiley Road, North Las Vegas, Nevada 89115.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 17, 2010

01C177394

The State of Nevada vs Kirstin B Lobato

September 17, 2010 3:00 AM

All Pending Motions

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant's pro per motion for recusal of Judge Valorie Vega...Defendant's pro per motion for the Court Clerk to assign a Civil Case number as required by the NRS...Defendant's pro per motion for an expedited hearing and motion for an extension of time to file an answer to the State's response....State's motion to strike or, in the alternative, opposition to improper motions for recusal of Judge Vega, expedited hearing and extension of time, and assignment of Civil Case number

Court advised the three pro per motions were all filed on 9/7/10 and calendared for 9/21/10. Upon reviewing them, this Court learned and observed that they were neither signed by a member of the Nevada Bar nor by the Defendant herself. All three pro per motions are signed as follows: "Kirsten Blaise Lobato by Michelle Ravell attorney in fact." Ms. Ravell had been present in court on 7/15/10 at which time she advised that she was not a licensed attorney. This Court then placed the three pro per motions on this chamber's calendar in order to sua sponte strike the three rogue documents pursuant to EDCR 7.42(a). In the interim the State filed its motion to Strike these three documents as fugitive documents. This Court hereby ORDERED, Sua sponte Strike the three pro per motions pursuant to EDCR 7.42(a) and also GRANTS the State's motion to Strike pursuant to *Salman v. Newell*, 110 Nev. 1333 (1994). Deft's Petition set for 9/30/10 STANDS. State to prepare a global order addressing both rulings.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 28, 2010

01C177394

The State of Nevada vs Kirstin B Lobato

September 28, 2010 9:00 AM Motion

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
Thomas, Michelle L. Attorney

JOURNAL ENTRIES

- Court noted Deft is in pro per status and she is in the Nevada Department of Corrections, therefore, waives appearance for today's purposes. Court advised Deft recently filed three more motions and Court did an answer for the motion to recuse that there are no grounds and reviewed the NRS. Court suggested parties should get another Judge for the motion to recuse and will need to have the Deft here to come to an agreement for the Judge to hear the motion to recuse. COURT ORDERED, Motion set for 9/30th VACATED and matter set for status check on Deft's pro per Petition for Writ and Deft's pro per motion for the Court Clerk to assign a Civil case number as required by the NRS to 11/9 at 9:00 a.m.; and CONTINUED as to Deft's pro per motion for recusal of Judge Vega to 10/5/10 at 9:00 a.m. Clerk to mail a copy of the minutes to Deft.

NDC

10/05/10 9:00 AM DEFT'S PRO PER MOTION FOR RECUSAL OF JUDGE VALORIE VEGA

11/09/10 9:00 AM STATUS CHECK: RESET HEARING DATE ON PETITION FOR WRIT OF HABEAS CORPUS; DEFT'S PRO PER MTN FOR THE COURT CLERK TO ASSIGN A CIVIL CASE NUMBER AS REQUIRED BY THE NRS & DEFT'S PRO PER MTN FOR AN EXPEDITED HEARING AND MTN FOR TIME TO FILE AN ANSWER TO THE STATE'S RESPONSE

CLERK'S NOTE: Copy of minutes sent to Kirstin Lobato #95558 at FMWCC, 4370 Smiley Road, North

PRINT DATE: 09/07/2011

Page 105 of 128

Minutes Date:

August 10, 2001

01C177394

Las Vegas, NV 89115./np

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2010

01C177394

The State of Nevada vs Kirstin B Lobato

October 05, 2010

9:00 AM

All Pending Motions

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION FOR RECUSAL OF JUDGE VALORIE VEGA.....
/STATE'S MOTION TO STRIKE OR, IN THE ALTERNATIVE, OPPOSITION TO DEFENDANT'S
MOTION FOR RECUSAL OF JUDGE VEGA

Tyler Smith, Esq. for the State of Nevada, present and Deft Lobato in pro se, present.

Court advised she had prepared an answer to the motion then yesterday she received a supplemental to recuse, therefore, she wrote out a supplemental answer to be filed today or tomorrow. Pursuant to NRS 1.235 (5)(b) regarding Deft's motion for recusal, the motion should be heard by another Judge and she wanted parties to meet and agree on a Judge so she had the State prepare an order for transport for parties to reach an agreement on a Judge. Mr. Smith believed the motion is untimely and he asked the Court to strike the motion for recusal herself, otherwise, he asked to give it to Chief Judge Ritchie. Court advised she wanted to give the parties an opportunity to select a Judge. Upon Court's inquiry, Deft Lobato reviewed the Legal Directory and chose Judge Smith and the State agreed. Court directed the clerk to email Dept 8 for a date in two weeks. COURT ORDERED, motions (2) to be TRANSFERRED and heard by Judge Smith on 10/20/10 at 8:30 a.m. in Dept 8 and State to prepare the order for transport for that date.

NDC

01C177394

10/20/10 8:30 AM STATE'S MOTION TO STRIKE OR, IN THE ALTERNATIVE, OPPOSITION TO
DEFENDANT'S MOTION FOR RECUSAL OF JUDGE VEGA

01C177394

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 19, 2010

01C177394

The State of Nevada vs Kirstin B Lobato

October 19, 2010

9:00 AM

Motion

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Shelly Landwehr

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Petitioner Lobato's Notice Of Motion And Motion For Reconsideration And Vacating Of The Court's Order Striking Three Motion's By Petitioner, And Petitioner's Response To The State's Motion To Strike Or, In The Alternative, Opposition To Improper Motion For Recusal Of Judge Vega, Expedited Hearing, And Extension Of Time, And Assignment Of Civil Case Number

Court NOTED Deft. was not transported and ORDERED matter CONTINUED to 11/09/10.

NDC

CLERK'S NOTE: COPY OF MINUTES MAILED TO DEFT. AT FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 20, 2010

01C177394

The State of Nevada vs Kirstin B Lobato

October 20, 2010

8:30 AM

All Pending Motions

Petitioner Lobato's
Notice of Motion and
Motion for Recusal of
Judge Valorie Vega;
State's Motion to
Strike or, In the
Alternative,
Opposition to
Defendant's Motion
for Recusal of Judge
Vega

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Kephart, William D	Attorney
	Lobato, Kirstin B	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court stated motion alleges bias by Judge Vega and noted motion is not coherent. Court further noted motion was filed by Michelle Ravell, who is not a licensed attorney. Deft. present. Court advised Deft. he was going to have Ms. Ravell placed in front of the State Bar. Deft. advised she gave Ms. Ravell power of attorney. Court stated there being no showing of bias on the part of Judge Vega as she is a fine judge, ORDERED, motion DENIED. FURTHER, pending status checks and motions are to be in front Judge Vega. Deft. advised she in between counsel at this time. COURT SO NOTED.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2010

01C177394

The State of Nevada vs Kirstin B Lobato

November 09, 2010 9:00 AM

All Pending Motions

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barrick, Travis N.	Attorney
	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Tyler Smith, DDA present for the State.

STATUS CHECK: RESET HEARING DATE ON DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: RESET HEARING DATE ON DEFT'S PRO PER MOTION FOR THE COURT CLERK TO ASSIGN A CIVIL CASE NUMBER AS REQUIRED BY THE NRS...STATUS CHECK: RESET HEARING DATE ON DEFT'S PRO PER MOTION FOR AN EXPEDITED HEARING AND MOTION FOR AN EXTENSION OF TIME TO FILE AN ANSWER TO THE STATE'S RESPONSE...DEFT'S PRO PER MOTION FOR RECONSIDERATION AND VACATING OF THE COURT'S ORDER STRIKING THREE MOTION'S BY PETITIONER, AND PETITIONER'S RESPONSE TO THE STATE'S MOTION TO STRIKE OR, IN THE ALTERNATIVE, OPPOSITION TO IMPROPER MOTIONS FOR RECUSAL OF JUDGE VEGA, EXPEDITED HEARING AND EXTENSION OF TIME, AND ASSIGNMENT OF CIVIL CASE NUMBER...DEFT'S PRO PER MTOION FOR AN ORDER IN ACCORDANCE WITH THE PRISONER MAILBOX RULE THAT THE CLERK'S OFFICE CORRECT THE FILING DATE TO SEPTEMBER 10, 2010, OF DEFT'S NOTICE OF MOTION FILE AN ANSWER TO THE STATE'S RESPONSE

Mr. Barrick advised notice of appearance was filed and he advised Ms. Lobato is the Petitioner and he insisted that she be referred as the Petitioner. Court advised Lobato filed under the criminal case

01C177394

and she is the Defendant in the case. Court noted the Petition is extensive and would need time to prepare for argument. Mr. Barrick noted he has travel plans for 12/16th to Baltimore. COURT ORDERED, ALL MOTIONS CONTINUED to 12/15/10 at 1:30 a.m. and State to prepare the order for transport. Mr. Barrick advised he will work with Mr. Smith and may submit a stipulation as to motions.

NDC

CONTINUED TO: 12/15/10 1:30 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 09, 2010

01C177394

The State of Nevada vs Kirstin B Lobato

December 09, 2010 9:00 AM At Request of Court - RDP

HEARD BY: Vega, Valorie J. COURTROOM: RJC Courtroom 16B

COURT CLERK: Sharon Chun

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barrick, Travis N.	Attorney
	Smith, Tyler D., ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ACKNOWLEDGED that Travis Barrick had submitted a Substitution of Counsel and the Court had reviewed it. COURT NOTED that due to the Court's trial schedule, the matters now scheduled for 12/15/10 will have to be moved to another date. Following agreement of counsel, COURT ORDERED, all matters SET for HEARINGS on 1/13/11 at 10:30 A.M, EXCEPT Deft's Pro Per Petition for Writ of Habeas Corpus is to be SET as a STATUS CHECK on 1/13/11 at 10:30 A.M.

NDC

1/13/11-10:30 AM Status Check: Reset Hearing Date On Deft's Pro Per Petition for Writ of Habeas Corpus...Deft's Pro Per Motion for the Court Clerk to Assign a Civil Case Number as Required by the NRS ... Deft's Pro Per Motion for an Expedited Hearing and Motion for An Extension of Time to File an Answer To the State's Response . . . Deft's Pro Per Motion for Reconsideration and Vacating of the Court's Order Striking Three Motion's By Petitioner, and Petitioner's Response to the State's Motion to Strike or, in the Alternative, Opposition to Improper Motions for Recusal of Judge Vega, Expedited Hearing, and Extension of Time, and Assignment of Civil Case Number...Deft's Pro Per Motion for an Order in Accordance with the Prisoner Mailbox Rule that the Clerk's Office Correct the Filing Date to September 10, 2010, of Deft's Notice of Motion for an Expedited Hearing and Motion for an Extension of Time to File an Answer to the State's Response ... Deft's Renewed Motion for Appointment of Counsel ... Deft's Motion for Limited Discovery for Good Cause

01C177394

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 13, 2011

01C177394

The State of Nevada vs Kirstin B Lobato

January 13, 2011

10:30 AM

All Pending Motions

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Tiffany Lawrence; Monique Alberto; Sara Richardson; Sharon Coffman

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barrick, Travis N.	Attorney
	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	Smith, Tyler D., ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: RESET HEARING DATE ON DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: RESET HEARING DATE ON DEFENDANT'S PRO PER MOTION FOR THE COURT CLERK TO ASSIGN A CIVIL CASE NUMBER AS REQUIRED BY THE NRS...STATUS CHECK: RESET HEARING DATE ON DEFENDANT'S PRO PER MOTION FOR AN EXPEDITED HEARING AND MOTION FOR AN EXTENSION OF TIME TO FILE AN ANSWER TO THE STATE'S RESPONSE...DEFENDANT'S PRO PER MOTION FOR RECONSIDERATION AND VACATING OF THE COURT'S ORDER STRIKING THREE MOTION'S BY PETITIONER, AND PETITIONER S RESPONSE TO TE STATE'S MOTION TO STRIKE OR, IN THE ALTERNATIVE, OPPOSITION TO IMPROPER MOTIONS FOR RECUSAL OF JUDGE VEGA, EXPEDITED HEARING, AND EXTENSION OF TIME, AND ASSIGNMENT OF CIVIL CASE NUMBER...DEFENDANT'S PRO PER MOTION FOR AN ORDER IN ACCORDANCE WITH THE PRISONER MAILBOX RULE THAT THE CLERK'S OFFICE CORRECT THE FILING DATE TO SEPTEMBER 10, 2010, OF DEFENDANT'S NOTICE OF MOTION FOR AN EXPEDITED HEARING AND MOTION FOR AN EXTENSION OF TIME TO FILE AN ANSWER TO THE STATE'S RESPONSE...DEFENDANT'S RENEWED MOTION FOR APPOINTMENT OF COUNSEL...DEFENDANT'S MOTION FOR LIMITED DISCOVERY FOR GOOD CAUSE...DEFENDANT'S MOTION FOR LEAVE TO CONDUCT LIMITED DISCOVERY OF

CARDBOARD SHOEPRINT EVIDENCE.

Mr. Barrick advised he wishes to adopt Deft's Pro Per Petition for Writ of Habeas Corpus. COURT ORDERED, matter scheduled for hearing.

Mr. Barrick advised he wishes to adopt Deft's Pro Per Motion for Clerk to Assign a Civil Case Number. COURT ORDERED, matter scheduled for hearing.

Mr. Barrick advised he wishes to withdraw Deft's Motion for Expedited Hearing and Extension of Time with the understanding that State will not strike Deft's Answer to their Response; State acknowledged and agreed to withdraw of the Motion. COURT ORDERED, Motion WITHDRAWN and Status check taken Off-Calendar.

Mr. Barrick advised that Deft's Pro Per Motion for Reconsideration and Vacating Court's Order has been re-filled; therefore, he wished to withdraw the Pro Per Motion. COURT ORDERED, Motion WITHDRAWN.

Mr. Barrick advised that Deft's Pro Per Motion in Accordance with Prisoner's Mailbox Rule has been re-filled; therefore, he wished to withdraw the Pro Per Motion. COURT ORDERED, Motion WITHDRAWN.

Arguments of counsel. Court advised case is in post conviction status and Deft was appointed counsel in both her first and second trial. Moreover, Court noted Deft is not subject to the death penalty in this case; therefore, Deft has not shown good cause for appointment. COURT ORDERED, Deft's Renewed Motion for Appointment of Counsel DENIED pursuant to McKague v. Warden, 112 Nev. 159 (1996). Court directed State to prepare the Order.

Mr. Barrick requested ruling on Deft's Motion for Limited Discovery as it would affect the upcoming hearings. Arguments of counsel. COURT ORDERED, Deft's Motion DENIED without prejudice as premature pursuant to NRS 34.780. Court advised that matter may be renewed if Court determines at the upcoming hearing that an Evidentiary Hearing is warranted. Court directed State to prepare the Order.

Counsel submitted. COURT ORDERED, Deft's Motion for Leave to Conduct Limited Discovery DENIED without prejudice as premature pursuant to NRS 34.780. Court advised that matter may be renewed if Court determines at the upcoming hearing that an Evidentiary Hearing is warranted. Court directed State to prepare the Order.

NDC

03/01/11 10:30AM - HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

03/01/11 10:30AM - HEARING: DEFT'S MOTION FOR COURT CLERK TO ASSIGN A CIVIL CASE

01C177394

NUMBER AS REQUIRED BY NRS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 01, 2011

01C177394

The State of Nevada vs Kirstin B Lobato

March 01, 2011

10:30 AM

All Pending Motions

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barrick, Travis N.	Attorney
	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	Smith, Tyler D., ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- HEARING: PETITION FOR WRIT OF HABEAS CORPUS...HEARING: MOTION FOR COURT CLERK TO ASSIGN A CIVIL CASE NUMBER AS REQUIRED BY NRS

HEARING: MOTION FOR COURT CLERK TO ASSIGN A CIVIL CASE NUMBER AS REQUIRED BY NRS: Argument by Mr. Barrick as a remedy for the Court to order a new case and this docket would end and a new docket starts. Opposition by Ms. DiGiacomo due to challenge of her underlying conviction and this is a criminal matter. Court stated her findings, and ORDERED, motion DENIED pursuant to NRS 34.730(3).

Court addressed the second issue is she received yesterday as a document, a supplemental exhibits to Petitioner's answer and support of Petition to Writ of Habeas Court and after she received that courtesy copy, she then received a courtesy copy of a document, State's opposition and motion to strike Deft's supplemental exhibit to Petitioner's answer in support of the Writ of Habeas Corpus. Mr. Barrick indicated he will not oppose the State's motion to strike. COURT ORDERED, State's motion to STRIKE supplement exhibit GRANTED pursuant to EDCR 3.20. State to prepare the order and pass it to Mr. Barrick for review prior to review by the Court. Procedurally for all the orders issued today will ask that they be reviewed by both sides. Mr. Barrick moved to renew his motion to appoint Mr.

PRINT DATE: 09/07/2011

Page 118 of 128

Minutes Date:

August 10, 2001

Oram. Court advised there is no rule that allows a motion for reconsideration for criminal motions and will not entertain an oral motion today absent Points and Authorities. .

HEARING: PETITION FOR WRIT OF HABEAS CORPUS: Conference at the bench. COURT ORDERED, Court's exhibits 1 thru 4 marked pursuant to ground #43. (See worksheet.) Exhibits of the four documents were distributed to counsel. Court noted the highlighted on Court's exhibits 1 - 4 were placed by the Court. Argument by Mr. Barrick on the Petition for Writ of Habeas Corpus. Court inquired for clarification as to ground #23. Mr. Tyler advised he will argue on #1 thru #21 and respond to #23 and he argued. Response by Mr. Barrick. Court stated her findings and ORDERED, Decision as to the grounds as follows:

1, 2 and 3 - DENIED pursuant to D'Agostino v. State, 112 Nev. 417 (1996);

4 - DENIED pursuant to the same case D'Agostino and Herrera v. Collins, 506 U.S. 390 (1993) and Jackson v. State, 91 Nev. 314 (1975);

5 - DENIED pursuant to Lobato v. State, 120 Nev. 522 (2004) and barred pursuant to Hall v. State, 91 Nev. 314 (1975) and Pellegrini v. State, 117 Nev. 860 (2001);

6 - DENIED pursuant to NRS 34.810;

7 - DENIED pursuant to Herrera v. Collins and NRS 34.810;

8 - DENIED pursuant to Herrera v. Collins and NRS 34.810;

9 - DENIED pursuant to Hargrove v. State, 100 Nev. 498 (1984) and NRS 34.810 and Herrera v. Collins;

10 - DENIED pursuant to Hargrove v. State and NRS 34.810;

11 - DENIED pursuant to Herrera v. Collins and NRS 34.810;

12 - DENIED pursuant to Herrera v. Collins and NRS 34.810;

13 - DENIED pursuant to Herrera v. Collins and NRS 34.810 and Hargrove v. State;

14 - DENIED pursuant to Herrera v. Collins and NRS 34.810;

15 - DENIED pursuant to Hargrove v. State;

16 - DENIED pursuant to Herrera v. Collins and NRS 34.810;

17 - DENIED pursuant to Herrera v. Collins and NRS 34.810 and Hargrove v. State;

- 18 - DENIED pursuant to Herrera v. Collins and NRS 34.810;
- 19 - DENIED pursuant to Herrera v. Collins and NRS 34.810 and NRS 201.450 and Lobato v. State, 120 Nev. 522 (2004);
- 20 - DENIED pursuant to Herrera v. Collins and NRS 34.810;
- 21 - DENIED, issue as previously ruled on by the Nev. Sp. Crt and therefore, Barred pursuant to Lobato v. State, 120 Nev. 522 (2004) and Hall v. State, 91 Nev. 314 (1975) and NRS 34.810;
- 22 - DENIED pursuant to Herrera v. Collins, NRS 34.810 and Hargrove v. State;
- 23 - DENIED pursuant to all the Law cited under grounds 1 thru 22, inclusive;
- 24 - DENIED pursuant to Herrera v. Collins and NRS 34.810;
- 25 - DENIED pursuant to Herrera v. Collins and NRS 34.810;
- 26 - DENIED pursuant to Herrera v. Collins and NRS 34.810;
- 27 - DENIED pursuant to Strickland v. Washington, 466 U.S. 668, 104 S. Ct. (1984);
- 28 - DENIED pursuant to Strickland v. Washington;
- 29 - DENIED pursuant to Strickland v. Washington;
- 30 - DENIED pursuant to Strickland v. Washington, Molina v. State, 120 Nev. 185 (2004); and Hargrove v. State;
- 31 - DENIED pursuant to Strickland v. Washington, Molina v. State, and Hargrove v. State;
- 32 - DENIED pursuant to Strickland v. Washington and Rhyne v. State, 118 Nev. 28 (1991);
- 33 - DENIED pursuant to Strickland v. Washington and Rhyne v. State;
- 34 - DENIED pursuant to Strickland v. Washington and Rhyne v. State;
- 35 - DENIED pursuant to Strickland v. Washington, Rhyne v. State and Ennis v. State, 122 Nev. 694 (2006);
- 36 - DENIED pursuant to Strickland v. Washington and Rhyne v. State;

37 - DENIED pursuant to Strickland v. Washington and Herrera v. Collins;

38, 39, 40 and 41 - the ruling is the same for all four grounds, DENIED pursuant to Strickland v. Washington, Herrera v. Collins, Rhyne v. State and NRS 34.810;

42 - DENIED pursuant to Strickland v. Washington, Rhyne v. State, Herrera v. Collins and NRS 34.810;

43 - DENIED pursuant to Strickland v. Washington, Herrera v. Collins, NRS 34.810 and notice on file which have been marked as Court's exhibits 1, 2 and 3;

44 - DENIED pursuant to Strickland v. Washington, Rhyne v. State; Herrera v. Collins and NRS 34.810;

45 - DENIED pursuant to Strickland v. Washington, Ennis v. State, Herrera v. Collins and NRS 34.810;

46 - DENIED pursuant to Rowland v. State, 118 Nev. 31 (2002);

47 - DENIED pursuant to Hall v. State, Pellegrini v. State, Strickland v. Washington, Herrera v. State and NRS 34.810;

48 - DENIED pursuant to Strickland v. Washington, Herrera v. State and NRS 34.810;

49 - DENIED pursuant to Riker v. State, 111 Nev. 1316 (1995), State v. Green, 81 Nev. 173 (1965) and Ennis v. State;

50 - DENIED pursuant to Rhyne v. State, Strickland v. Washington, Herrera v. Collins and NRS 34.810;

51 - DENIED pursuant to Lobato v. State and Hall v. State;

52 - DENIED pursuant to Hargrove v. State, 100 Nev. 498 (1984);

53 - DENEID pursuant to Strickland v. Washington, Herrera v. Collins and NRS 34.810;

54 - DENIED pursuant to Strickland v. Washington, Rhyne v. State, Lobato v. State, Hall v. State, and Ennis v. State;

55 - DENIED pursuant to Strickland v. Washington, and Rhyne v. State;

56 - DENIED pursuant to Molina v. State, 120 Nev. 185 (2004) and Strickland v. Washington;

As to 57, cited to the case was *Melendez-Diaz v. Massachusetts*, 129 S. Ct. 2527 (U.S. 6-25 (2009) and per our State statute NRS Chapter 51 and 51.135 record of regularly conducted activity and NRS 51.145 absence of entry and record of regularly conducted activities, NRS 51.315 generated exception and exception to the hearsay rule defined under NRS 51.035;

57 DENIED pursuant to NRS Chapter 51 and *Ennis v. State* and *Strickland v. Washington*;

58 - DENIED pursuant to *Hargrove v. State*;

59 - DENIED pursuant to *Lobato v. State*, *Ennis v. State* and *Hargrove v. State*;

60 - DENIED pursuant to *Strickland v. Washington*, *Weber v. State*, 121 Nev. 554 (2005), *Guy v. State*, 108 Nev. 770 (1992), and *Ennis v. State*;

61 - DENIED pursuant to *Strickland v. Washington*, NRS 175.221 and *Lord v. State*, 107 Nev. 28 (1991);

62 and 63 - DENIED pursuant to NRS 201.450; *Lobato v. State*, *Strickland v. Washington*, *Herrera v. Collins*, *Ennis v. State* and NRS 34.810;

64 - DENIED pursuant to *Yarborough v. Gentry*, 540 U.S. 1, (2003), *Rhyne v. State* and *Strickland v. Washington*;

65 - DENIED pursuant to *Rice v. State*, 113 Nev. 1300 (1997) and *Strickland v. Washington*;

66 - DENIED pursuant to *Yarborough v. Gentry* and *Strickland v. Washington*;

67 - DENIED pursuant to *Domingues v. State*, 112 Nev. 683 (1996), *Ennis v. State* and *Strickland v. Washington*;

- 68 - DENIED pursuant to *Rowland v. State*, 118 Nev. 31 (2002) and *Ennis v. State*;

69 - DENIED pursuant to *State v. Green*, 81 Nev. 173 (1965), *Ennis v. State* and *Strickland v. Washington*;

70 - DENIED pursuant to *Strickland v. Washington*, *Hargrove v. State*, and *Ennis v. State*;

71 - DENIED pursuant to *D'Agostino v. State*, *Herrera v. Collins*, *Rhyne v. State* and *Strickland v. Washington*;

72 - DENIED pursuant NRS 34.810, *Hall v. State*, *Lobato v. State*, and *Strickland v. Washington*;

73 - concerns a letter, DENIED pursuant to Herrera v. Collins, Hargrove v. State, Molina v. State and Strickland v. Washington and noted Court is not ruling today on the Petition regarding the DNA testing pursuant to NRS 176.0918 which will be given a hearing date;

74 - DENIED pursuant to Lobato v. State, NRS 34.810, Hall v. State and Strickland v. Washington;

75 - DENIED pursuant to Lobato v. State, Hall v. State, Strickland v. Washington and EDCR 3.20;

76 - DENIED pursuant to Ennis v. State and Strickland v. Washington;

77 - DENIED based on all of the Law on grounds 1 thru 76 and Mulder v. State, 116 Nev. 1 (2000)

78 - DENIED pursuant to the Law cited on the ruling on grounds 1 thru 24 pertaining to evidence, NRS 176.515, Ennis v. State and Mulder v. State;

79 - DENIED pursuant to Hargrove v. State and Strickland v. Washington;

As an overall wrap up, Court finds through out the Petition Defendant sought appointment of counsel, sought an Evidentiary Hearing, sought new trial, none of which are warranted here and the Court had some new affidavits presented but they were unsubstantiated and based on their belief with speculation, there was no new evidence presented, the Defendant got new people to review the old evidence presented at trial, that was available at trial to elaborate on it. State to prepare the order and pass it by Mr. Barrick for review prior to submission to the Court. Mr. Smith requested the transcript for the rulings. COURT SO ORDERED. Court asked the Court Recorder to have the transcript of the ruling prepared from today's proceedings.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2011

01C177394

The State of Nevada vs Kirstin B Lobato

March 31, 2011

9:00 AM

Petition

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barrick, Travis N.	Attorney
	Smith, Tyler D., ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted Deft not present and waives her appearance as she is in the prison. COURT ORDERED, Briefing schedule set as follows: State to file opposition 4/14/11, Mr. Barrick to file reply 4/28/11 and matter set for 5/10/11 at 10:30 a.m. Court directed the Stated to prepare an Order for transport of Deft for 5/10th.

NDC

5/10/11 10:30 AM STATUS CHECK: DEFT'S PETITION REQUESTING POST-CONVICTION DNA TESTING PURSUANT TO NRS 176.0918

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 26, 2011

01C177394

The State of Nevada vs Kirstin B Lobato

April 26, 2011

11:00 AM

Hearing

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barrick, Travis N.	Attorney
	Smith, Tyler D., ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court indicated she toured the evidence vault with Ann Sly and noted the vault has the evidence from this case. Mr. Smith advised there is evidence in the LVPD vault and he provided a copy of the inventory report of items of evidence. Court stated she didn't know what evidence was not used at trial but items of evidence from the 2002 and 2006 trial are in the Clerk's vault and copy listing items of evidence prepared by Ms. Sly provided to counsel. COURT ORDERED, All evidence with Metro vault and/or Clerk's vault be maintained by the custodian and the LVMPD Inventory list marked as Court's exhibit #1; matter set for 5/10/11 STANDS. State to prepare the order.

Court asked the clerk to left side file the letter from Mr. Barrick and email from Ms. Sly.

01C177394

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 10, 2011

01C177394

The State of Nevada vs Kirstin B Lobato

May 10, 2011

10:30 AM

Petition

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Melissa Benson

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Barrick, Travis N. Attorney
Smith, Tyler D., ESQ Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft's presence waived. Ms. DiGiacomo not present and unable to return from a meeting. Colloquy as to continuing the matter. COURT ORDERED, matter CONTINUED for presence of all counsel. FURTHER, Deft's appearance shall be waived for the continuance as well.

NDC

CONTINUED TO: 6/7/11 10:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 07, 2011

01C177394

The State of Nevada vs Kirstin B Lobato

June 07, 2011

10:30 AM

Petition

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barrick, Travis N.	Attorney
	DiGiacomo, Sandra	Attorney
	Smith, Tyler D., ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Following arguments by counsel, Court stated her findings, and ORDERED, Deft's Petition for Requesting Post-Conviction DNA testing pursuant to NRS 176.0918 is DENIED pursuant to NRS 176.0918 (7) and (8). State to prepare the order and pass it to Mr. Barrick prior to submission to the Court. Mr. Tyler requested transcript for today be prepared. COURT SO ORDERED. Mr. Barrick moved on an oral motion for reconsideration. Court advised there is no local rule for reconsideration in a criminal motion.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 01, 2011

01C177394

The State of Nevada vs Kirstin B Lobato

September 01, 2011 9:00 AM Motion to Reconsider

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barrick, Travis N.	Attorney
	Smith, Tyler D., ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Barrick asked to waive Deft's presence and argued on his motion to reconsider and for the Court to rule on those three cases. Mr. Smith cited the Buffington case as applies and incorporates orally. Court so notes. Matter submitted by Mr. Barrick. Court stated her findings, and ORDERED, Deft's motion to reconsider order re: Petition requesting Post-Conviction DNA testing pursuant to NRS 176.0918 DENIED pursuant to EDCR 3.20 for lack of authority and Court declines to rule on those defenses. Mr. Smith to prepare the order and pass it to Mr. Barrick prior to submitting it to the Court.

NDC

VAULT EXHIBIT FORM

CASE NO:	C177394	HEARING DATE:	APR 26 2011
DEPT. NO.	2	JUDGE:	VALORIE J. VEGA
		CLERK:	NORA PEÑA
		REPORTER:	Lisa Lizotte
PLAINTIFF:	The State of Nevada	JURY FEES:	
		COUNSEL FOR PLAINTIFF:	ERCAN ISCAN
DEFENDANT:	Kirstin Lobato	COUNSEL FOR DEFENDANT:	Travis Barrick

Court's Exhibit

Date Offered Objection Date Admitted

Court's Exhibit	Date Offered	Objection	Date Admitted
1. Las Vegas Metro Police Dept Inventory List of evidence	4-26-11	no	4-26-11

Vault Exhibit Form

CASE NO: <i>C177394</i>	HEARING DATE: <i>MAR - 1 2011</i>
DEPT. NO. <i>2</i>	JUDGE: <i>VALORIE J. VEGA</i>
	CLERK: <i>NORA PENA</i>
	REPORTER: <i>Lisa Lizotte</i>
PLAINTIFF: <i>The State of Nevada</i>	JURY FEES:
	COUNSEL FOR PLAINTIFF: <i>Tyler Smith &</i>
DEFENDANT: <i>Kirstin Blaise Lobato</i>	<i>Sandra Digiacomo</i>
	COUNSEL FOR DEFENDANT: <i>Travis Barrick</i>

Court's Exhibits:

Date Offered Objection Date Admitted

	Date Offered	Objection	Date Admitted
<i>1. Information filed 8-9-01</i>	<i>3-1-11</i>	<i>NO</i>	<i>3-1-11</i>
<i>2. Notice of Expert witnesses filed 9-14-01</i>	<i>3-1-11</i>	<i>NO</i>	<i>3-1-11</i>
<i>3. Notice of Expert witnesses filed 8-21-06</i>	<i>3-1-11</i>	<i>NO</i>	<i>3-1-11</i>
<i>4. Article on "A view from the Bench" regarding William Kephart</i>	<i>3-1-11</i>	<i>NO</i>	<i>3-1-11</i>

VAULT EXHIBIT FORM

CASE NO. C177394

TRIAL DATE: 9/11/06

DEPT. NO. _____

JUDGE: V. ALDRIE VEGA

CLERK: _____

THE STATE OF NEVADA
PLAINTIFF

REPORTER: LISA LIZOTTE

KIRSTIN BLAISE LOBATO
vs

KERRIART / S. DIGIACOMO
COUNSEL FOR PLAINTIFF

DEFENDANT

SCHIECK / GREENBERGER / ZALKIN
COUNSEL FOR DEFENDANT

STATE EXHIBITS

			OFFERED DATE		ADMITTED OBJ	DATE
1	Photo	NV State Bank Sign	9/14	✓	NO	9/14
2		Parking area		✓		
3		" "		✓		
4		Trash Bin area	9/14	✓	NO	9/14
5		"	9/14	✓	NO	9/14
6		Trash Bin area	9/14	✓	NO	9/14
7		"		✓		
8		"		✓		
9		"		✓		
10		"		✓		
11		"		✓		
12		" w/ body		✓		
13		" "		✓		
14		"		✓		
15		" w/ body		✓		

STATE EXHIBITS

CASE NO. C177394

Date Offered OBJ Admitted Date

			9/4	✓	NO	✓	9/4
16	Photo	Trash area w/body		✓		✓	
17		"		✓		✓	
18		"		✓		✓	
19		"		✓		✓	
20		"		✓		✓	
21		"		✓		✓	
22		"		✓		✓	
23		"		✓		✓	
24		"		✓		✓	
25		"		✓		✓	
26		"		✓		✓	
27		"		✓		✓	
28		"		✓		✓	
29		"		✓		✓	
30		"		✓		✓	
31		"		✓		✓	
32		"		✓		✓	
33		"		✓		✓	
34		"		✓		✓	
35		"		✓		✓	
36		"		✓		✓	
37		"		✓		✓	
38			9/21	✓	NO	✓	9/21

STATE

EXHIBITS

CASE NO. C 177394

		OFFERED		ADMITTED		
		DATE	OBJ	DATE		
-39						
-40	Photo	9/21	✓ ND	9/21	✓	
-41	Photo	9/20	✓ ND	9/20	✓	
-42	Photo	9/19	✓ ND	9/19	✓	
-43	}	9/19	✓ ND	9/19	✓	
-44			✓		✓	
-45			✓		✓	
-46		Photo		✓		✓
-47				✓		✓
-48	} Slip Slaps	9/20	✓ ND	9/20	✓	
-49		9/21	✓ ND	9/21	✓	
-50		9/21	✓ ND	9/21	✓	
-51		9/20	✓ ND	9/20	✓	
-52		9/20	✓ ND	9/20	✓	
-53		9/20	✓ ND	9/20	✓	
-54		9/21	✓ ND	9/21	✓	
-55		9/20	✓ ND	9/20	✓	
-56		9/19	✓ ND	9/19	✓	
-57				✓		✓
-58			✓		✓	
-59			✓		✓	
-60			✓		✓	

STATE

EXHIBITS

CASE NO. C177394

		OFFERED DATE	✓	OBJ	ADMITTED DATE	✓
- 61	Photo	9/9	✓	NO	9/9	✓
- 62	}	}	✓	}	}	✓
- 63			✓			✓
- 64			✓			✓
- 65			✓			✓
- 66			✓			✓
- 67			✓			✓
- 68			✓			✓
- 69						
- 70	Photo	9/9	✓	NO	9/9	✓
- 71	}	}	✓	}	}	✓
- 72			✓			✓
- 73			✓			✓
- 74			✓			✓
- 75			✓			✓
- 76			✓			✓
- 77			✓			✓
- 78			✓			✓
- 79			✓			✓
- 80			✓			✓
- 81			✓			✓
- 82			✓			✓

STATE

EXHIBITS

CASE NO. C177394

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	DATE
/ 83	Photo	9/19	✓ NO	✓	9/19
/ 84	{	✓	✓	✓	✓
/ 85		✓	✓	✓	✓
/ 86		✓	✓	✓	✓
87		✓	✓	✓	✓
/ 88		✓	✓	✓	✓
/ 89		✓	✓	✓	✓
/ 90		✓	✓	✓	✓
/ 91		✓	✓	✓	✓
/ 92		✓	✓	✓	✓
/ 93		✓	✓	✓	✓
/ 94		✓	✓	✓	✓
/ 95		✓	✓	✓	✓
/ 96		✓	✓	✓	✓
/ 97		✓	✓	✓	✓
/ 98					
/ 99	Photo	9/27	✓ NO	✓	9/27
/ 100	{	✓	✓	✓	✓
/ 101		✓	✓	✓	✓
/ 102		✓	✓	✓	✓
/ 103		9/25	✓ NO	✓	9/25
/ 104		9/25	✓ NO	✓	9/25

STATE

EXHIBITS

CASE NO. C177394

			OFFERED		ADMITTED	
			DATE	OBJ	DATE	OBJ
-105	Photo	V				
-106	}	Veh.	9/8	✓	NO	✓ 9/8
-107		Veh.	(✓	(✓ (
-108		Veh.	}	✓	}	✓ }
-109		Veh. Interior	9/5	✓	NO	✓ 9/5
-110	}	Seat	9/5	✓	NO	✓ 9/5
-111		"	9/5	✓	NO	✓ 9/5
-112		"	9/5	✓	NO	✓ 9/5
-113		"	9/5	✓	NO	✓ 9/5
-114		Door panel	9/5	✓	NO	✓ 9/5
-115			9/21	✓	NO	✓ 9/21
-116		Trash Bin area	9/4	✓	NO	✓ 9/4
-117		" " "	(✓	(✓ (
-118		" " "	}	✓	}	✓ }
-119		" " "	(✓	(✓ (
-120	" " "	}	✓	}	✓ }	
-121	Blow-up Photo of crime scene		9/4	✓	NO	✓ 9/4
-122	" Body diagram		9/9	✓	NO	✓ 9/9
-123	Rights cards		9/27	✓	NO	✓ 9/27
-124	Consent to search cards		9/27	✓	NO	✓ 9/27
-125-A	Lobato typed statement		9/27	✓	NO	✓ 9/27
-126						

			OFFERED		ADMITTED	
			DATE	OBJ	DATE	DATE
✓127	Pat & Wrapping	sm wrappings 127-A Bot 127-B	9/21	✓ NO	✓	9/21
✓128	Bag	Seat covers	9/21	✓ NO	✓	9/21
✓129	Bag	w/ Tan Pants + White Socks	9/25	✓ NO	✓	9/25
✓130	Bag	w/ Plaid shirt	9/25	✓ NO	✓	9/25
✓131	Door Panel		9/21	✓ NO	✓	9/21
✓132						
✓133	Assidant of	Cons. of Recs.	9/15	✓ Dip	✓	9/15
✓133-A						
✓134	Photo		9/27	✓ NO	✓	9/27
✓135	{		✓	{	✓	{
✓136	{		✓	{	✓	{
✓137	Photo	Planter area	9/14	✓ NO	✓	9/14
✓138	{	" "	9/21	✓ NO	✓	9/21
✓139	{	" "	9/14	✓ NO	✓	9/14
✓140	{	Tire tracks	9/21	✓ NO	✓	9/21
✓141	{	Tire tracks	9/21	✓ NO	✓	9/21
✓142	Photo	Trash area	9/14	✓ NO	✓	9/14
✓143	{	" "	✓	{	✓	{
✓144	{	" "	✓	{	✓	{
✓145	{		9/21	✓ NO	✓	9/21
✓146	{		9/20	✓ NO	✓	9/20
✓147	{		9/20	✓ NO	✓	9/20

STATE

EXHIBITS

CASE NO. C177394

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	OBJ
✓ 148	Photo	9/20	✓ NO	9/20	✓
✓ 149		9/21	✓ NO	9/21	✓
✓ 150		✓	✓	✓	✓
✓ 151		✓	✓	✓	✓
✓ 152		9/20	✓ NO	9/20	✓
✓ 153		9/21	✓ NO	9/21	✓
✓ 154	Bag - Black shoes	9/25	✓ NO	9/25	✓
✓ 154-A		9/25	✓ NO	9/25	✓
✓ 155	Bag - Cardboard Box	9/22	✓ NO	9/22	✓
✓ 155-A		9/22	✓ NO	9/22	✓
✓ 156	Bag - Box bottom	9/22	✓ NO	9/22	✓
✓ 156-A		9/22	✓ NO	9/22	✓
✓ 157	Bag - Beer Can	9/22	✓ NO	9/22	✓
✓ 157-A		9/22			
✓ 158	Bag	9/22			
✓ 158-A	Aug. 200 mag.	9/22			
✓ 158-B	Adult mag.	9/22			
✓ 159	Bag Brown Ashes	9/22	✓ NO	9/22	✓
✓ 159-A		9/22	✓ NO	9/22	✓
✓ 160	Bag Decks	9/22	✓ NO	9/22	✓
✓ 160-A		9/22	✓ NO	9/22	✓
✓ 161	Bag - Box	9/22	✓ NO	9/22	✓
✓ 161-A		9/22	✓ NO	9/22	✓

			OFFERED		ADMITTED	
			DATE	OBJ	DATE	OBJ
✓ 162	Bag - Hairpick	9/22	✓	NO	✓	9/22
✓ 162-A		9/22	✓	NO	✓	9/22
✓ 163	Bag - Cardboard	9/22	✓	NO	✓	9/22
✓ 163-A		2	2	1	2	2
✓ 164	Bag - Chain	9/22	✓	NO	✓	9/22
✓ 164-A		9/22	✓	NO	✓	9/22
✓ 165	Bag watches	9/25	✓	NO	✓	9/25
✓ 165-A		9/25	✓	NO	✓	9/25
✓ 166	Bag metal	9/25	✓	NO	✓	9/25
✓ 166-A		9/25	✓	NO	✓	9/25
✓ 167	Bag post-it note	9/25	✓	NO	✓	9/25
✓ 167-A		9/25	✓	NO	✓	9/25
✓ 168	Bag Gum	9/22	✓	NO	✓	9/22
✓ 168-A		9/22	✓	NO	✓	9/22
1 ✓ 169	Bag ATM Receipt	9/22	✓	NO	✓	9/22
✓ 169-A		9/22	✓	NO	✓	9/22
✓ 170	Bag Rock	9/22	✓	NO	✓	9/22
✓ 170-A		9/22	✓	NO	✓	9/22
✓ 171	Bag Buttons	9/22	✓	NO	✓	9/22
✓ 171-A		9/22	✓	NO	✓	9/22
✓ 172	Bag Condom pack	9/22	✓	NO	✓	9/22
✓ 172-A		9/22	✓	NO	✓	9/22

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	OBJ
✓173	Bag Boarding Pass	9/22 ✓	NO ✓	9/22 ✓	
✓173-A		9/22 ✓	NO ✓	9/22 ✓	
✓174	Bag Cigarette box	9/22 ✓	NO ✓	9/22 ✓	
✓174-A		9/22 ✓	NO ✓	9/22 ✓	
✓175	Bag Chain Link	9/22 ✓	NO ✓	9/22 ✓	
✓175-A					
✓175-B					
✓175-C					
✓175-D					
✓175-E					
✓176	Bag	9/25 ✓	NO ✓	9/25 ✓	
✓176 A	Matchbook				
✓176 B	Wallet				
✓176 C	Paper				
✓177	Bag Gum/Wrappers	9/22 ✓	NO ✓	9/22 ✓	
✓177-A					
✓177-B					
✓177-C					
-178	Photo - vehicle	9/25 ✓	NO ✓	9/25 ✓	
-179	veh.	9/25 ✓	NO ✓	9/25 ✓	
-180	veh.	9/8 ✓	NO ✓	9/8 ✓	
-181	veh.	9/8 ✓	NO ✓	9/8 ✓	

STATE EXHIBITS

CASE NO. C177394

				OFFERED		ADMITTED	
				DATE	OBJ	DATE	
- 182	Photo	veh		9/25	✓ NO	9/25	✓
- 183	}	veh	Stoorboard	9/21	✓ NO	9/21	✓
- 184		veh	interior		✓		✓
- 185		"	"		✓		✓
- 186		"	"		✓		✓
- 187		"	"		✓		✓
- 188		"	"		✓		✓
- 189		"	Stoorboard		✓		✓
- 190		"	dash board		✓		✓
- 191		"	Stoorboard		✓		✓
- 192		"	door panel		✓		✓
- 193	"	door panel		✓		✓	
✓ 194	Vol.	Statement of Stephen Ryszkowski					
✓ 195	Vol.	statement of M. Austria					
- 196	Photo	Defendant		9/8	✓ NO	9/8	✓
- 197	Photo	Defendant		9/8	✓ NO	9/8	✓
- 198	Vol.	statement of P. Brown					
- 199	Photo	body		9/9	✓ NO	9/9	✓
- 200	}	"			✓		✓
- 201		"			✓		✓
- 202		legs				✓	
- 203		body			✓		✓

STATE

EXHIBITS

CASE NO. C177394

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
✓ 204	Photo body	9/19	✓ NO	9/19	✓
✓ 205	}	(✓	(✓
✓ 206		(✓	(✓
✓ 207		(✓	(✓
✓ 208		(✓	(✓
✓ 209		(✓	(✓
✓ 210		(✓	(✓
✓ 211		(✓	(✓
✓ 212		(✓	(✓
✓ 213		(✓	(✓
✓ 214		(✓	(✓
✓ 215	(✓	(✓	
216	Vol. Statement of C. Carrington				
✓ 217	Photo	9/20	✓ NO	9/20	✓
✓ 218	}	(✓	(✓
✓ 219		(✓	(✓
✓ 220		9/20	✓ NO	9/20	✓
✓ 221		(✓	(✓
✓ 222		(✓	(✓
✓ 223	(✓	(✓	
✓ 224	(✓	(✓	
✓ 225	(✓	(✓	

STATE

EXHIBITS

CASE NO. C177394

		OFFERED DATE	OBJ	ADMITTED DATE	
- 226	Photo	9/21	✓ NO	9/21	✓
- 227		9/21	✓ NO	9/21	✓
- 228			✓		✓
✓ 229			✓		✓
- 230			✓		✓
✓ 231			✓		✓
✓ 232			✓		✓
✓ 233			✓		✓
✓ 234			✓		✓
✓ 235			✓		✓
✓ 236			✓		✓
✓ 237			✓		✓
✓ 238			✓		✓
✓ 239			✓		✓
✓ 240			✓		✓
✓ 241			✓		✓
✓ 242			✓		✓
✓ 243			✓		✓
✓ 244			✓		✓
✓ 245			✓		✓
✓ 246			✓		✓
✓ 247			✓		✓

STATE

EXHIBITS

CASE NO. C177394

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	OBJ
✓ 248) Photo	9/21	✓ NO	✓	9/21
✓ 249) ((✓ (✓	(
✓ 250) ((✓ (✓	(
✓ 251) Homicide Legend Diagram	9/22	✓ NO	✓	9/22
✓ 252) " "	9/22	✓ NO	✓	9/22
✓ 253) " " list	9/22	✓ NO	✓	9/22
✓ 254) Photo beer can	9/22	✓ NO	✓	9/22
✓ 255) Bag - Clear plastic bag	9/25	✓ NO	✓	9/25
✓ 255A) Clear plastic bag w/apparent blood	9/25	✓ NO	✓	9/25
✓ 256) Photo womens shoes black	9/25	✓ NO	✓	9/25
✓ 257) Photo womens shoes black	9/25	✓ NO	✓	9/25
258) Large Photo of Dept.	9/25	✓ NO	✓	9/25
259) Media Release	9/25	✓ NO	✓	9/25
260) DR. LAUFER CV	9/26	✓ NO	✓	9/26
261) Photo of scissors	9/26	✓ NO	✓	9/26
262) Butterfly Knife	9/27	✓ NO	✓	9/27
263) Photo	10/4	9/28 ✓ NO	✓	10/4
264) Photo	10/4	9/28 ✓ NO	✓	10/4
265) Photo	10/4	✓ NO	✓	10/4
266) Photo	(✓ (✓	(
267) Photo	(✓ (✓	(
268) Photo	(✓ (✓	(

~~STATE~~

EXHIBITS

CASE NO. C177394

	DATE	OFFERED	OBJ	ADMITTED	DATE
		DATE			
269) Photo arial map	9/28	✓	NO	✓	9/28
270) Photo arial map	9/28	✓	NO	✓	9/28
271) Brent Turvey report of 10/17/05					
272) Vol. statement of Twining					

DEFENDANT'S EXHIBITS

CASE NO. C177394

Date Offered OBJ Admitted Date

		Date	Offered	OBJ	Admitted	Date	
- A	Photo Trash area	9/14	✓	NO	✓	9/14	
- B	"	9/14	✓	NO	✓	9/14	
- C	}	9/18	✓	NO	✓	9/18	
- D							
- E		Foot prints	9/14	✓	NO	✓	9/14
- F							
- G							
- G-1							
- G-2							
- G-3							
- H							
- I	Chart - Photo of D. Bailey	9/28	✓	NO	✓	9/28	
- J	Photo - Parker-Sace	9/28	✓	NO	✓	9/28	
- K	Photo	9/28	✓	NO	✓	9/28	
- L	Photo	9/28	✓	NO	✓	9/28	
- M	Photo	9/28	✓	NO	✓	9/28	
- N	Photo	9/28	✓	NO	✓	9/28	
- O							
- P							
- Q							
- R							
- S/S-1 copy	Phone bill - cell	10/1 10/4	✓	NO	✓	10/1 10/4	
- T/T-1 copy	Phone bill - home	10/1 10/4	✓	NO	✓	10/1 10/4	

DEFENDANT'S EXHIBITS

CASE NO. C177394

Date Offered OBJ Admitted Date

		Date	Offered	OBJ	Admitted	Date
- U	Photo	9/28	✓	ND	✓	9/28
- V	S	S	✓	S	✓	S
- W			✓		✓	
- X			✓		✓	
- Y			✓		✓	
- Z	Photo	9/28	✓	ND	✓	
- AA						
- BB						
- BB-1						
- CC						
- DD	Rpt. of Bodziak - Chart	9/29	✓	ND	✓	9/29
- EE	Cell phone bill	10/5	✓	ND	✓	10/5
- FF						
- GG						
- HH	Medical Record (1 page) Statement	9/28	✓	ND	✓	9/28
- II	Cal. of 2001 July					
- JJ	Cal. Chart (enlarged)	9/8	✓	ND	✓	9/8
- KK	Photo scene	9/21	✓	ND	✓	9/21
- LL	" scene	9/21	✓	ND	✓	9/21
- MM	" scene	9/21	✓	ND	✓	9/21
- NN	Photo	9/25	✓	ND	✓	9/25
- OO	S	9/26	✓	ND	✓	9/26
- PP		9/26	✓	ND	✓	9/26

DEFENDANT'S EXHIBITS

CASE NO. CMT7394

Date Offered OBJ Admitted Date

	9/66	✓	NO	✓	9/66
QQ Photo					
RR		✓		✓	
SS		✓		✓	
TT		✓		✓	
UU		✓		✓	
VU		✓		✓	
WW		✓		✓	
XX		✓		✓	
YY		✓		✓	
ZZ		✓		✓	
AAA		✓		✓	
BBB		✓		✓	
CCC		✓		✓	
DDD		✓		✓	
EEE		✓		✓	
FFF & FFF-1		✓		✓	
GGG		✓		✓	
HHH		✓	NO	✓	
IIF		✓		✓	
JJJ		✓		✓	
KKK		✓		✓	
LLL		✓		✓	
MMM		✓		✓	

DEFENDANT'S EXHIBITS

CASE NO. C177394

Date Offered OBJ Admitted Date

		9/26	✓	NO	✓	9/26	
NNN	Photo						
OOO	}		✓		✓		
PPP			✓		✓		
QQQ			✓		✓		
RRR			✓		✓		
SSS			✓		✓		
TTT			✓		✓		
UUU			✓		✓		
VVV			✓		✓		
WWW							
XXX							
YYY			9/26	✓	NO	✓	9/26
ZZZ			9/26	✓	NO	✓	9/26
AAAA			9/26	✓	NO	✓	9/26
BBBB	trash area	10/2	✓	obj.			
CCCC	Scissors	9/26	✓	NO	✓	9/26	
DDDD	Coroner notes - 5 pages						
EEEE	Photo						
FFFF	}						
GGGG							
HHHH							
IIII							
JJJJ							

VAULT EXHIBIT FORM

CASE NO. C177394

TRIAL DATE: 9/11/06

DEPT. NO. II

JUDGE: VALORIE VEGA

THE STATE OF NEVADA

CLERK: BILLIE JO CRAIG

REPORTER: LISA LIZOTE

PLAINTIFF

KIRSTIN BLAISE LOBATO

KEPHART/S. DIGIACOMO
COUNSEL FOR PLAINTIFF

DEFENDANT

SCHIECK/BREINBERGER/ZALKIN
COUNSEL FOR DEFENDANT

COURT EXHIBITS

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	DATE
1) Note from juror Gur				9/11
2) Note from juror Tong				9/12
3) Documents from State, Defense, NRS 175.552				9/13
4) Note from juror Eastburn				9/13
5) Peremptory Challenge Form				9/13
6) Cal. 2001				9/14
7) Note from juror Moir				9/15
8) Note from juror				9/18
9) Note from juror				9/18
10) Note from juror				9/18
11) Note from juror				9/18
12) Note from juror				9/18
13) Note from juror				9/18
14) Note from juror				9/18
15) Note from juror				9/18

COVER

EXHIBITS

CASE NO. C177394

				OFFERED		ADMITTED	
				DATE	OBJ	DATE	OBJ
16)	Note from driver					9/8	
17)	" " "					9/8	
18)	" " "					9/8	
19)	" " "					9/8	
20)	" " "					9/8	
21)	" " "					9/8	
22)	" " "					9/8	
23)	" " "					9/9	
24)	" " "					9/9	
25)	" " "					9/9	
26)	" " "					9/9	
27)	" " "					9/9	
28)	" " "					9/9	
29)	" " "					9/9	
30)	" " "					9/9	
31)	" " "					9/20	
32)	" " "					9/20	
33)	" " "					9/20	
34)	" " "					9/20	
35)	" " "					9/20	
36)	" " "					9/20	
37)	" " "					9/20	

COURT

EXHIBITS

CASE NO. C177394

	OFFERED			ADMITTED	
	DATE	OBJ	DATE	OBJ	DATE
38) Note from Juror					9/60
39) " " "					9/60
40) " " "					9/60
41) " " "					9/60
42) " " "					9/60
43) " " "					9/60
44) " " "					9/60
45) " " "					9/21
46) Note from Juror					9/22
47) " " "					9/22
48) " " "					9/22
49) " " "					9/22
50) " " "					9/22
51) " " "					9/22
52) " " "					9/22
53) " " "					9/22
54) Note From Juror					9/25
55) " " " " "					9/25
56) NRS 629.021					9/27
57) NRS 629.041					9/27
58) Note from Juror					9/27
59) " " "					9/27

COURT

EXHIBITS

CASE NO. C177394

				OFFERED		ADMITTED	
				DATE	OBJ	DATE	OBJ
60)	Note from duor					9/27	
61)	" " "					9/27	
62)	" " "					9/27	
63)	" " "					9/28	
64)	" " "					9/28	
65)	" " "					9/28	
66)	" " "					9/28	
67)	" " "					9/28	
68)	" " "					9/28	
69)	" " "					9/28	
70)	" " "					9/28	
71)	" " "					9/28	
72)	" " "					9/28	
73)	" " "					9/28	
74)	Power Point presentation					9/29	
75)	Heather McBride Vol. Stmt.					10/2	
76)	Note from duor					10/2	
77)	Notes from duor					10/3	
78)	Note from duor					10/3	
79)	" " "					10/3	
80)	" " "					10/4	
81)	" " "					10/4	

COURT EXHIBITS

CASE NO. C177394

				OFFERED	ADMITTED	
				DATE	OBJ	DATE
82)	Note	From	door			10/4
83)	"	"	"			10/4
84)	"	"	"			10/4
85)	"	"	"			10/4
86)	"	"	"			10/4
87)	"	"	"			10/5
88)	"	"	"			10/5
89)	"	"	"			10/6
90)	"	"	"			10/6
91)	"	"	"			10/6
92)	"	"	"			10/6
93)	"	"	"			10/6

Court's

EXHIBITS

CASE NO. C177394

	OFFERED	ADMITTED		
	DATE	OBJ	DATE	
1. Juror Panel # 044 note	5-7-02			
2. Juror " # 081 note	5-7-02			
3. Peremptory Challenge form	5-7-02			
4. Juror #6 note	5-8			
5) Note from Juror # 6	5/10			
6) Note from Juror # 1	5/10			
7) Note from Juror # 3	5/13			
8) " " " # 1	5/16			
9) Fax Cover letter From MR. Brosiak	5/16			
Kites Copy G G1 G2 G3 + H	5/16			
10) Dr Pagaganini Report	5/17			
11) Note Juror # 1	5/17			
12) Note Juror # 6	5/17			
13) Court notes to Jury & Jury response	5-18			

State's

EXHIBITS

CASE NO. C177394

			OFFERED		ADMITTED	
			DATE	OBJ	DATE	
23.	Photograph - Josh Ben area		5/8		5/8	✓
24						✓
25						✓
26						✓
27						✓
28						✓
29						✓
30						✓
31						✓
32						✓
33						✓
34						✓
35						✓
36						✓
37						✓
38			5/8			✓
39		- Coroner - Medical Exam Fee				
40		- Body	5/13	✓ NO OBJ	5/13	✓
41		- "	5/13	✓ NO OBJ	5/13	✓
42		- "	5/9	✓ N/O	5/9	✓
43		- "	5/9	✓ N/O	5/9	✓
44	✓	- Bloody clothes				

Slates

EXHIBITS

CASE NO. C 177394

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
45.	Photograph - Bloody clothes	5/13	✓ NO OBS	5/13	✓
46	" "	5/9	N/O	5/9	✓
47	" "	5/9	N/O	5/9	✓
48	" "	5/9	N/O	5/9	✓
49	Shoes	5/8	N/O	5/8	✓
50	Shoe	5/13	✓ NO OBS	5/13	✓
51	Body	5/13	✓ NO OBS	5/13	✓
52	Coins, etc.	5/13	✓ NO OBS	5/13	✓
53	watch	5/13	✓ NO OBS	5/13	✓
54	Shoes	5/13	✓ NO OBS	5/13	✓
55	Item marked 01-4231	5/13	✓ NO OBS	5/13	✓
56	Body (back area)	5/9	obj on record	5/9	✓
57	Body (Chest, neck head)	5/9	↓	↓	✓
58	" (" " ")	5/9	↓	↓	✓
59	Body (Head / face)	5/9	↓	↓	✓
60	" (Face area)	5/9	↓	↓	✓
61	" (Cheek area)	5/9	↓	↓	✓
62	" (Face)				
63	" (")	5/9	obj on record	5/9	✓
64	" (")	↓	↓	↓	✓
65	" (Head area)	↓	↓	↓	✓
66	" (Head area)	↓	↓	↓	✓

States

EXHIBITS

CASE NO. C177394

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
67.	Photograph	(neck area)	5/9	obj on record	5/9 ✓
68		"	5/9	"	5/9 ✓
69		(autopsy)			
70		"			
71		"	5/9	obj on record	5/9 ✓
72		(Body portion)	5/9	"	5/9 ✓
73		" "			
74		" "	5/9	obj on record	5/9 ✓
75		" "			
76		" "			
77		(Buttox area)			
78		(Body)			
79		(Scrotum area)			
80		" "	✓	✓	✓
81		" "			
82		(penis)	5/9	obj on record	5/9 ✓
83		(Knee area)			
84		(arm + hand)			
85		(hand)			
86		"			
87		(finger)	✓	✓	✓
88	✓	(Thumb)			

STATE'S EXHIBITS

CASE NO. C 177394

		OFFERED	ADMITTED		
		DATE	OBJ	DATE	
89	Photograph - (Thumb)	5/9	obj on record	5/9	✓
90	- (Finger area)				✓
91	(Left arm/hand)				✓
92	(Left hand/side of body)				✓
93	(Left hand + scrotum)	✓	✓	✓	✓ ⁹³
93-A	Cropped portion of 93				✓ ^{93-A}
94	(Left hand)	5/9	obj	5/9	✓
95	(Thumb)	5/9	obj on record	5/9	✓
96	(Finger)	5/9	obj on record	5/9	✓
97	(Buttox area + fingers)				
98	- Supin "Photographed By M. Thomas"				
99	- Dept's head shot	5/10	✓ NO OBS	5/10	✓
100	- " Right side view				
101	- " Frontal view				
102	" Back view				
103	" Hands, palms	5/10	✓ NO OBS	5/10	✓
104	" Hands, top	5/10	✓ NO OBS	5/10	✓
105	- Consent To Search Card				
106	- Automobile, Left side view	5/8	N/O	5/8	✓
107	- " frontal view	5/8	N/O		✓
108	- " Back view	5/8	N/O		✓
109	- " Inside view	5/10	✓ NO OBS	5/10	✓
110	- Auto seat cover	5/13	✓ NO OBS	5/13	✓

States'

EXHIBITS

CASE NO. C 177394

		OFFERED DATE	OBJ	ADMITTED DATE	
111.	Photograph - Auto Seat cover	5/13	✓ NO OBS	5/13	✓
112	- " " "	5/13	✓ NO OBS	5/13	✓
113	- Inside Auto	5/13	✓ NO OBS	5/13	✓
114	- " "	5/13	✓ NO OBS	5/13	✓
115	- " "	5/13	✓ NO OBS	5/13	✓
116	- Josh Ben area	5/8	N/A	5/8	✓
117	" " "	5/8			✓
118	" " "	5/8			✓
119	" " "	5/8			✓
120	" " "	5/8	↓	↓	✓
121	Blow-up Photograph w/ Crime scene	5/8/02	N/A	5/8	✓
122	Diagram of Body, headed Clark Co. Medical Exam	5/9	N/A	5/9	✓
123	Rights of Person Arrested / Photo montage	5/10	✓ OBS	5/10	✓
124	Consent to Search Cards	5/10	✓ OBS	5/10	✓
125	WD 5-14-02, will provide 125A redacted version (Audio) Interview w/ Kirsten Blaise Lobato (TAPE)	5/10	✓ NO OBS	5/10	✓
126	Poem/Document 7-29-01	5/13	✓ NO OBS	5/13	✓
127	Bat	5/13	✓ NO OBS	5/13	✓
128	Bio Hazard Bag (01033170)	5/13	✓ NO OBS	5/13	✓

STATE'S

EXHIBITS

CASE NO. C177394

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	
129 Bio Hazard Bag (01033913)	5/13	✓ NO OBS	5/13	✓
130 Bio Hazard Bag (01034702)	5/13	✓ NO OBS	5/13	✓
131 Car Door Panel (Interior)	5/13	✓ NO OBS	5/13	✓
132 large Photo -	5/15	✓ NO OBS	5/15	✓
133) Affidavit of Custodian of Records	5/16	✓ OBS	5/16	✓
133 A) Final Sample Report 7-16-01				
* 125 A) Redacted Tape Recording interview of Kirsten Hobato	5/17	✓ NO OBS	5/17	✓
134) Picture Holding Cell Door	5/17	✓ NO OBS	5/17	✓
135) " " " Bench	5/17	✓ NO OBS	5/17	✓
136) " " " Door way / Phone	5/17	✓ NO OBS	5/17	✓

Dept's

EXHIBITS

CASE NO. C177394

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	
A. Photograph - Shoe print in blood	5/8	N/A	5/8	✓
B. " " - I.D. tag re: Taking Photos	5/8	↓	-	-
C. Tow Receipt Ticket	5/8	-	-	-
D. "Loss of Jack" newspaper article				
E) Photo Foot Print / Ruler	5/10	✓ NO OBS	✓	5/10
F) Photo Holy Family Catholic Church	5/10	✓ NO OBS	✓	5/10
G Envelope / Addressed to Brenda Self 8/13				
G1 letter to Brenda 8-10-01 Pg 1				
G 2 " " " " " " Pg 2				
G3 Letter to the Courts 8-10-01				
H DEFendants Statement (Karinda Martin 8/13/01)				
I) Diann Parker signature on Deceased Photo	5/14	✓ NO OBS	✓	5/14
J) " " Knife Bruise (Photo)	5/14	✓ NO OBS	✓	5/14
K " " " Shoulder Bruise (Photo)	5/14	✓ NO OBS	✓	5/14
L) " " " leg " "	5/14	✓ NO OBS	✓	5/14
M " " " Arm " "	5/14	✓ NO OBS	✓	5/14
N " " " Face " "	5/14	✓ NO OBS	✓	5/14
O APH lab Results				
P Work log	5/15	✓ NO OBS	✓	5/15
Q B. Habato Cell Phone Record	5/14	✓ OBS	✓	5/14
R Habato Residence phone record	5/14	✓ NO OBS	✓	5/14
S Cell Phone Record	5/14	✓ NO OBS	✓	5/14

By STIP
G-3-3
Released to D
Counsel + State

DEFT'S

EXHIBITS

CASE NO. C177394

		OFFERED DATE	✓	NO OBJ	ADMITTED DATE	✓
T	Lobato Residence Phone Record	5/14	✓	NO	5/14	✓
U)	Photo Parking Area	5/15	✓	NO OBS	5/15	✓
V	" Fountain	5/15	✓	NO OBS	5/15	✓
W)	Trash Bin @ Budget	5/15	✓	NO OBS	5/15	✓
X	" Parking Area w/awning	5/15	✓	NO OBS	5/15	✓
Y	" Budget Suites	5/15	✓	NO OBS	5/15	✓
Z	Cave Area	5/15	✓	NO OBS	5/15	✓
AA	Pen & Lynx 98	5/15	✓	NO OBS	5/15	✓
BB	NV Young Writers & Artist 1996	5/15	✓	NO OBS	5/15	✓
CC	CV of Expert Bodziak					
DD	Offical Report (Examination Bodziak)	5/16	✓	NO OBS	5/16	✓
* BB 1	Letter Dept. of Education 8/97					
EE	Vorizon Wireless Phone Record Thomas Twining	5/15	✓	NO OBS	5/15	✓
FF	" " " Page 29 for " " "					
GG	" " " Page 30 for " " "	5/15	✓	NO OBS	5/15	✓
HH	Kraft medical Bill	5/16	✓	NO OBS	5/16	✓

VAULT EXHIBIT FORM

CASE NO. C 177394

Hearing: 11-26-01
TRIAL DATE: _____

DEPT. NO. II

JUDGE: Valorie J. Vega

State of Nevada

CLERK: SHARON CHUN

REPORTER: Sharon Nicholson

PLAINTIFF

vs
Kirstin Blaise Lobato

COUNSEL FOR PLAINTIFF

DEFENDANT

COUNSEL FOR DEFENDANT

	OFFERED DATE	ADMITTED OBJ	ADMITTED DATE
1. Crime Scene Report of 7-8-01	11/26/01	—	—
2. " " " of 7-22-01	11/26/01	—	—

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING PETITION REQUESTING POST-CONVICTION DNA TESTING PURSUANT TO NRS 176.0918; NOTICE OF ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

KIRSTIN B. LOBATO,

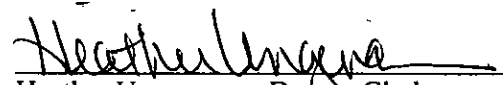
Defendant(s),

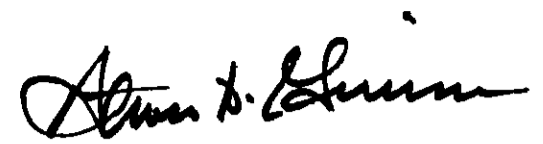
Case No: C177394
Dept No: II

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 7 day of September 2011.

Steven D. Grierson, Clerk of the Court


Heather Ungermann, Deputy Clerk



Electronically Filed
Sep 07 2011 04:09 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 NOAS
2 Travis Barrick, #9257
3 GALLIAN, WILCOX, WELKER
4 OLSON & BECKSTROM, L.C.
5 540 E. St. Louis Avenue
6 Las Vegas, Nevada 89104
7 Telephone: (702) 892-3500
8 Facsimile: (702) 386-1946
9 tbarrick@gwwo.com
10 Attorneys for Petitioner

**DISTRICT COURT
CLARK COUNTY, NEVADA**

11 KIRSTIN BLAISE LOBATO,

12 Petitioner,

13 Vs.

14 THE STATE OF NEVADA,

15 Respondent.

} Case No.: C177394

} Dept No.: II

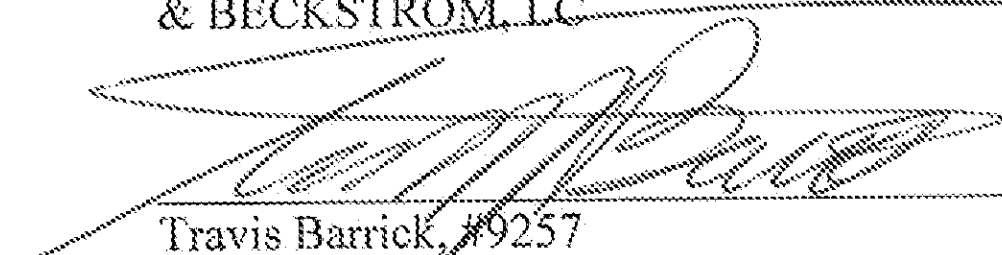
} **NOTICE OF APPEAL**

NOTICE OF APPEAL

16
17
18 Notice is hereby given that Kirstin Blaise Lobato, petitioner named above, hereby
19 appeals to the Supreme Court of Nevada from the Order denying her Petition requesting post-
20 conviction DNA testing pursuant to NRS §176.0918, the Notice of Entry of Order for which
21 was filed on August 2, 2011.

22
23 DATED this 29th day of August 2011.

24 GALLIAN WILCOX WELKER, OLSON
25 & BECKSTROM, L.C.

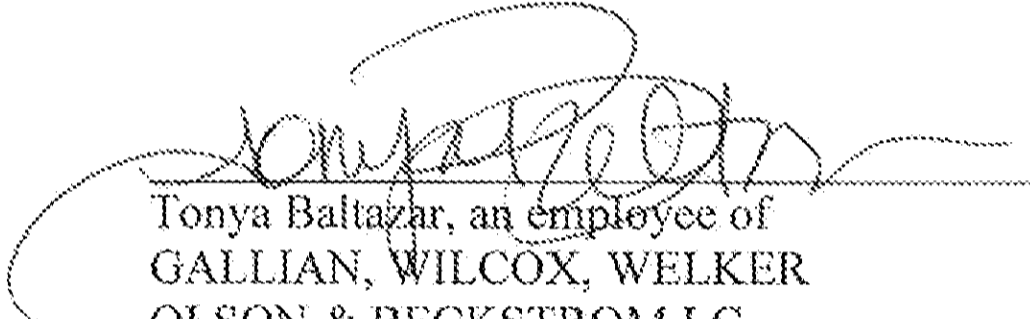
26
27 
28 Travis Barrick, #9257
540 E. St. Louis Avenue
Las Vegas, Nevada 89104
Attorneys for Petitioner

CERTIFICATE OF MAILING

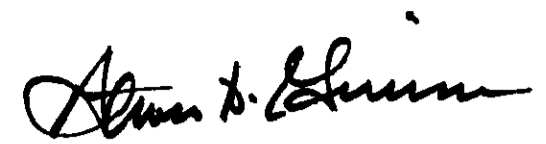
I HEREBY CERTIFY that on the 1st day of September, 2011, a copy of the foregoing upon each of the parties by way of electronic filing with the Nevada Supreme Court and depositing a copy of same in a sealed envelope in the U. S. mail, registered, first-class postage fully prepaid, and addressed to those counsel of record:

David Rogers, Esq.
District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

Catherine Cortez-Masto, Esq.
Office of the Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101



Tonya Baltazar, an employee of
GALLIAN, WILCOX, WELKER
OLSON & BECKSTROM LC



CLERK OF THE COURT

1 ASTA
2 Travis Barrick, #9257
3 GALLIAN, WILCOX, WELKER
4 OLSON & BECKSTROM, L.C.
5 540 E. St. Louis Avenue
6 Las Vegas, Nevada 89104
7 Telephone: (702) 892-3500
8 Facsimile: (702) 386-1946
9 tbarrick@gwwo.com
10 Attorneys for Petitioner

DISTRICT COURT
CLARK COUNTY, NEVADA

11 KIRSTIN BLAISE LOBATO,

12 Appellant,

13 Vs.

14 THE STATE OF NEVADA,

15 Respondent.

} Case No.: C177394

} Dept No.: II

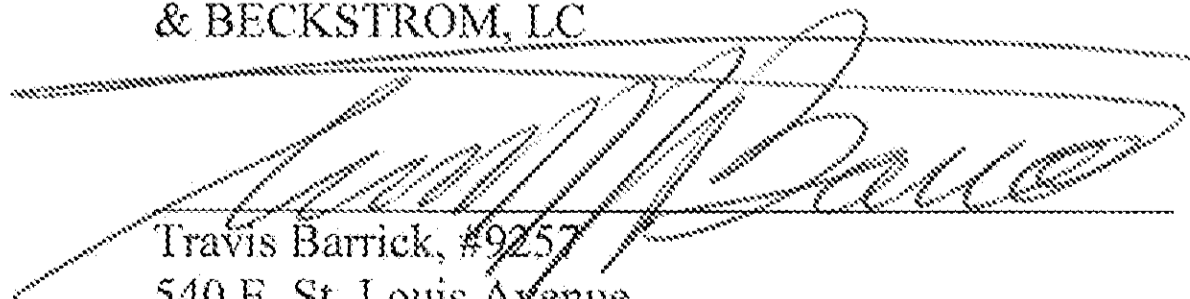
} **CASE APPEAL STATEMENT**

16
17 CASE APPEAL STATEMENT

18 Petitioner, Kirstin Blaise Lobato, by and through her counsel of record, Travis N.
19 Barrick, Esq. of the law firm of GALLIAN, WILCOX, WELKER, OLSON & BECKSTROM,
20 LC, hereby submits her Case Appeal Statement regarding her appeal from the District Court
21 Order denying her Petition for post-conviction DNA testing pursuant to NRS §176.0918.
22

23 DATED this 29th day of August 2011.

24
25 GALLIAN WILCOX WELKER, OLSON
& BECKSTROM, LC



26
27 Travis Barrick, #9257
28 540 E. St. Louis Avenue
Las Vegas, Nevada 89104
Attorneys for Petitioner

CASE APPEAL STATEMENT

- 1
2 1. Name of Appellant: Kirstin Blaise Lobato;
- 3 2. Judge: Hon. Valerie J. Vega;
- 4 3. Counsel for Appellant: Travis Barrick, #9257
5 GALLIAN, WILCOX, WELKER
6 OLSON & BECKSTROM, L.C.
7 540 E. St. Louis Avenue
Las Vegas, Nevada 89104;
- 8 4. Respondent: State of Nevada
9 David Rogers, Esq.
10 District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155
- 11 5. Pro hac vice: Not applicable;
- 12 6. Representation in District Court:
13 Yes, Appellant was represented by pro-bono counsel in the
14 District Court;
- 15 7. Representation on Appeal:
16 Yes, Appellant is represented by pro-bono counsel on
17 appeal;
- 18 8. *In forma pauperis*:
19 Yes, Appellant was granted leave to proceed *in forma*
20 *pauperis* on or after May 5, 2010. However, with the
appearance of Mr. Barrick, this matter is no longer
applicable;
- 21 9. Commencement: DNA Petition filed on March 1, 2011;
- 22 10. Description:
23 By way of her Petition, Ms. Lobato seeks to conduct post-
24 conviction DNA testing pursuant to NRS §176.0918, in
search of exculpatory evidence.
- 25 11. Previous appeal or original writ:
26 No, Ms. Lobato's Petition has not previously been the
27 subject of an appeal or original Writ;
- 28 12. Child custody or visitation: No; and
13. Settlement: Not applicable.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 1st day of September, 2011, a copy of the foregoing upon each of the parties by way of electronic filing with the Nevada Supreme Court and depositing a copy of same in a sealed envelope in the U. S. mail, registered, first-class postage fully prepaid, and addressed to those counsel of record:

David Rogers, Esq.
District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

Catherine Cortez-Masto, Esq.
Office of the Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101


Tonya Baltazar, an employee of
GALLIAN, WILCOX, WELKER
OLSON & BECKSTROM LC

DEPARTMENT 2
CASE SUMMARY
CASE No. 01C177394

The State of Nevada vs Kirstin B Lobato

§	Location:	Department 2
§	Judicial Officer:	Vega, Valorie J.
§	Filed on:	08/09/2001
§	Conversion Case Number:	C177394
§	Defendant's Scope ID #:	1691351
§	Lower Court Case Number:	01F12209
§	Supreme Court No.:	58913
§		

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
1. VOLUNTARY MANSLAUGHTER	F	01/01/1900	Case Flags: Bail Set Appealed to Supreme Court Custody Status - Nevada Department of Corrections
1. DEGREES OF MURDER	F	01/01/1900	
1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
2. SEXUAL PENETRATION OF DEAD HUMAN BODY	F	01/01/1900	

Bonds

Converted Surety Bond #AUL2039034 \$5,000.00
11/21/2005 Posted
11/21/2005 Active
Counts: 1, 1, 1, 2

Converted Surety Bond #R511505658 \$50,000.00
11/28/2001 Posted
11/28/2001 Active
Counts: 1, 1, 1, 2

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	01C177394
Court	Department 2
Date Assigned	08/09/2001
Judicial Officer	Vega, Valorie J.

PARTY INFORMATION

Defendant	Lobato, Kirstin B	<i>Lead Attorneys</i> Barrick, Travis N. <i>Retained</i> 7028896363(W)
Plaintiff	State of Nevada	Roger, David J. 702-671-2700(W)







DATE

EVENTS & ORDERS OF THE COURT



INDEX

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. VOLUNTARY MANSLAUGHTER Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. DEGREES OF MURDER Not Guilty

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CASE No. 01C177394

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. SEXUAL PENETRATION OF DEAD HUMAN BODY Not Guilty	
08/09/2001	 Criminal Bindover <i>CRIMINAL BINDOVER Fee \$0.00</i>	<i>01C1773940001.tif pages</i>
08/09/2001	Hearing <i>AT THE REQUEST OF THE COURT</i>	<i>01C1773940002.tif pages</i>
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08/09/2001	 Information <i>INFORMATION</i>	<i>01C1773940004.tif pages</i>
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08/10/2001	Hearing <i>HEARING: BAIL SETTING</i>	<i>01C1773940005.tif pages</i>
08/10/2001	 Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>	<i>01C1773940007.tif pages</i>
08/21/2001	Initial Arraignment (8:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 08/09/2001 Hearing <i>INITIAL ARRAIGNMENT Heard By: Valorie Vega</i>	
08/21/2001	Hearing (8:30 AM) Events: 08/10/2001 Hearing <i>HEARING: BAIL SETTING</i>	
08/21/2001	All Pending Motions (8:30 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS (08-21-01) Relief Clerk: Cindy Lory/cnl Reporter/Recorder: Sharleen Nicholson Heard By: Valorie Vega</i>	
08/21/2001	Hearing <i>STATUS CHECK: DISCOVERY</i>	<i>01C1773940008.tif pages</i>
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08/21/2001	 Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>	<i>01C1773940013.tif pages</i>
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CASE No. 01C177394

08/23/2001	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	01C1773940015.tif pages
08/23/2001	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	01C1773940016.tif pages
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08/30/2001	Status Check (8:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 08/21/2001 Hearing <i>STATUS CHECK: DISCOVERY Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Valorie Vega</i>	
08/31/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING</i>	01C1773940017.tif pages
09/10/2001	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940019.tif pages
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09/17/2001	 Order <i>ORDER TO TRANSPORT</i>	01C1773940022.tif pages
09/20/2001	Calendar Call (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>CALENDAR CALL Relief Clerk: Theresa Lee Reporter/Recorder: Sharleen Nicholson Heard By: Valorie Vega</i>	
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09/24/2001	 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS/11</i>	01C1773940026.tif pages
09/24/2001	 Motion <i>DEFT'S MTN TO DISMISS/12</i>	01C1773940027.tif pages
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09/27/2001	 Receipt of Copy	01C1773940029.tif pages

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10/01/2001	 Writ Filed by: Defendant Lobato, Kirstin B <i>WRIT OF HABEAS CORPUS</i>	<i>01C1773940032.tif pages</i>
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10/29/2001	 Notice Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF ALIBI WITNESS</i>	<i>01C1773940043.tif pages</i>
10/29/2001	 Expert Witness List Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF DEFENDANTS EXPERT WITNESSES</i>	<i>01C1773940044.tif pages</i>
10/31/2001	 Request Filed by: Defendant Lobato, Kirstin B <i>EX PARTE REQUEST AND ORDER FOR THE COURTS IN-CAMERA INSPECTION OF CHILD PROTECTIVE SERVICES RECORDS PROTECTIVE SERVICES RECORDS</i>	<i>01C1773940045.tif pages</i>
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11/06/2001	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	<i>01C1773940047.tif pages</i>
11/08/2001	Calendar Call (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>CALENDAR CALL Court Clerk: Sharon Chun/ssc Relief Clerk: Theresa Lee Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
11/08/2001	 Expert Witness List Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF WITNESSES</i>	<i>01C1773940050.tif pages</i>
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11/09/2001	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	<i>01C1773940052.tif pages</i>
11/13/2001	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	

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11/20/2001	Calendar Call (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>CALENDAR CALL Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Valorie Vega</i>	
11/26/2001	Jury Trial (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>TRIAL BY JURY (VH 11/26/01) Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Valorie Vega</i>	
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11/26/2001	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	01C1773940059.tif pages
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04/10/2002	 Expert Witness List Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF DEFENDANTS EXPERT WITNESSES</i>	01C1773940066.tif pages
04/15/2002	 Order <i>ORDER FOR PRODUCTION OF INMATE KORINDA JEAN MARTIN</i>	01C1773940067.tif pages
04/18/2002	 Expert Witness List Filed By: Defendant Lobato, Kirstin B	01C1773940068.tif pages

DEPARTMENT 2
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CASE No. 01C177394

SUPPLEMENTAL NOTICE OF WITNESSES


04/25/2002	Calendar Call (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>CALENDAR CALL Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
04/29/2002	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	
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05/06/2002	Jury Trial (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
05/07/2002	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
05/08/2002	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
05/08/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE CALENDAR CALL</i>	01C1773940073.tif pages
05/08/2002	 Jury List <i>DISTRICT COURT JURY LIST</i>	01C1773940074.tif pages
05/09/2002	Jury Trial (8:30 AM) <i>TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
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05/13/2002	Jury Trial (10:30 AM) <i>TRIAL BY JURY Relief Clerk: Keith A. Reed Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
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Heard By: Vega, Valorie J.

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05/15/2002	Jury Trial (11:00 AM) <i>TRIAL BY JURY Relief Clerk: Keith A. Reed Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
05/15/2002	 Memorandum <i>BENCH MEMO</i>	<i>01C1773940082.tif pages</i>
05/16/2002	Jury Trial (11:00 AM) (Judicial Officer: Vega, Valorie J.) <i>TRIAL BY JURY Relief Clerk: Keith A. Reed Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.</i>	
05/16/2002	 Expert Witness List Filed By: Defendant Lobato, Kirstin B <i>SUPPLEMENTAL NOTICE OF ALIBI WITNESS</i>	<i>01C1773940083.tif pages</i>
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06/14/2002	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO STATES RESPONSE TO MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL</i> <i>TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL</i>	01C1773940097.tif pages
06/18/2002	Motion (8:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 05/28/2002 Motion <i>DEFT'S MTN TO EXTEND TIME TO FILE MTN FOR NEW TRIAL ALTERNATIVE MTN FOR/21</i> Relief Clerk: Keith A. Reed Reporter/Recorder: Sharleen Nicholson Heard By: Vega, Valorie J.	
06/18/2002	Hearing <i>STATUS CHECK: RESCHEDULING OF SENTENCING DATE</i>	01C1773940098.tif pages
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06/20/2002	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940101.tif pages
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07/03/2002	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940105.tif pages
07/09/2002	 Exhibits Filed By: Defendant Lobato, Kirstin B <i>SUPPLEMENTAL EXHIBIT A IN SUPPORT OF REPLY TO STATES RESPONSE TO MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL</i>	01C1773940106.tif pages
07/09/2002	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940107.tif pages
07/18/2002	Motion (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN TO EXTEND TIME TO FILE MTN FOR NEW TRIAL ALTERNATIVE MTN FOR/21</i>	
07/18/2002	Status Check (10:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 06/18/2002 Hearing <i>STATUS CHECK: RESCHEDULING OF SENTENCING DATE Heard By: Valorie Vega</i>	
07/18/2002	All Pending Motions (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS (7/18/02) Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Valorie Vega</i>	
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08/06/2002	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	01C1773940113.tif pages
08/06/2002	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940114.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME 1 DAY 3</i>	01C1773940115.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL VOLUME 2 DAY 4</i>	01C1773940116.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 3 - DAY 5</i>	01C1773940117.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 5 - DAY 7</i>	01C1773940118.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 7 - DAY 9</i>	01C1773940119.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: JURY TRIAL - VERDICT VOLUME 9 - DAY 11</i>	01C1773940120.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 4 - DAY 6</i>	01C1773940121.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 8 - DAY 10</i>	01C1773940122.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: JURY TRIAL VOLUME 6 - DAY 8</i>	01C1773940123.tif pages
08/07/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL VOLUME 3 DAY 5</i>	01C1773940198.tif pages

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08/20/2002	 Supplement Filed by: Defendant Lobato, Kirstin B <i>SUPPLEMENT TO NEW TRIAL MOTION WITH TRANSCRIPT REFERENCES</i>	01C1773940125.tif pages
08/22/2002	Status Check (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>STATUS CHECK: RESCHEDULING OF SENTENCING DATE Heard By: Valorie Vega</i>	
08/22/2002	Hearing (10:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 07/18/2002 Conversion Case Event Type <i>ARGUMENT: DEFT'S MOTION TO EXTEND TIME TO FILE MTN FOR NEW TRIAL, MTN NEW TRIAL Heard By: Valorie Vega</i>	
08/22/2002	All Pending Motions (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS (8/22/02) Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Valorie Vega</i>	
08/22/2002	Conversion Case Event Type <i>SENTENCING</i>	01C1773940126.tif pages
08/22/2002	Motion <i>ALL PENDING MOTIONS (8/22/02)</i>	01C1773940127.tif pages
08/26/2002	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	01C1773940128.tif pages
08/27/2002	Sentencing (10:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 08/22/2002 Conversion Case Event Type <i>SENTENCING Court Clerk: Sharon Chun Reporter/Recorder: Sharleen Nicholson Heard By: Valorie Vega</i>	
08/27/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: PARTIAL TRANSCRIPT RE COURTS ORDER ARGUMENT: RESCHEDULING OF SENTENCING DATE DEFENDANTS MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL STATUS CHECK: RESCHEDULING OF SENTENCING DATE DEFENDANTS MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL STATUS CHECK:</i>	01C1773940129.tif pages
08/27/2002	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940130.tif pages
09/04/2002	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	01C1773940132.tif pages
09/04/2002	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	01C1773940133.tif pages
09/04/2002	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940134.tif pages
09/04/2002	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B	01C1773940135.tif pages

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09/16/2002	Judgment ADMINISTRATION/ASSESSMENT FEE	01C1773940136.tif pages
09/16/2002	Judgment GENETIC TESTING FEE	01C1773940137.tif pages
09/16/2002	Judgment FINE	01C1773940138.tif pages
09/16/2002	 Judgment JUDGMENT OF CONVICTION - JURY TRIAL	01C1773940139.tif pages
09/16/2002	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B ORDER TO TRANSPORT	01C1773940140.tif pages
09/17/2002	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B RECEIPT OF COPY	01C1773940141.tif pages
10/10/2002	 Proposed Jury Instructions Not Used At Trial PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL	01C1773940142.tif pages
10/14/2002	 Jury List AMENDED DISTRICT COURT JURY LIST	01C1773940146.tif pages
10/15/2002	 Notice of Appeal Filed By: Defendant Lobato, Kirstin B NOTICE OF APPEAL	01C1773940147.tif pages
10/15/2002	 Statement CASE APPEAL STATEMENT	01C1773940148.tif pages
11/18/2002	 Order Filed By: Defendant Lobato, Kirstin B ORDER	01C1773940149.tif pages
12/02/2002	 Reporters Transcript REPORTER'S TRANSCRIPT RE: DEFTS PETITION FOR WRIT OF HABEAS CORPUS DEFTS MOTION TO DISMISS TO DISMISS	01C1773940150.tif pages
12/02/2002	 Reporters Transcript REPORTER'S TRANSCRIPT RE: ARGUMENT: DEFTS MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL STATUS CHECK: RESCHEDULING OF SENTENCING DATE MOTION FOR NEW TRIAL STATUS CHECK: RESCHEDULING OF SENTENCING DATE	01C1773940151.tif pages
12/02/2002	 Reporters Transcript REPORTER'S TRANSCRIPT RE: TRIAL BY JURY JURY SELECTION	01C1773940152.tif pages
12/02/2002	 Reporters Transcript REPORTER'S TRANSCRIPT RE: TRIAL BY JURY MOTION TO CONTINUE TRIAL	01C1773940153.tif pages









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12/02/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: TRIAL BY JURY JURY SELECTION</i>	01C1773940154.tif pages
12/02/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: SENTENCING</i>	01C1773940155.tif pages
03/13/2003	 Order Filed By: Defendant Lobato, Kirstin B <i>ORDER FOR RELEASE OF EVIDENCE</i>	01C1773940156.tif pages
03/21/2003	 Receipt <i>RECEIPT OF EXHIBITS</i>	01C1773940157.tif pages
05/14/2003	 Ex Parte Order Filed By: Defendant Lobato, Kirstin B <i>EX PARTE ORDER FOR CONTACT VISIT</i>	01C1773940158.tif pages
10/05/2004	Hearing <i>AT THE REQUEST OF THE COURT: RESET TRIAL DATE</i>	01C1773940161.tif pages
10/05/2004	 NV Supreme Court Clerks Certificate/Judgment -Remanded USJR <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - REVERSED AND REMANDED</i>	01C1773940162.tif pages
10/05/2004	Judgment Filed By: Defendant Lobato, Kirstin B <i>CLERK'S CERTIFICATE REVERSED/REMANDED</i>	01C1773940167.tif pages
10/07/2004	Request of Court (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 10/05/2004 Hearing <i>AT THE REQUEST OF THE COURT: RESET TRIALDATE Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
10/07/2004	Motion <i>DEFT'S ORAL MTN FOR BAIL REDUCTION</i>	01C1773940163.tif pages
10/21/2004	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	01C1773940168.tif pages
10/25/2004	 Motion <i>DEFT'S MTN FOR RELEASE WITHOUT BAIL OR TO REINSTATE BAIL INTENSIVE SUPERVIS/32</i>	01C1773940169.tif pages
10/25/2004	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940170.tif pages
10/25/2004	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>	01C1773940171.tif pages
10/26/2004	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>	01C1773940173.tif pages
10/27/2004		01C1773940174.tif pages

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	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION FOR RELEASE WITHOUT BAIL OR IN THE ALTERNATIVE TO REINSTATE BAIL INTENSIVE SUPERVISION OR HOUSE ARREST ALTERNATIVE TO REINSTATE BAIL INTENSIVE SUPERVISION OR HOUSE ARREST</i>	
10/28/2004	Motion for Own Recognizance Release/Setting Reasonable Bail (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 10/07/2004 Motion <i>DEFT'S ORAL MTN FOR BAIL REDUCTION Heard By: Valorie Vega</i>	
10/28/2004	Motion (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 10/25/2004 Motion <i>DEFT'S MTN FOR RELEASE WITHOUT BAIL OR TO REINSTATE BAIL INTENSIVE SUPERVIS/32 Heard By: Valorie Vega</i>	
10/28/2004	All Pending Motions (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS FOR 10/28/04 Court Clerk: Billie Jo Craig Reporter/Recorder: Liz Garcia Heard By: Valorie Vega</i>	
10/28/2004	Motion <i>ALL PENDING MOTIONS FOR 10/28/04</i>	<i>01C1773940172.tif pages</i>
11/01/2004	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	<i>01C1773940175.tif pages</i>
11/03/2004	 Motion <i>DEFT'S MTN TO CONTINUE TRIAL/34</i>	<i>01C1773940176.tif pages</i>
11/03/2004	 Order Filed By: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	<i>01C1773940177.tif pages</i>
11/04/2004	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	<i>01C1773940181.tif pages</i>
11/09/2004	Motion to Continue (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 11/03/2004 Motion <i>DEFT'S MTN TO CONTINUE TRIAL/34 Heard By: Valorie Vega</i>	
11/09/2004	All Pending Motions (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS 11/9/04 Relief Clerk: Jennifer Lott Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
11/09/2004	Calendar Call (9:30 AM) <i>CALENDAR CALL</i>	
11/09/2004	Motion <i>ALL PENDING MOTIONS 11/9/04</i>	<i>01C1773940180.tif pages</i>
11/15/2004	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	
11/22/2004	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	<i>01C1773940182.tif pages</i>

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01/21/2005	 Motion <i>DEFT'S MTN TO CONTINUE TRIAL DATE/38</i>	01C1773940183.tif pages
01/21/2005	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	01C1773940184.tif pages
01/21/2005	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940185.tif pages
01/27/2005	Motion to Continue (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 01/21/2005 Motion <i>DEFT'S MTN TO CONTINUE TRIAL DATE/38 Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
01/27/2005	Hearing <i>RESET TRIAL DATE</i>	01C1773940186.tif pages
02/01/2005	Conversion Hearing Type (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 01/27/2005 Hearing <i>RESET TRIAL DATE Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
02/03/2005	CANCELED Calendar Call (9:30 AM) <i>Vacated</i>	
02/07/2005	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	
02/23/2005	 Motion <i>DEFT'S MTN TO ASSOCIATE COUNSEL /42</i>	01C1773940189.tif pages
02/23/2005	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940190.tif pages
03/08/2005	Motion to Associate Counsel (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 02/23/2005 Motion <i>DEFT'S MTN TO ASSOCIATE COUNSEL /42 Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
03/08/2005	 Order Filed By: Defendant Lobato, Kirstin B <i>ORDER ADMITTING TO PRACTICE</i>	01C1773940191.tif pages
07/28/2005	 Motion <i>DEFT'S MTN TO ASSOCIATE COUNSEL /43</i>	01C1773940192.tif pages
08/16/2005	Motion to Associate Counsel (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 07/28/2005 Motion <i>DEFT'S MTN TO ASSOCIATE COUNSEL /43 Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
08/16/2005	 Order Filed By: Defendant Lobato, Kirstin B <i>ORDER ADMITTING TO PRACTICE</i>	01C1773940194.tif pages

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09/13/2005	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	01C1773940195.tif pages
09/13/2005	 Notice <i>NOTIFICATION OF MEDIA REQUEST</i>	01C1773940196.tif pages
09/13/2005	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	01C1773940197.tif pages
10/05/2005	 Motion <i>DEFT'S MTN IN LIMINE TO EXLCUDE PHOTOGRAPHS/44</i>	01C1773940199.tif pages
10/05/2005	 Motion <i>DEFT'S MTN IN LIMINE TO EXCLUDE EVID OF THE BASEBALL BAT/45</i>	01C1773940200.tif pages
10/05/2005	 Motion <i>DEFT'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON/46</i>	01C1773940201.tif pages
10/05/2005	 Motion <i>DEFT'S MTN IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE/47</i>	01C1773940202.tif pages
10/05/2005	 Motion <i>DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE PHOTOGRAPHS/48</i>	01C1773940203.tif pages
10/05/2005	 Motion <i>DEFT'S MTN IN LIMINE TO EXLCUDE LOBATO'S TRIAL TESTIMONY/49</i>	01C1773940204.tif pages
10/05/2005	 Motion <i>DEFT'S MTN IN LIMINE TO EXLCUDE STATEMNT MADE BY DEFT DURING INTERROG/50</i>	01C1773940205.tif pages
10/05/2005	 Motion <i>DEFT'S MTN IN LIMINE TO EXLCUDE WITNESS TESTIM OR EVID PERTAIN TO HER JOURNAL/51</i>	01C1773940206.tif pages
10/05/2005	 Motion <i>DEFT'S MTN TO ADMIT FORMER TESTIMOY OF DECEASED WITNESS/52</i>	01C1773940207.tif pages
10/10/2005	 Certificate Filed By: Defendant Lobato, Kirstin B <i>CERTIFICATE OF MAILING</i>	01C1773940208.tif pages
10/14/2005	 Expert Witness List Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF DEFENDANTS EXPERT WITNESS</i>	01C1773940209.tif pages
10/24/2005	Hearing <i>STATE'S REQUEST RE TRIAL DATE</i>	01C1773940211.tif pages
10/27/2005	Request (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 10/24/2005 Hearing	

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*STATE'S REQUEST RE TRIAL DATE Relief Clerk: Carole D'Aloia Reporter/Recorder:
Lisa Lizotte Heard By: Valorie Vega*

11/01/2005  Motion
*DEFT'S MTN IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD
TESTS /54*

11/03/2005 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
DEFT'S MTN IN LIMINE TO EXCLUDE PHOTOGRAPHS/44 Heard By: Valorie Vega

11/03/2005 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
*DEFT'S MTN IN LIMINE TO EXCLUDE EVID OF THE BASEBALL BAT/45 Heard By:
Valorie Vega*

11/03/2005 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
*DEFT'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON/46 Heard
By: Valorie Vega*

11/03/2005 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
*DEFT'S MTN IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE/47 Heard By:
Valorie Vega*

11/03/2005 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
*DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE
PHOTOGRAPHS/48*

11/03/2005 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
*DEFT'S MTN IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY/49 Heard By:
Valorie Vega*

11/03/2005 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
*DEFT'S MTN IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFT DURING
INTERROG/50 Heard By: Valorie Vega*

11/03/2005 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
*DEFT'S MTN IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVID PERTAIN TO
HER JOURNAL/51 Heard By: Valorie Vega*

11/03/2005 **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/05/2005 Motion
*DEFT'S MTN TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS/52 Heard
By: Valorie Vega*

11/03/2005 **Calendar Call** (9:30 AM)
CALENDAR CALL











11/03/2005 **All Pending Motions** (9:30 AM) (Judicial Officer: Vega, Valorie J.)
*ALL PENDING MOTIONS FOR 11/3/05 Relief Clerk: Carole D'Aloia
Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega*

11/03/2005 Motion
ALL PENDING MOTIONS FOR 11/3/05

01C1773940212.tif pages

01C1773940215.tif pages








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11/03/2005	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940216.tif pages
11/07/2005	<i>CANCELED Jury Trial (10:00 AM)</i> <i>Vacated</i>	
11/15/2005	Motion in Limine (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 11/01/2005 Motion <i>DEFT'S MTN IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS /54 Heard By: Valorie Vega</i>	
11/21/2005	 Conversion Case Event Type <i>ORDER TO TRANSPORT</i>	01C1773940217.tif pages
11/21/2005	 Bond <i>BOND - #AUL-2039034 - \$5000.00</i>	01C1773940218.tif pages
01/04/2006	 Motion <i>DEFT'S MTN TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE & COLLECT EVID/58</i>	01C1773940219.tif pages
01/04/2006	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940220.tif pages
01/06/2006	 Notice Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF HEARING</i>	01C1773940221.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE LOBATOS TRIAL TESTIMONY TESTIMONY</i>	01C1773940222.tif pages
02/03/2006	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION TO ADMIT THE FORMER TESTIMONY OF DECEASED WITNESS DIANN PARKER PURSUANT TO NRS 51.325 AND NRS 51.055 AND STATES MOTION TO ADMIT PRIOR TESTIMONY OF DIANN PARKER DECEASED WITNESS DIANN PARKER PURSUANT TO NRS 51.325 AND NRS 51.055 AND STATES MOTION TO ADMIT PRIOR TESTIMONY OF DIANN PARKER</i>	01C1773940223.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO EXCLUDE KORINDA MARTINS TESTIMONY OR ALTERNATIVELY TO EXCLUDE 1) ANY EVIDENCE OR TESTIMONY PERTAINING TO HER JOURNAL PER THE DESTRUCTION OF EXCULPATORY EVIDENCE AND 2) ADMIT EXTRINSIC EVIDENCE OF KORINDA MARTINS FRAUD UPON THE COURT OR ALTERNATIVELY TO EXCLUDE 1) ANY EVIDENCE OR TESTIMONY PERTAINING TO HER JOURNAL PER THE DESTRUCTION OF EXCULPATORY EVIDENCE AND 2) ADMIT EXTRINSIC EVIDENCE OF KORINDA MARTINS FRAUD UPON THE COURT</i>	01C1773940224.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT DURING THE COURSE OF THE JULY 20 2001 INTERROGATION DEFENDANT DURING THE COURSE OF THE JULY 20 2001 INTERROGATION</i>	01C1773940225.tif pages

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02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS WITH THE INTERLINEATION GUILTY THE INTERLINEATION GUILTY</i>	01C1773940226.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT BASEBALL BAT</i>	01C1773940227.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE CONTENTS OF DEFENDANTS LICENSE PLATE DEFENDANTS LICENSE PLATE</i>	01C1773940228.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS CUMULATIVE PHOTOGRAPHS</i>	01C1773940229.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOGION TO DISMISS BASED ON STATES FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE PRESERVE AND COLLECT EXCULPATORY EVIDENCE</i>	01C1773940230.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON BASED ON DOUBLE HEARSAY LAURA JOHNSON BASED ON DOUBLE HEARSAY</i>	01C1773940231.tif pages
02/03/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS PRESUMPTIVE BLOOD TESTS</i>	01C1773940232.tif pages
02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS</i>	01C1773940233.tif pages
02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT DURING THE COURSE OF THE JULY 20 2001 INTERROGATION STATEMENT MADE BY DEFENDANT DURING THE COURSE OF THE JULY 20 2001 INTERROGATION</i>	01C1773940234.tif pages
02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS BASED ON STATES FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE STATES FAILURE TO PRESERVE AND COLLECT EXCULPATORY EVIDENCE</i>	01C1773940235.tif pages
02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE CONTENTS OF DEFENDANTS LICENSE PLATE CONTENTS OF DEFENDANTS LICENSE PLATE</i>	01C1773940236.tif pages

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02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE TESTIMONY LAURA JOHNSON BASED ON DOUBLE HEARSAY TESTIMONY LAURA JOHNSON BASED ON DOUBLE HEARSAY</i>	01C1773940237.tif pages
02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO THE STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS EVIDENCE OF PRESUMPTIVE BLOOD TESTS</i>	01C1773940238.tif pages
02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO THE STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS WITH THE INTERLINEATION GUILTY PHOTOGRAPHS WITH THE INTERLINEATION GUILTY</i>	01C1773940239.tif pages
02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION TO EXCLUDE KORINDA2 ADMIT EXTRINSIC EVIDENCE OF KORINDA MARTINS FRAUD UPON THE COURT PERTAINING TO HER JOURNAL PER THE DESTRUCTION OF EXCULPATORY EVIDENCE AND MARTINS TESTIMONY OR ALTERNATIVELY TO EXCLUDE 1 ANY EVIDENCE OR TESTIMONY 2 ADMIT EXTRINSIC EVIDENCE OF KORINDA MARTINS FRAUD UPON THE COURT PERTAINING TO HER JOURNAL PER THE DESTRUCTION OF EXCULPATORY EVIDENCE AND MARTINS TESTIMONY OR ALTERNATIVELY TO EXCLUDE 1 ANY EVIDENCE OR TESTIMONY</i>	01C1773940240.tif pages
02/22/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT EVIDENCE OF THE BASEBALL BAT</i>	01C1773940241.tif pages
02/22/2006	 Application Filed By: Defendant Lobato, Kirstin B <i>APPLICATION FOR WAIVER OF FEE PURSUANT TO NEVADA SUPREME COURT RULE 42-3-E 42-3-E</i>	01C1773940242.tif pages
02/22/2006	 Application Filed By: Defendant Lobato, Kirstin B <i>APPLICATION FOR WAIVER OF FEE PURSUANT TO NEVADA SUPREME COURT RULE 42-3-E</i>	01C1773940243.tif pages
03/02/2006	Motion to Dismiss (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 01/04/2006 Motion <i>DEFT'S MTN TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE & COLLECT EVID/58 Heard By: Valorie Vega</i>	
03/03/2006	All Pending Motions (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS FOR 3/3/06 Relief Clerk: Michelle Jones Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
03/03/2006	Motion in Limine (9:30 AM) <i>DEFT'S MTN IN LIMINE TO EXCLUDE PHOTOGRAPHS/44 Heard By: Valorie Vega</i>	
03/03/2006	Motion in Limine (9:30 AM) <i>DEFT'S MTN IN LIMINE TO EXCLUDE EVID OF THE BASEBALL BAT/45 Heard By:</i>	

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CASE No. 01C177394

Valorie Vega

03/03/2006 **Motion in Limine** (9:30 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON/46 Heard By: Valorie Vega

03/03/2006 **Motion in Limine** (9:30 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE/47 Heard By: Valorie Vega

03/03/2006 **Motion in Limine** (9:30 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE PHOTOGRAPHS/48

03/03/2006 **Motion in Limine** (9:30 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY/49 Heard By: Valorie Vega

03/03/2006 **Motion in Limine** (9:30 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFT DURING INTERROG/50 Heard By: Valorie Vega

03/03/2006 **Motion in Limine** (9:30 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL/51 Heard By: Valorie Vega

03/03/2006 **Motion** (9:30 AM)
DEFT'S MTN TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS/52 Heard By: Valorie Vega

03/03/2006 **Motion in Limine** (9:30 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS /54 Heard By: Valorie Vega

03/03/2006 **Motion to Dismiss** (9:30 AM)
DEFT'S MTN TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE & COLLECT EVID/58 Heard By: Valorie Vega

03/03/2006 Hearing
STATUS CHECK: INDIGENCE

03/03/2006 Motion
ALL PENDING MOTIONS FOR 3/3/06

03/27/2006 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
DEFT'S MTN IN LIMINE TO EXCLUDE PHOTOGRAPHS/44 Heard By: Valorie Vega

03/27/2006 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
DEFT'S MTN IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT/45 Heard By: Valorie Vega

03/27/2006 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
DEFT'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON/46 Heard By: Valorie Vega

03/27/2006 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
DEFT'S MTN IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE/47 Heard By: Valorie Vega

03/27/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE PHOTOGRAPHS/48

01C1773940244.tif pages

01C1773940245.tif pages

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03/27/2006	Motion in Limine (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN IN LIMINE TO EXLCUDE LOBATO'STRIAL TESTIMONY/49 Heard By: Valorie Vega</i>	
03/27/2006	Motion in Limine (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN IN LIMINE TO EXLCUDE STATEMNTMADE BY DEFT DURING INTERROG/50 Heard By: Valorie Vega</i>	
03/27/2006	Motion in Limine (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN IN LIMINE TO EXLCUDE WITNESS TESTIM OR EVID PERTAIN TO HER JOURNAL/51 Heard By: Valorie Vega</i>	
03/27/2006	Motion (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN TO ADMIT FORMER TESTIMOY OF DECEASED WITNESS/52 Heard By: Valorie Vega</i>	
03/27/2006	Motion in Limine (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN IN LIMINE TO EXCLUDE EVIDENCEOF PRESUMPTIVE BLOOD TESTS /54 Heard By: Valorie Vega</i>	
03/27/2006	Motion to Dismiss (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE & COLLECT EVID/58 Heard By: Valorie Vega</i>	
03/27/2006	Status Check (9:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 03/03/2006 Hearing <i>STATUS CHECK: INDIGENCE</i>	
03/27/2006	All Pending Motions (9:30 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS FOR 3/27/06 Court Clerk: Billie Jo Craig Reporter/Recorder: Debi Van Blaricom Heard By: Valorie Vega</i>	
03/27/2006	Motion <i>ALL PENDING MOTIONS FOR 3/27/06</i>	01C1773940248.tif pages
04/06/2006	CANCELED Calendar Call (9:30 AM) <i>Vacated</i>	
04/07/2006	 Order <i>ORDER FOR WAIVER FOR STATE BAR FEE</i>	01C1773940249.tif pages
04/17/2006	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	
05/09/2006	 Motion <i>DEFT'S MTN IN LIMINE TO EXCLUDE ALL EVID RE: EVALUATION/64</i>	01C1773940250.tif pages
05/09/2006	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940251.tif pages
05/18/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE ALL EVIDENCE REGARDING DR PAGLINIS EVALUATION OF MS LOBATO REGARDING DR PAGLINIS EVALUATION OF MS LOBATO</i>	01C1773940252.tif pages
05/19/2006	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE TO EXLCUDE PHOTOGRAPHS/44 Heard By: Valorie Vega</i>	

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CASE No. 01C177394

05/19/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE EVID OF THE BASEBALL BAT/45 Heard By: Valorie Vega

05/19/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON/46 Heard By: Valorie Vega

05/19/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE/47 Heard By: Valorie Vega

05/19/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY/49 Heard By: Valorie Vega

05/19/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFT DURING INTERROG/50 Heard By: Valorie Vega

05/19/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVID PERTAIN TO HER JOURNAL/51 Heard By: Valorie Vega

05/19/2006 **Motion** (9:00 AM)
DEFT'S MTN TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS/52 Heard By: Valorie Vega

05/19/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS /54 Heard By: Valorie Vega

05/19/2006 **Motion to Dismiss** (9:00 AM)
DEFT'S MTN TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE & COLLECT EVID/58 Heard By: Valorie Vega

05/19/2006 **Status Check** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
STATUS CHECK: INDIGENCE Court Clerk: Willa Pettice Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

05/19/2006 **All Pending Motions** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
ALL PENDING MOTIONS(5/19/06) Court Clerk: Willa Pettice Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega

05/19/2006 **Motion in Limine** (9:30 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE PHOTOGRAPHS/48

05/19/2006 Hearing
STATUS CHECK: SET DATE ON ARG/DEC ON MTN TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL

05/19/2006 Motion
ALL PENDING MOTIONS(5/19/06)

05/23/2006 **Status Check** (9:00 AM)
STATUS CHECK: INDIGENCE

05/23/2006 **Motion in Limine** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 05/09/2006 Motion
DEFT'S MTN IN LIMINE TO EXCLUDE ALL EVIDRE: EVALUATION/64







01C1773940253.tif pages

01C1773940256.tif pages










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CASE No. 01C177394

05/23/2006	Status Check (9:00 AM) Events: 05/19/2006 Hearing <i>STATUS CHECK: SET DATE ON ARG/DEC ON MTNTO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL</i>	
05/23/2006	All Pending Motions (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS FOR 5/23/06 Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
05/23/2006	Conversion Case Event Type <i>ARGUMENT/DECISION MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL</i>	01C1773940254.tif pages
05/23/2006	Motion <i>ALL PENDING MOTIONS FOR 5/23/06</i>	01C1773940255.tif pages
05/26/2006	 Order Filed By: Defendant Lobato, Kirstin B <i>EX PARTE MOTION AND ORDER TO PREPARE TRANSCRIPT</i>	01C1773940257.tif pages
05/30/2006	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940258.tif pages
06/01/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING OF ALL PENDING MOTIONS</i>	01C1773940259.tif pages
06/19/2006	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940260.tif pages
06/30/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>DEFENDANTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO EXCLUDE EVIDENCE REGARDING DR PAGLINIS EVALUATION OF MS LOBATO EVIDENCE REGARDING DR PAGLINIS EVALUATION OF MS LOBATO</i>	01C1773940261.tif pages
06/30/2006	 Brief Filed By: Defendant Lobato, Kirstin B <i>SUPPLEMENTAL BRIEFING IN SUPPORT OF DEFENDANTS MOTION IN LIMINE TO EXCLUDE WITNESS KORINDA MARTINS TESTIMONY IN ENTIRETY PER RECENTLY RECEIVED DISCOVERY COMPILED BY THE ATTORNEY GENERAL WITNESS KORINDA MARTINS TESTIMONY IN ENTIRETY PER RECENTLY RECEIVED DISCOVERY COMPILED BY THE ATTORNEY GENERAL</i>	01C1773940262.tif pages
07/19/2006	 Motion <i>DEFT'S MTN TO DISMISS /69</i>	01C1773940263.tif pages
07/19/2006	 Motion <i>DEFT'S MTN TO COMPEL /70</i>	01C1773940264.tif pages
07/19/2006	 Receipt of Copy Filed by: Defendant Lobato, Kirstin B <i>RECEIPT OF COPY</i>	01C1773940265.tif pages
		01C1773940266.tif pages

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07/27/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS BECAUSE THE STATE CANNOT ESTABLISH THE CORPUS DELICTI OF THE CRIME WITH EVIDENCE INDEPENDENT OF LOBATOS EXTRAJUDICIAL ADMISSIONS ESTABLISH THE CORPUS DELICTI OF THE CRIME WITH EVIDENCE INDEPENDENT OF LOBATOS EXTRAJUDICIAL ADMISSIONS</i>	
07/28/2006	Motion in Limine (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN IN LIMINE TO EXCLUDE ALL EVIDRE: EVALUATION/64</i>	
07/28/2006	Hearing (9:00 AM) Events: 05/23/2006 Conversion Case Event Type <i>ARGUMENT/DECISION MOTION TO EXCLUDE TESTIMONY/EVIDENCE ON JOURNAL</i>	
07/28/2006	Motion to Dismiss (9:00 AM) Events: 07/19/2006 Motion <i>DEFT'S MTN TO DISMISS /69</i>	
07/28/2006	Motion to Compel (9:00 AM) Events: 07/19/2006 Motion <i>DEFT'S MTN TO COMPEL /70</i>	
07/28/2006	All Pending Motions (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS (7/28/06) Relief Clerk: Willa Pettice Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
07/28/2006	Conversion Case Event Type <i>ARGUMENT/DECISION ON DEFT'S MOTION TO DISMISS</i>	<i>01C1773940267.tif pages</i>
07/28/2006	Motion <i>ALL PENDING MOTIONS (7/28/06)</i>	<i>01C1773940268.tif pages</i>
08/04/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ALL PENDING MOTIONS</i>	<i>01C1773940269.tif pages</i>
08/07/2006	 Reply Filed by: Defendant Lobato, Kirstin B <i>DEFENDANTS REPLY TO STATES OPPOSITION TO MOTION TO DISMISS BECAUSE THE STATE CANNOT ESTABLISH THE CORPUS DELICTI OF THE CRIME WITH EVIDENCE INDEPENDENT OF LOBATOS EXTRAJUDICIAL ADMISSIONS CANNOT ESTABLISH THE CORPUS DELICTI OF THE CRIME WITH EVIDENCE INDEPENDENT OF LOBATOS EXTRAJUDICIAL ADMISSIONS</i>	<i>01C1773940270.tif pages</i>
08/07/2006	 Order Filed By: Defendant Lobato, Kirstin B <i>ORDER</i>	<i>01C1773940271.tif pages</i>
08/10/2006	Hearing (10:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 07/28/2006 Conversion Case Event Type <i>ARGUMENT/DECISION ON DEFT'S MOTION TO DISMISS Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
08/18/2006	 Expert Witness List Filed By: Defendant Lobato, Kirstin B <i>AMENDED NOTICE OF DEFENDANTS EXPERT WITNESSES</i>	<i>01C1773940272.tif pages</i>
08/21/2006	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>	<i>01C1773940273.tif pages</i>

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08/24/2006	 Motion <i>STATES MTN FOR RECIPROCAL DISCOVERY/73</i>	01C1773940274.tif pages
08/24/2006	 Expert Witness List Filed By: Defendant Lobato, Kirstin B <i>SECOND AMENDED NOTICE OF ALIBI WITNESSES</i>	01C1773940275.tif pages
08/30/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	01C1773940276.tif pages
09/01/2006	 Expert Witness List Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF WITNESSES</i>	01C1773940277.tif pages
09/07/2006	Motion (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 08/24/2006 Motion <i>STATES MTN FOR RECIPROCAL DISCOVERY/73 Heard By: Valorie Vega</i>	
09/07/2006	Calendar Call (9:30 AM) (Judicial Officer: Vega, Valorie J.) <i>CALENDAR CALL Heard By: Valorie Vega</i>	
09/07/2006	All Pending Motions (9:30 AM) (Judicial Officer: Vega, Valorie J.) <i>ALL PENDING MOTIONS FOR 9/7/06 Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
09/07/2006	Motion in Limine (10:15 AM) <i>DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE PHOTOGRAPHS/48</i>	
09/07/2006	Motion <i>ALL PENDING MOTIONS FOR 9/7/06</i>	01C1773940278.tif pages
09/08/2006	 Order <i>ORDER</i>	01C1773940279.tif pages
09/08/2006	 Order <i>ORDER</i>	01C1773940280.tif pages
09/08/2006	 Request <i>EX PARTE MOTION FOR RELEASE OF INFORMATION</i>	01C1773940281.tif pages
09/08/2006	 Request <i>EX PARTE MOTION FOR RELEASE OF INFORMATION</i>	01C1773940282.tif pages
09/11/2006	Jury Trial (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.</i>	
09/11/2006	Motion in Limine (11:00 AM) (Judicial Officer: Vega, Valorie J.) <i>DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE PHOTOGRAPHS/48</i>	
09/11/2006	 Request <i>MOTION TO ADMIT PRIOR TESTIMONY OF JEREMY DAVIS AND RICHARD SHOTT</i>	01C1773940284.tif pages

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09/12/2006 **Jury Trial** (10:30 AM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/12/2006 **Motion in Limine** (11:00 AM)
DEFT'S MTN IN LIMINE TO EXCLUDE INFLAMMATORY & CUMULATIVE PHOTOGRAPHS/48

09/13/2006 **Jury Trial** (1:00 PM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/13/2006  **Media Request and Order**
MEDIA REQUEST AND ORDER

09/14/2006 **Jury Trial** (10:30 AM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.


09/15/2006 **Jury Trial** (10:30 AM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/18/2006 **Jury Trial** (1:00 PM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/19/2006 **Jury Trial** (10:30 AM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/20/2006 **Jury Trial** (1:15 PM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/21/2006 **Jury Trial** (10:00 AM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/21/2006  **Media Request and Order**
MEDIA REQUEST AND ORDER

09/22/2006 **Jury Trial** (10:30 AM)
TRIAL BY JURY Relief Clerk: Michelle Jones Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/25/2006 **Jury Trial** (11:00 AM)
TRIAL BY JURY Relief Clerk: Michelle Jones Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/26/2006 **Jury Trial** (10:30 AM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.








09/27/2006 **Jury Trial** (1:00 PM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.

09/28/2006 **Jury Trial** (1:00 PM)
TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.








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09/29/2006	Jury Trial (10:30 AM) <i>TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.</i>	
10/02/2006	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.</i>	
10/03/2006	Jury Trial (10:30 AM) <i>TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.</i>	
10/04/2006	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.</i>	
10/05/2006	Jury Trial (8:30 AM) (Judicial Officer: Vega, Valorie J.) <i>TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.</i>	
10/06/2006	Jury Trial (8:30 AM) <i>TRIAL BY JURY Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
10/06/2006	Conversion Case Event Type <i>SENTENCING</i>	<i>01C1773940290.tif pages</i>
10/06/2006	Judgment <i>VERDICT</i>	<i>01C1773940291.tif pages</i>
10/06/2006	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	<i>01C1773940292.tif pages</i>
10/06/2006	 Verdict <i>VERDICT</i>	<i>01C1773940293.tif pages</i>
10/06/2006	Disposition (Judicial Officer: User, Conversion) 1. DEGREES OF MURDER Charges Amended/Dropped	
10/10/2006	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	<i>01C1773940294.tif pages</i>
10/19/2006	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	<i>01C1773940295.tif pages</i>
10/30/2006	 Order <i>ORDER</i>	<i>01C1773940296.tif pages</i>
10/30/2006	 Order <i>ORDER</i>	<i>01C1773940297.tif pages</i>
10/30/2006	 Order <i>ORDER</i>	<i>01C1773940298.tif pages</i>

DEPARTMENT 2
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10/30/2006	 Order <i>ORDER DENYING DEFENDANTS MOTION TO DISMISS</i>	<i>01C1773940299.tif pages</i>
11/03/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PRODCEEDINGS</i>	<i>01C1773940301.tif pages</i>
11/06/2006	 Conversion Case Event Type <i>ORDER TO TRANSPORT</i>	<i>01C1773940300.tif pages</i>
11/17/2006	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>LETTERS IN AID OF SENTENCING</i>	<i>01C1773940302.tif pages</i>
11/20/2006	 Statement Filed by: Defendant Lobato, Kirstin B <i>STATEMENT OF DEFENDANT IN AID OF SENTENCING</i>	<i>01C1773940303.tif pages</i>
11/21/2006	Sentencing (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 10/06/2006 Conversion Case Event Type <i>SENTENCING Court Clerk: Billie Jo Craig Reporter/Recorder: Lisa Lizotte Heard By: Vega, Valorie J.</i>	
11/30/2006	 Conversion Case Event Type Party: Defendant Lobato, Kirstin B <i>ORDER TO TRANSPORT</i>	<i>01C1773940304.tif pages</i>
01/30/2007	 Memorandum Filed By: Defendant Lobato, Kirstin B <i>DEFENDANT LOBATOS SENTENCING MEMORANDUM</i>	<i>01C1773940305.tif pages</i>
02/02/2007	Sentencing (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>SENTENCING Relief Clerk: Pamela Humphrey Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
02/02/2007	Disposition (Judicial Officer: User, Conversion) 1. VOLUNTARY MANSLAUGHTER Guilty	
02/02/2007	Disposition (Judicial Officer: User, Conversion)	
02/02/2007	Disposition (Judicial Officer: User, Conversion) 1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty	
02/02/2007	Disposition (Judicial Officer: User, Conversion) 2. SEXUAL PENETRATION OF DEAD HUMAN BODY Guilty	
02/02/2007	Disposition (Judicial Officer: User, Conversion)	
02/02/2007	Sentence (Judicial Officer: User, Conversion) 1. VOLUNTARY MANSLAUGHTER Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 20 Years to Maximum 50 Years	

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Placement: NSP
Converted Disposition:
Sentence# 0002:
Minimum 20 Years to Maximum 50 Years
Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0001
and Sentence#: 0001
Converted Disposition:
Sentence# 0003: CREDIT FOR TIME SERVED
Minimum 233 Days to Maximum 233 Days
Converted Disposition:
Sentence# 0004: ADMINISTRATION FEE
Amount: \$25.00
Converted Disposition:
Sentence# 0006: SENTENCE VACATED
Converted Disposition:
Sentence# 0007:
Minimum 48 Months to Maximum 120 Months
Placement: NSP
Converted Disposition:
Sentence# 0008:
Minimum 48 Months to Maximum 120 Months
Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0001
and Sentence#: 0007
Converted Disposition:
Sentence# 0009: CREDIT FOR TIME SERVED
Minimum 999 Days to Maximum 999 Days
Converted Disposition:
Sentence# 0010: CREDIT FOR TIME SERVED
Minimum 545 Days to Maximum 545 Days
Converted Disposition:
Sentence# 0011: LIFETIME SUPERVISION
Converted Disposition:
Sentence# 0012: PSYCHO-SEXUAL EVALUATION FEE
Amount: \$800.00
Converted Disposition:
Sentence# 0013: FINE
Amount: \$1000.00
Converted Disposition:
Sentence# 0014: DNA FEE/GENETIC MARKERS ANALYSIS
Amount: \$150.00
Converted Disposition:
Sentence# 0015: ADMINISTRATION FEE
Amount: \$25.00

02/02/2007

Sentence (Judicial Officer: User, Conversion)

2. SEXUAL PENETRATION OF DEAD HUMAN BODY

Adult Adjudication

Converted Disposition:
Sentence# 0001:
Minimum 5 Years to Maximum 15 Years
Placement: NSP
Cons/Conc: Concurrent
w/Charge Item: 0001
and Sentence#: 0001
Converted Disposition:
Sentence# 0002: LIFETIME SUPERVISION
Converted Disposition:
Sentence# 0003: DNA FEE/GENETIC MARKERS ANALYSIS
Amount: \$150.00
Converted Disposition:
Sentence# 0004: SENTENCE VACATED

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02/14/2007	 Judgment <i>JUDGMENT OF CONVICTION/PYCHOSEXUAL FEE</i>	01C1773940307.tif pages
02/14/2007	Judgment <i>JUDGMENT OF CONVICTION/FINE</i>	01C1773940308.tif pages
03/12/2007	 Request Filed by: Defendant Lobato, Kirstin B <i>REQUEST FOR ROUGH DRAFT TRANSCRIPT</i>	01C1773940309.tif pages
03/12/2007	 Statement Filed by: Defendant Lobato, Kirstin B <i>CASE APPEAL STATEMENT</i>	01C1773940310.tif pages
03/12/2007	 Notice of Appeal Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF APPEAL (SC 49087)</i>	01C1773940311.tif pages
05/16/2007	 Certificate <i>CERTIFICATE OF MAILING</i>	01C1773940313.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT STATES MOTION FOR RECIPROCAL DISCOVERY DEFENDANTS MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS DEFENDANTS MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS</i>	01C1773940314.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT STATUS CHECK INDIGENCE</i>	01C1773940315.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT SENTENCING</i>	01C1773940316.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 10 VOLUME X</i>	01C1773940317.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 8 VOLUME VIII</i>	01C1773940318.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 7 VOLUME VII</i>	01C1773940319.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 12 VOLUME XII</i>	01C1773940320.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 2 VOLUME II</i>	01C1773940321.tif pages
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 1 VOLUME I</i>	01C1773940322.tif pages
05/16/2007	 Reporters Transcript	01C1773940323.tif pages

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REPORTER'S TRANSCRIPT ROUGH DRAFT DEFENDANTS ORAL MOTION FOR BAIL REDUCTION REDUCTION

05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT DEFENDANTS MOTION TO CONTINUE TRIAL DATE</i>	<i>01C1773940324.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT DEFENDANTS MOTION TO ASSOCIATE COUNSEL</i>	<i>01C1773940325.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT DEFENDANTS MOTION IN LIMINE</i>	<i>01C1773940326.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT DEFENDANTS MOTION IN LIMINE</i>	<i>01C1773940327.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 14 VOLUME XIV</i>	<i>01C1773940328.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 16 VOLUME XVI</i>	<i>01C1773940329.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 20 VOLUME XX</i>	<i>01C1773940331.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT SENTENCING</i>	<i>01C1773940332.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGHT DRAFT DEFENDANTS MOTIONS IN LIMINE</i>	<i>01C1773940333.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 9 VOLUME IX</i>	<i>01C1773940334.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 5 VOLUME V</i>	<i>01C1773940335.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 3 VOLUME III</i>	<i>01C1773940336.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT DEFENDANTS MOTION TO CONTINUE TRIAL</i>	<i>01C1773940337.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT DEFENDANTS MOTION TO ASSOCIATE COUNSEL</i>	<i>01C1773940338.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 13 VOLUME XIII</i>	<i>01C1773940339.tif pages</i>
05/16/2007		<i>01C1773940340.tif pages</i>

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	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 17 VOLUME XVII</i>	
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT ARGUMENT/DECISION MOTION TO DISMISS AND DEFENDANTS MOTIONS IN LIMINE TO EXCLUDED INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS AND DEFENDANTS MOTIONS IN LIMINE TO EXCLUDED INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS</i>	<i>01C1773940341.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 6 VOLUME VI</i>	<i>01C1773940342.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT AT THE REQUEST OF THE COURT RESET TRIAL DATE</i>	<i>01C1773940343.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT DEFENDANTS MOTION IN LIMINE</i>	<i>01C1773940344.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 19 VOLUME XIX</i>	<i>01C1773940345.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 11 VOLUME XI</i>	<i>01C1773940346.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT RESET TRIAL DATE</i>	<i>01C1773940347.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 4 VOLUME IV</i>	<i>01C1773940348.tif pages</i>
05/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 15 VOLUME XV</i>	<i>01C1773940349.tif pages</i>
05/17/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ROUGH DRAFT JURY TRIAL DAY 18 VOLUME XVIII</i>	<i>01C1773940330.tif pages</i>
11/02/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 12 VOLUME XII PORTION OF TRANSCRIPT</i>	<i>01C1773940350.tif pages</i>
02/13/2008	 Request <i>EX PARTE MOTION FOR EXPEDITED VIDEO TESTIMONY RECORD</i>	<i>01C1773940351.tif pages</i>
02/13/2008	 Order <i>ORDER FOR EXPEDITED VIDEO TESTIMONY RECORD</i>	<i>01C1773940352.tif pages</i>
07/28/2008	 Receipt of Copy <i>RECEIPT OF COPY</i>	<i>01C1773940193.tif pages</i>
10/20/2008	 Notice Filed By: Defendant Lobato, Kirstin B	<i>01C1773940210.tif pages</i>

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AMENDED NOTICE OF ALIBI WITNESS

10/16/2009	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	01C1773940354.tif pages
10/16/2009	Judgment <i>CLERK'S CERTIFICATE REHEARING DENIED</i>	01C1773940355.tif pages
10/16/2009	Judgment <i>CLERK'S CERTIFICATE PETITION DENIED</i>	01C1773940356.tif pages
05/05/2010	 Affidavit in Support Filed By: Defendant Lobato, Kirstin B <i>AFFIDAVIT IN SUPPORT OF REQUES TO PROCEED IN FORMA PAUPERIS</i>	01C1773940357.tif pages
05/05/2010	 Petition Filed by: Defendant Lobato, Kirstin B <i>PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION AND MTN FOR APPOINTMENT OF COUNSEL OF COUNSEL</i>	01C1773940358.tif pages
05/05/2010	 Affidavit in Support Filed By: Defendant Lobato, Kirstin B <i>AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS</i>	01C1773940360.tif pages
05/07/2010	Petition <i>PTN FOR WRIT OF HABEAS CORPUS VJ 7/15/10</i>	01C1773940359.tif pages
05/07/2010	 Order for Petition for Writ of Habeas Corpus <i>ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS</i>	01C1773940361.tif pages
05/11/2010	 Certificate Filed By: Defendant Lobato, Kirstin B <i>CERTIFICATE OF SERVICE BY MAIL</i>	01C1773940362.tif pages
06/04/2010	 Affidavit in Support Filed By: Defendant Lobato, Kirstin B <i>AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS SUPPLEMENTAL</i>	01C1773940363.tif pages
06/08/2010	 Certificate Filed By: Defendant Lobato, Kirstin B <i>CERTIFICATE OF SERVICE BY MAIL</i>	01C1773940364.tif pages
06/28/2010	 Motion <i>STATE'S MTN FOR EXTENDED BRIEFING SCHEDULE/0</i>	01C1773940366.tif pages
07/08/2010	 Change of Address Filed By: Defendant Lobato, Kirstin B <i>NOTICE OF CHANGE OF ADDRESS</i>	01C1773940367.tif pages
07/15/2010	Motion (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 06/28/2010 Motion <i>STATE'S MTN FOR EXTENDED BRIEFING SCHEDULE/0 Court Clerk: Nora Pena Relief Clerk: Sylvia Courtney/sc Reporter/Recorder: Lisa Lizotte Heard By: Valorie Vega</i>	
07/15/2010	Petition	01C1773940368.tif pages

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DEFT'S PTN FOR WRIT OF HABEAS CORPUS

- 07/22/2010 **CANCELED** **Petition for Writ of Habeas Corpus** (10:30 AM)
Events: 05/07/2010 Petition
Vacated
- 08/20/2010  **Response**
Filed by: Plaintiff State of Nevada
State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)
- 09/07/2010  **Motion**
Filed By: Defendant Lobato, Kirstin B
Petitioner Lobato's Notice of Motion for an Expedited Hearing and Motion for an Extension of Time to File an Answer to the State's Response
- 09/07/2010  **Motion**
Filed By: Defendant Lobato, Kirstin B
Petitioner Lobato's Notice of Motion and Motion for the Court Clerk to Assign a Civil Case Number as Required by NRS
- 09/07/2010  **Motion**
Filed By: Defendant Lobato, Kirstin B
Petitioner Lobato's Notice of Motion and Motion for Recusal of Judge Valorie Vega
- 09/13/2010  **Recorders Transcript of Hearing**
Recorder's Transcript Re: State's Motion for Extended Briefing Schedule- Heard 07-15-2010
- 09/14/2010  **Opposition**
State's Motion to Strike or, In the Alternative, Opposition to Defendant's Motions for Recusal of Judge Vega, for Expedited Hearing and Extension of Time, and Assignment of a Civil Case Number
- 09/16/2010  **Supplement**
Supplement to State's Motion to Strike or, in the Alternative, Opposition to Improper Motions for Recusal of Judge Vegas, Expedited Hearing and Extension of Time and Assignment of Civil Case Number
- 09/16/2010  **Application**
Filed By: Plaintiff State of Nevada
Application and Order for Transcripts
- 09/17/2010 **Motion** (3:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 09/07/2010 Motion
Petitioner Lobato's Notice of Motion for an Expedited Hearing and Motion for an Extension of Time to File an Answer to the State's Response
- 09/17/2010 **Motion** (3:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 09/07/2010 Motion
Petitioner Lobato's Notice of Motion and Motion for the Court Clerk to Assign a Civil Case Number as Required by NRS
- 09/17/2010 **Motion** (3:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 09/07/2010 Motion
Petitioner Lobato's Notice of Motion and Motion for Recusal of Judge Valorie Vega
- 09/17/2010 **Motion to Strike** (3:00 AM) (Judicial Officer: Vega, Valorie J.)

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Events: 09/14/2010 Opposition

State's motion to strike or, in the alternative, opposition to improper motions for recusal of Judge Vega, Expedited Hearing and Extension of Time, and Assignment of Civil Case Number

- 09/17/2010  **All Pending Motions** (3:00 AM) (Judicial Officer: Vega, Valorie J.)
- 09/17/2010  Motion
Filed By: Defendant Lobato, Kirstin B
Petitioner Lobato's Notice of Motion for an Expedited Hearing and Motion for an Extension of Time to File an Anser to the State's Response
- 09/21/2010  Notice of Motion
Petitioner Lobato's Notice of Motion and Motion for Recusal of Judge Valorie Vega
- 09/21/2010  Notice of Motion
Petitioner Lobato's Notice of Motion for An Expedited Hearing and Motion for an Extension of Time to File an Answer to the State's Response
- 09/21/2010  Notice of Motion
Petitioner Lobato's Notice of Motion and Motion for the Court Clerk to Assign a Civil Case Number as Required by the NRS
- 09/22/2010  Order
Filed By: Plaintiff State of Nevada
Order Sua Sponte Striking Defendant's Pro Per Motions and Granting the State's Motion to Strike
- 09/23/2010  Notice of Change of Hearing
- 09/27/2010  Affidavit
Opening Procedural Remarks
- 09/28/2010  **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Per Court's Request
- 09/29/2010  Opposition
State's Motion to Strike or, In the Alternative, Opposition to Defendant's Motion for Recusal of Judge Vega
- 10/01/2010  Supplement
Filed by: Defendant Lobato, Kirstin B
Supplement to Petitioner Lobato's Motion for Recusal of Judge Valorie Vega
- 10/02/2010  Answer (Criminal)
Filed By: Defendant Lobato, Kirstin B
Petitioner Lobato's Answer to the State's Response to the Petition for Writ of Habeas Corpus (Post Conviction) and Motion for Appointment of Counsel
- 10/02/2010  Motion
Filed By: Defendant Lobato, Kirstin B
Petitioner Lobato's Notice Of Motion And Motion For Reconsideration And Vacating Of The Court's Order Striking Three Motion's By Petitioner, And Petitioner's Response To The State's Motion To Strike Or, In The Alternative, Opposition To Improper Motion For Recusal Of Judge Vega, Expedited Hearing, And Extension Of Time, And Assignment Of


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Civil Case Number.


10/04/2010  Order for Production of Inmate


10/05/2010 **Motion** (9:00 AM) (Judicial Officer: Smith, Douglas E.)
10/05/2010, 10/20/2010
Events: 09/21/2010 Notice of Motion
Petitioner Lobato's Notice of Motion and Motion for Recusal of Judge Valorie Vega


10/05/2010 **Motion to Strike** (9:00 AM) (Judicial Officer: Smith, Douglas E.)
10/05/2010, 10/20/2010
Events: 09/29/2010 Opposition
State's Motion to Strike or, In the Alternative, Opposition to Defendant's Motion for Recusal of Judge Vega


10/05/2010  **All Pending Motions** (9:00 AM) (Judicial Officer: Vega, Valorie J.)


10/05/2010  Certificate of Service
Filed by: Defendant Lobato, Kirstin B
Certificate of Service by Mail


10/07/2010  Supplement
Supplement to Court's Procedural Remarks and Answer


10/07/2010  Order for Production of Inmate
Order for Production of Inmate


10/11/2010  Certificate of Service
Filed by: Defendant Lobato, Kirstin B

10/14/2010  Opposition
State's Opposition to Defendant's Motion for Reconsideration and Vacating Court's Order Striking Three Motions by Petitioner, and Petitioner's Response to the State's Motion to Strike or, in the Alternative, Opposition to Improper Motions for Recusal of Judge Vega, Expedited Hearing and Extension of Time, and Assignment of a Civil Case Number

10/16/2010  Certificate of Service
Filed by: Defendant Lobato, Kirstin B









10/19/2010  **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Events: 10/02/2010 Motion
Petitioner Lobato's Notice Of Motion And Motion For Reconsideration And Vacating Of The Court's Order Striking Three Motion's By Petitioner, And Petitioner's Response To The State's Motion To Strike Or, In The Alternative, Opposition To Improper Motion For Recusal Of Judge Vega, Expedited Hearing, And Extension Of Time, And Assignment Of Civil Case Number.

10/20/2010  **All Pending Motions** (8:30 AM) (Judicial Officer: Smith, Douglas E.)
Petitioner Lobato's Notice of Motion and Motion for Recusal of Judge Valorie Vega; State's Motion to Strike or, In the Alternative, Opposition to Defendant's Motion for Recusal of Judge Vega

11/01/2010  Motion
Filed By: Defendant Lobato, Kirstin B
Motion for an Order in Accordance with the Prisoner Mailbox Rule that the Clerk's Office Correct the Filing Date to September 10, 2010 of Peittioner Lobato's Notice of Motion for

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Expedited Hearing and Motion for an Extension of Time to File an Answer to the State's Response

- 11/03/2010  Opposition
State's Opposition to Defendant s Motion for An Expedited Hearing and Motion for An Extension of Time to File an Answer to the State s Response
- 11/03/2010  Opposition
State's Opposition to Defendant s Motion for the Clerk to Assign a Civil Case Number as Required by the NRS
- 11/05/2010  Notice
Notice of Appearance
- 11/08/2010  Opposition
State's Opposition to Defendants for and Order in Accordance with the Prisoner Mailbox Rule that the Clerk s Office Correct the Filing Date to September 10, 2010, of Defendants Motion for An Expedited Hearing and Motion for An Extension of Time to File an Answer to the State Response
- 11/09/2010 **Status Check** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
11/09/2010, 01/13/2011
Status Check: Reset Hearing on Defendant's Pro Per Petition for Writ of Habeas Corpus
- 11/09/2010 **Status Check** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
11/09/2010, 01/13/2011
Events: 09/17/2010 Motion
09/21/2010 Notice of Motion
Status Check: Reset hearing date for Petitioner Lobato's Notice of Motion for an Expedited Hearing and Motion for an Extension of Time to File an Answer to the State's Response
- 11/09/2010 **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
11/09/2010, 01/13/2011
Events: 09/21/2010 Notice of Motion
Reset hearing date on Petitioner Lobato's Notice of Motion and Motion for the Court Clerk to Assign a Civil Case Number as Required by the NRS
- 11/09/2010 **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
11/09/2010, 01/13/2011
Petitioner Lobato's Notice Of Motion And Motion For Reconsideration And Vacating Of The Court's Order Striking Three Motion's By Petitioner, And Petitioner's Response To The State's Motion To Strike Or, In The Alternative, Opposition To Improper Motion For Recusal Of Judge Vega, Expedited Hearing, And Extension Of Time, And Assignment Of Civil Case Number.
- 11/09/2010  **All Pending Motions** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
- 11/15/2010  Order for Production of Inmate
Order for Production of Inmate Kirstin Lobato BAC #95558
- 11/23/2010  Notice of Motion
Notice of Motion and Renewed Motion for Appointment of Counsel
- 11/23/2010  Motion
Notice of Motion and Motion for Limited Discovery for Good Cause
- 11/29/2010

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 Errata
Errata Re: Notice of Motion and Motion for Limited Discovery for Good Cause

12/09/2010  **At Request of Court - RDP** (9:00 AM) (Judicial Officer: Vega, Valorie J.)

12/13/2010  Notice
Notice of State's Failure to Timely File Opposition to Petitioner's Motion for Limited Discovery for Good Cause

12/13/2010  Notice
Notice of State's Failure to Timely File Opposition to Petitioner's Renewed Motion for Appointment of Counsel

12/16/2010  Motion
Notice of Motion and Motion for Leave to Conduct Limited Discovery of Carboard Shoeprint Evidence

12/22/2010  Opposition
State's Opposition to Defendant s Motion for Limited Discovery and Notice of State s Failure to File a Timely Response

12/22/2010  Opposition
State's Opposition to Defendant s Renewed Motion for Appointment of Counsel and Notice of State s Failure to File a Timely Response

12/30/2010  Order for Production of Inmate

01/05/2011  Reply
Reply in Support of Renewed Motion for Appointment of Counsel

01/05/2011  Reply
Reply in Support of Motion for Limited Discovery for Good Cause

01/10/2011  Opposition
State's Oppority to Defendant s Motion for Limited Discovery of Cardboard Shoeprint Evidence

01/13/2011 **Motion** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
Notice of Motion and Motion for Leave to Conduct Limited Discovery of Cardboard Shoeprint Evidence

01/13/2011 **Motion** (10:30 AM) (Judicial Officer: Vega, Valorie J.)
Events: 11/01/2010 Motion
Motion for an Order in Accordance with the Prisoner Mailbox Rule that the Clerk's Office Correct the Filing Date to September 10, 2010 of Peititioner Lobato's Notice of Motion for Expedited Hearing and Motion for an Extension of Time to File an Answer to the State's Response


01/13/2011 **Motion** (10:30 AM) (Judicial Officer: Vega, Valorie J.)
Notice of Motion and Renewed Motion for Appointment of Counsel

01/13/2011 **Motion** (10:30 AM) (Judicial Officer: Vega, Valorie J.)
Events: 12/16/2010 Motion
Notice of Motion and Motion for Limited Discovery for Good Cause

01/13/2011 **CANCELED All Pending Motions** (10:30 AM) (Judicial Officer: Vega, Valorie J.)


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Vacated






- 01/13/2011 **CANCELED Status Check** (10:30 AM) (Judicial Officer: Vega, Valorie J.)
Vacated - per Clerk
Duplicate Entry/Calendaring Error
- 01/13/2011  **All Pending Motions** (10:30 AM) (Judicial Officer: Vega, Valorie J.)
- 02/14/2011  Order Denying Motion
Filed By: Plaintiff State of Nevada
Order Denying Defendant's Motion for Leave to Conduct Limited Discovery of Cardboard Shoeprint Evidence
- 02/15/2011  Order for Production of Inmate
Order for Production of Inmate Kirstin Lobato, Bac #95558
- 02/24/2011  Supplemental
Supplemental Exhibits to Petitioner's Answer in Support of Petition for Writ of Habeas Corpus
- 02/28/2011  Opposition
State's Opposition and Motion to Strike Defendant's Supplemental Exhibits to Petitioner's Answer in Support of Petition for Writ of Habeas Corpus
- 03/01/2011  Petition
Petition Requesting Post-Conviction DNA Testing Pursuant to NRS 176.0918
- 03/01/2011 **Hearing** (10:30 AM) (Judicial Officer: Vega, Valorie J.)
Petition for Writ of Habeas Corpus
- 03/01/2011 **Hearing** (10:30 AM) (Judicial Officer: Vega, Valorie J.)
Motion for Court Clerk to Assign a Civil Case Number as Required by NRS
- 03/01/2011  **All Pending Motions** (10:30 AM) (Judicial Officer: Vega, Valorie J.)
- 03/02/2011  Order Denying Motion
Filed By: Plaintiff State of Nevada
Order Denying Defendant's Motion for Limited Discovery for Good Cause
- 03/07/2011  Order Denying Motion
Filed By: Plaintiff State of Nevada
Order Denying Defendant's Renewed Motion for Appointment of Counsel
- 03/17/2011  Recorders Transcript of Hearing
Party: Plaintiff State of Nevada
Recorders Transcript Re: Hearing: Petition For Writ Of Habeas Corpus Hearing: Motion For Court Clerk To Assign A Civil Case Number As Required By NRS - Heard 03/01/2011
- 03/31/2011  **Petition** (9:00 AM) (Judicial Officer: Vega, Valorie J.)
03/31/2011, 05/10/2011, 06/07/2011
Events: 03/01/2011 Petition
Status Check on the Petition Requesting Post Conviction DNA Testing Pursuant to NRS 176.0918
- 04/14/2011  Opposition

DEPARTMENT 2
CASE SUMMARY
CASE No. 01C177394

State's Opposition to Defendant's Petition for Genetic Marker Analysis Pursuant to NRS 176.0918

- 04/26/2011  **Hearing** (11:00 AM) (Judicial Officer: Vega, Valorie J.)
Hearing at the Request of the Court Re: NRS 176.0918(4)(c)
- 04/27/2011  Notice
- 04/28/2011  Reply
Reply in Support of Petition Requesting Post-Conviction DNA Testing Pursuant to NRS 176.0918
- 04/28/2011  Order Denying Motion
Order Denying Defendant's Motion for Court Clerk to Assign a Civil Case Number as Required by the NRS
- 05/11/2011  Order
Order of Preservation Pursuant to NRS 176.0918
- 05/11/2011  Order Granting Motion
Filed By: Plaintiff State of Nevada
Order Granting State's Motion to Strike Defendant's Supplemental Exhibits to Petitioner's Answer in Support of Petition for Writ of Habeas Corpus
- 05/13/2011  Notice of Entry of Order
Notice of Entry of Order
- 06/16/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff State of Nevada
- 06/30/2011  Reporters Transcript
Filed By: Plaintiff State of Nevada
Reporters Transcript Re: Deft's Petition Requesting Post-Conviction DNA Testing Pursuant to NRS 176.0918 - Heard 06/07/2011
- 07/27/2011  Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff State of Nevada
Findings of Fact, Conclusions of Law and Order Denying Petition Requesting Post-Conviction DNA Testing Pursuant to NRS 176.0918
- 08/01/2011  Notice of Appeal (criminal)
Notice of Appeal
- 08/01/2011  Case Appeal Statement
Case Appeal Statement
- 08/01/2011  Motion to Reconsider
Motion to Reconsider Order re: Petition Requesting Post-Conviction DNA Testing Pursuant to NRS 176.0918
- 08/02/2011  Notice of Entry of Decision and Order
- 08/02/2011  Notice of Entry of Decision and Order

DEPARTMENT 2
CASE SUMMARY
CASE No. 01C177394

08/10/2011	 Opposition <i>State's Opposition to Defendant's Motion to Reconsider Order Re: Petition Requesting Post-Conviction DNA Testing Pursuant To NRS 176.0918</i>
08/16/2011	 Reply <i>Reply in Support of Motion to Reconsider Order re Petition Requesting Post-Conviction DNA Testing Pursuant to NRS 176.0918</i>
09/01/2011	 Motion to Reconsider (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 08/01/2011 Motion to Reconsider <i>Motion to Reconsider Order re: Petition Requesting Post-Conviction DNA Testing Pursuant to NRS 176.0918</i>
09/01/2011	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
09/01/2011	 Case Appeal Statement <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
	Defendant Lobato, Kirstin B
	Total Charges 10,213.00
	Total Payments and Credits 47.34
	Balance Due as of 9/7/2011 10,165.66

1 **ORDR**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 SANDRA K. DIGIACOMO
6 Chief Deputy District Attorney
7 TYLER D. SMITH
8 Deputized Law Clerk
9 Nevada Bar #0011870
10 200 Lewis Avenue
11 Las Vegas, Nevada 89155-2212
12 (702) 671-2500
13 Attorney for Plaintiff

FILED

JUL 21 11 09 AM '11

Thomas A. Schuman
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

01C177394
FFCO
Findings of Fact, Conclusions of Law and C
1549389



9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 KIRSTIN BLAISE LOBATO,
13 #1691351

14 Defendant.

CASE NO: 01C177394

DEPT NO: II

15 FINDINGS OF FACT, CONCLUSIONS OF
16 LAW AND ORDER DENYING PETITION REQUESTING
17 POST-CONVICTION DNA TESTING PURSUANT TO NRS 176.0918

18 DATE OF HEARING: June 7, 2011
19 TIME OF HEARING: 10:30 A.M.

20 THIS CAUSE having come on for hearing before the Honorable Valorie J. Vega,
21 District Judge, on the 7th day of June, 2011, the Petitioner not being present,¹ being
22 represented by TRAVIS N. BARRICK, the Respondent being represented by DAVID
23 ROGER, District Attorney, by and through TYLER D. SMITH, Deputized Law Clerk, and
24 SANDRA DIGIACOMO Chief Deputy District Attorney, and the Court having considered
the matter, including briefs, transcripts, arguments of counsel, and documents on file herein,
now therefore, the Court makes the following findings of fact and conclusions of law:

25 ///

28 ¹ Petitioner's counsel requested that her presence be waived for these proceedings.

RECEIVED
JUL 27 2011
CLERK OF THE COURT

1 FINDINGS OF FACT

2 1. Kirstin Blaise Lobato, hereinafter "Petitioner," was found guilty of Voluntary
3 Manslaughter with Use of a Deadly Weapon (Category B Felony – NRS 200.050, 200.080,
4 193.165) and Sexual Penetration of a Dead Human Body (Category A Felony – NRS
5 201.450) on October 6, 2006. A Judgment of Conviction was filed on February 14, 2007,
6 and remittitur issued from Petitioner's Direct Appeal on October 14, 2009.

7 2. On March 1, 2011, Petitioner filed the instant Petition Requesting Post-
8 Conviction DNA Testing Pursuant to NRS 176.0918 requesting post-conviction genetic
9 marker analysis be conducted on thirteen (13) specific pieces of evidence within the custody
10 of the State.

11 3. The State filed its Opposition to Defendant's Petition for Genetic Marker
12 Analysis Pursuant to NRS 176.0918 on April 14, 2011.

13 4. Petitioner filed her Reply in Support of Petition Requesting Post-Conviction
14 DNA Testing Pursuant to NRS 176.0918 on April 28, 2011.

15 5. Pursuant to NRS 176.0918(4)(c), the Court filed an Order of Preservation
16 Pursuant to NRS 176.0918 directing all relevant agencies to preserve all evidence subject to
17 genetic marker analysis and prepare an inventory of said evidence within 90 days of the date
18 of the Order.

19 6. The underlying facts of this case demonstrate that the victim was killed and
20 discovered in a trash dumpster enclosure that was accessible by anyone in the public. This is
21 not a pristine environment such as a private home in which a limited number of individuals
22 had access. This case was also not one of possible false identification by an eyewitness, and
23 there were extremely incriminating statements given by Petitioner.

24 7. Even if DNA identifying other individuals was detected on the evidence
25 Petitioner is requesting be tested, the probative value of the hypothetical DNA is highly
26 questionable. Even if additional suspects or an aider and abettor could be determined, it
27 would not exclude Defendant from having participated in the crimes for which she has been

28 ///

1 convicted. This hypothetical evidence would not be exculpatory, but rather would be
2 inconsequential.

3 8. Based upon the underlying facts of this case and the totality of the
4 circumstances, particularly that the crime scene was impacted by large numbers of
5 individuals and Petitioner made highly incriminating admissions, Petitioner has failed to
6 demonstrate that any additional DNA testing would exclude her of liability under any and all
7 theories of liability.

8 9. Petitioner, therefore, cannot make the requisite showing that a reasonable
9 possibility exists that she would not have been prosecuted or convicted if exculpatory results
10 had been obtained through a genetic marker analysis of the evidence identified in her
11 petition. Petitioner also cannot make the requisite showing that the requested analysis would
12 provide results that are significantly more accurate or probative of the identity of the
13 perpetrator than the previous analysis already conducted. Petitioner has failed to meet her
14 burden under NRS 176.0918(7) and (8).

15 CONCLUSIONS OF LAW

16 NRS 176.0918 states in relevant part:

17 1. A person convicted of a category A or B felony who is under sentence of
18 imprisonment for that conviction and who otherwise meets the requirements of
19 this section may file a postconviction petition requesting a genetic marker
20 analysis of evidence within the possession or custody of the State which may
21 contain genetic marker information relating to the investigation or prosecution
22 that resulted in the judgment of conviction. If the case involves a sentence of
23 death, the petition must include, without limitation, the date scheduled for the
24 execution, if it has been scheduled.

25 2. Such a petition must be filed with the clerk of the district court for the
26 county in which the petitioner was convicted on a form prescribed by the
27 Department of Corrections. A copy of the petition must be served by registered
28 mail upon:

(a) The Attorney General; and

(b) The district attorney in the county in which the petitioner was convicted.

1 3. A petition filed pursuant to this section must be accompanied by a
2 declaration under penalty of perjury attesting that the information contained in
3 the petition does not contain any material misrepresentation of fact and that the
4 petitioner has a good faith basis relying on particular facts for the request. The
5 petition must include, without limitation:

6 (a) Information identifying specific evidence either known or believed to be in
7 the possession or custody of the State that can be subject to genetic marker
8 analysis;

9 (b) The rationale for why a reasonable possibility exists that the petitioner
10 would not have been prosecuted or convicted if exculpatory results had been
11 obtained through a genetic marker analysis of the evidence identified in
12 paragraph (a);

13 (c) An identification of the type of genetic marker analysis the petitioner is
14 requesting to be conducted on the evidence identified in paragraph (a);

15 (d) If applicable, the results of all prior genetic marker analysis performed on
16 evidence in the trial which resulted in the petitioner's conviction; and

17 (e) A statement that the type of genetic marker analysis the petitioner is
18 requesting was not available at the time of trial or, if it was available, that the
19 failure to request genetic marker analysis before the petitioner was convicted
20 was not a result of a strategic or tactical decision as part of the representation
21 of the petitioner at the trial.

22 4. If a petition is filed pursuant to this section, the court may:

23 (a) Dismiss the petition without a hearing if the court determines, based on the
24 information contained in the petition, that the petitioner does not meet the
25 requirements set forth in this section;

26 (b) After determining whether the petitioner is indigent pursuant to NRS
27 171.188 and whether counsel was appointed in the case which resulted in the
28 conviction, appoint counsel for the limited purpose of reviewing,
supplementing and presenting the petition to the court; or

(c) Schedule a hearing on the petition. If the court schedules a hearing on the
petition, the court shall determine which person or agency has possession or
custody of the evidence and shall immediately issue an order requiring, during
the pendency of the proceeding, each person or agency in possession or
custody of the evidence to:

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(1) Preserve all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section;

(2) Within 90 days, prepare an inventory of all evidence relevant to the claims in the petition within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section; and

(3) Within 90 days, submit a copy of the inventory to the petitioner, the prosecuting attorney and the court.

5. Within 90 days after the inventory of all evidence is prepared pursuant to subsection 4, the prosecuting attorney may file a written response to the petition with the court.

6. If the court holds a hearing on a petition filed pursuant to this section, the hearing must be presided over by the judge who conducted the trial that resulted in the conviction of the petitioner, unless that judge is unavailable. Any evidence presented at the hearing by affidavit must be served on the opposing party at least 15 days before the hearing.

7. The court shall order a genetic marker analysis, after considering the information contained in the petition pursuant to subsection 3 and any other evidence, if the court finds that:

(a) A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;

(b) The evidence to be analyzed exists; and

(c) Except as otherwise provided in subsection 8, the evidence was not previously subjected to a genetic marker analysis.

8. If the evidence was previously subjected to a genetic marker analysis, the court shall order a genetic marker analysis pursuant to subsection 7 if the court finds that:

(a) The result of the previous analysis was inconclusive;

(b) The evidence was not subjected to the type of analysis that is now requested and the requested analysis may resolve an issue not resolved by the previous analysis; or

1 (c) The requested analysis would provide results that are significantly more
2 accurate and probative of the identity of the perpetrator than the previous
3 analysis.

4 *This Court's analysis is based on the statute, NRS 176.0918.* NSW
5 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction

6 DNA Testing Pursuant to NRS 176.0918 shall be, and it is, hereby denied.

7 DATED this 16th day of July, 2011.

8 
9 _____
10 DISTRICT JUDGE s/b

11 DAVID ROGER
12 DISTRICT ATTORNEY
13 Nevada Bar #002781

14 BY 

15 _____
16 TYLER D. SMITH
17 Deputized Law Clerk
18 Nevada Bar #0011870

19 **Certificate of Service**

20 I Debra Jason, certify that on the 12th day of July, 2011, I mailed a copy of the foregoing
21 proposed Findings of Fact, Conclusions of Law, and Order to Attorney, Travis N. Barrick,
22 540 E. St. Louis Avenue, Las Vegas, NV 89104, for his review.

23
24 Debra Jason

25 Legal Secretary, District Attorney's Office
26
27
28

Smith, Tyler

From: Smith, Tyler
Sent: Tuesday, July 19, 2011 1:28 PM
To: 'Travis N. Barrick'
Subject: RE: Lobato
Attachments: image001.jpg; image002.jpg

Mr. Barrick:

Thank you for the prompt response. Unfortunately, it is my opinion that the material you are requesting to be added is outside the scope of Judge Vega's ruling. I conferred with my supervisor, Leon Simon, and he agrees. I am therefore going to respectfully decline to make your requested additions. I will attach this e-mail exchange as an exhibit to the Order and forward it to Judge Vega so that she is aware of your concerns.

Thank you,



Tyler D. Smith

Deputized Law Clerk
Criminal Appeals Unit
(702) 671-2748
tyler.smith@ccdavn.com

From: Travis N. Barrick [<mailto:tbarrick@gwwwo.com>]
Sent: Monday, July 18, 2011 4:20 PM
To: Smith, Tyler
Cc: Travis N. Barrick
Subject: Lobato

Hi Tyler:

I reviewed the draft Order and it looks good. But I need the following added because these are the issues I raised in the pleadings and at the hearing and I need them in the Order for appeal purposes.

Please add the following paragraph:

By way of her Reply and oral argument, Petitioner specifically requested the Court to make three specific rulings:

- 1) that People v. Brown, 46 Cal.3d 432,448 785 P.2d 1135, 250 Cal. Rptr. 604 (1988) is inapplicable as the standard for reasonable possibility under NRS 176.0918,
- 2) that Valdez v. State, 124 Nev. 97, 196 P.3d 465 (2008) is the applicable standard for reasonable possibility under NRS 176.0918 and
- 3) that Strickland v. Washington, 466 U.S 668, 104 S.Ct. 2052 (1984) is applicable to petitions for habeas corpus and is not applicable to NRS 176.0918.

The Court declined to make specific rulings on these three points of law.

Travis N. Barrick, Esq.



**GALLIAN
WILCOX**
WELKER, OLSON
& BECKSTROM, L.L.C.

540 E. St. Louis Avenue
Las Vegas, Nevada 89104
(702) 892.3500
(702) 386-1946 - Facsimile
(702) 351-7422 - Cell
tbarrick@gwwo.com

NOTICE: Information contained in this transmission to the named addressee is proprietary information and is subject to attorney-client privilege and work product confidentiality. If the recipient of this transmission is not the named addressee, the recipient should immediately notify the sender and destroy the information transmitted without making any copy or distribution thereof.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code; or (b) promoting, marketing or recommending to another party any transaction or tax-related matter addressed herein.

FILED

AUG 02 2011

Steven D. Grierson
CLERK OF COURT

1 NOED

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 KIRSTIN B. LOBATO,

6 Petitioner,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

01C177394
NOED
Notice of Entry of Decision and Order
1554931



Case No: 01C177394
Dept No: II

NOTICE OF ENTRY OF
DECISION AND ORDER

11 PLEASE TAKE NOTICE that on July 27, 2011, the court entered a decision or order in this matter, a true
12 and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on August 2, 2011.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 By: *Lee Gunter*
18 Lee Gunter, Deputy Clerk

19 CERTIFICATE OF MAILING

20 I hereby certify that on this 2 day of August 2011, I placed a copy of this Notice of Entry of Decision and

21 Order in:

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

24 The United States mail addressed as follows:

25 Kirstin Lobato # 95558
26 4370 Smiley Rd.
North Las Vegas, NV 89115

Travis Barrick
540 E. St. Louis Ave.
Las Vegas, NV 89104

27
28 *Lee Gunter*
Lee Gunter, Deputy Clerk

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ORDR
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
SANDRA K. DIGIACOMO
Chief Deputy District Attorney
TYLER D. SMITH
Deputized Law Clerk
Nevada Bar #0011870
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED
JUL 21 11 09 AM '11
Steven J. Johnson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

KIRSTIN BLAISE LOBATO,
#1691351

Defendant.

CASE NO: 01C177394
DEPT NO: II

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER DENYING PETITION REQUESTING
POST-CONVICTION DNA TESTING PURSUANT TO NRS 176.0918

DATE OF HEARING: June 7, 2011
TIME OF HEARING: 10:30 A.M.

THIS CAUSE having come on for hearing before the Honorable Valorie J. Vega, District Judge, on the 7th day of June, 2011, the Petitioner not being present,¹ being represented by TRAVIS N. BARRICK, the Respondent being represented by DAVID ROGER, District Attorney, by and through TYLER D. SMITH, Deputized Law Clerk, and SANDRA DIGIACOMO Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

///

¹ Petitioner's counsel requested that her presence be waived for these proceedings.

RECEIVED
JUL 27 2011
CLERK OF THE COURT

1 FINDINGS OF FACT

2 1. Kirstin Blaise Lobato, hereinafter "Petitioner," was found guilty of Voluntary
3 Manslaughter with Use of a Deadly Weapon (Category B Felony – NRS 200.050, 200.080,
4 193.165) and Sexual Penetration of a Dead Human Body (Category A Felony – NRS
5 201.450) on October 6, 2006. A Judgment of Conviction was filed on February 14, 2007,
6 and remittitur issued from Petitioner's Direct Appeal on October 14, 2009.

7 2. On March 1, 2011, Petitioner filed the instant Petition Requesting Post-
8 Conviction DNA Testing Pursuant to NRS 176.0918 requesting post-conviction genetic
9 marker analysis be conducted on thirteen (13) specific pieces of evidence within the custody
10 of the State.

11 3. The State filed its Opposition to Defendant's Petition for Genetic Marker
12 Analysis Pursuant to NRS 176.0918 on April 14, 2011.

13 4. Petitioner filed her Reply in Support of Petition Requesting Post-Conviction
14 DNA Testing Pursuant to NRS 176.0918 on April 28, 2011.

15 5. Pursuant to NRS 176.0918(4)(c), the Court filed an Order of Preservation
16 Pursuant to NRS 176.0918 directing all relevant agencies to preserve all evidence subject to
17 genetic marker analysis and prepare an inventory of said evidence within 90 days of the date
18 of the Order.

19 6. The underlying facts of this case demonstrate that the victim was killed and
20 discovered in a trash dumpster enclosure that was accessible by anyone in the public. This is
21 not a pristine environment such as a private home in which a limited number of individuals
22 had access. This case was also not one of possible false identification by an eyewitness, and
23 there were extremely incriminating statements given by Petitioner.

24 7. Even if DNA identifying other individuals was detected on the evidence
25 Petitioner is requesting be tested, the probative value of the hypothetical DNA is highly
26 questionable. Even if additional suspects or an aider and abettor could be determined, it
27 would not exclude Defendant from having participated in the crimes for which she has been

28 ///

1 convicted. This hypothetical evidence would not be exculpatory, but rather would be
2 inconsequential.

3 8. Based upon the underlying facts of this case and the totality of the
4 circumstances, particularly that the crime scene was impacted by large numbers of
5 individuals and Petitioner made highly incriminating admissions, Petitioner has failed to
6 demonstrate that any additional DNA testing would exclude her of liability under any and all
7 theories of liability.

8 9. Petitioner, therefore, cannot make the requisite showing that a reasonable
9 possibility exists that she would not have been prosecuted or convicted if exculpatory results
10 had been obtained through a genetic marker analysis of the evidence identified in her
11 petition. Petitioner also cannot make the requisite showing that the requested analysis would
12 provide results that are significantly more accurate or probative of the identity of the
13 perpetrator than the previous analysis already conducted. Petitioner has failed to meet her
14 burden under NRS 176.0918(7) and (8).

15 CONCLUSIONS OF LAW

16 NRS 176.0918 states in relevant part:

17 1. A person convicted of a category A or B felony who is under sentence of
18 imprisonment for that conviction and who otherwise meets the requirements of
19 this section may file a postconviction petition requesting a genetic marker
20 analysis of evidence within the possession or custody of the State which may
21 contain genetic marker information relating to the investigation or prosecution
22 that resulted in the judgment of conviction. If the case involves a sentence of
23 death, the petition must include, without limitation, the date scheduled for the
24 execution, if it has been scheduled.

25 2. Such a petition must be filed with the clerk of the district court for the
26 county in which the petitioner was convicted on a form prescribed by the
27 Department of Corrections. A copy of the petition must be served by registered
28 mail upon:

(a) The Attorney General; and

(b) The district attorney in the county in which the petitioner was convicted.

1 3. A petition filed pursuant to this section must be accompanied by a
2 declaration under penalty of perjury attesting that the information contained in
3 the petition does not contain any material misrepresentation of fact and that the
4 petitioner has a good faith basis relying on particular facts for the request. The
5 petition must include, without limitation:

6 (a) Information identifying specific evidence either known or believed to be in
7 the possession or custody of the State that can be subject to genetic marker
8 analysis;

9 (b) The rationale for why a reasonable possibility exists that the petitioner
10 would not have been prosecuted or convicted if exculpatory results had been
11 obtained through a genetic marker analysis of the evidence identified in
12 paragraph (a);

13 (c) An identification of the type of genetic marker analysis the petitioner is
14 requesting to be conducted on the evidence identified in paragraph (a);

15 (d) If applicable, the results of all prior genetic marker analysis performed on
16 evidence in the trial which resulted in the petitioner's conviction; and

17 (e) A statement that the type of genetic marker analysis the petitioner is
18 requesting was not available at the time of trial or, if it was available, that the
19 failure to request genetic marker analysis before the petitioner was convicted
20 was not a result of a strategic or tactical decision as part of the representation
21 of the petitioner at the trial.

22 4. If a petition is filed pursuant to this section, the court may:

23 (a) Dismiss the petition without a hearing if the court determines, based on the
24 information contained in the petition, that the petitioner does not meet the
25 requirements set forth in this section;

26 (b) After determining whether the petitioner is indigent pursuant to NRS
27 171.188 and whether counsel was appointed in the case which resulted in the
28 conviction, appoint counsel for the limited purpose of reviewing,
supplementing and presenting the petition to the court; or

(c) Schedule a hearing on the petition. If the court schedules a hearing on the
petition, the court shall determine which person or agency has possession or
custody of the evidence and shall immediately issue an order requiring, during
the pendency of the proceeding, each person or agency in possession or
custody of the evidence to:

1 (1) Preserve all evidence within the possession or custody of the person or
2 agency that may be subjected to genetic marker analysis pursuant to this
3 section;

4 (2) Within 90 days, prepare an inventory of all evidence relevant to the claims
5 in the petition within the possession or custody of the person or agency that
6 may be subjected to genetic marker analysis pursuant to this section; and

7 (3) Within 90 days, submit a copy of the inventory to the petitioner, the
8 prosecuting attorney and the court.

9 5. Within 90 days after the inventory of all evidence is prepared pursuant to
10 subsection 4, the prosecuting attorney may file a written response to the
11 petition with the court.

12 6. If the court holds a hearing on a petition filed pursuant to this section, the
13 hearing must be presided over by the judge who conducted the trial that
14 resulted in the conviction of the petitioner, unless that judge is unavailable.
15 Any evidence presented at the hearing by affidavit must be served on the
16 opposing party at least 15 days before the hearing.

17 7. The court shall order a genetic marker analysis, after considering the
18 information contained in the petition pursuant to subsection 3 and any other
19 evidence, if the court finds that:

20 (a) A reasonable possibility exists that the petitioner would not have been
21 prosecuted or convicted if exculpatory results had been obtained through a
22 genetic marker analysis of the evidence identified in the petition;

23 (b) The evidence to be analyzed exists; and

24 (c) Except as otherwise provided in subsection 8, the evidence was not
25 previously subjected to a genetic marker analysis.

26 8. If the evidence was previously subjected to a genetic marker analysis, the
27 court shall order a genetic marker analysis pursuant to subsection 7 if the court
28 finds that:

(a) The result of the previous analysis was inconclusive;

(b) The evidence was not subjected to the type of analysis that is now
requested and the requested analysis may resolve an issue not resolved by the
previous analysis; or

1 (c) The requested analysis would provide results that are significantly more
2 accurate and probative of the identity of the perpetrator than the previous
3 analysis.

4 *This Court's analysis is based on the statute, NRS 176.0918.* (NSW)
5 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction

6 DNA Testing Pursuant to NRS 176.0918 shall be, and it is, hereby denied.

7 DATED this 26th day of July, 2011.

8 
9 DISTRICT JUDGE *slb*

10 DAVID ROGER
11 DISTRICT ATTORNEY
12 Nevada Bar #002781

13 BY 
14 TYLER D. SMITH

15 Deputized Law Clerk
16 Nevada Bar #0011870

17
18 Certificate of Service

19 I Debra Jason, certify that on the 12th day of July, 2011, I mailed a copy of the foregoing
20 proposed Findings of Fact, Conclusions of Law, and Order to Attorney, Travis N. Barrick,
21 540 E. St. Louis Avenue, Las Vegas, NV 89104, for his review.

22
23
24 Debra Jason

25 Legal Secretary, District Attorney's Office
26
27
28

Smith, Tyler

From: Smith, Tyler
Sent: Tuesday, July 19, 2011 1:28 PM
To: 'Travis N. Barrick'
Subject: RE: Lobato
Attachments: image001.jpg; image002.jpg

Mr. Barrick:

Thank you for the prompt response. Unfortunately, it is my opinion that the material you are requesting to be added is outside the scope of Judge Vega's ruling. I conferred with my supervisor, Leon Simon, and he agrees. I am therefore going to respectfully decline to make your requested additions. I will attach this e-mail exchange as an exhibit to the Order and forward it to Judge Vega so that she is aware of your concerns.

Thank you,



Tyler D. Smith

Deputized Law Clerk
Criminal Appeals Unit
(702) 671-2748
tyler.smith@ccdavn.com

From: Travis N. Barrick [mailto:tbarrick@gww.com]
Sent: Monday, July 18, 2011 4:20 PM
To: Smith, Tyler
Cc: Travis N. Barrick
Subject: Lobato

Hi Tyler:

I reviewed the draft Order and it looks good. But I need the following added because these are the issues I raised in the pleadings and at the hearing and I need them in the Order for appeal purposes.

Please add the following paragraph:

By way of her Reply and oral argument, Petitioner specifically requested the Court to make three specific rulings:

- 1) that People v. Brown, 46 Cal.3d 432, 448 785 P.2d 1135, 250 Cal. Rptr. 604 (1988) is inapplicable as the standard for reasonable possibility under NRS 176.0918,
- 2) that Valdez v. State, 124 Nev. 97, 196 P.3d 465 (2008) is the applicable standard for reasonable possibility under NRS 176.0918 and
- 3) that Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984) is applicable to petitions for habeas corpus and is not applicable to NRS 176.0918.

The Court declined to make specific rulings on these three points of law.

Travis N. Barrick, Esq.



**GALLIAN
WILCOX**
WELKER, OLSON
& BECKSTROM, L.C.

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Las Vegas, Nevada 89104
(702) 892.3500
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 10, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

August 10, 2001

9:30 AM

Request of Court

AT THE REQUEST
OF THE COURT
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Jorgenson, Eric G.	Attorney
	Lobato, Kirstin B	Defendant
	PUBDEF	Attorney
	Public Defender	Attorney

JOURNAL ENTRIES

- Conference held in Chambers with counsel. Court convened and the Court advised it had received the file late yesterday and had reviewed it; however, a transcript has not yet been received for review. Further, the Court noted that this hearing regarding bail was brought at the request of both counsel. Initial arguments heard from both counsel. Mr. Richards requested that the status quo remain until Mr. Kohn can be present to argue the merits. Following additional colloquy, the COURT ORDERED that the bail as set by Judge Van was invalid under law and SET ASIDE; therefore, according to the Amended Bail Schedule of 8/1/01, the COURT ORDERS the following bail set: Count I - No Bail
Count II - \$3,000.00

FURTHER ORDERED, further argument for bail setting will be heard upon Mr. Kohn's return and scheduled for 8/21/01 at time of initial arraignment.

CUSTODY

01C177394

8/21/01 8:30 AM HEARING: BAIL SETTING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 21, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

August 21, 2001

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS (08-21-01)
Relief Clerk: Cindy
Lory/cnl
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Lobato, Kirstin B Defendant
PUBDEF Attorney

JOURNAL ENTRIES

- ARRAIGNMENT...HEARING: BAIL SETTING
DEFENDANT LOBATO ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE.
COURT ORDERED, matter set for trial. Arguments by counsel regarding bail amount and discovery.
COURT ORDERED, BAIL SET on Count I at \$200,000.00 and on Count II at \$50,000.00. COURT
ORDERED, matter set for status check on discovery.
CUSTODY
08-30-01 8:30 AM STATUS CHECK: DISCOVERY
09-20-01 9:00 AM CALENDAR CALL
09-24-01 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

August 30, 2001

8:30 AM

Status Check

STATUS CHECK:
DISCOVERY Court
Clerk: Sharon Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Lobato, Kirstin B	Defendant
	Ponticello, Frank M.	Attorney
	Public Defender	Attorney

JOURNAL ENTRIES

- Mr. Kohn stated he was concerned about not receiving all discovery prior to the trial date. Mr. Jorgenson advised that the reports were just to be approved and then would be forwarded to Mr. Kohn; however, in the meantime, he invited Mr. Kohn to review his files. Mr. Jorgenson further advised that there were no more DNA tests run. The Court stated that if there was any more difficulty to advise Chambers and the matter will be placed back on calendar. COURT ORDERED, calendar call and trial dates STAND.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 20, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

September 20, 2001

9:00 AM

Calendar Call

CALENDAR CALL
Relief Clerk: Theresa
Lee
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Jorgenson, Eric G.	Attorney
	Lobato, Kirstin B	Defendant
	PUBDEF	Attorney
	Public Defender	Attorney

JOURNAL ENTRIES

- Mr. Kohn advised Court he received police reports last Tuesday, September 11, 2001, which was a bad day. He read them on Wednesday. He does not feel they were deliberately held from him. There is a witness in Panaca, and he has had only four weeks since the arraignment to prepare this case for trial. The Deft. did not waive her speedy trial rights. Deft. does not want to waive. Deft. is still invoking her right to speedy trial, and would ask for a trial date at the earliest date. Court informed counsel the Court has a case set for the week of 11/13/01. Mr. Kohn requested preference if the Court's #1 case goes away for that date. Court examined Deft. regarding representations of her attorney. Deft. concurred. COURT ORDERED, trial date VACATED AND RESET. Mr. Kohn stated counsel for the Deft. will be out of the country on 11/8/01 at calendar call. Mr. Kohn stated he missed something at the Preliminary Hearing, but read it in the Preliminary Hearing transcript. Mr. Kohn stated he is going to file a Writ and requested the matter set for hearing at the end of October, SO ORDERED. Mr. Kohn stated he will respond orally if he needs to.

01C177394

CUSTODY

10/25/01 8:30 A.M. DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS

11/8/01 9:00 A.M. CALENDAR CALL

11/13/01 10:00 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 25, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

October 25, 2001

8:30 AM

All Pending Motions

ALL PENDING
MOTIONS
(10/25/01) Court
Clerk: Sharon Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Jorgenson, Eric G.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	Public Defender	Attorney

JOURNAL ENTRIES

- DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION TO DISMISS
Following arguments by counsel per pleadings, COURT ORDERED Deft's Petition for Writ of Habeas Corpus DENIED. FURTHER ORDERED, Deft's Motion to Dismiss, DENIED pursuant to NRS 201.450.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 08, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

November 08, 2001

9:00 AM

Calendar Call

CALENDAR CALL
Court Clerk: Sharon
Chun/ssc Relief
Clerk: Theresa Lee
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Public Defender	Attorney

JOURNAL ENTRIES

- The Court noted that this was the priority case on the 11/13/01 trial stack. Mr. Kohn stated that he had spoken to Eric Jorgenson about witnesses and lab reports and that he is prepared for trial. Ms. Allred advised the State is ready for trial; however, there was a question pending about witnesses and Mr. Jorgenson is in North Las Vegas this morning and unavailable until later today. The Court advised that because of the Overflow trial scheduling in Dept. VII, the calendar call would have to be held as quickly as possible. COURT ORDERED, CONTINUED for presence of Mr. Jorgenson tomorrow morning.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

November 09, 2001

9:00 AM

Calendar Call

CALENDAR CALL
Relief Clerk: Theresa
Lee
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Jorgenson, Eric G.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- Court stated for the record, the Court and Counsel had a discussion in Chambers and at side bar this morning. The State is having difficulty with one witness. Counsel wish to put a stipulation on the record. Mr. Jorgenson concurred, the Medical Examiner is only available the first two days of next week and one of the days, Monday, is a holiday. Counsel have AGREED to continue the trial two weeks, until 11/26/01. Deft. has agreed to STIPULATE to a WAIVER of her SPEEDY TRIAL RIGHTS for two weeks. The State and Defense are concerned with resetting the trial date two weeks and not knowing the availability of their witnesses. IF there is a problem with witnesses at that point, the State will STIPULATE with the Defense to REDUCE Deft.'s BAIL to \$50,000 with HOUSE ARREST. Court stated this was discussed at a prior bail motion. Mr. Kohn stated he is concerned with a conditional waiver of the 60 day rule. Most Judges feel either you waive or you do not. If

something were to go wrong, he would not want the trial date continued out six months. Mr. Kohn stated if this matter does not go to trial on 11/26/01, Deft. will clearly waive her speedy trial rights with the provision of the \$50,000 bail and House Arrest. COURT ORDERED, Trial Date VACATED AND RESET to 11/26/01 at 10:30 A.M. FURTHER ORDERED, this Calendar Call is CONTINUED to Tuesday, 11/20/01 at 9:00 A.M. Court stated, Deft. is only stipulating to waive her speedy trial rights up to 11/26/01, otherwise the implication remains in place. Mr. Jorgenson requested Court Order subpoenas extended for both sides until the new date. COURT ORDERED, ALL existing Subpoenas will remain in effect during this trial time. Mr. Jorgenson inquired if there could be four alternate jurors? Mr. Kohn concurred. Colloquy between Court and counsel re the Jury Selection process in Dept. II. Mr. Kohn stated there was a prior order that Deft. would be brought over to his office today, and requested that order remain in effect, SO ORDERED.

CUSTODY

11/20/01 9:00 A.M. CALENDAR CALL

11/26/01 10:30 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 20, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

November 20, 2001

9:00 AM

Calendar Call

CALENDAR CALL
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Brown, Philip H.	Attorney
	Lobato, Kirstin B	Defendant
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- Counsel stated they were prepared for trial and anticipated eight days for completion. Mr. Brown advised there were five or six out-of-state witnesses planned. COURT ORDERED, trial date stands as set.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 26, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

November 26, 2001

10:30 AM

Jury Trial

TRIAL BY JURY (VH
11/26/01) Court
Clerk: Sharon Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Jorgenson, Eric G.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- At the hour of 10:15 A.M. the Court convened OUTSIDE PRESENCE OF JURY PANEL to hear the State's Motion to Continue Trial. Mr. Jorgenson advised that an essential witness, Louise Renhard, Crime Scene Analyst, is out-of- state until 12/7/01. He advised that he was not aware that she was possibly the only analysis who investigated the Def't's automobile, as well as the crime-scene. He produced copies of the Crime Scene Reports for the Court. Mr. Kohn stated that he opposed a trial continuance and that he would stipulate that the bat was found inside Def't's car and that she applied Luminol; however, he felt that her testimony was limited and she could not testify as to how Luminol works He further felt that other detectives were possibly present and would stipulate to other issues, if appropriate. The Court inquired if any other Detectives were present at the vehicle scene. Mr. Jorgenson advised he did not know, the reports did not reflect anyone else. COURT ORDERED, OFF

RECORD, while Mr. Jorgenson places a telephone call for information.

When Mr. Jorgenson returned to the court room, COURT ORDERED, ON RECORD. Mr. Jorgenson advised that no one else saw the bat or was present when Ms. Renhard tested the bat; therefore, he reiterated his need for a trial continuance.

COURT ORDERED, State's Motion to Continue Trial, GRANTED; trial VACATED and RESET to start on 12/5/01 at 10:30 A.M. FURTHER ORDERED, current subpoenas remain in effect.

Mr. Kohn requested that the Court reconsider because of his need to reschedule witnesses and the fact that the Deft. had invoked. He further requested an O.R. Release/House Arrest and bail reduction, if the continuance date stands. Mr. Jorgenson noted that the State had previously agreed to a \$50,000 bail.

COURT ORDERED, BAIL REDUCED TO FIFTY-THOUSAND DOLLARS (\$50,000) TOTAL: (COURT I - \$30,000.00 & COUNT II - \$20,000.00). FURTHER ORDERED, if Deft. meets bail, she is to be PLACED ON HOUSE ARREST administered by the Clark County Detention Center and Deft. is to submit to RANDOM URINALYSIS, as deemed necessary.

CUSTODY

12/5/01 10:30 AM TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 05, 2001

01C177394

The State of Nevada vs Kirstin B Lobato

December 05, 2001

10:30 AM

Jury Trial

TRIAL BY JURY
Relief Clerk: Theresa
Lee
Reporter/Recorder:
Carrie Hansen Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- Mr. Kohn stated he contacted the Court and counsel yesterday and advised them Metro did not do the photos asked for last time and would like to send them out to an Expert who is on his way to Turkey. COURT ORDERED, Deft.'s motion to continue the trial is GRANTED, trial date reset. Court inquired of Deft. if she is WAIVING her speedy trial rights. Deft. concurred. Ms. Allred/DiGiacomo stated everyone is in agreement with continuing the trial date to April, 2002.

BOND (H.A.)

4/25/02 9:00 A.M. CALENDAR CALL

4/29/02 10:00 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

April 25, 2002

9:00 AM

Calendar Call

CALENDAR CALL
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Kephart, William D.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- Mr. Kohn explained that since Deft. Lobato is on house arrest, there is a transportation problem. COURT ORDERED Deft's appearance is WAIVED for this hearing. Counsel stipulated to a calendar call continuance and requested the trial begin on 5/6/02 to accomodate scheduling of witness. COURT ORDERED, the Calendar Call is CONTINUED and the Jury Trial of 4/29/02 is VACATED and RESET to begin on 5/6/02.

BOND (H.A.)

5/6/02 10:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 02, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 02, 2002

9:00 AM

Calendar Call

CALENDAR CALL
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- Counsel announced they were ready to proceed to trial. Mr. Kephart stated witness availability and that counsel may be able to agree on photographs, etc. He requested the additional of Charlie Mahoney and Joel Geller to the Witness Lists. No opposition by Defense; however, Mr. Kohn advised he will need additional reports, tapes, photographs, etc. from any investigations not yet turned over. Mr. Kephart agreed to do so. Colloquy held regarding testimony re Luminol. Mr. Kephart advised that testimony will be presented as to experience and training re Luminol, but Tom Wahl will testify as to any chemical reactions as to that or other chemicals. Arguments by Defense and Mr. Kephart as to what reports/work product should be turned over to Defense. COURT ORDERED, anything relating to the crime scene is to be turned over to Defense. Mr. Kephart agreed to do so.

01C177394

COURT ORDERED, trial date STANDS to begin on 5/6/02 at 10:30 A.M. Following a short bench conference, COURT ORDERED, Deft. to REMAIN ON HOUSE ARREST.
BOND (H.A.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 06, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 06, 2002

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- The trial convened with the jury panel seated. Introductions made by the Court and all counsel. Panel members sworn and voir dire began with panel members being excused for cause. Following lunch recess, OUTSIDE PRESENCE OF JURY PANEL, Mr. Kephart advised the Court that panel number 67 had approached him to advise counsel that they should "keep down their table conversation". The Court requested the Bailiff to usher juror no. 67 to the court room. Upon the Court's query he advised that he didn't actually hear what was said, but, overheard sounds and chatter. All counsel advised the Court they were satisfied that the juror was not tainted; he was returned to the jury services room with the other panel members.

Jury panel members were seated and the voir dire continued, some being queried outside presence of

the other panel members. OUTSIDE PRESENCE OF THE JURY PANEL the Defense reserved the right to excuse panel member #64. The State made a record of the reasons for challenges for cause. PANEL MEMBERS RETURNED to the court room and the Court read the instructions re the law of the case. The first thirty-four panel members were seated for additional voir dire. Additional members excused for cause. The Court admonished panel members and ORDERED the trial CONTINUED tomorrow morning.

OUTSIDE PRESENCE OF JURY PANEL the Court was made aware of a note from Panel Member #44. The Court stated it would address it tomorrow morning. COURT ORDERED evening recess.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 07, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 07, 2002

10:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- The trial reconvened with all panel members present. The Court thanked and excused Panel Member #44 for cause. Voir dire continued. Additional panel members excused for cause. OFF RECORD the voir dire of Panel Member #104 was played back. ON THE RECORD the Court advised that the Defense wished to challenge for cause Panel Member #104 after playing back her taped voir dire; however, the Court had released the additional twenty jurors and only one was left in the pool from the audience. The Court advised it was concerned it would be another week before another panel could be obtained. Colloquy held regarding waiving the second alternate if there was a lack of jurors. JURY PANEL RETURNED TO THE COURT ROOM. COURT ORDERED Jury Panel Member #104 excused for cause. The last panel member was seated and voir dired. Peremptory

Challenge conducted and additional panel members were excused.

Final jurors were sworn and seated. COURT ORDERED, JURORS RECESSED and the trial is CONTINUED to tomorrow morning. Jury List FILED IN OPEN COURT.

OUTSIDE PRESENCE OF JURORS Mr. Kohn requested that the statement(s) made by his client to the State be made available. Mr. Kephart advised that any statements made by Deft. Lobato at the jail and at her home would be made available to Defense counsel.

COURT ORDERED, EVENING RECESS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 08, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 08, 2002

10:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- The trial reconvened OUTSIDE PRESENCE OF JURORS. Mr. Kohn objected to showing of proposed exhibits; argument by Mr. Kephart. COURT ORDERED OBJECTION to showing of Exhibit #117 OVER-RULED. FURTHER ORDERED, the showing of Exhibits #113 & 114 will be disallowed during opening statement.

JURORS SEATED. The Information was read and the Court gave Instructions to the jurors. Opening statements made by both counsel. OUTSIDE PRESENCE OF JURORS Mr. Kohn advised he had been handed the fingerprint report, the 4/18/02 report re the search warrant, and the Detective's report of 4/9/02 regarding the Deft's statement and he argued for exclusion of the report as being untimely and that he had not yet received the diagrams. The Court noted that at Calendar Call the State was

ordered to provide the report(s) as soon as received. Mr. Kephart stated he had just received them yesterday and that the diagrams were not going to be brought up at trial. Arguments held regarding relevance. COURT ORDERED that the issues could be readdressed later, if appropriate, outside presence of the jurors. The Court further noted that clarification was required regarding the diagram of the jail cell and requested the State to bring to Court tomorrow morning. The State agreed to make phone calls during the break to request same.

JURORS SEATED. Witnesses were sworn and testified; exhibits presented. (See Lists.) OUTSIDE PRESENCE OF JURORS arguments heard regarding presentation of exhibits. COURT ORDERED that the autopsy photographs are to be shown to the Court prior to being shown to the jurors. FURTHER ORDERED, the Defense's objection to presentation of Exhibits 12, 13, and 16 is OVER- RULED. JURORS RETURNED TO THE COURT ROOM. Additional witnesses were sworn and testified; exhibits presented. COURT ORDERED JURORS RECESSED and to return tomorrow morning.

OUTSIDE PRESENCE OF JURORS arguments heard regarding Exhibits 106, 107, and 108 regarding the photographs of the Deft's license plate. COURT ORDERED, Defense's Objection is OVER- RULED. The Defense moved for case dismissal based on prosecutor misconduct, regarding the fact that the Deft's statements were not made available to the Defense. Ms. DiGiacomo argued that the Statute applies to only written and recorded statements. The Court stated it was not aware of any Statutes which determined that the State was to prescreen all witnesses, transcribe the statements and make available to the criminal defense; however, the State was cautioned that the State is to provide any other statements to Defense. COURT ORDERED, DEFENSE'S MOTION TO DISMISS is DENIED. Mr. Kohn further argued that due process is at issue and there are duties not cited in the Nevada Revised Statutes. Ms. DiGiacomo advised that everything has been provided to the Defense and that the witness, Darin, had been provided on the witness list. The Court so noted.

JURORS RETURNED TO THE COURT ROOM. Witness testimony continued. COURT ORDERED JURORS RECESSED and to return tomorrow morning. OUTSIDE PRESENCE OF JURORS the Court advised counsel to be present tomorrow morning at 10:00 a.m. FURTHER ORDERED, per stipulation, counsel will remain this evening to review the autopsy photographs. FURTHER ORDERED, at request of Defense counsel the Exclusionary Rule will be invoked tomorrow. COURT ORDERED, EVENING RECESS; CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 09, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 09, 2002

8:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- The trial reconvened OUTSIDE PRESENCE OF JURORS. Arguments heard regarding the Defense's objections to various autopsy photographs; Dr. Larry Simms was sworn and testified regarding the photographs. Admission of exhibits were settled on the record. The State requested leave to file a Supplemental Alibi Witness List; objection made by the Defense. COURT ORDERED, RULING RESERVED until the time the witness is to be presented.

JURORS SEATED. Witnesses sworn and testified; exhibits presented. (See Lists.) OUTSIDE PRESENCE OF JURORS arguments heard regarding redacting portions of the Detective's written statement. Redaction was settled on the record.

JURORS SEATED. Witness testimony continued. OUTSIDE PRESENCE OF JURORS the Defense

objected to showing of exhibits showing scratches; arguments heard. The State stipulated that it would not present photographs with Deft's scratches and that stomach scratches were not from the crime scene.

JURORS SEATED. Witnesses sworn; exhibits presented. COURT ORDERED, JURORS RECESSED and to return tomorrow morning.

OUTSIDE PRESENCE OF JURORS Mr. Kephart stated that Mr. Kohn spoke to a witness in front of the jury during the break and that it was inappropriate as the jurors may have overheard. The Court admonished counsel not to have such further conversations in front of jurors.

COURT ORDERED EVENING RECESS; CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 10, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 10, 2002

10:30 AM

Jury Trial

TRIAL BY JURY
Relief Clerk: Keith A.
Reed
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart advised the Court of the need for a hearing as to the voluntariness of statements made by the Deft. to the police at her home and moved for the admission of state's exhibits # 123 & 124. COURT ORDERED, hearing to be held; ruling on admissibility of exhibits # 123 and 124 held in abeyance. HEARING HELD: Arguments by Mr. Kohn and Kephart. Court stated findings and ORDERED, motion GRANTED; state's exhibits 123 & 124 ADMITTED. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Notice Of Defendant's Expert Witnesses FILED IN OPEN COURT. Mr. Kephart objected to the filing arguing the curriculum vitae needed to be filed 21 days prior to start of trial. Court stated findings and ORDERED, objection OVER RULED; state will be allowed to contact

the witnesses. Mr. Kephart noted a continuance may be necessary due to the late filing of the curriculum vitae to confer with experts. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) Court admonished and released the jury to return May 13, 2002 @ 10:30 AM. OUTSIDE THE PRESENCE OF THE JURY: Court noted Mr. Kohn presented 2 hand written letters that will be marked as G1 - G3 and directed witness Karinda Martin be returned to the Court for testimony May 13, 2002. Mr. Kohn requested a copy of the probation report from Dept. XIV to compare the hand written letter from Ms. Martin. In referencing a poem written by Karinda Martin 7-29-01, Mr. Kephart requested the Court provide a 2 sheet to LVMPD and restrict the questioning of Ms. Martin regarding the information therein. Colloquy between Court and counsel regarding handwriting samples/ 2 sheets. COURT ORDERED, if there is a voluntary statement attached to the Presentence Investigation Report (PSI), it is to be turned over. FURTHER ORDERED, Ms. Labato will voluntarily provide a 2 sheet. Parties STIPULATE to the allow defense counsel to remove from the trial exhibits #'s G1-G3 WAIVING any defects in the chain of custody for the purpose of obtaining a handwriting analysis.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 13, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 13, 2002

10:30 AM

Jury Trial

TRIAL BY JURY
Relief Clerk: Keith A.
Reed
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart advised the Court he has obtained hand writing exemplars from Korinda Martin, the Deft. and from Brenda Self which are being analyzed today. Mr. Kohn noted the handwriting samples from the Deft's P & P report are identical to Defense exhibit G3. He stated witnesses may need to be called out of order and it may be necessary to conduct additional investigations to determine who wrote which letters. Argument by Mr. Kephart regarding NRS 50.835(3). He argued the matter of the handwriting expert should have been taken care of sooner; Defense counsel cannot impeach with extrinsic evidence. He objected to any continuances and stated he is entitled to proceed with his case in chief. Colloquy by Court and counsel regarding the handwriting analysis and its expected completion date. Court stated testimony will continue with

Ms. Martin; she will be excused subject to being recalled for later testimony. Court noted the presence of a still photographer and advised him of the Courts request not to photograph the face of witness Korinda Martin due to a concern for her safety. Court requested the photographer pass along the Court's request to his superiors at the Review Journal . JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Ms. Navarro objected to and moved for the suppression of the testimony of the forensic chemist as to Luminol and Phenolphthalein. She argued the test are not admissible; they provide false positives and are non time specific. Mr. Kephart argued there has been no controlling case law provided by Defense counsel and requested the motion be denied. He stated Defense counsel has the right to cross examine the witness who will say the test are presumptive and may produce false positives. He argued DNA and Hemoglobin test will not always come back confirmatory. Court stated the matter goes to its weight versus its admissibility and ORDERED, objection OVERRULED; motion DENIED. Testimony and exhibits presented. (See worksheets.) State rest. COURT ORDERED, matter CONTINUED to May 14, 2002 @ 11:00 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 14, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 14, 2002

10:30 AM

Jury Trial

TRIAL BY JURY
Relief Clerk: Keith A.
Reed
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY: Colloquy/verification of parties regarding exhibits admitted for juror deliberations. Testimony and exhibits presented. (See worksheets.). Court noted states objection to defense exhibits J,K, L, M & N and upon hearing respective positions of argument by counsel ORDERED, objection OVER RULED; photos WILL NOT be excluded. Colloquy between Court and counsel regarding phone and medical records; questions as to the criteria for entry and whether or not information contained therein is privileged. JURY PRESENT Testimony and exhibits presented. (See worksheets.) Court admonished and released the Jury to return May 15, 2002 at 10AM. OUTSIDE THE PRESENCE OF THE JURY: Colloquy between Court and counsel regarding further proceedings. Court advised the Deft. of her 5th amendment rights as to testimony. COURT

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ORDERED, proceedings CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 15, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 15, 2002

11:00 AM

Jury Trial

TRIAL BY JURY
Relief Clerk: Keith A.
Reed
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Kohn addressed the Court regarding the hand writing exemplars and requested to obtain "kite" of Karinda Martin; was informed will need an order from the Court to obtain. Colloquy between Court and counsel regarding "kites". COURT ORDERED, copy of "kites" to be made with set of copies to be provided to the state and defense counsel. Court noted states objection to the admission of Deft. exhibit BB. Mr. Kephart noted he would not oppose the admission of the fingerprint experts report; only object to the introduction of the C.V. Report; will stipulate to the experts testimony. Mr. Kohn moved for the admission of the C.V. Colloquy between Court and counsel regarding admission of C.V. of Florida expert witness. Court stated the stipulation will be, the witness is a witness in the

area of shoe impressions and footwear. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Court noted at a side bar defense counsels objections to questioning during the states cross examination in regards to cutting off of the penis. Mr. Kohn argued there is misconduct on behalf of the state's phraseology of questioning " would other testimony be untruthful"; question should not be allowed. Mr. Kephart argued the Supreme Court's only concern with the phrase would be if the term liar was used. Colloquy between Court and counsel regarding confidentiality issues surrounding reports of Dr. Paglini. Court noted the objection was not raised until after lunch and into the 4th cross examination; Court ruled prior waiver occurred. JURY PRESENT: Court admonished the jury and ORDERED, proceedings CONTINUED to 5-16-02 @ 11:00 AM. Mr. Kohn. requested he be permitted to call a witness not previously noticed. Mr. Kephart objected. Without ruling, COURT ORDERED, proceedings CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 16, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 16, 2002

11:00 AM

Jury Trial

TRIAL BY JURY
Relief Clerk: Keith A.
Reed
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- JURY PRESENT: Court advised jurors of stipulation to admission of exhibit DD. Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart noted his objection to the late/improper notice of and expert witness and would further object to any testimony by the expert beyond luminol or phenolphthalein testing. Mr. Kohn argued the Defense had not intended to use the information in it's case and chief, but upon revelation of the states evidence and theory, there is more research to be done based upon the states cross examination of the Deft. Mr. Kephart moved for the exclusion of the testimony of expert Schiro. Court stated findings and ORDERED, defense counsel may call Mr. Schiro regarding expert testimony. Due to late disclosure, Court requested an offer of proof as to the issues of latent fingerprints, footprints and

blood splatters. Offer of proof presented by Mr. Kohn. Court stated findings and ORDERED, objection SUSTAINED as to the objection to the footprint testimony; ruling RESERVED on issues of latent fingerprints and blood splatters. Mr. Kephart moved for a 1 week continuance. Due to Court schedule, COURT ORDERED, state's motion for continuance DENIED. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Mr. Kephart advised the Court he was served over the noon hour with a Supplemental Notice Of Alibi of a neighbor of the Deft. Further arguments by counsel regarding qualifications of expert for testimony. Court stated findings noting notice not timely and ORDERED, objection SUSTAINED as to testimony of blood splatters; will allow questioning as to the lack of Deft's fingerprints in the Fiero. Ms. DiGiacomo noted concerns regarding comments in the hall from the family of the Deft. regarding the jury. Court directed defense counsel to reiterate to the individuals the need to keep their voices down in the hallway. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Colloquy between Court and counsel regarding the Supplemental Notice Of Alibi. Mr. Kephart noted his objection to the use of the witnesses noticed in the Supplemental Notice of Alibi; filing is not timely or proper under statute. Argument in support of introduction of Supplemental Alibi witness by Mr. Kohn. He argued statute notes must provide to state all known information; the name of the witness was not know until yesterday. Court finds notice untimely; will allow the notice to be filed. Bench Memo & Supplemental Notice Of Alibi Witness FILED IN OPEN COURT. Argument by Mr. Kohn in reconsideration of Court's findings. Mr. Kohn advised the Court he has all the handwritten kites/exemplars of Karinda Martin and have a letter preliminarily showing Karinda Martin lied to the Court; Ms. Martin wrote the letters to Brenda Self. He further argued, there is an element of malice attributed to Karinda Martin; District Attorney cannot prove murder without her. He moved for a continuance to until an opinion has been rendered to as to whether to proceed forward with testimony of Brenda Self, or to exclude the testimony of Karinda Martin. Colloquy between Court and counsel regarding kites. COURT ORDERED, pursuant to NRS 50.085, all testimony regarding defense exhibits G & G1-G3 to be held outside the presence of the jury. Upon the inquiry of Mr. Kohn Court clarified its prior ruling and ORDERED, new witness noted in the Supplemental Notice of Alibi WILL NOT be allowed to testify as the disclosure was not timely. Mr. Kohn moved for a continuance. COURT ORDERED, motion DENIED. Ms. DiGiacomo moved for the admission of state's exhibit #133. Colloquy between Court and counsel regarding further proceedings. JURY PRESENT: Defense REST. Court admonished and excused the jury to return May 17, 2002 @ 1:00 PM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 17, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

May 17, 2002

11:00 AM

Jury Trial

TRIAL BY JURY
Relief Clerk: Keith A.
Reed
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public	Attorney
	Defender	

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Jury instruction settled. Ms. DiGiacomo advised the Court she has returned state's exhibit #125 to the clerk as well as a redacted copy of exhibit # 125 labeled state's exhibit # 125A and moved for its admission and the withdrawal of state's exhibit # 125. There being no opposition COURT SO ORDERED. Court stated it will advise the jury state's exhibit # 133 was admitted and that the urine sample was tested for the presence of meth on July 5 and none was found. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) State rest. Jury instructed by the Court. Closing arguments by Ms. DiGiacomo, Mr. Kohn and Mr. Kephart. At the hour of 6:45 PM the jury retired for dinner/deliberations. OUTSIDE THE PRESENCE OF THE JURY: Mr. Kohn noted for the record his objection to the 25th and 26th jury instruction regarding sexual

penetration. Court advised counsel Juror # 6, Mr. Templeton was selected the fore person and informed the Court the jury wishes to remain and deliberate. OUTSIDE THE PRESENCE OF THE JURY: At the hour of 1:50 AM on May 18, 2002, Court noted it met with counsel in Chambers and formulated a note that was sent back to the jury inquiring of them regarding the progress of deliberations and if they desired to continue. Court noted the jury indicated via notes that they were making progress and desired to continue with deliberations. Mr. Kohn requested the Court release the jury to return on Monday, May 20 to continue with deliberations. Mr. Kephart opposed and requested the jury be allowed to continue with deliberations as they have indicated they are making progress. OUTSIDE THE PRESENCE OF THE JURY: Court advised counsel at the hour of 2:15 AM it was made aware the jury had reached a verdict and is returning to the Courtroom at this time. JURY PRESENT: On May 18, 2002 at the hour of 2:50 AM, the jury returned with verdicts of GUILTY as to COUNT I, FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F) and GUILTY as to COUNT II, SEXUAL PENETRATION OF A DEAD HUMAN BODY (F). Jury polled. Court thanked and excused the jury stating they are released from the penalty phase of the case. OUTSIDE THE PRESENCE OF THE JURY: Court noted for the record that at side bar, counsel STIPULATED as to the charge of First Degree Murder that the sentence will be a number of years and referred the matter to P & P. Mr. Kephart requested the Court remand the Deft. to custody. COURT ORDERED, Deft. REMANDED TO CUSTODY, matter set for SENTENCING. Mr. Kohn requested the Deft. be allowed to be given her medication. COURT ORDERED, a note to be placed on the Deft's booking sheet that she be seen by the medical staff so that she an assessment can be made for her medication. CUSTODY

7-2-02 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 18, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

June 18, 2002

8:30 AM

Motion

DEFT'S MTN TO
EXTEND TIME TO
FILE MTN FOR
NEW TRIAL
ALTERNATIVE
MTN FOR/21 Relief
Clerk: Keith A. Reed
Reporter/Recorder:
Sharleen Nicholson
Heard By: Vega,
Valorie J.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- Mr. Kohn moved to file a supplemental exhibit and stated he would have no objection to a continuation of matters for the state to review it. Mr. Kephart stated he would not oppose the filing. Supplemental Exhibit In Support Of Reply To State's Response To Motion To Extend Time To File Motion For A New Trial & Opposition To Deft's Motion For A New Trial FILED IN OPEN COURT. Mr. Kohn stated he is prepared to go forward without the testimony of Korinda Martin; but would like to have the transcript of her testimony. Upon the Court's inquiry, the Court Reporter stated the

01C177394

preparation of the transcripts has been completed; but not yet proofed. Mr. Kohn stated since the transcripts are done, he would like time to review them to make sure certain objections made are contained therein. Colloquy between Court and counsel regarding the transcripts. Upon conferring with the clerk preparing the transcripts, Court determined it will be two weeks before the transcripts are completed. Both parties advised they would like to review the transcripts before proceeding. Colloquy between Court and counsel regarding pending motions and further proceedings. Court stated all motions should be ruled upon prior to sentencing and ORDERED, motions CONTINUED; scheduled sentencing date VACATED to be re calendared.

CUSTODY

7-18-02 8:30 AM STATUS CHECK: RESCHEDULING OF SENTENCING DATE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

July 18, 2002

10:30 AM

All Pending Motions

ALL PENDING
MOTIONS (7/18/02)
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Chrysanthis, Alexandra C.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL, OR IN THE ALTERNATIVE, MOTION FOR NEW TRIAL...STATUS CHECK: RESCHEDULING OF SENTENCING DATE

The Court was advised that the transcript will not be ready until 8/22/02. COURT ORDERED, Deft's Motion to Extend Time, SET FOR ARGUMENT; the Status Check was continued to same time. CUSTODY

8/22/02 10:30 AM DEFT'S MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL OR, IN THE ALTERNATIVE, MOTION FOR NEW TRIAL...STATUS CHECK: RESCHEDULING OF

01C177394

SENTENCING DATE.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 22, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

August 22, 2002

10:30 AM

All Pending Motions

ALL PENDING
MOTIONS (8/22/02)
Court Clerk: Sharon
Chun
Reporter/Recorder:
Sharleen Nicholson
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- ARGUMENT: DEFT'S MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL...STATUS CHECK: RESCHEDULING OF SENTENCING DATE
Counsel argued per pleadings, supplemental pleadings, and oppositions.
COURT ORDERED, Deft's Motion to Extend Time to File Motion for New Trial: re: Expert, George Shiro, DENIED, pursuant to Libby v. State, 115 Nev. 45 (1999); re: Missing Persons Report: That was argument made by the Prosecutor in closing, as to what inference could be deemed by phone records, and, that does not warrant relief requested. Therefore, DENIED. re: Korinda Martin: Jurors had an opportunity to evaluate her credibility in light of her convictions of felony and prison time, but, the

01C177394

information regarding her letters written on sentencing was collateral and extrinsic and ruling was appropriate; therefore, DENIED.

The COURT FOUND that the Defense did not meet its burden and therefore, Defendant's Motion to Extend Time to File Motion for New Trial is DENIED pursuant to Evans v. State, 112 Nev. 1172 (1996).

FURTHER ORDERED, since the Pre-Sentence Report has been received, matter SET for Sentencing.
8/27/02 10:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 27, 2002

01C177394

The State of Nevada vs Kirstin B Lobato

August 27, 2002

10:30 AM

Sentencing

SENTENCING
Court Clerk: Sharon Chun
Reporter/Recorder: Sharleen Nicholson
Heard By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	PUBDEF	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- Officer Snell of Parole and Probation (P & P) present. DEFT. LOBATO ADJUDGED GUILTY of COUNT I - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER) and COUNT II - SEXUAL PENETRATION OF A DEAD HUMAN BODY (F). Arguments made by Mr. Kephart on behalf of the State, no statements were made by Deft., Mr. Kohn argued on behalf of the Deft. The Court noted that the Pre-Sentence Investigation and Report (PSI) reflected, on page no. 1, that Count II indicated a mandatory fine, however, a fine was not cited in the recommendations. Mr. Snell stated that evidently P & P did not recognize the fine as being mandatory. The Statute was reviewed by the Court and all counsel, after which, all stipulated that the fine was not mandatory, but, left up to the discretion of the Court.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee, Deft. SENTENCED as follows:

COUNT I - a MAXIMUM of FIFTY (50) YEARS and a MINIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC) plus an equal and CONSECUTIVE MAXIMUM of FIFTY (50) YEARS and a MINIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections for Use of a Deadly Weapon.

COUNT II - a MAXIMUM of FIFTEEN (15) YEARS and a MINIMUM of FIVE (5) YEARS in the Nevada Department of Corrections (NDC). FURTHER ORDERED, a FINE in the AMOUNT of TEN-THOUSAND DOLLARS (\$10,000) is imposed. FURTHER, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Additionally, the Deft. is ORDERED to submit to a blood or saliva test to determine genetic markers and to PAY a \$150.00 DNA Analysis fee to the Clark County Clerk. COUNT II is to be SERVED CONCURRENTLY TO COUNT I.

FURTHER ORDERED, Deft. GRANTED TWO-HUNDRED THIRTY-THREE (233) DAYS CREDIT for time served.

Deft. Labato REMANDED to custody for sentence imposition.

NDC

CLERK'S NOTE: To correct a clerical error the minutes have been corrected to reflect the sentences as "years" instead of "months". /sc

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2004

01C177394

The State of Nevada vs Kirstin B Lobato

October 07, 2004

9:00 AM

Request of Court

AT THE REQUEST
OF THE COURT:
RESET TRIALDATE
Court Clerk: Billie Jo
Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Navarro, Gloria M.	Attorney
	Pike, Randall H.	Attorney
	Roger, David J.	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- Court noted matter returned from the Nevada Supreme Court to reset Trial date. CONFERENCE AT BENCH. The State to prepare an Order to Transport. COURT ORDERED, matter SET for Defendant's Oral Motion to Reduce Bail and Status Check: Reset Trial Date. Colloquy regarding Trial date. Counsel requested the Bail Motion be heard before a Trial date is set as the Bail Motion outcome may alter a Trial date. Ms. DiGiacomo and Mr. Kephart will be prosecuting counsel and Ms. Navarro and Mr. Schieck will be defense counsel. RECALLED LATER at request of Ms. Navarro who requested a Trial date. COURT ORDERED, matter to TRAIL for Ms. Navarro to locate Ms. DiGiacomo. RECALLED. Ms. DiGiacomo and Ms. Navarro present. Counsel requested a Trial date for three weeks. COURT ORDERED, matter SET for Trial. The Status Check date is VACATED.

01C177394

NDC

10/28/04 9:00 AM DEFT'S ORAL MOTION FOR BAIL REDUCTION

11/9/04 9:30 AM CALENDAR CALL

11/15/04 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2004

01C177394

The State of Nevada vs Kirstin B Lobato

October 28, 2004

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS FOR
10/28/04 Court Clerk:
Billie Jo Craig
Reporter/Recorder:
Liz Garcia Heard By:
Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Navarro, Gloria M.	Attorney
	Roger, David J.	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- DEFT'S ORAL MOTION FOR BAIL REDUCTION...DEFT'S MOTION FOR RELEASE WITHOUT BAIL OR REINSTATE BAIL INTENSIVE SUPERVISION

Court noted it received no reply. Ms. Navarro argued that Trial set for three weeks at the State's request. The State argued for no release. If the Court was inclined to set a bail, the State requested \$500,000.00. Ms. Navarro argued for lower bail. COURT ORDERED, Defendant's Motion for Bail is GRANTED for reasonable bail of \$450,000.00 in CT. I and \$50,000.00 in CT. II for a TOTAL BAIL OF \$500,000.00. Trial date STANDS. Ms. Navarro requested defendant remain in the women's prison or a lower bail. As the Court had no jurisdiction and the State would not pay to house defendant, COURT ORDERED, request DENIED for reconsideration.

PRINT DATE: 09/07/2011

Page 48 of 128

Minutes Date:

August 10, 2001

01C177394

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2004

01C177394

The State of Nevada vs Kirstin B Lobato

November 09, 2004

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS 11/9/04
Relief Clerk: Jennifer
Lott
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Kephart, William D.	Attorney
	Lobato, Kirstin B	Defendant
	Schieck, David M.	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- Defendant WAIVED his speedy trial rights. Mr. Kephart expressed concern reading Rule 250; however, State did not file a written response. State is prepared to go forward without defendant. COURT ORDERED, motion is GRANTED; trial date VACATED and RESET.

NDC

2/3/05 9:30 A.M. CALENDAR CALL

2/7/05 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 27, 2005

01C177394

The State of Nevada vs Kirstin B Lobato

January 27, 2005

9:00 AM

Motion to Continue

DEFT'S MTN TO
CONTINUE TRIAL
DATE/38 Court
Clerk: Billie Jo Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	Roger, David J.	Attorney
	Schieck, David M.	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Upon the Court's inquiry, defendant confirmed she was to make arrangements to have Attorney Serra represent her with Mr. Schieck's office as local counsel. Mr. Schieck advised defendant indigent and qualified for services of the Special Public Defender's Office. The State confirmed it was informed of this a long time ago and requested matter be set for a Status Check to reset the Trial date. Court inquired if someone was to come up with funds to hire Attorney Serra, to which Mr. Schieck advised they would and not use defendant's trust fund. COURT ORDERED, matter SET for Reset Trial Date. Defendant's PRESENCE WAIVED at next Court date.
NDC

2/1/05 9:00 AM RESET TRIAL DATE

01C177394

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2005

01C177394

The State of Nevada vs Kirstin B Lobato

February 01, 2005

9:00 AM

Conversion Hearing Type

RESET TRIAL DATE

Court Clerk: Billie Jo
Craig

Reporter/Recorder:

Lisa Lizotte Heard

By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

DiGiacomo, Sandra	Attorney
Roger, David J.	Attorney
Schieck, David M.	Attorney
Special Public	Attorney
Defender	

JOURNAL ENTRIES

- COURT ORDERED, Defendant's PRESENCE WAIVED today. Court noted Trial to be reset and Mr. Serra was being retained. Mr. Schieck advised Mr. Serra's office will be handling this matter and Mr. Schieck will be local counsel. Colloquy regarding new Trial date. COURT ORDERED, Trial date is VACATED and RESET. The State to prepare an Order to Transport to have defendant present at Calendar Call.

NDC

11/3/05 9:30 AM CALENDAR CALL

11/7/05 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 08, 2005

01C177394

The State of Nevada vs Kirstin B Lobato

March 08, 2005

9:00 AM

Motion to Associate
Counsel

DEFT'S MTN TO
ASSOCIATE
COUNSEL /42 Court
Clerk: Billie Jo Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Roger, David J.	Attorney
	Schieck, David M.	Attorney
	Schubert, David	Attorney
	Special Public Defender	Attorney

JOURNAL ENTRIES

- COURT ORDERED, defendant's PRESENCE WAIVED today. As there was no opposition and Motion in writing, COURT ORDERED, Defendant's Motion to Associate Counsel is GRANTED. Mr. Schieck submitted the Order to the Court, which was signed and returned to him.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 16, 2005

01C177394

The State of Nevada vs Kirstin B Lobato

August 16, 2005

9:00 AM

Motion to Associate
Counsel

DEFT'S MTN TO
ASSOCIATE
COUNSEL/43 Court
Clerk: Billie Jo Craig
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Pike, Randall H.	Attorney
	Roger, David J.	Attorney
	Seabrook, Kristin E.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, defendant's PRESENCE WAIVED today. As there was no opposition, COURT ORDERED, Defendant's Motion to Associate Counsel is GRANTED. Mr. Pike to prepare the Order. He submitted the Order to the Court, which was signed and returned for filing.
NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 27, 2005

01C177394

The State of Nevada vs Kirstin B Lobato

October 27, 2005

9:00 AM

Request

STATE'S REQUEST
RE TRIAL DATE
Relief Clerk: Carole
D'Aloia
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: DiGiacomo, Sandra Attorney
Kephart, William D. Attorney
Schieck, David M. Attorney

JOURNAL ENTRIES

- Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections and, ORDERED, Defendant's presence WAIVED this date. Court advised it conferred with counsel in chambers prior to calendar and this matter will be addressed at time of calendar call. COURT ORDERED, calendar call date STANDS. Ms. DiGiacomo advised she will prepare an Order to Transport so Defendant will be present.
CUSTODY (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 03, 2005

01C177394

The State of Nevada vs Kirstin B Lobato

November 03, 2005

9:30 AM

All Pending Motions

ALL PENDING
MOTIONS FOR
11/3/05 Relief Clerk:
Carole D'Aloia
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Pike, Randall H.	Attorney
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- CALENDAR CALL...DEFT'S MOTION TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS ...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT...DEFT'S MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON...DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE...DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY...DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT DURING INTERROGATION...DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL

Shari Greenberger and Sara Zalkin are counsel also appearing with Mr. Pike. COURT ORDERED, defendant's PRESENCE WAIVED today. Mr. Pike requested Trial date be reset as he was not ready. Ms. DiGiacomo advised it was a joint request as this Court would not be available. At stipulation of

01C177394

counsel, COURT ORDERED, Trial date is VACATED and RESET. COURT ORDERED, a briefing schedule set as follows: Defense to file Motions by 12/31/05 State to respond by 1/31/06 Defense reply due 2/16/06 HEARING ON ALL MOTIONS: 3/3/05 9:00 AM

COURT ORDERED, all above Motions CONTINUED. Defendant's Motion in Limine to Exclude Evidence of Presumptive Blood Tests set for 11/15/05 is also CONTINUED.

NDC

CONTINUED TO: 3/3/06 9:00 AM ALL PENDING MOTIONS

4/6/06 9:30 AM CALENDAR CALL

4/17/06 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 03, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

March 03, 2006

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS FOR
3/3/06 Relief Clerk:
Michelle Jones
Reporter/Recorder:
Lisa Lizotte Heard
By: Valorie Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Kephart, William D.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT...DEFT'S MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON...DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE...DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY...DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT DURING INTERROGATION...DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS...DEFT'S MOTION TO DISMISS BASED ON STATE'S FAILURE TO PRESERVE AND COLLECT EXULPATORY EVIDENCE.

Court noted parties STIPULATED to a continuance as the Attorneys from San Francisco are in trial and unable to appear today. COURT ORDERED, trial date STANDS, and matters continued. Court

01C177394

further noted the Deft. has posted bail and ORDERED, Deft's presence WAIVED. COLLOQUY between Court and counsel regarding Deft's financial status. COURT ORDERED, counsel to research the Deft's financial status to determine if she qualifies to be represented by the Public Defender's office; further matter set for status check.

CONTINUED TO: 3/27/06 9:30 AM

3/27/06 9:30 AM STATUS CHECK: INDIGENCE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 27, 2006

01C177394

The State of Nevada vs Kirstin B Lobato

March 27, 2006

9:30 AM

All Pending Motions

ALL PENDING
MOTIONS FOR
3/27/06 Court Clerk:
Billie Jo Craig
Reporter/Recorder:
Debi Van Blaricom
Heard By: Valorie
Vega

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	DiGiacomo, Sandra	Attorney
	Lobato, Kirstin B	Defendant
	Patrick, Clark W.	Attorney
	Roger, David J.	Attorney
	Schieck, David M.	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO ADMIT FORMER TESTIMONY OF DECEASED WITNESS...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF THE BASEBALL BAT...DEFT'S MOTION IN LIMINE TO EXCLUDE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF LAURA JOHNSON...DEFT'S MOTION IN LIMINE TO EXCLUDE CONTENTS OF LICENSE PLATE...DEFT'S MOTION IN LIMINE TO EXCLUDE INFLAMMATORY AND CUMULATIVE PHOTOGRAPHS...DEFT'S MOTION IN LIMINE TO EXCLUDE LOBATO'S TRIAL TESTIMONY... DEFT'S MOTION IN LIMINE TO EXCLUDE STATEMENT MADE BY DEFENDANT DURING INTERROGATION...DEFT'S MOTION IN LIMINE TO EXCLUDE WITNESS TESTIMONY OR EVIDENCE PERTAINING TO HER JOURNAL...DEFT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PRESUMPTIVE BLOOD TESTS...DEFT'S MOTION TO DISMISS BASED ON