

1 Humboldt County
2 District Court
3

4 DAVID MORTON,
5 PETITIONER,
6 VS
7 STATE OF NEVADA
8 RESPONDENT.
9

Electronically Filed
Apr 09 2012 11:42 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

APR 9 2012
Humboldt County
Clerk of Supreme Court

APR - 6 AM 11:23

10
11 NOTICE OF INTENT
12 TO APPEAL VERDICT

13 CASE NUMBERS CV 18,803 AND CR 09-5709
14 COMES NOW DAVID MORTON,
15 AND NOTIFIES THIS COURT OF HIS
16 INTENT TO APPEAL HIS CONVICTION
17 OF SECOND DEGREE MURDER TO THE
18 NEVADA SUPREME COURT. THIS MOTION
19 IS BASED UPON ALL PAPERS PLEADINGS
20 AND DOCUMENTS ON RECORD.
21

22 DATED THIS 29 DAY OF ~~APRIL~~ ^{MARCH} 2012
23

24 DAVID MORTON
25 David Morton
26 PETITIONER
27
28

Case No. CR 09-5709

Dept. No. 1

2012 APR -6 PM 2:06

TAMARA L. GORD
DIST. COURT CLERK
Tamara D. Recumbent

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

DAVID CRAIG MORTON,)
Defendant.)

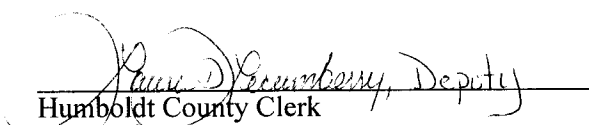
-vs-)

THE STATE OF NEVADA, Plaintiff,)
_____)

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: David Craig Morton
2. Identify the judge issuing the decision, judgment, or order appealed from: Honorable Richard A. Wagner
3. Identify each appellant and the name and address of counsel for each appellant: David Craig Morton, Hy Forgeron, PO Box 784, Battle Mountain, Nevada 89820
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel): Humboldt County District Attorney, PO Box 909, Winnemucca, Nevada 89446
5. Indicate whether any attorney identified above in response to question 3 or 4 Is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:
Appointed

- 1 7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appointed
2 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date entry of the
3 district court order granting such leave:
4 9. Indicate the date the proceedings commenced in the district court (e.g. date complaint, indictment,
5 information, or petition was filed): October 20, 2009
6 10. Provide a brief description of the nature of the action and result in the district court, including the
7 type of judgment or order being appealed and the relief granted by the district court: The Defendant
8 was charged with Count I - Open Murder In the Second Degree With The Use Of A Deadly Weapon;
9 and Count II - Discharging A Firearm Within A Structure and was found guilty by Jury. The
10 Defendant was thereafter sentenced to serve on Count I, a minimum of one-hundred twenty (120)
11 months to a maximum of three-hundred (300) months in the Nevada Department of Corrections with
12 parole eligibility after ten (10) years with credit for time served of five-hundred twenty-six (526)
13 days; on Count II, to serve a minimum of seventy-two (72) months with a maximum of one-hundred
14 eighty (180) months in the Nevada Department of Corrections to run concurrent to the sentence in
15 Count I; and an additional penalties of a minimum of ninety-six (96) months to a maximum of two-
16 hundred forty (240) months in the Nevada Department of Corrections to run consecutive to the
17 sentence in Count I. See also civil case No. CV 18,803 also being appealed.
18 11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding
19 in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior
20 proceeding:
21 12. Indicate whether this appeal involves child custody or visitation:
22 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
23 Dated this 6th day of April, 2012.

24 
25 Humboldt County Clerk
26 50 W. 5th St. #207
27 Winnemucca, NV 89445
28 (775) 623-6343

Case #: CR-0905709

Judge: WAGNER, RICHARD A.

Date Filed: 10/20/09 Department: 01

Case Type: FCPER FELONY CR AGAINST PERSON

Title/Caption: The State of Nevada, Plaintiff,
 vs.
 David Craig Morton, Defendant.

Comments: EVIDENCE IN #430 SM CT ROOM

Defendant(s)
 MORTON, DAVID CRAIG

Attorney(s)
 FORGERON, HY
 APPOINTED COUNSEL

Charge: NRS:200.010 ETC. OPEN MURDER 2ND DECREE W/USE D/W F/G: F 1 Count(s)
 Sent: NDOC MIN 120MTHS MAX 300MTHS W/MIN PAROLE 10YRS W/C/T/S 526DYS.

Charge: NRS:202.287(B) DISCHRG/FIRARM W/IN FROM A STRUCTUR F/G: F 1 Count(s)
 Sent: NDOC MIN 72MTHS MAX 180MTHS TO RUN CONCURRENT TO SENTC. IN CT I & THAN
 ADDITIONAL PENALTIES.

Charge: ADD. PENALTIES F/G: Count(s)
 Sent: NDOC MIN 96MTHS MAX 240MTHS. SENTC TO RUN CONSECUTIVE TO SENTENCE IN
 COUNT I

Disp/Judgment: JTCV Date: 01/20/11

Hearings:

Date	Time	Hearing	Reference
11/02/09	1:15	ARRAIGNMENT HEARING	LN 10/23
5/17/10	1:30	PRE-TRIAL CONFERENCE	CT 11/02
		JURY TRIAL (10 DAYS) 06/14-06/25/2010 OFF STI	CT 11/02
		STATUS HEARING 7/19/10 OFF	CT 05/17
9/13/10	9:00	JURY TRIAL (10 DAYS) 09/13/10-09/24/10	CT 05/17
6/21/10	2:30	STATUS HEARING	NJ 06/03
8/16/10	2:00	PRE-TRIAL CONFERENCE	CT 06/21
9/09/10	1:30	MOTIONS HEARING	CT 08/16
		SENTENCING HEARING (1/17/10 CONT. PER CT)	CT 9/17
1/14/11	1:30	SENTENCING HEARING (1/2 DAY)	CR 12/17

Filings:

Date	Pty	Filing	Fees
10/20/09	P	JUSTICE COURT PROCEEDINGS (09 CR 00802)	
10/22/09	P	INFORMATION	
10/28/09	P	TRANSCRIPT OF PROCEEDINGS - PRELIMINARY HEARING	
10/29/09	D	EX PARTE MOTION FOR INVESTIGATIVE FEES FILED UNDER SEAL	
11/02/09	D	EX PARTE ORDER AUTHORIZING EMPLOYMENT OF PRIVATE INVESTIGATO	
11/16/09	O	TRANSCRIPT OF PROCEEDINGS - IN CAMERA HEARING	
11/16/09	O	TRANSCRIPT OF PROCEEDINGS - ARRAIGNMENT	
1/05/10	P	NOTICE OF WITNESSES	
2/18/10	P	STIPULATION & ORDER TO CONTINUE	
4/08/10	P	NOTICE OF EXPERT WITNESSES &/OR OTHER PERSON	
5/13/10	D	MOTION FOR RELEASE WITHOUT BAIL OR IN THE ALTERNATIVE A RED	

5/20/10 O TRANSCRIPT OF PROCEEDINGS - PRE-TRIAL CONFERENCE
5/24/10 D EX-PARTE MOTION FOR AN ORDER FOR APPROVAL OF PYMT OF ATTY FE
5/24/10 D REQUEST FOR SUBMISSION
5/24/10 D ORDER OF APPROVAL OF PAYMENT OF ATTORNEY'S FEES AND COSTS (P
6/01/10 P ORDER REDUCING BAIL
6/21/10 O MINUTES - STATUS HEARING - 06/21/10
6/25/10 O TRANSCRIPT OF PROCEEDINGS - STATUS HEARING
6/25/10 P AMENDED NOTICE OF EXPERT WITNESSES &/OR OTHER PERSON
7/02/10 D EX-PARTE MOTION FOR TRANSFERRING FIREARM FOR INDEPENDENT EXP
7/02/10 D EX-PARTE MOTION FOR INDEPENDENT FIREARM EXPERT FEES FILED UN
7/08/10 P STATE'S MOTION IN LIMINE TO ADMIT ADMISSIONS & CONFESSION OF
7/16/10 D NOTICE OF PROSPECTIVE WITNESSES PURSUANT TO NRS 174.234
7/23/10 D MOTION FOR DISCOVERY
7/27/10 D EX PARTE MOTION FOR AN ORDER FOR APPROVAL OF PAYMENT OF ATTO
7/29/10 D ORDER OF APPROVAL OF PYMT OF ATTY FEES & COSTS
8/13/10 P STATE'S MOTION IN LIMINE TO ADMIT STATEMENTS OF THE VICTIM
8/16/10 O MINUTES - PRE-TRIAL CONFERENCE - 08/16/10
8/23/10 O TRANSCRIPT OF PROCEEDINGS - PRETRIAL CONFERENCE
8/25/10 P SECOND AMENDED NOTICE OF EXPERT WITNESSES &/OR OTHER PERSON
8/27/10 D MOTION IN LIMINE RE: ALLEGED OTHER BAD ACTS NRS 48.045
9/02/10 P AMENDED NOTICE OF WITNESSES
9/08/10 P STATE'S ADDITION TO MOTION IN LIMINE TO ADMIT STATEMENTS OF
9/08/10 D MOTION IN LIMINE TO REFER TO THE DEFENDANT BY HIS CHRISTIAN
9/08/10 D DEF. RESPONSES/SUPPRESSION TO THE STATE'S MOTION TO ADMIT DE
9/09/10 O MINUTES - MOTIONS HEARING - 09/09/10
9/15/10 O TRANSCRIPT OF PROCEEDINGS - JURY TRIAL - VOLUME I
9/15/10 P STATE'S MOTION TO ADMIT CHARACTER TESTIMONY UNDER NRS 48.045
9/15/10 D EX PARTE MOTION FOR ADDITIONAL INVESTIGATIVE FEES FILED UNDE
9/15/10 D EX-PARTE MOTION FOR EXPERT WITNESS FEES DURING TRIAL
9/15/10 D EX-PARTE MOTION FOR AN ORDER FOR APPROVAL OF PAYMENT OF ATTO
9/16/10 O TRANSCRIPT OF PROCEEDINGS - JURY TRIAL - VOLUME II
9/17/10 O TRANSCRIPT OF PROCEEDINGS - JURY TRIAL - VOLUME III
9/17/10 D EXPARTE ORDER AUTHORIZING ADDITIONAL INVESTIGATIVE FEES
9/17/10 D EXPARTE ORDER AUTHORIZING EXPERT WITNESS FEES DURING TRIAL
9/17/10 P SUBPOENA DUCES TECUM - WASHOE DIST. HEALT DEPT.
9/17/10 D ORDER OF APPROVAL OF PAYMENT OF ATTY FEES & COSTS (PHASE 3)
9/20/10 O TRANSCRIPT OF PROCEEDINGS - JURY TRIAL - VOLUME IV
9/21/10 O TRANSCRIPT OF PROCEEDINGS - JURY TRIAL - VOLUME V
9/21/10 O TRANSCRIPT OF PROCEEDINGS - JURY TRIAL - OPENING STATEMENTS
9/22/10 O INSTRUCTIONS TO THE JURY
9/22/10 O VERDICT - (COUNT I - GUILTY 2ND DEGREE)
9/22/10 O VERDICT - (COUNT II - GUILTY)
9/27/10 D EXPARTE MOTION FOR AN ORDER FOR APPROVAL OF PAYMENT OF ATTY
11/29/10 D ORDER OF APPROVAL OF PAYMENT OF ATTORNEY'S FEES AND COSTS
12/09/10 O PRESENTENCE INVESTIGATION REPORT (CONFIDENTIAL)
12/17/10 D SENTENCING MEMORANDUM
12/20/10 O TRANSCRIPT OF PROCEEDINGS - SENTENCING CONTINUANCE HEARING
1/14/11 O LETTER TO SUPREME COURT RE: APPEAL
1/14/11 O MINUTES - SENTENCING PROCEEDING - 01/14/11
1/19/11 D EX-PARTE MOTION FOR AN ORDER FOR APPROVAL OF PAYMENT OF ATTO
1/19/11 D ORDER OF APPROVAL
1/20/11 P JUDGMENT OF CONVICTION
1/20/11 O TRANSCRIPT OF PROCEEDINGS - SENTENCING HEARING
1/27/11 O NEVADA SHERIFF'S RETURN (TRANSPORT TO NDOC)
11/28/11 D MOTION TO WITHDRAW COUNSEL (MOLEZZO, RICHARD)
11/28/11 D NOTICE OF MOTION
12/02/11 D ORDER (MOTION FOR WITHDRAWAL OF COUNSEL GRANTED)

Run: 04/06/12
14:05:51

Sixth Judicial District Court - Humboldt County
Case Summary

Page 3
DC2100

12/15/11	D	NOTICE OF MOTION & MOTION FOR TRANSCRIPT AT STATE EXPENSE
12/19/11	D	ORDER TO TRANSMIT
12/29/11	D	MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCE
1/05/12	P	NON-OPPOSITION TO DEFENDANT'S MOTION FOR TRANSCRIPTS AT STAT
1/13/12	O	ORDER APPOINTING COUNSEL & ORDER TO RESPOND
4/06/12	D	NOTICE OF INTENT TO APPEAL VERDICT
4/06/12	O	CASE APPEAL STATEMENT

Case No. CR09-5709

Dept. No. 1

2011 JAN 20 AM 10:57

CLERK OF DISTRICT COURT
HUMBOLDT COUNTY, NEVADA
David

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

JUDGMENT OF CONVICTION

DAVID CRAIG MORTON

DOB: 10/12/1959,

Defendant. _____/

WHEREAS, on the 2nd day of November, 2009, the Defendant entered his plea of not guilty to the charges of OPEN MURDER, WITH THE USE OF A DEADLY WEAPON, a Category A Felony, in violation of NRS 200.010, NRS 200.020, NRS 200.030, NRS 200.033 and NRS 193.165, and DISCHARGING A FIREARM FROM WITHIN OR FROM A STRUCTURE, a Category B Felony, in violation of NRS 202.287(b), and the matter having been tried before the Honorable Judge Richard A. Wagner.

At the time Defendant entered the plea of not guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a

1 trial by jury, the right to compulsory process to compel witnesses
2 to testify on behalf of the Defendant and the right to confront the
3 accusers. That after being so advised, the Defendant stated that
4 these rights were understood and still desired this Court to accept
5 the plea of not guilty.
6

7 The Court having accepted Defendant's plea of not guilty, set
8 the date of September 13-24, 2010, at the hour of 9:00 a.m. as the
9 date and time for jury trial. On the 22nd day of September, 2010,
10 Defendant was found guilty of Open Murder in the Second Degree With
11 the Use of a Deadly Weapon and Discharging a Firearm From Within or
12 From a Structure.
13

14 Furthermore, at the time Defendant entered the plea of not
15 guilty and at the time of sentencing, Defendant was represented by
16 attorney, RICHARD A. MOLEZZO, Esq.; also present in Court were TAMI
17 RAE SPERO, Humboldt County Court Clerk or her designated agent; ED
18 KILGORE, Sheriff of Humboldt County or his designated agent; DEBBIE
19 OKUMA, representing the Division of Parole and Probation; and BRIAN
20 WILLIAMS, Humboldt County Deputy District Attorney representing the
21 State of Nevada.
22

23
24 Defendant appeared on January 14, 2011 represented by counsel,
25 and Defendant having been given the opportunity to exercise the
26 right of allocution and having shown no legal cause why judgment
27 should not be pronounced at this time.
28

The above-entitled Court having accepted the jury's verdict of

1 guilty on September 22, 2010, of OPEN MURDER IN THE SECOND DEGREE
2 WITH THE USE OF A DEADLY WEAPON, a Category A Felony, in violation
3 of NRS 200.010, NRS 200.020, NRS 200.030, NRS 200.033, and NRS
4 193.165, and DISCHARGING A FIREARM FROM WITHIN OR FROM A STRUCTURE,
5 a Category B Felony, in violation of NRS 202.287(b), the Defendant
6 was thereby ordered by the Court to pay an administrative
7 assessment fee of \$25 to the Clerk of the above entitled Court. In
8 addition, the Defendant must, pursuant to NRS 176.0913, submit a
9 biological specimen under the direction of the Nevada Department of
10 Corrections to determine the Defendant's genetic markers. Further,
11 pursuant to NRS 716.0915, in addition to any other penalty the
12 Defendant must pay a \$150 DNA fee, payable to the Humboldt County
13 Clerk of the Court and may not be deducted from any other fines or
14 fees imposed by the Court.
15
16
17

18 After making a specific findings of fact pursuant to NRS
19 193.165, the Court sentenced the Defendant, DAVID CRAIG MORTON, as
20 follows:
21

22 Count I: Open Murder in the Second Degree with the Use of
23 a Deadly Weapon, a Category A Felony - imprisonment in the Nevada
24 Department of Corrections for a minimum term of one hundred twenty
25 (120) months and a maximum term of three hundred (300) months, with
26 eligibility for parole beginning when a minimum of 10 years has
27 been served, with credit for time of 526 days, in addition to time
28 served from January 14, 2011 until transfer to the Nevada

1 Department of Corrections;

2 Additional penalty: In addition to the foregoing term of
3 imprisonment, by imprisonment in the Nevada Department of
4 Corrections for a minimum term of ninety-six (96) months and a
5 maximum term of two hundred forty (240) months. Further, that the
6 sentence run consecutive to the sentence imposed in Count I; and
7

8 Count II: Discharging a Firearm From Within or From a
9 Structure - imprisonment in the Nevada Department of Corrections
10 for a minimum term of seventy-two (72) months and a maximum term of
11 one hundred eighty (180) months. Further, that the sentence in
12 Count II run concurrent to the sentences imposed in Count I and the
13 additional penalty.
14

15 Furthermore, bail, if any, is hereby exonerated.

16 RICHARD A. MOLEZZO, Esq., represented the Defendant
17 during all stages of the proceedings.
18

19 BRIAN WILLIAMS, Deputy District Attorney, represented the
20 State of Nevada during all stages of these proceedings.
21

22 DEBBIE OKUMA, represented the Division of Parole and
23 Probation during all stages of these proceedings.
24

25 Therefore, the clerk of the above-entitled Court is
26 hereby directed to enter this Judgment of Conviction as a part of
27 the record in the above-entitled matter.
28

Furthermore, pursuant to NRS 239B.030., the undersigned
hereby affirms this document does not contain the social security

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

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number of any person.

DATED this 19th day of January, 2011, in the City of
Winnemucca, County of Humboldt, State of Nevada.


DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 22nd day of January, 2011, I delivered at Winnemucca, Nevada, by the following means, a copy of the JUDGMENT OF CONVICTION to:

Richard A. Molezzo, Esq.
96 & 98 Winter Street
Reno, Nevada 89503

Division of Parole and Probation
3505 Construction Way
Winnemucca, Nevada 89445

- ☒ (X) U.S. Mail
- ☐ () Certified Mail
- ☐ () Hand-delivered
- ☐ () Placed in box at DCT
- ☐ () Via Fax

Kerry Norcott

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

THE STATE OF NEVADA,

NO. CR 09-5709

Plaintiff,

Monday, November 2, 2009

vs.

1:15 p.m.

DAVID CRAIG MORTON,

Defendant.

_____/
PRESENT: Honorable Richard A. Wagner, District Judge presiding; Laura Lecumberry, Deputy Court Clerk; Zoie Williams, Court Reporter; Jeff Casalez, Bailiff.

ARRAIGNMENT PROCEEDINGS

Brian Williams, Deputy District Attorney, present on behalf of the State.

Bryan Waters, Adult Parole & Probation Officer, present on behalf of the Division of Parole & Probation.

Defendant (custody) present with counsel, Richard A. Molezzo.

Information No. CR 09-5709, charging the crime of Count I - Open Murder, With The Use Of A Deadly Weapon, a Category A Felony, in violation of NRS 200.010, NRS 200.020, NRS 200.030, NRS 200.033 and NRS 193.165 and Count II - Discharging A Firearm From Within Or From A Structure, a Category B Felony, in violation of NRS 202.287(b), has been filed against the Defendant. Defendant's true and correct name stated.

The Court interrogated the Defendant. A Preliminary Hearing had been held on October 20, 2009. Copies of the Information had been received and formal reading was waived. The Court stated the Defendant's Constitutional Rights.

The Defendant entered pleas of Not Guilty to both counts.

Molezzo stated that the Defendant will waive the right to speedy trial.

The Court set this matter to begin Jury Trial on June 9, 2010 at 9:00 a.m. to continue for eight days. A Pre-Trial Hearing is set for Monday, May 17, 2010 at 1:30 p.m. for one (1) hour.

Molezzo asked that the Defendant be moved to somewhere closer to Reno so that he could have easier access to the Defendant.

The Court directed Molezzo to write a letter when the time is closer for the Defendant to be moved.

The Court further stated that he would like to sit down with counsel to go over a few issues that he sees.

The Court met with counsel in chambers at 1:45 p.m. The Defendant was not present.

The Court stated that he has issues that after reading the Preliminary Transcript, he had concerns with.

Molezzo addressed the Court regarding the issue of the cause of death.

The Court responded.

Williams addressed the Court regarding discovery.

The Court stated further issues that he is concerned with.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

THE STATE OF NEVADA,

NO. CR 09-5709

Plaintiff,

Monday, May 17, 2010

vs.

1:30 p.m.

DAVID CRAIG MORTON,

Defendant.

_____/
PRESENT: Honorable Richard A. Wagner, District Judge presiding; Laura Lecumberry, Deputy Court Clerk; Zoie Williams, Court Reporter; Jeff Casalez, Bailiff.

PRE-TRIAL CONFERENCE

Brian Williams, Deputy District Attorney, present on behalf of the State.

Bryan Waters, Adult Parole & Probation Officer, present on behalf of the Division of Parole & Probation.

Defendant (custody) present with counsel, Richard Molezzo.

The record reflected that this matter is set to begin Jury Trial on June 14, 2010. On May 13, 2010, a Motion For Release Without Bail Or In The Alternative, A Reduction To A Less Excessive Bail Amount, has been filed by the Defense.

Williams addressed the Court. State's exhibit "1", Letter from the Washoe Crime Lab, offered and admitted. Exhibit "2", Memorandum, offered.

The Court made the suggestion of finding another crime lab.

Molezzo addressed the Court.

Williams addressed the Court.

Molezzo stated that it is vital that he have the weapon. He would like the trial continued to September.

Williams agreed that a continuance is necessary.

The Court examined the Defendant.

The Defendant concurred with Molezzo.

The Court ordered that the trial date of June 14, 2010 be vacated and set the matter for Jury Trial to begin on September 13, 2010 at 9:00 a.m. A Status hearing is set for July 19, 2010 at 2:00 p.m.

Williams stated that counsel had agreed that he would do oral argument to the Motion.

Scott Randall Upshaw, duly sworn, testified under the direct examination of Molezzo. Cross examination by Williams followed by re-direct.

Williams asked the Court to take Judicial Notice of the Preliminary Transcript.

Molezzo concurred.

The Court took Judicial Notice.

Argument by Molezzo.

The Court addressed Molezzo.

Molezzo responded.

Argument by Williams.

The Court addressed Williams.

Williams continued.

Final by Molezzo.

The Court ordered that bail be set at \$400,000.00. The Court has considered the factors.

Molezzo addressed the Court.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

THE STATE OF NEVADA,

NO. CR 09-5709

Plaintiff,

Monday, June 21, 2010

vs.

2:06 p.m.

DAVID CRAIG MORTON,

Defendant.

_____/
PRESENT: Honorable Richard A. Wagner, District Judge presiding; Laura Lecumberry, Deputy Court Clerk; Zoie Williams, Court Reporter; Dan Shea, Bailiff.

STATUS HEARING

Russell Smith, District Attorney, present on behalf of the State of Nevada.

Mary Close, Adult Parole & Probation Officer, present on behalf of the Division of Parole & Probation.

Defendant not present, represented by Richard Molezzo.

The record reflected that this matter is set to begin Jury Trial on September 13, 2010 and continue for two (2) weeks.

Smith addressed the Court. Smith stated that the rifle is ready to be transferred to the Defense's expert.

Counsel and the Court discussed the chain of custody.

The Court stated that he has been doing research on some of the issues.

Molezzo addressed the Court.

The Court ordered that he will allow not more than \$3,000.00 for the Defense's expert. The Court further addressed the matter of the Defense's Investigative expert and his fees. The Court will order not more than \$10,000.00.

The Court further stated that the experts must be disclosed to each other.

Smith addressed the Court.

Molezzo addressed the Court regarding Motions.

The Court set this matter for a Pre-Trial Conference on August 16, 2010 at 2:00 p.m. for ½ hour.

The Court further vacated the status hearing on July 19, 2010.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

THE STATE OF NEVADA,

NO. CR 09-5709

Plaintiff,

Monday, August 16, 2010

vs.

2:24 p.m.

DAVID CRAIG MORTON,

Defendant.

PRESENT: Honorable Richard A. Wagner, District Judge presiding; Laura Lecumberry, Deputy Court Clerk; Zoie Williams, Court Reporter; Dave Milton, Bailiff.

PRE-TRIAL CONFERENCE

Russell Smith, District Attorney, present on behalf of the State of Nevada.

Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation.

Defendant (custody) present with counsel, Richard Molezzo.

The record reflected that this matter is set to begin Jury Trial on September 13, 2010.

Molezzo addressed the Court.

The Court set this matter for a Motions Hearing on September 9, 2010 at 1:30 p.m. for ½ day.

The Court directed the Clerk to serve ninety (90) potential jurors from #5.

Smith addressed the Court.

The Court asked about discovery.

Molezzo responded and stated that discovery has been exchanged.

The Court asked about expert witnesses.

Smith stated that he has noticed his.

Molezzo doesn't know yet.

The Court asked for proposed instruction on the first day of trial.

The Court addressed the Defendant.

The Defendant responded.

The Court Reporter will furnish dailies and furnish real time for counsel.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

THE STATE OF NEVADA,

NO. CR 09-5709

Plaintiff,

Thursday, September 9, 2010

vs.

1:30 a.m.

DAVID CRAIG MORTON,

Defendant.

_____/
PRESENT: Honorable Richard A. Wagner, District Judge presiding; Laura Lecumberry, Deputy Court Clerk; Zoie Williams, Court Reporter; Curtis Kull, Bailiff.

MOTIONS HEARING

Russell Smith, District Attorney and Brian Williams, Deputy District Attorney, present on behalf of the State.

Defendant (custody) present with counsel, Richard Molezzo.

The record reflected that this matter is set to begin Jury Trial on September 13, 2010 at 9:00 a.m. The Court went over the scheduling for the trial.

The record further reflected that discovery has been completed.

Williams addressed the Court.

Molezzo will not stipulate to anything at this time.

Williams addressed the Court.

Molezzo addressed the Court.

The Court will not direct the Sheriff's Deputies to dress in plain clothes.

Molezzo moved for the rule of exclusion.

The Court so ordered.

State's Motion In Limine To Admit Admissions And Confession Of Defendant And Request For Evidentiary Hearing, filed July 8, 2010.

David Garrison, duly sworn, testified under the direct examination of Williams. State's exhibit "1", Miranda Warning and Waiver, offered and admitted. Cross examination by Molezzo.

The Court addressed counsel. Voluntary statements are not necessarily considered hearsay.

Argument by Williams.

Argument by Molezzo.

The Court ordered that the first statements out of the Defendants mouth can be used. After Miranda is given.

The Court granted the Motion In Limine and will allow the statements of the Defendant. Counsel is not to mention the statement where the Defendant refused to be photographed.

State's Motion In Limine To Admit Statements Of The Victim Made To Detective Garrison and Robert Morton, filed August 13, 2010 and State's Addition To Motion In Limine To Admit Statements Of The Victim Made To Officer Jeff Murdock, filed September 8, 2010.

The Court addressed Counsel.

Williams moved to withdraw the portion of the Motion as to the statement made to Detective Garrison.

Molezzo addressed the Court and stated that he is not objecteing to statments being brought in through Garrison.

The Court asked for an offer of proof as to statements made to Officer Murdock and Robert Morton.

Williams made an offer of proof.

Argument by Molezzo.

The Court will allow the one statement, "My husband shot me".

Williams asked about Robert.

The Court will allow Roberts testimony.

Defendant's Motion In Limine Re: Alleged Other Bad Acts, NRS 48.045, filed August 17, 2010.

Argument by Molezzo. He does not feel that this needs to be argued at this time.

The Court explained the purpose of a Petrocelli hearing.

Response by Williams.

The Court will not rule on that at this time, just cautioned counsel.

Defendant's Motion In Limine To Refer To The Defendant By His Christian Name, filed September 8, 2010.

Argument by Molezzo.

The Court will not instruct anyone to do so.

The Court directed Williams to prepare the orders from today's hearing.

The Court and counsel went over the needs of counsel for the trial.

The Court further addressed counsel as to the Jury Instructions.

- - - - -

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

THE STATE OF NEVADA,

NO. CR 09-5709

Plaintiff,

Monday, September 13, 2010

vs.

DAVID C. MORTON,

Defendant.

PRESENT: Honorable Richard A. Wagner, District Judge presiding; Laura Lecumberry, Deputy Court Clerk; Zoie Williams and Denise Phipps, Court Reporters; Jeff Casalez, Bailiff.

JURY TRIAL

Brian Williams, Deputy District Attorney and Russell Smith, District Attorney, present on behalf of the State.

Defendant (custody) present with counsel, Richard Molezzo and Del Hardy.

Court convened on Monday, September 13, 2010 at 9:15 a.m. in the presence of the prospective jurors. The Court stated that this was the time set for the trial of David C. Morton in the matter of the State of Nevada versus David C. Morton, Case No. CR 09-5709.

Counsel stipulated the Court could proceed in the absence of the four (4) prospective jurors that were served but failed to appear.

Williams stated that nature of the case and introduced himself and his staff.

Molezzo introduced himself and the Defendant.

The prospective jurors were duly sworn to answer all questions put to them touching upon their qualifications to serve as trial jurors.

Jury selection commenced. After voir dire examination and counsel exercising their peremptory challenges, the following persons were seated on the Jury: Patricia Jackson, William Pellersels, Jerald Marcuerquiaga, Nancy Blattman, Marcia Key, Jason Van der Veen, Gregory Lynch, Kimberley Arms, Kirk Allred, Valarie Phillips, Stephanie Dins, Stephen Hall and Alternates, Peter Gula and Tina Shephard.

The Jury and Alternates were duly sworn by the Clerk to try this case.

Outside of the presence Jury.

The Court went on the record regarding the conservation that counsel and the court had with prospective juror, Jerald Marcuerquiaga during voir dire.

Molezzo went on the record regarding his expert.

Williams addressed the Court.

Tuesday, September 14, 2010

Court reconvened on Tuesday, September 14, 2010 at 1:58 p.m. in the presence of the Jury.

The Clerk read aloud the Felony Information charging the crime of Count I - Open Murder, With The Use Of A Deadly Weapon, a Category A Felony, in violation of NRS 200.010, 200.020, NRS 200.030, NRS 200.033 and NRS 193.165 and Count II - Discharging A Firearm From Within Or From A Structure, a Category B Felony, in violation of NRS 202.287(b), aloud and stated that the Defendant had entered a plea of not guilty.

Williams commenced opening statement at 2:02 p.m. and concluded at 2:16 p.m.

Molezzo commenced opening statement at 2:16 p.m. and concluded at 2:31 p.m.

Smith invoked the rule of exclusion.

Molezzo joined in the motion.

The Court so ordered.

Robert James Morton, duly sworn, testified under the direct examination of Smith. State's exhibit "1", Death Certificate, offered and admitted. Exhibit "2", Diagram of Basement, marked by the witness, offered and admitted. Exhibit "3", Diagram of 1st floor, marked by the witness, offered and admitted. Exhibit "4", CD of 911 call, offered and admitted. Exhibit "5", Diagram of 1st floor, marked by the witness, offered and admitted. Cross examination by Molezzo. Defendant's exhibit "A", Diagram of 1st floor, offered and admitted. Exhibit "B", Statement of Robert Morton, offered and admitted.

Wednesday, September 15, 2010

Outside the presence of the Jury.

Court reconvened on Wednesday, September 15, 2010 at 9:11 a.m. outside the presence of the Jury.

The record reflected that the State had filed a Motion To Admit Character Testimony.

Argument by Williams.

Response by Molezzo.

Response by Williams.

The Court stated that the State has a right to ask, "Have you seen anything personally between your mother and father?"

Williams asked for clarification.

The Court will not rule at this time.

In the presence of the Jury.

Court reconvened at 9:25 a.m. in the presence of the Jury.

Robert James Morton, previously sworn, continued testimony under the re-direct examination of Smith followed by re-cross by Molezzo.

Anastasia Merie Barsness, duly sworn, testified under the direct examination of Williams. State's exhibit "10", Diagram of basement, marked by witness, offered and admitted. Cross examination by Molezzo. Defendant's exhibit "C", Statement of Anastasia Barsness, offered and admitted. Re-direct examination by Williams followed by re-cross by Molezzo.

Jessica Morton, duly sworn, testified under the direct examination of Smith. Cross examination by Molezzo followed by re-direct by Smith. State's exhibit "7", Diagram of Basement, marked by the witness, offered and admitted. Exhibit "13", Statement of Jessica Morton, offered and admitted. Jury Questions were asked by the Court.

Jeff Murdock, duly sworn, testified under the direct examination of Williams.

Outside the presence of the Jury.

Williams addressed the Court regarding the photographs.

Molezzo stated that he did not object to exhibits "8-1" and "8-2".

The Court admitted "8-1" and "8-2".

Molezzo objected to exhibits "9-1" through "9-6".

The Court finds that the Jury has a right to see.

Molezzo asked that the photos be shown in black and white.

The Court will not order that and admitted photos "9-3" and "9-5".

In the presence of the Jury.

Continued direct examination of Murdock by Williams. Exhibit "14", Diagram of 1st floor, marked by the witness, offered and admitted. Cross examination by Molezzo followed by re-direct by Williams and re-cross by Molezzo.

David Garrison, duly sworn, testified under the direct examination of Williams. State's exhibits "9-3" and "9-5", offered and admitted. Exhibit "17", Piece of Formica, offered and admitted. Exhibit "15", Miranda Warning and Waiver, offered and admitted. Exhibit "12-1" through "12-234", Photographs, offered and admitted. Exhibit "11-1" through "11-28", Photographs, offered and admitted. Exhibit "6", Rifle, bolt and clip, offered and admitted. Exhibit "20", Six swabs with red stains and 1 control swab, offered. Exhibit "26", White box containing two bags, marked for identification. Exhibit "26-1", Green Pajama Top, offered and admitted. Exhibit "23", Torn Divorce Papers, offered and admitted. Exhibit "22", Shell Casing and Swab, offered and admitted. Exhibit "24", .303 Rounds, offered and admitted. Cross examination by Molezzo.

Outside of the presence of the Jury.

The Court sua sponte stopped question and went over the law with counsel.

Thursday, September 16, 2010

In the presence of the Jury.

Court reconvened on Thursday, September 16, 2010 at 9:03 a.m. in the presence of the Jury.

Counsel agreed to take the witness out of order.

Dr. Ellen Clark, duly sworn, testified under the direct examination of Smith. Smith moved to have the witness recognized as an expert in forensic pathology. Hardy did not object. The Court so acknowledged. Continued direct examination by Smith. State's exhibit "27", Report of Dr. Ellen Clark, offered and admitted. Cross examination by Hardy followed by re-direct by Smith.

Continued cross examination of David Garrison by Molezzo. Defendant exhibit "D", Prescription bottles, marked and offered. Exhibit "E", Diagram of 1st floor, marked by witness, offered and admitted.

Outside of the presence of the Jury.

The Court addressed counsel and put on the record his concerns.

Molezzo responded.

Hardy addressed the Court regarding audience members.

The Court addressed the audience.

Hardy addressed the Court.

The Court responded.

Hardy stated his concerns.

The Court will correct with instructions to the Jury.

In the presence of the Jury.

The Court addressed the Jury and corrected his earlier statement.

Re-direct of David Garrison by Williams. Re-cross by Molezzo. The Court asked questions from the Jury.

Outside the presence of the Jury.

Smith addressed the Court regarding exhibit "12". In the marking of the photographs, the Clerk miss marked and instead of 234 there are 244.

The Court so ordered the exhibit be corrected.

Molezzo requested a limited instruction regarding Chad Morton.

Smith responded.

The Court finds the testimony relevant.

The Court addressed counsel regarding Jury Instructions.

In the presence of the Jury.

Chad Allen Morton, duly sworn, testified under the direct examination of Smith. Cross examination by Molezzo.

Outside the presence of the Jury.

Smith addressed the Court.

Molezzo addressed the Court and presented the Court with prospective jury instructions.

The Court addressed the matter of Instructions.

Friday, September 17, 2010

In the presence of the Jury.

Court reconvened on Friday, September 17, 2010, at 9:08 a.m. in the presence of the Jury.

Monica Siewertsen, duly sworn, testified under the direct examination of Williams. Williams moved to qualify the witness as a DNA expert. Molezzo did not object. The Court so recognized. Continued direct examination by Williams. State's exhibit "30", Report of Monica Siewertsen, offered and admitted. Exhibit "20", Six swabs of red stains and one control swab, offered. Voir dire by Molezzo. Argument by Williams. Continued direct examination. The Witness identified with a red marker the two (2) that were analyzed. Those two (2) are admitted. The Court directed the Clerk to place the others in a separate envelope. Exhibit "25", Swab from Robert J. Morton, offered and admitted. Exhibit "19", Swab from David Morton, offered and admitted. Cross examination by Molezzo.

Outside the presence of the Jury.

Williams asked for permission to call Jesse Phillips, the father of the victim.

The Court will not allow withing their case-in-chief as Mr. Phillips has been sitting in the courtroom for the entire trial.

Molezzo objected.

Argument by Williams.

The Court will not allow at this time.

In the presence of the Jury.

Kevin Byrne, duly sworn, testified under the direct examination of Williams. Molezzo stipulated to the witness being a fingerprint expert. The Court so recognized. Continued direct examination. State's exhibit "29", Report of Kevin J. Byrne, offered and admitted. Exhibit "28", Fingerprint Cards (6), offered and admitted. Cross examination by Molezzo followed by re-direct by Williams and re-cross by Molezzo.

Kerri Heward, duly sworn, testified under the direct examination of Smith. Smith moved to qualify the witness as an expert in firearms. Voir dire by Molezzo. The Court so recognized. Continued direct examination by Smith. State's exhibit "31", Report of Kerri Heward, offered and admitted. Cross examination by Molezzo. Defendant's exhibit "F", Letter from Kerri Heward to the District Attorney, offered admitted.

State rested their case-in-chief.

Outside the presence of the Jury.

Molezzo requested that the matter of the Jury Instructions be put on the record.

The Court has received Instructions from both the State and Defense. The Court has also prepared some Instruction and went over them with counsel.

Molezzo addressed the Court.

Smith addressed the Court.

Molezzo asked that that all be laid out.

Smith responded.

The Court stated that evidence needs to be put on to get the possible verdicts.

The Court stated that there is another Instruction he is working on with the elements and possible verdicts.

Further, the Court stated that the Defense proposed Instructions are pretty much included in the Instructions already with the court.

Molezzo addressed the Court regarding Involuntary Manslaughter.

The Court asked about self-defense or spousal abuse.

Molezzo responded.

Smith addressed the Court.

Molezzo addressed the Court.

The Court addressed counsel as to the possible verdicts.

Williams responded.

Smith addressed the Court.

Monday, September 20, 2010

In the presence of the Jury.

Phillip Simpson, duly sworn, testified under the direct examination of Molezzo. Cross examination by Smith.

Scott Randall Upshaw, duly sworn, testified under the direct examination of Molezzo. Cross examination by Smith.

Outside the presence of the Jury.

The Court noted that he had spoke with counsel in chambers on how they intended to proceed. Molezzo had stated that this client intends to testify.

The Court addressed the Defendant as to his Constitutional Rights.

The Defendant stated that he understands.

In the presence of the Jury.

David Craig Morton, duly sworn, testified under the direct examination of Molezzo. Cross examination by Williams.

Robert Venkus, duly sworn, testified under the direct examination of Molezzo. Molezzo moved to qualify the witness as an expert in firearms. Voir dire by Smith. Smith objected to the witness being qualified. The Court directed Molezzo to go into more depth. Examination by the Court. Continued examination by Molezzo. Smith still objected. The Court will allow the witness to give opinion testimony. Continued direct examination by Molezzo. Defendant's exhibit "G-1" through "G-23", Photographs, offered and admitted. Cross examination by Smith. State's exhibit "32", Letter from Molezzo to the witness, marked for identification. Exhibit "33", Report of Robert Venkus, marked for identification. Re-direct examination by Molezzo. Smith offered State's exhibits "32" and "33". Exhibit "33" admitted. Questions of the Jury asked by the Court.

David Craig Morton, previously sworn, testified under the direct examination of Molezzo. Defendant's exhibit "H", Diagram of first floor, offered. Exhibit "I", marked by the witness, offered and admitted. Cross examination by Williams.

Defense rested their case.

Smith stated that they have no rebuttal evidence.

Outside of the presence of the Jury.

The Court met outside the presence of the Jury to put on the record the discussion the Court and counsel had at a side bar.

Smith placed his objection as to the Defense witness Venkus on the record.

The Court allowed the Defendant expert to testify.

Tuesday, September 21, 2010

Outside the presence of the Jury.

The Court reconvened on Tuesday, September 21, 2010 at 10:00 a.m. outside the presence of the Jury for the purpose of settling Jury Instructions.

The Court offered Jury Instructions 1 through 45.

Smith did not object to the Jury Instructions and had none to offer. He further approved the Verdict forms.

Molezzo did not object to the Jury Instructions and had none to offer. He further approved the Verdict forms.

Smith asked that the Court instruct the Jury before closing arguments.

Molezzo submitted.

The Court will instruct the Jury before closings.

Counsel both stated that they are satisfied to the conditions of the Instructions and Verdicts.

In the presence of the Jury.

Court reconvened at 10:20 a.m. in the presence of the Jury.

The Court commenced the reading of the Jury Instructions at 10:20 a.m. and concluded at 11:07 a.m.

Smith commenced closing argument at 11:28 a.m. and concluded at 12:16 p.m.

Molezzo commenced closing argument at 12:30 p.m. and concluded at 1:11 p.m.

Smith commenced final argument at 1:12 p.m. and concluded at 1:30 p.m.

The Bailiff was duly sworn to take charge of the Jury and the Alternates.

The Jury retired to deliberate at 1:39 p.m. on Tuesday, September 21, 2010.

The Jury returned with a verdict at 6:38 p.m. The Clerk called roll and all of the jurors were present. The Foreperson of the Jury stated that they had reached a Verdict and the Verdict was presented to the Court to check for form. The Court ordered the Clerk to read the Verdicts aloud.

The Clerk read the Verdicts and the Court inquired of the Jury if that was their true and correct verdict as read. The Jury replied that that was their Verdict. Neither the State or the Defendant asked that the Jury be polled. The Court ordered the Clerk to record the Verdicts in the Court Minutes, the Verdicts being:

“We, the jury in the above-entitled action, do find the Defendant, David Craig Morton, Guilty in Count I of Open Murder In The Second Degree With the Use of a Deadly Weapon.

“Dated this 21st day of September, 2010.

“/s/ Jerald Marcuerquiaga
“FOREPERSON”

“We, the jury in the above-entitled action, do find the Defendant, David Craig Morton, Guilty in Count II of Discharging A Firearm From Within Or From A Structure.

“Dated this 21st day of September, 2010.

“/s/ Jerald Marcuerquiaga
“FOREPERSON”

The Court thanked and excused the Jury.

The Court referred the matter to the Division of Parole & Probation for the preparation of a Pre-Sentence Investigation Report and set this matter for sentencing on December 17, 2010 at 1:30 p.m.

Defendant is remanded to the custody of the Sheriff.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF HUMBOLDT.

THE STATE OF NEVADA,

NO. CR 09-5709

Plaintiff,

Friday, January 14, 2011

vs.

1:30 p.m.

DAVID CRAIG MORTON,

Defendant.

_____/
PRESENT: Honorable Richard A. Wagner, District Judge presiding; Laura Lecumberry, Deputy Court Clerk; Zoie Williams, Court Reporter; Randy Close, Bailiff.

SENTENCING PROCEEDINGS

Brian Williams, Deputy District Attorney, present on behalf of the State.

Debbie Okuma, DPS Specialist III, present on behalf of the Division of Parole and Probation.

Defendant (custody) present with counsel, Richard Molezzo.

The Court addressed the Defendant.

The Defendant stated that he is still satisfied with his counsel.

The Defendant was previously found guilty by a jury to the charge of Count I - Open Murder In The Second Degree With The Use Of A Deadly Weapon; and Count II - Discharging A Firearm From Within Or From A Structure. Copies of the Pre-Sentence Report had been received.

Williams addressed the Court and stated that he had two exhibits that would assist the Pre-Sentence Report. State's exhibit "1", Additional Information, offered and admitted. Exhibit "6", Utah case information, offered and admitted.

State's exhibits "2", "3", and "4", Utah Police Reports, and exhibit "5", Winnemucca Police Department Report, offered and admitted.

Molezzo addressed the Court regarding procedure.

The Court will take judicial notice of the previous pleadings and transcripts in this matter.

Williams addressed the Court regarding the Defenses evidence.

The Court addressed Molezzo.

Molezzo responded.

The Court will consider the letters as evidence.

Corrections to the Pre-Sentence Report offered by Williams.

Molezzo did not object.

The Court made the corrections.

Argument as to sentencing by Molezzo.

Beverly Upshaw, duly sworn, gave a statement to the Court.

Continued argument by Molezzo.

Williams concurred with the recommendations of the Pre-Sentence Report.

The Court addressed the matter of the additional penalty.

Continued argument by Williams.

The Defendant exercised the right of allocution.

Jesse Phillips, gave a victim impact statement.

The Court stated the facts as he sees them. The human life is valuable.

The Court ordered the Defendant to pay a \$25.00 Administrative Assessment fee.

On Count I, the Court ordered the Defendant be imprisoned in the Nevada Department of Corrections for a period of twenty-five (25) years with eligibility for parole after ten (10) years. For the additional penalty, the Court has considered the factors and ordered the Defendant serve a consecutive sentence of a minimum of ninety-six (96) months in the Nevada Department of Corrections with a maximum of two-hundred forty (240) months.

On Count II, the Court ordered the Defendant serve a concurrent term of a minimum term of seventy-two (72) months with a maximum of one-hundred eighty (180) months to Count I.

The Defendant is given credit for time served of five-hundred twenty-six (526) days to be credited on the first part of the sentence.

The Defendant is further ordered to submit to genetic testing to determine the Defendant's

genetic markers and to pay a \$150.00 DNA fee, payable to the Clerk of Court.

The Defendant was remanded to the custody of the Sheriff to carry out the sentence.

The State of Nevada,

vs.

David Craig Morton

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 05/17/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Letter from Washoe Crime Lab	1	05/17/10	05/17/10	05/17/10
2 Memorandum	2	05/17/10	05/17/10	
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The State of Nevada,

vs.

David Craig Morton

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/09/10

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>Miranda Warning and Waiver</u>	<u>1</u>	<u>09/09/10</u>	<u>09/09/10</u>	<u>09/09/10</u>
2 _____	_____	_____	_____	_____
3 _____	_____	_____	_____	_____
4 _____	_____	_____	_____	_____
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6 _____	_____	_____	_____	_____
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25 _____	_____	_____	_____	_____
26 _____	_____	_____	_____	_____

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>Death Certificate</u>	<u>1</u>	<u>09/14/10</u>	<u>09/14/10</u>	<u>09/14/10</u>
2 <u>Basement Diagram</u>	<u>2</u>	<u>09/14/10</u>	<u>09/14/10</u>	<u>09/14/10</u>
3 <u>Upstairs Diagram, marked by Robert Morton</u>	<u>3</u>	<u>09/14/10</u>	<u>09/14/10</u>	<u>09/14/10</u>
4 <u>CD of 911 Call</u>	<u>4</u>	<u>09/14/10</u>	<u>09/14/10</u>	<u>09/14/10</u>
5 <u>Upstairs Diagram, marked by Robert Morton</u>	<u>5</u>	<u>09/14/10</u>	<u>09/14/10</u>	<u>09/14/10</u>
6 <u>Rifle & boldt & clip</u>	<u>6</u>	<u>09/14/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
7 <u>Diagram of Basement</u>	<u>7</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
8 <u>Photograph</u>	<u>8-1</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
9 <u>Photograph</u>	<u>8-2</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
10 <u>Photograph</u>	<u>8-3</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
11 <u>Photograph</u>	<u>8-4</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
12 <u>Photograph</u>	<u>8-5</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
13 <u>Photograph</u>	<u>8-6</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
14 <u>Photograph</u>	<u>8-7</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
15 <u>Photograph</u>	<u>8-8</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
16 <u>Photograph</u>	<u>8-9</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
17 <u>Photograph</u>	<u>8-10</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
18 <u>Photograph</u>	<u>8-11</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
19 <u>Photograph</u>	<u>8-12</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
20 <u>Photograph</u>	<u>8-13</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
21 <u>Photograph</u>	<u>8-14</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
22 <u>Photograph</u>	<u>8-15</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
23 <u>Photograph</u>	<u>8-16</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
24 <u>Photograph</u>	<u>8-17</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
25 <u>Photograph</u>	<u>8-18</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
26 <u>Photograph</u>	<u>8-19</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>Photograph</u>	<u>8-20</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
2 <u>Photograph</u>	<u>8-21</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
3 <u>Photograph</u>	<u>8-22</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
4 <u>Photograph</u>	<u>8-23</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
5 <u>Photograph</u>	<u>8-24</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
6 <u>Photograph</u>	<u>8-25</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
7 <u>Photograph</u>	<u>8-26</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
8 <u>Photograph</u>	<u>8-27</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
9 <u>Photograph</u>	<u>8-28</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
10 <u>Photograph</u>	<u>8-29</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
11 <u>Photograph</u>	<u>8-30</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
12 <u>Photograph</u>	<u>8-31</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
13 <u>Photograph</u>	<u>8-32</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
14 <u>Photograph</u>	<u>8-33</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
15 <u>Photograph</u>	<u>8-34</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
16 <u>Photograph</u>	<u>8-35</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
17 <u>Photograph</u>	<u>8-36</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
18 <u>Photograph</u>	<u>8-37</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
19 <u>Photograph</u>	<u>8-38</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
20 <u>Photograph</u>	<u>8-39</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
21 <u>Photograph</u>	<u>8-40</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
22 <u>Photograph</u>	<u>8-41</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
23 <u>Photograph</u>	<u>8-42</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
24 <u>Photograph</u>	<u>8-43</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
25 <u>Photograph</u>	<u>8-42</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
26 <u>Photograph</u>	<u>8-43</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Photograph	8-44	09/15/10	09/15/10	09/15/10
2 Photograph	8-45	09/15/10	09/15/10	09/15/10
3 Photograph	8-46	09/15/10	09/15/10	09/15/10
4 Photograph	8-47	09/15/10	09/15/10	09/15/10
5 Photograph	8-48	09/15/10	09/15/10	09/15/10
6 Photograph	8-49	09/15/10	09/15/10	09/15/10
7 Photograph	8-50	09/15/10	09/15/10	09/15/10
8 Photograph	8-51	09/15/10	09/15/10	09/15/10
9 Photograph	8-52	09/15/10	09/15/10	09/15/10
10 Photograph	8-53	09/15/10	09/15/10	09/15/10
11 Photograph	8-54	09/15/10	09/15/10	09/15/10
12 Photograph	8-55	09/15/10	09/15/10	09/15/10
13 Photograph	8-56	09/15/10	09/15/10	09/15/10
14 Photograph	8-57	09/15/10	09/15/10	09/15/10
15 Photograph	9-1	09/15/10		
16 Photograph	9-2	09/15/10		
17 Photograph	9-3	09/15/10	09/15/10	09/15/10
18 Photograph	9-4	09/15/10		
19 Photograph	9-5	09/15/10	09/15/10	09/15/10
20 Photograph	9-6	09/15/10		
21 Basement Diagram - Anastaisa Barsness	10	09/15/10	09/15/10	09/15/10
22 Photograph	11-1	09/15/10	09/15/10	09/15/10
23 Photograph	11-2	09/15/10	09/15/10	09/15/10
24 Photograph	11-3	09/15/10	09/15/10	09/15/10
25 Photograph	11-4	09/15/10	09/15/10	09/15/10
26 Photograph	11-5	09/15/10	09/15/10	09/15/10

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>Photograph</u>	<u>11-6</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
2 <u>Photograph</u>	<u>11-7</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
3 <u>Photograph</u>	<u>11-8</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
4 <u>Photograph</u>	<u>11-9</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
5 <u>Photograph</u>	<u>11-10</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
6 <u>Photograph</u>	<u>11-11</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
7 <u>Photograph</u>	<u>11-12</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
8 <u>Photograph</u>	<u>11-13</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
9 <u>Photograph</u>	<u>11-14</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
10 <u>Photograph</u>	<u>11-15</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
11 <u>Photograph</u>	<u>11-16</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
12 <u>Photograph</u>	<u>11-17</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
13 <u>Photograph</u>	<u>11-18</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
14 <u>Photograph</u>	<u>11-19</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
15 <u>Photograph</u>	<u>11-20</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
16 <u>Photograph</u>	<u>11-21</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
17 <u>Photograph</u>	<u>11-22</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
18 <u>Photograph</u>	<u>11-23</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
19 <u>Photograph</u>	<u>11-24</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
20 <u>Photograph</u>	<u>11-25</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
21 <u>Photograph</u>	<u>11-26</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
22 <u>Photograph</u>	<u>11-27</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
23 <u>Photograph</u>	<u>11-28</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
24 <u>Photograph</u>	<u>12-1</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
25 <u>Photograph</u>	<u>12-2</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
26 <u>Photograph</u>	<u>12-3</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Photograph	12-4	09/15/10	09/15/10	09/15/10
2 Photograph	12-5	09/15/10	09/15/10	09/15/10
3 Photograph	12-6	09/15/10	09/15/10	09/15/10
4 Photograph	12-7	09/15/10	09/15/10	09/15/10
5 Photograph	12-8	09/15/10	09/15/10	09/15/10
6 Photograph	12-9	09/15/10	09/15/10	09/15/10
7 Photograph	12-10	09/15/10	09/15/10	09/15/10
8 Photograph	12-11	09/15/10	09/15/10	09/15/10
9 Photograph	12-12	09/15/10	09/15/10	09/15/10
10 Photograph	12-13	09/15/10	09/15/10	09/15/10
11 Photograph	12-14	09/15/10	09/15/10	09/15/10
12 Photograph	12-15	09/15/10	09/15/10	09/15/10
13 Photograph	12-16	09/15/10	09/15/10	09/15/10
14 Photograph	12-17	09/15/10	09/15/10	09/15/10
15 Photograph	12-18	09/15/10	09/15/10	09/15/10
16 Photograph	12-19	09/15/10	09/15/10	09/15/10
17 Photograph	12-20	09/15/10	09/15/10	09/15/10
18 Photograph	12-21	09/15/10	09/15/10	09/15/10
19 Photograph	12-22	09/15/10	09/15/10	09/15/10
20 Photograph	12-23	09/15/10	09/15/10	09/15/10
21 Photograph	12-24	09/15/10	09/15/10	09/15/10
22 Photograph	12-25	09/15/10	09/15/10	09/15/10
23 Photograph	12-26	09/15/10	09/15/10	09/15/10
24 Photograph	12-27	09/15/10	09/15/10	09/15/10
25 Photograph	12-28	09/15/10	09/15/10	09/15/10
26 Photograph	12-29	09/15/10	09/15/10	09/15/10

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Photograph	12-30	09/15/10	09/15/10	09/15/10
2 Photograph	12-31	09/15/10	09/15/10	09/15/10
3 Photograph	12-32	09/15/10	09/15/10	09/15/10
4 Photograph	12-33	09/15/10	09/15/10	09/15/10
5 Photograph	12-34	09/15/10	09/15/10	09/15/10
6 Photograph	12-35	09/15/10	09/15/10	09/15/10
7 Photograph	12-36	09/15/10	09/15/10	09/15/10
8 Photograph	12-37	09/15/10	09/15/10	09/15/10
9 Photograph	12-38	09/15/10	09/15/10	09/15/10
10 Photograph	12-39	09/15/10	09/15/10	09/15/10
11 Photograph	12-40	09/15/10	09/15/10	09/15/10
12 Photograph	12-41	09/15/10	09/15/10	09/15/10
13 Photograph	12-42	09/15/10	09/15/10	09/15/10
14 Photograph	12-43	09/15/10	09/15/10	09/15/10
15 Photograph	12-44	09/15/10	09/15/10	09/15/10
16 Photograph	12-45	09/15/10	09/15/10	09/15/10
17 Photograph	12-46	09/15/10	09/15/10	09/15/10
18 Photograph	12-47	09/15/10	09/15/10	09/15/10
19 Photograph	12-48	09/15/10	09/15/10	09/15/10
20 Photograph	12-49	09/15/10	09/15/10	09/15/10
21 Photograph	12-50	09/15/10	09/15/10	09/15/10
22 Photograph	12-51	09/15/10	09/15/10	09/15/10
23 Photograph	12-52	09/15/10	09/15/10	09/15/10
24 Photograph	12-53	09/15/10	09/15/10	09/15/10
25 Photograph	12-54	09/15/10	09/15/10	09/15/10
26 Photograph	12-55	09/15/10	09/15/10	09/15/10

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Photograph	12-56	09/15/10	09/15/10	09/15/10
2 Photograph	12-57	09/15/10	09/15/10	09/15/10
3 Photograph	12-58	09/15/10	09/15/10	09/15/10
4 Photograph	12-59	09/15/10	09/15/10	09/15/10
5 Photograph	12-60	09/15/10	09/15/10	09/15/10
6 Photograph	12-61	09/15/10	09/15/10	09/15/10
7 Photograph	12-62	09/15/10	09/15/10	09/15/10
8 Photograph	12-63	09/15/10	09/15/10	09/15/10
9 Photograph	12-64	09/15/10	09/15/10	09/15/10
10 Photograph	12-65	09/15/10	09/15/10	09/15/10
11 Photograph	12-66	09/15/10	09/15/10	09/15/10
12 Photograph	12-67	09/15/10	09/15/10	09/15/10
13 Photograph	12-68	09/15/10	09/15/10	09/15/10
14 Photograph	12-69	09/15/10	09/15/10	09/15/10
15 Photograph	12-70	09/15/10	09/15/10	09/15/10
16 Photograph	12-71	09/15/10	09/15/10	09/15/10
17 Photograph	12-72	09/15/10	09/15/10	09/15/10
18 Photograph	12-73	09/15/10	09/15/10	09/15/10
19 Photograph	12-74	09/15/10	09/15/10	09/15/10
20 Photograph	12-75	09/15/10	09/15/10	09/15/10
21 Photograph	12-76	09/15/10	09/15/10	09/15/10
22 Photograph	12-77	09/15/10	09/15/10	09/15/10
23 Photograph	12-78	09/15/10	09/15/10	09/15/10
24 Photograph	12-79	09/15/10	09/15/10	09/15/10
25 Photograph	12-80	09/15/10	09/15/10	09/15/10
26 Photograph	12-81	09/15/10	09/15/10	09/15/10

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Photograph	12-82	09/15/10	09/15/10	09/15/10
2 Photograph	12-83	09/15/10	09/15/10	09/15/10
3 Photograph	12-84	09/15/10	09/15/10	09/15/10
4 Photograph	12-85	09/15/10	09/15/10	09/15/10
5 Photograph	12-86	09/15/10	09/15/10	09/15/10
6 Photograph	12-87	09/15/10	09/15/10	09/15/10
7 Photograph	12-88	09/15/10	09/15/10	09/15/10
8 Photograph	12-89	09/15/10	09/15/10	09/15/10
9 Photograph	12-90	09/15/10	09/15/10	09/15/10
10 Photograph	12-91	09/15/10	09/15/10	09/15/10
11 Photograph	12-92	09/15/10	09/15/10	09/15/10
12 Photograph	12-93	09/15/10	09/15/10	09/15/10
13 Photograph	12-94	09/15/10	09/15/10	09/15/10
14 Photograph	12-95	09/15/10	09/15/10	09/15/10
15 Photograph	12-96	09/15/10	09/15/10	09/15/10
16 Photograph	12-97	09/15/10	09/15/10	09/15/10
17 Photograph	12-98	09/15/10	09/15/10	09/15/10
18 Photograph	12-99	09/15/10	09/15/10	09/15/10
19 Photograph	12-100	09/15/10	09/15/10	09/15/10
20 Photograph	12-101	09/15/10	09/15/10	09/15/10
21 Photograph	12-102	09/15/10	09/15/10	09/15/10
22 Photograph	12-103	09/15/10	09/15/10	09/15/10
23 Photograph	12-104	09/15/10	09/15/10	09/15/10
24 Photograph	12-105	09/15/10	09/15/10	09/15/10
25 Photograph	12-106	09/15/10	09/15/10	09/15/10
26 Photograph	12-107	09/15/10	09/15/10	09/15/10

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>Photograph</u>	<u>12-108</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
2 <u>Photograph</u>	<u>12-109</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
3 <u>Photograph</u>	<u>12-110</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
4 <u>Photograph</u>	<u>12-111</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
5 <u>Photograph</u>	<u>12-112</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
6 <u>Photograph</u>	<u>12-113</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
7 <u>Photograph</u>	<u>12-114</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
8 <u>Photograph</u>	<u>12-115</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
9 <u>Photograph</u>	<u>12-116</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
10 <u>Photograph</u>	<u>12-117</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
11 <u>Photograph</u>	<u>12-118</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
12 <u>Photograph</u>	<u>12-119</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
13 <u>Photograph</u>	<u>12-120</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
14 <u>Photograph</u>	<u>12-121</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
15 <u>Photograph</u>	<u>12-122</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
16 <u>Photograph</u>	<u>12-123</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
17 <u>Photograph</u>	<u>12-124</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
18 <u>Photograph</u>	<u>12-125</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
19 <u>Photograph</u>	<u>12-126</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
20 <u>Photograph</u>	<u>12-127</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
21 <u>Photograph</u>	<u>12-128</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
22 <u>Photograph</u>	<u>12-129</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
23 <u>Photograph</u>	<u>12-130</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
24 <u>Photograph</u>	<u>12-131</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
25 <u>Photograph</u>	<u>12-132</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
26 <u>Photograph</u>	<u>12-133</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Photograph	12-134	09/15/10	09/15/10	09/15/10
2 Photograph	12-135	09/15/10	09/15/10	09/15/10
3 Photograph	12-136	09/15/10	09/15/10	09/15/10
4 Photograph	12-137	09/15/10	09/15/10	09/15/10
5 Photograph	12-138	09/15/10	09/15/10	09/15/10
6 Photograph	12-139	09/15/10	09/15/10	09/15/10
7 Photograph	12-140	09/15/10	09/15/10	09/15/10
8 Photograph	12-141	09/15/10	09/15/10	09/15/10
9 Photograph	12-142	09/15/10	09/15/10	09/15/10
10 Photograph	12-143	09/15/10	09/15/10	09/15/10
11 Photograph	12-144	09/15/10	09/15/10	09/15/10
12 Photograph	12-145	09/15/10	09/15/10	09/15/10
13 Photograph	12-146	09/15/10	09/15/10	09/15/10
14 Photograph	12-147	09/15/10	09/15/10	09/15/10
15 Photograph	12-148	09/15/10	09/15/10	09/15/10
16 Photograph	12-149	09/15/10	09/15/10	09/15/10
17 Photograph	12-150	09/15/10	09/15/10	09/15/10
18 Photograph	12-151	09/15/10	09/15/10	09/15/10
19 Photograph	12-152	09/15/10	09/15/10	09/15/10
20 Photograph	12-153	09/15/10	09/15/10	09/15/10
21 Photograph	12-154	09/15/10	09/15/10	09/15/10
22 Photograph	12-155	09/15/10	09/15/10	09/15/10
23 Photograph	12-156	09/15/10	09/15/10	09/15/10
24 Photograph	12-157	09/15/10	09/15/10	09/15/10
25 Photograph	12-158	09/15/10	09/15/10	09/15/10
26 Photograph	12-159	09/15/10	09/15/10	09/15/10

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Photograph	12-160	09/15/10	09/15/10	09/15/10
2 Photograph	12-161	09/15/10	09/15/10	09/15/10
3 Photograph	12-162	09/15/10	09/15/10	09/15/10
4 Photograph	12-163	09/15/10	09/15/10	09/15/10
5 Photograph	12-164	09/15/10	09/15/10	09/15/10
6 Photograph	12-165	09/15/10	09/15/10	09/15/10
7 Photograph	12-166	09/15/10	09/15/10	09/15/10
8 Photograph	12-167	09/15/10	09/15/10	09/15/10
9 Photograph	12-168	09/15/10	09/15/10	09/15/10
10 Photograph	12-169	09/15/10	09/15/10	09/15/10
11 Photograph	12-170	09/15/10	09/15/10	09/15/10
12 Photograph	12-171	09/15/10	09/15/10	09/15/10
13 Photograph	12-172	09/15/10	09/15/10	09/15/10
14 Photograph	12-173	09/15/10	09/15/10	09/15/10
15 Photograph	12-174	09/15/10	09/15/10	09/15/10
16 Photograph	12-175	09/15/10	09/15/10	09/15/10
17 Photograph	12-176	09/15/10	09/15/10	09/15/10
18 Photograph	12-177	09/15/10	09/15/10	09/15/10
19 Photograph	12-178	09/15/10	09/15/10	09/15/10
20 Photograph	12-179	09/15/10	09/15/10	09/15/10
21 Photograph	12-180	09/15/10	09/15/10	09/15/10
22 Photograph	12-181	09/15/10	09/15/10	09/15/10
23 Photograph	12-182	09/15/10	09/15/10	09/15/10
24 Photograph	12-183	09/15/10	09/15/10	09/15/10
25 Photograph	12-184	09/15/10	09/15/10	09/15/10
26 Photograph	12-185	09/15/10	09/15/10	09/15/10

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>Photograph</u>	<u>12-186</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
2 <u>Photograph</u>	<u>12-187</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
3 <u>Photograph</u>	<u>12-188</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
4 <u>Photograph</u>	<u>12-189</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
5 <u>Photograph</u>	<u>12-190</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
6 <u>Photograph</u>	<u>12-191</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
7 <u>Photograph</u>	<u>12-192</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
8 <u>Photograph</u>	<u>12-193</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
9 <u>Photograph</u>	<u>12-194</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
10 <u>Photograph</u>	<u>12-195</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
11 <u>Photograph</u>	<u>12-196</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
12 <u>Photograph</u>	<u>12-197</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
13 <u>Photograph</u>	<u>12-198</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
14 <u>Photograph</u>	<u>12-199</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
15 <u>Photograph</u>	<u>12-200</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
16 <u>Photograph</u>	<u>12-201</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
17 <u>Photograph</u>	<u>12-202</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
18 <u>Photograph</u>	<u>12-203</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
19 <u>Photograph</u>	<u>12-204</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
20 <u>Photograph</u>	<u>12-205</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
21 <u>Photograph</u>	<u>12-206</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
22 <u>Photograph</u>	<u>12-207</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
23 <u>Photograph</u>	<u>12-208</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
24 <u>Photograph</u>	<u>12-209</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
25 <u>Photograph</u>	<u>12-210</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
26 <u>Photograph</u>	<u>12-211</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 Photograph	12-212	09/15/10	09/15/10	09/15/10
2 Photograph	12-213	09/15/10	09/15/10	09/15/10
3 Photograph	12-214	09/15/10	09/15/10	09/15/10
4 Photograph	12-215	09/15/10	09/15/10	09/15/10
5 Photograph	12-216	09/15/10	09/15/10	09/15/10
6 Photograph	12-217	09/15/10	09/15/10	09/15/10
7 Photograph	12-218	09/15/10	09/15/10	09/15/10
8 Photograph	12-219	09/15/10	09/15/10	09/15/10
9 Photograph	12-220	09/15/10	09/15/10	09/15/10
10 Photograph	12-221	09/15/10	09/15/10	09/15/10
11 Photograph	12-222	09/15/10	09/15/10	09/15/10
12 Photograph	12-223	09/15/10	09/15/10	09/15/10
13 Photograph	12-224	09/15/10	09/15/10	09/15/10
14 Photograph	12-225	09/15/10	09/15/10	09/15/10
15 Photograph	12-226	09/15/10	09/15/10	09/15/10
16 Photograph	12-227	09/15/10	09/15/10	09/15/10
17 Photograph	12-228	09/15/10	09/15/10	09/15/10
18 Photograph	12-229	09/15/10	09/15/10	09/15/10
19 Photograph	12-230	09/15/10	09/15/10	09/15/10
20 Photograph	12-231	09/15/10	09/15/10	09/15/10
21 Photograph	12-232	09/15/10	09/15/10	09/15/10
22 Photograph	12-233	09/15/10	09/15/10	09/15/10
23 Photograph	12-234	09/15/10	09/15/10	09/15/10
24 Photograph	12-235	09/15/10	09/15/10	09/15/10
25 Photograph	12-236	09/15/10	09/15/10	09/15/10
26 Photograph	12-237	09/15/10	09/15/10	09/15/10

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>Photograph</u>	<u>12-238</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
2 <u>Photograph</u>	<u>12-239</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
3 <u>Photograph</u>	<u>12-240</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
4 <u>Photograph</u>	<u>12-241</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
5 <u>Photograph</u>	<u>12-242</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
6 <u>Photograph</u>	<u>12-243</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
7 <u>Photograph</u>	<u>12-244</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
8 <u>Statement of Jessica Morton</u>	<u>13</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
9 <u>Diagram of 1st Floor - Jeff Murdock</u>	<u>14</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
10 <u>Miranda Warning and Waiver</u>	<u>15</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
11 <u>Diagram of 1st Floor - David Garrison</u>	<u>16</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
12 <u>Piece of Formica</u>	<u>17</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
13 <u>Piece of Drywall with hole</u>	<u>18</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
14 <u>Swab from David Morton</u>	<u>19</u>	<u>09/15/10</u>	<u>09/17/10</u>	<u>09/17/10</u>
15 <u>6 Swabs of Red Stains & 1 Control Swab</u>	<u>20</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/17/10</u>
16 <u>White & Green Flowered Underwear</u>	<u>21</u>	<u>09/15/10</u>		
17 <u>Shell Casing & Swab</u>	<u>22</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
18 <u>Torn Divorce Papers</u>	<u>23</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
19 <u>.303 Rounds (4)</u>	<u>24</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
20 <u>Swab from Robert J. Morton</u>	<u>25</u>	<u>09/15/10</u>	<u>09/17/10</u>	<u>09/17/10</u>
21 <u>White Box with 2 bags</u>	<u>26</u>	<u>09/15/10</u>		
22 <u>Green Pajama Top</u>	<u>26-1</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
23 <u>Report of Dr. Ellen Clark</u>	<u>27</u>	<u>09/16/10</u>	<u>09/16/10</u>	<u>09/16/10</u>
24 <u>Fingerprint Cards (6)</u>	<u>28</u>	<u>09/17/10</u>	<u>09/17/10</u>	<u>09/17/10</u>
25 <u>Report of Kevin J. Byrne</u>	<u>29</u>	<u>09/17/10</u>	<u>09/17/10</u>	<u>09/17/10</u>
26 <u>Report of Monica Siewertsen</u>	<u>30</u>	<u>09/17/10</u>	<u>09/17/10</u>	<u>09/17/10</u>

vs. David C. Morton

Date: 09/13/10[illegible]

DEFENDANT'S/RESPONDENT'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	I.D.	MARKED	OFFERED	ADMITTED
A <u>Upstairs Diagram</u>	<u>A</u>	<u>09/14/10</u>	<u>09/14/10</u>	<u>09/14/10</u>
B <u>Statement of Robert Morton</u>	<u>B</u>	<u>09/14/10</u>	<u>09/14/10</u>	<u>09/14/10</u>
C <u>Statement of Anastasia Barsness</u>	<u>C</u>	<u>09/15/10</u>	<u>09/15/10</u>	<u>09/15/10</u>
D <u>Perscription Bottles mounted on a board</u>	<u>D</u>	<u>09/16/10</u>		
E <u>Diagram 1st Floor - David Garrison</u>	<u>E</u>	<u>09/16/10</u>	<u>09/16/10</u>	<u>09/16/10</u>
F <u>Letter from Kerri Heward to the District Attorney</u>	<u>F</u>	<u>09/17/10</u>	<u>09/17/10</u>	<u>09/17/10</u>
G <u>Photograph</u>	<u>G-1</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
H <u>Photograph</u>	<u>G-2</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
I <u>Photograph</u>	<u>G-3</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
J <u>Photograph</u>	<u>G-4</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
K <u>Photograph</u>	<u>G-5</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
L <u>Photograph</u>	<u>G-6</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
M <u>Photograph</u>	<u>G-7</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
N <u>Photograph</u>	<u>G-8</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
O <u>Photograph</u>	<u>G-9</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
P <u>Photograph</u>	<u>G-10</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
Q <u>Photograph</u>	<u>G-11</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
R <u>Photograph</u>	<u>G-12</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
S <u>Photograph</u>	<u>G-13</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
T <u>Photograph</u>	<u>G-14</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
U <u>Photograph</u>	<u>G-15</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
V <u>Photograph</u>	<u>G-16</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
W <u>Photograph</u>	<u>G-17</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
X <u>Photograph</u>	<u>G-18</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
Y <u>Photograph</u>	<u>G-19</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
Z <u>Photograph</u>	<u>G-20</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>

DEFENDANT'S/RESPONDENT'S EXHIBITS: CASE NO.

CR 09-5709

Date: 09/13/10

	<u>I.D.</u>	<u>MARKED</u>	<u>OFFERED</u>	<u>ADMITTED</u>
A <u>Photograph</u>	<u>G-21</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
B <u>Photograph</u>	<u>G-22</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
C <u>Photograph</u>	<u>G-23</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
D <u>Diagram of 1st Floor</u>	<u>H</u>	<u>09/20/10</u>	<u>09/20/10</u>	
E <u>Diagram of 1st Floor</u>	<u>I</u>	<u>09/20/10</u>	<u>09/20/10</u>	<u>09/20/10</u>
F _____	_____	_____	_____	_____
G _____	_____	_____	_____	_____
H _____	_____	_____	_____	_____
I _____	_____	_____	_____	_____
J _____	_____	_____	_____	_____
K _____	_____	_____	_____	_____
L _____	_____	_____	_____	_____
M _____	_____	_____	_____	_____
N _____	_____	_____	_____	_____
O _____	_____	_____	_____	_____
P _____	_____	_____	_____	_____
Q _____	_____	_____	_____	_____
R _____	_____	_____	_____	_____
S _____	_____	_____	_____	_____
T _____	_____	_____	_____	_____
U _____	_____	_____	_____	_____
V _____	_____	_____	_____	_____
W _____	_____	_____	_____	_____
X _____	_____	_____	_____	_____
Y _____	_____	_____	_____	_____
Z _____	_____	_____	_____	_____

The State of Nevada,

vs.

David Craig Morton

PLAINTIFF'S/PETITIONER'S EXHIBITS: CASE NO.

CR 09-5709

Date: 01/14/11

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>David Morton Information</u>	<u>1</u>	<u>01/14/11</u>	<u>01/14/11</u>	<u>01/14/11</u>
2 <u>Utah Police Report</u>	<u>2</u>	<u>01/14/11</u>	<u>01/14/11</u>	<u>01/14/11</u>
3 <u>Utah Police Report</u>	<u>3</u>	<u>01/14/11</u>	<u>01/14/11</u>	<u>01/14/11</u>
4 <u>Utah Police Report</u>	<u>4</u>	<u>01/14/11</u>	<u>01/14/11</u>	<u>01/14/11</u>
5 <u>Winnemucca Police Department Report</u>	<u>5</u>	<u>01/14/11</u>	<u>01/14/11</u>	<u>01/14/11</u>
6 <u>Utah Conviction</u>	<u>6</u>	<u>01/14/11</u>	<u>01/14/11</u>	<u>01/14/11</u>
7 _____	_____	_____	_____	_____
8 _____	_____	_____	_____	_____
9 _____	_____	_____	_____	_____
10 _____	_____	_____	_____	_____
11 _____	_____	_____	_____	_____
12 _____	_____	_____	_____	_____
13 _____	_____	_____	_____	_____
14 _____	_____	_____	_____	_____
15 _____	_____	_____	_____	_____
16 _____	_____	_____	_____	_____
17 _____	_____	_____	_____	_____
18 _____	_____	_____	_____	_____
19 _____	_____	_____	_____	_____
20 _____	_____	_____	_____	_____
21 _____	_____	_____	_____	_____
22 _____	_____	_____	_____	_____
23 _____	_____	_____	_____	_____
24 _____	_____	_____	_____	_____
25 _____	_____	_____	_____	_____
26 _____	_____	_____	_____	_____

CERTIFICATION OF COPY

STATE OF NEVADA,
COUNTY OF HUMBOLDT,

I, TAMI RAE SPERO, the duly elected, qualifying and acting Clerk of Humboldt County, in the State of Nevada,
and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true , full and correct copy
of the original: Notice of Appeal; Case Appeal Statement; District Court Docket Entries; Judgment of
Conviction; District Court Minutes; Exhibit Lists;

The State of Nevada,
Plaintiff,
vs.
DAVID CRAIG MORTON,
Defendant.

CASE NO. CR 09-5709

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,
Winnemucca, Nevada, this 6th
day of April, 2012, A.D.

TAMI RAE SPERO, CLERK

By: 
DEPUTY CLERK