

RENO

THURSDAY, JANUARY 14, 1999



RAPT ATTENTION:
Carolyn Sullivan, widow of slain officer George Sullivan, attended the trial's first day.

Slain UNR officer: Witness details buying of gloves, hatchet.

By Mike Henderson
RENO GAZETTE-JOURNAL

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Gloves and a hatchet were recovered in an apartment where Vanisi stayed in Reno during a visit from his home near Los Angeles.

While Mavani, Vanisi and others rode around Reno after going to the department store, Vanisi repeatedly asked

"He said, 'I want to kill a cop.'"
— Melc Mavani, witness

Emotional testimony opens Vanisi trial



Photos by Marilyn Newbold/Reno Gazette-Journal

STEP BY STEP DETAILS: UNR policeman Carl Smith testifies Wednesday where he first spotted a man he positively identified as Siaosi Vanisi the night his fellow officer, Sgt. George

Sullivan was murdered. The two were working alone and it was a few minutes after Smith backed Sullivan up that he was killed a short distance away.



DEFENDANT: Murder suspect Siaosi Vanisi, left, is all smiles as he chats with his attorney Steve Gregory on the first day of his trial.

friends to stop so he could get a Tongan mat to wear as a disguise when he would rob a fast-food restaurant, she testified.

Mavani described the mat as a small ceremonial rug used in events such as weddings and funerals. It could be draped about a person like a shawl to conceal identity, she said.

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them to let him out of the car so he could kill a policeman, she testified.

A native of Tonga in the southwest Pacific Ocean, Vanisi at one point asked his

Vanisi defense claims another man may be responsible for murder

BY JIMMY BOEGLE

Tribune Staff

On Wednesday, the one-year anniversary of Sgt. George Sullivan's death, the trial of the man accused of killing the 19-year police veteran got under way. In their opening statements defense attorneys claimed that another man — not Siasoi Vanisi — may be responsible for the brutal murder.

After two days of jury selection, the pool of 10 men and 6 women — comprising the jury and four alternates — heard opening statements and testimony from the first five prosecution witnesses on Wednesday. The trial of Vanisi, 28, is expected to last about two weeks. He could get the death penalty if convicted.

Vanisi sported a clean-cut look Wednesday. He had shorter hair than he did previously, and his beard was gone. He wore a white shirt, a tie and a tan jacket. Throughout the proceedings,

Vanisi seemed confident, smiling and even winking at an audience member as he entered the courtroom.

Carolyn Sullivan, the widow of the slain University of Nevada, Reno police officer, was also in the audience. She remained calm throughout Wednesday's testimony, although she was visibly shaken by some of the more graphic images and testimony.

Before the jury was seated for opening statements, Public Defender Jeremy Boaler asked Washoe District Court Judge Connie Steinheimer to rule on two motions — a request to change the venue of the trial, and after that failed, a request to declare a mistrial. Boaler claimed that some of the jurors held opinions about Vanisi, and that they could not be fair and impartial.

Steinheimer ruled against

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Photo by Marilyn Newton
Murder suspect Siasoi Vanisi talks with his attorney Steve Gregory during the trial on Wednesday.

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Vanisi: Witness who found murder victim's body testifies on first day of trial

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the motions, as expected. However, by presenting the motions, Vanisi's defense set up a possible grounds for appeal should Vanisi be convicted of the crimes.

In his opening statement, Washoe County District Attorney Richard Gammick — who rarely handles cases himself, but is leading the Vanisi prosecution — told of the last night of Sullivan's life. Using a map of the UNR campus, Gammick talked about how Sullivan arrived for work as usual at 11 p.m. on Monday, Jan. 12, 1998.

Pointing at the defendant, Gammick asserted that Vanisi — after telling numerous people he wanted to kill a cop, and after buying a hatchet from Wal-mart for \$7 — bludgeoned an unsuspecting Sullivan to death, leaving him in a pool of blood before "ripping" equipment from Sullivan's body" including his service weapon.

Gammick said that as the manhunt was on for Sullivan's killer, Vanisi robbed two area convenience stores — with Sullivan's gun — before heading for Salt Lake City.

"It was almost a 24-hour crime spree," he told the jurors before noon. "At this time a year ago, no one knew who did this who was involved in law enforcement."

He said that before Vanisi's capture in Salt Lake City, Vanisi bragged of the murder to a cousin, who, Gammick pledged, would testify about what Vanisi said.

"Listen to the detail directly from the mouth of Mr. Vanisi," he said, saying that Vanisi came to stay with relatives in Reno with

the express intention of killing a cop.

Finishing his opening statement, Gammick raised his voice and pointed at Vanisi, approaching him and shouting that he was guilty of the five felony counts for which he is on trial.

In the defense's opening statements, Bosler tried to paint a picture of a completely different person. He showed three high school pictures of Vanisi — one of a handsome young, smiling man in a tuxedo, and two pictures of a jovial younger Vanisi joking with friends. Bosler said that growing up in San Bruno, Calif., Vanisi — who was also known by his Americanized name of George Tafuna — was known as a kind person who tried to bridge gaps.

"If there was ever a problem between the (white and Tongan) communities, there was always a peacemaker, George Tafuna," Bosler said. "How does this person end up sitting in a chair in a courtroom in another city accused of first-degree murder, ultimately fighting for his life?"

The final statement — a reference to Vanisi fighting for his life — immediately drew an objection from Deputy District Attorney David Stanton, as references to Vanisi's possible death penalty are not allowed before the penalty phase of the trial. Bosler immediately withdrew the remark, but both he and Public Defender Michael Specchio later eluded to death penalty — before quickly withdrawing their remarks — in an apparent attempt to remind jurors Vanisi's life could be at stake.

Bosler then made the daring assertion that an unnamed man who works at the university —

who has been interviewed by police — was an accomplice of Vanisi's, and may actually be responsible for the murder.

"He admitted that 'You might find my fingerprints, too,'" Bosler said. "He admits he also said he had been out to kill a police officer."

After the lunch break, the first five prosecution witnesses took the stand. The first two — Brenda Martinez and Sullivan's partner, Officer Carl Smith — both testified they saw someone they later identified as Vanisi on the campus.

Martinez said she saw Vanisi — with long hair (possibly a wig he was wearing) and a long coat tied with a rope. She said his appearance scared her.

Smith — who became emotional on the stand as he talked about being the first officer to respond to a 911 call, only to find his partner dead — also claimed he saw Vanisi that night, as he covered Sullivan on a traffic stop he made shortly before he was found dead.

"He gave me a stare that drew my attention," Smith said. "Like one of hatred, 'I wanna fight you,' that sort of look." Smith said he was "absolutely" sure the person he saw was Vanisi, although Specchio drilled him about some traits in his initial description of the man which did not match Vanisi.

One of the most emotional moments of the day came when the 911 call of Andrew Ciocca, the UNR student who came across Sullivan's body, was played.

Ciocca testified he saw Sullivan's police car stopped near the information kiosk, and that it appeared from a distance that

an officer was looking underneath the vehicle because of a large amount of fluid which had leaked. However, Ciocca said he realized that was not the case as he got closer.

"The fluid was his blood," Ciocca said. "I ran to the officer and checked his pulse on his hand. He was still warm."

The final witness of the day, Mele Mavani, said she knew Vanisi as he was a cousin of her cousin. She told of a night several days before the murder when Vanisi bought the hatchet and some gloves from Wal-mart.

Later that night, she said, Vanisi, a teen-age boy and herself were driving around in a van — after smoking marijuana — when Vanisi told her something.

"He said, 'I want to kill a cop,'" she said, adding he repeated the statement several times. She said he also talked about killing an officer, taking his gun and then robbing a store. She also said he told her to drop him off at the police department so he could do the deed.

Mavani said she thought Vanisi was joking at first. But she said that feeling changed after seeing the news of Sullivan's death.

"Come Tuesday night, Jan. 13, did you think it was a joke then?" Stanton asked.

"No," Mavani answered solemnly.

However, Specchio got her to admit that she had heard in the Samoan community that another person, named "Teki," was also involved in the killing — potentially helping the defense assertion that another person was involved.

Testimony resumed this morning.

1-14-99



RAFT ATTENTION:
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Slain UNR officer: Witness details buying of gloves, hatchet.

By Mike Henderson
RENO GAZETTE-JOURNAL

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Photos by Marilyn Newton/Reno Gazette-Journal

STEP BY STEP DETAILS: UNR policeman Carl Smith testifies Wednesday where he first spotted a man he positively identified as Siasoi Vanisi the night his fellow officer, Sgt. George

Sullivan was murdered. The two were working alone and it was a few minutes after Smith backed Sullivan up that he was killed a short distance away.

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friends to stop so he could get a Tongan mat to wear as a disguise when he would rob a fast-food restaurant, she testified.

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them to let him out of the car so he could kill a policeman, she testified.

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"He said, 'I want to kill a cop.'" — Mele Maveni, witness

Emotional testimony opens Vanisi trial

Vanisi

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white people," Mavani testified, adding that she heard him say white people should be killed because they took a lot from Polynesians.

"Did you believe that he really wanted to kill a cop?" Public Defender Mike Specchio asked on cross-examination.

"No," Mavani said. "We thought it was a joke."

She and the others had been smoking marijuana that night, she testified.

Emotions ran high in Judge Connie Steinheimer's courtroom Wednesday, the anniversary of Sullivan's death.

Carl Smith, Sullivan's partner on the police force, appeared to be weeping as he testified he found the officer's body in a pool of blood in the parking lot between UNR's Morrill Hall and Manzanita Lake.

As he spoke, Sullivan's widow, Carolyn, sobbed quietly in the gallery. Sullivan is survived by an adult child and four children still at home.

In opening statements, Deputy Public Defender Jeremy Bosler hinted the defense will be that an unnamed Vanisi associate was responsible for Sullivan's death.

Smith testified he found Sullivan "with his head in a pulverized state" about 1 a.m. Jan. 13. He also identified Vanisi as a man he saw in the area about a half hour before Sullivan's body was discovered.

Sullivan's gun belt, gun, radio, handcuffs and keys were missing, Smith said. The gun was a Glock Model 21, .45 caliber pistol. He identified a Glock recovered in Salt Lake City, where Vanisi was arrested the next day, as Sullivan's.

Gammick told jurors Vanisi used



Marilyn Newton/Reno Gazette-Journal

TRIAL OPENS: Slaus Vanisi, center, is advised by his attorneys, Steve Gregory, left, and Michael Specchio.

the pistol in two convenience-store robberies shortly after the officer was slain.

Bosler contends a man Vanisi knew in Reno has said "If you check that Glock, you might find my fingerprints on it, too."

While the prosecution contends Vanisi told others he would kill a police officer, the unidentified person, too, said he would kill a policeman, Bosler said.

Bosler stopped short of saying another person killed Sullivan.

Gammick said Bosler's statement was the first indication of a possible defense pointing to another killer.

Before opening statements Wednesday, Judge Connie Steinheimer denied defense motions for a mistrial or change of venue because of the contention that people biased against Vanisi have been seated on the jury panel of 10 men and six women. Four will serve as alternates when deliberations begin.

Other testimony came

Wednesday from Brenda Martinez, a UNR student who said she saw a man who looked like Vanisi on campus within an hour of the discovery of Sullivan's body. She assisted police in developing a composite sketch witnesses testified looks like Vanisi.

Also testifying was UNR student Andrew Ciocca, who discovered the body, called police and tried to resuscitate Sullivan. The university honored Ciocca last year for his efforts.

FRIDAY, JANUARY 15, 1999

RENO GAZETTE-JOURNAL

'He just giggled. He said he did it.'

— Sateki Taukiuvea, a witness in the trial of Siaosi Vanisi

Witness: Suspect admitted killing officer



Photo by Marilyn Newton/Reno Gazette-Journal

IN COURT: Above, witness, Sateki Taukiuvea looks at a semiautomatic pistol he says murder suspect Siaosi Vanisi showed him after the hatchet slaying of UNR police Sgt. George Sullivan. The weapon belonged to Sullivan and was

taken, along with his handcuffs, radio and belt, after the brutal beating that left Sullivan dead at a campus parking area. Below, flowers have been left at the memorial on campus where the slaying occurred a year ago Wednesday.

But Reno man also testifies that he 'lied a lot' to police

By Mike Henderson
RENO GAZETTE-JOURNAL

A 19-year-old Reno man testified Thursday that Siaosi Vanisi admitted killing a University of Nevada, Reno police officer last January.

Hours after Sgt. George Sullivan, 43, was killed in a UNR parking lot, Vanisi and Sateki Taukiuvea were in a church restroom when, "I asked him if he did it," Taukiuvea said.

"He said 'no,'" Taukiuvea said.

Then Vanisi pulled out a gun, later identified as Sul-

livan's, Taukiuvea said.

"Look what I have," he quoted Vanisi as saying. "I told him he was crazy. He just giggled. He said he did it."

The testimony came in the fourth day of the first-degree murder trial of Vanisi in Washoe District Court. Vanisi, 28, faces the death penalty if he is convicted of the Jan. 13, 1998, slaying.

Washoe District Attorney Dick Gammick contends Vanisi killed Sullivan by repeatedly striking him with a hatchet.

Before the conversation in the restroom, Taukiuvea said,



Vanisi had shown him a hatchet tucked in the waistband of his pants and concealed under his jacket.

"He said he wanted to kill a

cop," Taukiuvea testified. "He wanted his badge and his radio and his gun. He was just blab-

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Trial

From page 1D

bing about it."

"I have to do this," he quoted Vanisi as saying. "I have to kill a cop."

"He was constantly saying this," Taukiueva said. "I thought he was just kidding."

He said he took Vanisi more seriously a couple of nights later when the two men were riding in a car.

At Oddle and Silverada boulevards, near Paradise Park, they spotted a Sparks Police Department car with a uniformed officer inside.

"He told me to follow him," Taukiueva said of Vanisi. "I told him I didn't want to."

He said Vanisi wanted him to follow the officer until the police cruiser stopped, then drop off Vanisi and leave.

Instead, "I took him home," Taukiueva said.

Public defender Mike Specchio, during cross-examination, told Taukiueva that while Chief Deputy District Attorney Dave Stanton questioned him he "indicated 43 times that you don't remember" details of statements he made to police a year ago.

Taukiueva told Specchio that he did tell police his fingerprint might be on the gun.

"He wanted me to show him how to use it," he said of Vanisi. "I just touched the top part of it. I left it

alone."

Taukiueva admitted to Specchio he "lied a lot" in his six-hour interview with police because he was "too scared."

"They were talking to me, pressing me, putting words in my mouth," he said.

Deputy Public Defender Jeremy Booker hinted in his opening statement Wednesday that a person who said he might have left a fingerprint on the weapon was responsible for Sullivan's death. But Specchio's questioning of Taukiueva on Thursday did not directly link him to the incident, and another witness testified Taukiueva was in her residence when Sullivan was killed.

Specchio said he will put Taukiueva on the witness stand for another two hours during the defense.

Other witnesses said they heard Vanisi say he wanted to kill a police officer. One said he used those words in his presence at least 10 times. A few witnesses said they had seen Vanisi with a hatchet in days preceding the killing.

Maria Rosa Louis, 22, Vanisi's niece, said Vanisi, who had been visiting the Reno area from his home near Los Angeles, came into her apartment on North Rock Boulevard between 1 a.m. and 1:15 a.m. Jan. 13. Sullivan's body was discovered at UNR about 12:50 a.m.

"He was quiet," Louis said of Vanisi. "He wasn't talking. Just heavy breathing."

Normally, she said, Vanisi would talk a lot.

When he came in he was not wearing the shoulder-length wig or beanie he had worn during much of the week he had been in Reno, she said.

Police recovered a wig and a beanie from a drainage ditch near the UNR campus after Sullivan's death.

Later on the morning of Sullivan's death, a friend shaved off Vanisi's full beard, Louis said.

A couple of days later, she said, she found in her apartment a white plastic bag with a police radio antenna sticking out of it and called police. Reno police Detective Jim Duncan testified the bag contained a police radio and flashlight bearing the name "Sullivan" and a police utility belt without a buckle.

A previous witness said a belt, radio, flashlight and other items were missing from Sullivan's body. He testified the belt buckle from the officer's utility belt was in a pool of blood next to the body.

When Duncan went to the Louis residence, he said, a hatchet was on the floor just inside the front door.

Louis testified one of her brothers found it in his bedroom and threw it into the living room. Authorities have said blood was found on the hatchet.

The next day, Vanisi was arrested in a residence in Salt Lake City.

Among items recovered in Salt Lake City, Duncan testified, was Sullivan's gun.

1-15-99

Judge declares mistrial in cop-killing case

BY SANDRA CHEREB

Associated Press

RENO — A mistrial was declared today in the case of a man accused of killing a University of Nevada, Reno police officer one year ago.

Washoe District Judge Connie Steinheimer declared the mistrial in the case of Siasoi Vanisi.

The officer, Sgt. George Sullivan, was found bludgeoned to death, the victim of numerous hatchet blows.

The judge granted the mistrial after defense lawyers argued they based their entire defense on the notion that another person had committed the crime.

That theory was based on a transcript of a police interview of a witness, Chaitra Hanke, that apparently was copied down wrong.

District Attorney Dick Gammick said that Chaitra Hanke told detectives in an interview that another man named Manoa had told her of a conversation he had with

According to Gammick, Manoa told Hanke that he was talking on the phone with Teki when Teki reportedly said he had to hang up because "Baya" had just committed a 187, referring to the California Penal Code for murder.

Baya is one of Vanisi's nicknames.

But in the transcript of Hanke's interview with police, the statement was erroneously transcribed to read that Teki had said "T" just did a 187, a copy of the transcript shows.

Defense lawyers argued they had based Vanisi's defense on that statement and the suggestion that Taukinvea had killed Sullivan, and that it would be unfair to proceed with the trial.

Steinheimer granted the mistrial, but ordered Vanisi to remain in custody. Prosecutors said they would seek a new trial. Lawyers were scheduled to be in court next Tuesday to set a new trial date.

RENO GAZETTE-JOURNAL

SATURDAY, JANUARY 18, 1999

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May be higher outside metro area.

Mistrial declared in officer's slaying

**One-word error in transcript:
Washoe DA says suspect will be tried
again in death of UNR police sergeant.**

By Mike Henderson
RENO GAZETTE-JOURNAL

A single, incorrect word in a transcript caused the mistrial Friday of the man accused of killing a University of Nevada, Reno police officer last year.

"It would be manifestly unjust for me to require the defendant to proceed under this circumstance," Washoe District Judge Connie Steinheimer told the 16 jurors hearing evidence in the first-degree murder trial of Siasosi Vani.

District Attorney Richard Gammick is seeking the death penalty for Vani, 28, in the Jan. 13, 1998, hatchet slaying of Sgt. George Sullivan, 43. He said a new trial for Vani likely will occur in the spring or summer. Lawyers are to meet with the judge Tuesday to agree on a new trial date.

Washoe Public Defender Mike Specchio said he built Vani's entire defense on the theory that someone else killed the officer, partly based on a transcript in which a female witness told police of a phone



Vani
Suspect

Sullivan
Victim

call from a man who said another man had told him, "I just did a one eighty-seven," a reference to the California Penal Code number for murder.

But in videotape and separate audiotape recordings of the police interview, the woman said, "Baya just did a one eighty-seven." Baya is one of Vani's nicknames.

The words "Baya" and "I" were easily confused in the recordings, so the transcript, compiled by a part-time transcriber for the Reno Police Department, was incorrect, Gammick said.

Sullivan's widow, Carolyn, who with jurors has listened attentively to the testimony of 11 witnesses over two days, wept openly when Steinheimer declared the mistrial. She was whisked away from court but later in the day issued a written statement.

"We will have a second opportunity in the near future, and my family looks forward to the time when we can put all of this behind us," she said. "We do not want any miscar-

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Mike Henderson/Reno Gazette-Journal

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Puzzled prosecutor: Washoe County District Attorney Richard Gammick uncovered the error that led to Friday's mistrial while attempting to understand the defense's case. **Longtime fear:** Gammick says he's been concerned for years about the possibility of errors in transcripts.

EXPLAINING: Washoe County District Attorney Richard Gammick answers questions Friday after the mistrial in the murder case against Siasosi Vani, accused of killing University of Nevada, Reno police Sgt. George Sullivan a year ago.

Mistrial

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riage of justice to occur, and understand in this case that a mistrial was the best possible solution."

One juror, who asked that her name not be used, said she was relieved and angry.

"I felt both. It was something I didn't want to do in the first place, but since I was picked I was ready. Then all of a sudden we're three days into it and it's over."

"It was the general consensus that everyone in the jury was relieved and ready to get back to their lives."

Vanisi showed little emotion when the judge asked him if he understood that his defense was no longer viable and that he would have a second trial.

"Yes, your honor," he said.

Umu Tafuna, a friend whom Vanisi refers to as his mother, declined to comment on the development.

In his opening statement to Tafuna

jurors, Deputy Public Defender Jeremy Bosler hinted someone other than Vanisi might have killed Sullivan. Someone else might have left a fingerprint on the weapon, he said, and someone else might have said they had committed a "187."

Those references, Gammick and Specchio said, were to "Teki," nickname for Sateki Taukiuvea, 19, who testified Thursday that Vanisi admitted killing Sullivan and showed him Sullivan's gun.

Taukiuvea also testified that he had touched the gun.

He was among several witnesses who testified they heard Vanisi say "I want to kill a cop" and who saw him with the hatchet later identified as the weapon used in Sullivan's death.

Gammick told Steinheimer that he discovered the transcript error early Friday, the fifth day of the trial, and immediately reported it to Specchio.

He said Specchio had two police reports that contradicted the transcript, making it clear that Baya had said he committed the 187. Gammick also said Specchio had an opportunity to hear the tapes themselves but did not ask for them.

"We feel that if they were going to rely this heavily on this for their defense, they should have reviewed the tape for accuracy," Gammick told Steinheimer. He said it is the defense's responsibility to ensure the accuracy of the material the prosecution divulges.

"I guess what he's saying is, 'We can't believe in anything they say,'" Specchio responded. "The problem is, judge, it's at the heart of the defense case."

He said he does not blame the police or prosecutors for the development.

But still, he said, it "guts the defense case," which he said was formulated in June or July.

"This is a sham," Specchio told Steinheimer. "This makes me want to vomit."

Anything short of a mistrial, he said, "is a denial of a fair trial. Is he (Vanisi) going to get a fair trial? The answer is, 'No, he isn't.' Don't penalize this poor soul."

"The person who can't suffer is this Tongan kid," he said, pointing to Vanisi.

Steinheimer said she would have preferred the problem be resolved before the trial through interviews with the woman or a review of the tape.

Gammick said if he had deliberately withheld information from the defense, Vanisi would have been a free man. He would have been freed because the principle of double jeopardy — that a person can't be tried twice for the same crime — would have applied.

But because the error was purely accidental and was reported as soon as it was discovered by the prosecution, double jeopardy was not an issue, Gammick said.

Steinheimer, in talking with Specchio and Vanisi, made sure they understood and agreed about double jeopardy.



Puzzled Washoe DA uncovered reason for mistrial

Potential for error long has troubled prosecutor

By Mike Henderson
RENO GAZETTE-JOURNAL

The potential for error in transcripts police provide to prosecutors has troubled Washoe District Attorney Richard Gammick for years, he said Friday after one resulted in a mistrial in a murder case.

"This is not the first time we've had errors in transcripts of recorded conversations," Gammick said.

He said he has urged police agencies in the area to get better equipment for recording conversations but they have said that they couldn't because of budget constraints.

He said he also has suggested they get professional transcribers or certified shorthand reporters to do the transcriptions.

Equipment has improved, he said, from several years ago when many recordings were unintelligible, but there is still room for improvement.

Reno police Detective Lt. Steve Pitts acknowledged the department once had shortcomings in its equipment.

"We just spent around \$20,000 in June and completely replaced all our audio-visual equipment," he said. "We had a professional firm come in and do all our interview rooms."

"That equipment was not available to our detectives in the ... investigation. The new equipment may have mitigated that situation, but that's speculation."

In light of Friday's problem that ended the first-degree murder trial of Siasoi Vanisi, Pitts

Transcript (Con't)		Case # 19114-88
1	Detective Jenkins:	Okay and what'd he tell ya?
2		
3	Chaitra Hanke:	And then he's all um, I said what'd Teld say and he said I
4		don't know I didn't get to talk to him that long because he
5		said, he told me to hold on and then he clicked over and then
6		came back and said I just did a one eighty seven (187) I have
7		to go, bye, call you later and so then I was like hey wait a
8		minute and Teld had already hung up. Did I say it to fast?
9		
10	Detective Duncan:	Nope.

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9		
10	Detective Duncan:	Nope.

CRUCIAL MISTAKE: The top image shows the transcript where Washoe District Attorney Richard Gammick has written in the correct word, "Bye,"

above where the incorrect word "I" appears. The lower image shows an unmarked transcript. The mistake led to a mistrial in the case.

said, Reno police will meet with prosecutors to discuss ways to prevent similar problems.

Capt. Jim Lopey, detective commander for the Washoe County Sheriff's Department, said his office has professional transcribers who type reports and supplemental reports and transcribe statements.

"Those are typed by our transcribers who work in records and they traditionally do an excellent job for us," Lopey said.

"That's not to say, however, that the system can't be improved."

He said officials would like to get a better system and have been

discussing that.

He said the department has videotaping capability in interrogation rooms and they're generally used in tandem with hand-held tape recorders.

Usually, he said, those are forwarded to the transcribers.

"There is some really good digital stuff out there and we know eventually we'll get some better equipment," Lopey said.

By Mike Henderson
RENO GAZETTE-JOURNAL

Washoe District Attorney Richard Gammick said he had been puzzled since a defense lawyer Wednesday asserted to the jury that someone other than Siasoi Vanisi killed a university police sergeant last January.

It became clear Thursday, as Sateki Tsukiuvea testified, that Public Defender Mike Specchio wanted to blame him for the killing of Sgt. George Sullivan on the University of Nevada, Reno campus, Gammick said.

So early Friday, trying to analyze the defense and prepare to counter it, Gammick reviewed some of the more than 3,000 pages of documents involved in the case, finding a crucial error in a transcript, he said.

The transcript was contradicted by two police reports summarizing a police interview with Chaitra Hanke, who talked to another man about a conversation that man had with Tsukiuvea, Gammick said.

In that interview with police, Hanke reported the conversation related to her as being that "Bye" just did a 187," Gammick said. But a part-time transcriber who was making a written version of the tape recording and video of the police interview, heard it as "I just did a 187," meaning Tsukiuvea did it. The 187 is a reference to the California Penal Code for murder.

Gammick said he called Reno police Friday morning to ask for the original tape recording and videotape. Listening to it carefully, he found the actual word was "Bye," not "I," Gammick said. Bye is one of Vanisi's nicknames.

"Nobody's at fault here. There was an inconsistency there and I think they were aware of it."

Washoe DA Richard Gammick speaking of the defense team

While Hanke was speaking slowly and distinctly earlier in the police interview, Gammick said, during that particular segment she spoke quickly and slurred her words.

"Nobody's at fault here," he said, but it's unfortunate the error came at that "crucial" point in the interview and Specchio relied on it.

"There was an inconsistency there and I think they were aware of it," Gammick said of the defense team.

Still, he said, he is not attacking Specchio and his handling of the defense. Gammick said even the prosecution had not reviewed the tape recording and videotape until Friday morning, but that was because he did not plan to use Hanke as a witness.

"I don't believe he pulled a fast one at all," Gammick said of Specchio. "I believe the reason he didn't request the tapes is because he didn't want to tip his hand until he was ready to go."

Requesting those particular tapes would have alerted police and prosecutors to the defense strategy, Gammick said.

Specchio said he has been trying to find Hanke to talk to her but has been told she is out of state.

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OPINION

RENO GAZETTE-JOURNAL

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EDITORIALS

Judge was right to halt Reno trial

Transcript error Facing the death penalty, accused murderer has a right to plan a new defense

District Judge Connie Steinheimer was right to declare a mistrial Friday in the trial of Siasoi Vanisi for the murder of University of Nevada, Reno, police Sgt. George Sullivan.

Steinheimer called an end to the trial because Washoe County District Attorney Richard Gammick, puzzled by the defense team's tactics in the case, discovered a single error in the transcript of a detectives' interview with a key witness. The transcript raised the possibility that someone else had admitted committing the crime, and the defense attorneys jumped on that possibility. Unfortunately, the transcript misquoted the witness, substituting the word "I" for "Baya," a nickname for Vanisi, which supported the prosecutors' case, not the defense's.

But the defense probably never would have gone in that direction were it not for the erroneous transcript. The transcriber's error had sent the attorneys down the wrong path, through no fault of their own, and they deserve the opportunity to start over. That undoubtedly will be expensive for the county and painful for the family and friends of Sullivan. But Vanisi is facing the ultimate penalty if found guilty, death, and the trial must be as fair as is humanly possible.

The mistake was unfortunate. Anyone who has ever tried to transcribe a conversation, even one that's been tape-recorded, knows how diffi-

cult it can be. Court reporters face it every day, often requesting that a statement be repeated so that they get it right. That, regrettably, is not possible with tape-recorded testimony; even replaying a questionable passage might not make it any clearer. Few people speak with the clear diction that it takes to create a perfect transcript; they move their heads and seldom speak directly into the microphone; background noise can make it difficult to make out words; and there are inherent problems with even the best recording equipment.

Yet, fairness in the judicial system demands perfection, so all area police agencies should take Gammick's advice to make sure they have the best recording equipment possible and professional, experienced transcribers to do the work.

The Reno Police Department already has taken the lead, spending \$20,000 last year to replace audio-visual equipment for its interview rooms, though that equipment wasn't available for the interviews in the Vanisi case. And the department plans to meet with prosecutors to find ways to prevent a recurrence of the transcription problem that surfaced last week.

All area law enforcement agencies should follow Reno's lead. Improving their equipment may prove to be expensive, but as that small error in the Vanisi case transcript proved, failure can be even more expensive.

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Vanisi
Defense
lawyers will get
copies of all
police audio,
videotapes,
judge rules

Vanisi gets new trial in Sept.

By Mike Henderson
RENO GAZETTE-JOURNAL

Lawyers for Siasai Vanisi, accused of murdering a university policeman last year, should have all copies of video and audio tapes police made of witness interviews, a judge ordered Tuesday.

The order came in the aftermath of last week's mistrial of Vanisi because of an error in a transcript of an interview.

Vanisi is charged with killing University of Nevada, Reno policeman George Sullivan, 43. Washoe District Judge Connie Steinheimer set Sept. 7 for a new trial for Vanisi, 28, who could get the death penalty if convicted in the hatchet slaying.

"My feeling is I'd rather start it today if I had my druthers," Steinheimer said.

But citing widespread publicity surrounding the mistrial, she said, "My belief is if we go into August and September, we've lost the initial impetus of the publicity and we'll be able to select a jury. I obviously want to get this trial over with."

The tapes became an issue after Washoe District Attorney Richard Gammick on Jan. 15, the fifth day of trial, revealed that Public Defender Mike Specchio was apparently hanging his whole defense on a transcription error.

In it, a woman told police another man had said "I just did a 187," the California Penal Code number for murder. That gave Specchio someone else to blame for the killing.

But Gammick contends police tapes on which the transcript was based actually say "Baya just did a 187," which negated Specchio's defense. Gammick said Baya is one of Vanisi's nicknames.

Defense lawyers say they've never heard Vanisi referred to as Baya.

The error was blamed on a part-time police transcriber. Gammick said she is not to blame because speech in the tapes became rapid and slurred when the "crucial" word was uttered. He did not fault Specchio for not requesting the tapes for review, saying that if Specchio had done so, that would have given police and prosecutors a clue to the defense and Specchio would have lost the element of surprise.

"If they'd had the tapes, I'd have gotten the tapes," Specchio said. Gammick said prosecutors never requested the tapes because they didn't intend to call the witness whose statement contained the error.

Specchio and Chief Deputy Public Defender Steve Gregory said after Tuesday's hearing that they and Vanisi were being made the villains when police and their transcriber made the error.

"Let's put the responsibility for this mess where it belongs," Specchio said. "It does not lie with Vanisi. He did nothing to cause this."

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Greenspan criticizes Clinton budget

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Daily Sparks Tribune

Wednesday Evening, January 20, 1999

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Judge would retry suspected cop killer 'today if I had my druthers'

BY SCOTT SONNER
Associated Press

RENO — The judge who declared a mistrial in the alleged murder of a campus police officer says she hopes publicity over the ruling has simmered down by the time a new jury is picked for the retrial in September.

Washoe District Judge Connie Steinheimer acknowledged Tuesday the furor she touched off by granting the mistrial last week because a word in a witness transcript was copied down wrong.

She set Sept. 7 as the new trial date for Sionel Vanisi, 28, accused of the hatchet slaying of Sgt. George Sullivan of the University of Nevada, Reno.

"I would rather start it today if I had my druthers," Steinheimer told lawyers for both sides in court Tuesday.

But Vanisi's public defenders have asked for 60 days to prepare for the new trial. And a cooling-off period might help in selecting an impartial jury, the judge said.

"I'm concerned about the jury selection," Steinheimer said. "We had a lot of publicity about the mistrial. If we wait ... we've lost the initial impact of the publicity and we'll be able to select jurors."

Washoe District Attorney Richard Gammick said he was confident Vanisi would be convicted in the second trial and sentenced to death.

"We're ready to go," he said Tuesday. Vanisi's lawyers argued unsuccessfully in the first trial for a change of venue given the high profile of Sullivan's murder.

The 18-year department veteran and father of five was found bludgeoned to death near his patrol car on Jan. 13, 1988.

A massive manhunt ended the next day in Salt Lake City, where Vanisi was arrested following a 9 1/2-hour standoff with authorities.

The judge granted the mistrial on Friday after the error in the transcript was discovered.

The initial transcript had a witness quoting another person as saying "I just

did a 187" — a slang term for committing a murder.

The corrected transcript read "Baya" just did a 187.

Gammick says "Baya" is a nickname for Vanisi, but defense lawyers disagree. They said they had based their defense in part on the assumption that someone other than Vanisi had claimed to have committed the murder.

At the request of the public defenders on Tuesday, the judge ordered prosecutors to make copies of all audio and videotapes of interviews with witnesses.

"Somebody has to compare the written with the oral so we don't go through this again in September," defense lawyer Michael Specchio said.

"We've got probably 2,000 pages of transcripts. There are probably a lot of errors," he told the judge.

Gammick said the transcripts are not certified.

"We've seen errors before," he said, adding that a meeting was scheduled with law enforcement officials Tuesday to make sure it doesn't happen again.

The public defenders said after Tuesday's hearing that Vanisi has been made the villain in the request for mistrial. They said police investigators and transcribers were to blame for the mistaken transcript.

"Let's put the responsibility for this

See Trial page 5A

Digital Transcription

Trial from Page 1A

mess where it belongs," Specchio said. "It does not lie with Vanisi. He did nothing to cause this."

Police had the tapes. Prosecutors and defense lawyers both had been working off the transcripts, said Steve Gregory, another defense lawyer.

"It was not a case of us not doing our job or the DA not doing his job. Both sides were relying on the transcripts," Gregory said.

"Gammick listened to them Friday and called us 20 minutes before the hearing. You can't get closer to the 11th hour than that," he said.

"That's worse than trial by ambush," Specchio said.

Gregory said Tuesday Vanisi never has been called "Baya." He said Vanisi has in the past been referred to by others as "Be," pro-

nounced "bay," a Tongan name for "baby."

"I don't know where 'Baya' came from," he said.

Gammick said there would be no change in his prosecution strategy.

"I was looking very much forward to wrapping up witnesses today," he said before Tuesday's court appearance. "It's not only tough on us, it's tough on the resources and tough on all the families involved."

Carolyn Sullivan, the officer's widow, attended the hearing on Tuesday but had no comment. She issued a statement Friday night saying she was grateful there would be a second trial.

"My family looks forward to the time we can put all of this behind us," she said.

Selection of jurors questioned in cop killing

By Mike Henderson
RENO GAZETTE-JOURNAL

The wife of a police officer was on the jury that tried alleged cop killer Siasoi Vanisi because defense lawyers said they used up their challenges removing others more prejudiced against their client.

And a California jury consultant says the Washoe County trial judge was "naive" to think a fair trial was possible for Vanisi with a cop's wife on the jury.

After four days in court, Washoe District Judge Connie Steinheimer declared a mistrial Jan. 15 during the prosecution of Vanisi, 28, accused of the January 1998 hatchet killing of University of Nevada, Reno police Sgt. George Sullivan. The mistrial stemmed from an error in the transcript of a witness statement to police on which the defense was based. A new trial was set for Sept. 7.

"We tried to challenge as many people as we could," Deputy Public Defender Jeremy Bosler said. "Even though people said they had already formed opinions and could not be fair, the judge said that wasn't a reason to exclude them from the jury."

Defense lawyers said Steinheimer refused to remove the police officer's wife from the 16-person jury. In the trial, the defense and prosecution each got to dismiss eight people from the jury; the judge can remove any juror for cause.

"Whether he can get a fair

See VANISI on page 10A

Vanisi

From page 1A

trial in this county remains to be seen," Bosler said. "If you look at jury selection in the last trial, it doesn't seem there is a very good likelihood he can get a fair trial. That's a decision the Supreme Court is going to have to make and the record will eventually make its way up there."

Despite her marriage to a law officer, the juror said in court she could overcome any bias she might have and render a fair verdict.

"The judge should not have relied on (the woman's) self-assessment that she could be fair and impartial," said Lois Heaney, a senior trial consultant for the National Jury Project. For 25 years, the Oakland, Calif., firm has helped defense lawyers and prosecutors select jurors, especially in high-profile cases.

Not automatically out

On the mailed summons,

prospective jurors are asked whether they are related to a law enforcement officer. Steinheimer said after the trial a juror's marriage or former marriage to a police officer does not constitute an automatic disqualification.

"No human is disqualified for jury service because of their profession except for statutory exemptions," she said Friday.

Laurance Hyde, a former law school dean and former National Judicial College dean, agrees with Steinheimer that marriage to a police officer does not disqualify a person from sitting on the Vanisi case.

"It gives rise to whether she could act fairly, but I do not think that automatically every person who meets a certain profile is going to act according to that profile," he said.

He noted Vanisi, 28, was born in Tonga, a South Pacific island.

"If there was a Tonganese on that jury, should that juror be stricken... in the absence of all other factors?" Hyde asked. "I personally do not think so. I don't think it's automatic that any Tonganese

would vote in favor of this defendant because he was also a Tonganese."

A week after the trial, the judge, defense lawyers and prosecutors said they weren't certain which agency employed the juror's spouse. The judge and a prosecutor thought it was the sheriff's department. A defense lawyer thought it was school district police.

District Attorney Richard Gammick agreed being related to an officer does not disqualify a juror, even in a case in which the defendant is accused of killing a police officer.

"The ultimate question is, 'Regardless of who you are and what your beliefs are and what your opinion is and what you've heard, can you base your decision on the law and the facts?'" Gammick said. "What's the difference in that and if you have a truck driver who was killed and you have a truck driver come in for jury duty?"

Tight-knit community

Heaney disagreed with Gam-

mick's analogy. The danger in having a police officer's wife on a jury sitting in judgment of the alleged killer of another officer is complex, Heaney said.

Police are a tight-knit community known for coming together to support other officers and their families, she said.

"You have to assume that this police officer's wife has worried about her own husband and other people she has known," Heaney said.

"She possibly has even attended memorial services for police officers and knows what it is like to be an outsider looking at the wife and families of those who have died as police officers. This suggests she has a certain kind of bias."

"How does she go home and answer, if she were to acquit this man, to her officer and other people in the police officer community? People are going to be upset if a person who is in this state is not convicted. How does she deal with not succumbing to the pressure to punish someone who could have killed them?"

Removal of jurors

Under state law, a judge removes jurors "for cause" in several situations, among them a prospective juror's firm conviction that a defendant is guilty or innocent, lack of understanding of English, blood relationship to one of the parties or physical problems such as hearing or vision impairment making it difficult for someone to view the evidence or listen to testimony. Lawyers can request removals for cause.

Lawyers also have peremptory challenges to remove a prospective juror for any reason except for gender, race, creed, religion and other so-called "protected" areas. The prosecution had eight peremptory challenges and the defense had eight. The judge denied a defense request for more.

"We ran out of peremptory challenges, and we couldn't

excuse all the people who said they couldn't be fair or were related to law enforcement or had some other characteristic that would have influenced their ability to sit fairly on the case," Bosler said.

He said the defense, in a new trial, will renew its request to move the trial out of Washoe County and for additional peremptory challenges.

"Because the case is still pending, I don't think it would be appropriate to comment on the rulings," Steinheimer said.

Her staff confirmed she had ruled in favor of a defense motion to allow the defense to have jury consultants and psychologists at the counsel table during jury selection.

Bosler said with the years of experience of Vanisi's three lawyers, and because of the number of people prejudiced against Vanisi, employing consultants or psychologists was unnecessary.

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Jury mix poses potential problems in slaying of officer

By Mike Henderson
RENO GAZETTE-JOURNAL

Jury consultants say it would be extremely difficult, but not impossible, for the wife of a police officer to sit impartially on a jury trying a man for the alleged murder of another officer.

"It would be a great deal to ask of the spouse of a police officer to render a verdict, make a decision, which was independent of the kind of feelings that she must have for police officers and their service," said Ron Dillehay, a professor of psychology at the University of Nevada, Reno and director of its Grant Sawyer Center for Justice Studies.

"It's perhaps an insurmountable obstacle," he said.

The wife of a police officer was among the 16-person jury that heard evidence against Siasoi Vanisi, 28, accused of killing a university police sergeant a year ago, before the judge declared a mistrial on unrelated circumstances this month.

Dillehay has been a jury selection

consultant on about 80 cases potentially involving the death penalty, he said. Allowing an officer's wife on the jury, he said, indicates to him that the defense had other prospective jurors with predispositions against the defendant.

"If they see others worse than someone with this kind of what could only be considered a very close emotional connection, it says something about those others," Dillehay said.

Chuck Dickson, a psychologist who owns Trial Science Inc., a jury consulting firm, said a police officer's wife can be objective, even in such a case.

"Jurors in general make a decision based on the facts of the case and that's even more so if it's a prolonged trial," he said. "It's clear that the defense would have more to overcome with people who have an affiliation to the victim, that is a police officer's wife. But I'm impressed with how people rise to the occasion by attending to the facts of the case."

"The personal attitudes that people have are probably more powerful

than the particular occupations they have. For example, there may be police officers' wives who are remarkably liberal and there may be other police officers' wives who are remarkably conservative."

He acknowledged a strong bond between police officers and officers' families.

"But given that family atmosphere and that brotherhood, people are still able to make rational judgments on the facts of a case," Dickson said. Still, he wouldn't encourage the defense to select a juror with a strong affiliation with the victim.

Jim Richardson, a sociology professor at UNR, sees a police officer's wife on the jury as a "very odd circumstance."

"I don't see how a person in that situation could not personalize what went on, what allegedly happened," Richardson said. "I think it would be very difficult for such a person to be fair and impartial. I think it would be very difficult not to ... sit there and be saying, 'There but for the grace of God I.'"

Defense lawyers offer some objections, too

By Mike Henderson
RENO GAZETTE-JOURNAL

Several defense lawyers say having an officer's wife on a jury in a cop-killing case makes it difficult for the defendant to get a fair trial.

"I think it is always a problem in any kind of criminal case when you have people closely related to law enforcement officers on the jury," said Michael Peschella, an assistant federal public defender who formerly headed the Death Penalty Resource Center in Nevada. "It's just natural for people in that position to identify more with the law enforcement people."

"In a capital (death penalty) case, it's a particular problem because here, the homicide victim is a police officer, and I would expect that the prosecution in the penalty phase is going to put the (deceased) police officer's wife on the stand to

testify about the effect of the homicide. The notion that people related to police officers are not going to be inflamed by that kind of testimony is just unrealistic."

The wife of a police officer was among the 16-person jury that heard evidence this month against Siasoi Vanisi, 28, accused of killing a university police sergeant a year ago. After four days of trial, the judge declared a mistrial due to a transcript error.

Defense lawyer John Ohlson said it's obvious the defense wouldn't want an officer's wife on the jury.

"You have a tremendously sympathetic wife in the person of the widow of the police officer who was killed, with whom these women are going to identify," he said.

"Sometimes that happens when you're picking a jury; you just get stuck with people who tell you they can be fair and impartial. It's a

nightmare, but sometimes it happens. ... Anybody who tells you they know what they're doing when they pick a jury is just kidding."

Ohlson recalled a case in which he and another defense lawyer were convinced a juror would go against them. When the trial ended, the defendant was found innocent on 44 counts and it was that juror who led the charge for the defense.

John Oakes, another private defense lawyer, said it may be impossible for an officer's wife to give the accused murderer of a police officer a fair trial.

"Obviously it's an emotional case," he said. "Police officers have a very tight group and wives of officers, too, and I've known many of them for many years. The greatest fear of an officer's wife is that the officer is going to get shot and not come home. That's a fear they live with every day."

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Defense lawyer John Ohlson said it's obvious the defense wouldn't want an officer's wife on the jury.

"You have a tremendously sympathetic wife in the person of the widow of the police officer who was killed, with whom these women are going to identify," he said.

"Sometimes that happens when you're picking a jury; you just get stuck with people who tell you they can be fair and impartial. It's a

nightmare, but sometimes it happens. ... Anybody who tells you they know what they're doing when they pick a jury is just kidding."

Ohlson recalled a case in which he and another defense lawyer were convinced a juror would go against them. When the trial ended, the defendant was found innocent on 44 counts and it was that juror who led the charge for the defense.

John Oakes, another private defense lawyer, said it may be impossible for an officer's wife to give the accused murderer of a police officer a fair trial.

"Obviously it's an emotional case," he said. "Police officers have a very tight group and wives of officers, too, and I've known many of them for many years. The greatest fear of an officer's wife is that the officer is going to get shot and not come home. That's a fear they live with every day."

METRO

A daily look at people, places and events making news in the Reno

Psychiatric evaluation ordered for suspect in UNR slaying

By Mike Henderson
RENO-GAZETTE-JOURNAL

A judge has ordered a psychiatric evaluation for the man accused of murdering a University of Nevada, Reno police sergeant and who made a veiled threat Tuesday against a prosecutor.

Meanwhile, Chief Deputy Washoe District Attorney Dave Stanton said Sinaisi Vanisi tried to tunnel under a fence at Nevada State Prison about a week ago and was shot with rubber bullets. He had been sent to the prison for safekeeping after he became a discipline problem at the Washoe County Jail, Stanton said.

Vanisi, 28, is charged with first-degree murder in the hatchet slaying of Sgt. George Sullivan, 43, on Jan. 13, 1998. Vanisi's first trial earlier this year ended in mistrial and a new trial is scheduled in September. Prosecutors are seeking the death penalty.

"I am not the troublemaker," Vanisi told Washoe District Judge Connie Steinheimer at a pretrial hearing after Stanton spoke about his discipline problems.

"I would like to say to him and his

TODAY'S FOLLOW-UP PEOPLE AND EVENTS THAT HAVE MADE HEADLINES

colleagues that the time will come," Vanisi said, looking at Stanton.

Steinheimer ordered a psychiatric evaluation for Vanisi after Deputy Public Defender Steve Gregory said he doubts whether Vanisi is capable of assisting in his own defense. Vanisi, he said, "cannot control his emotions."

Glen Whorton, spokesman for the Nevada Department of Prisons, said Vanisi did not make a serious attempt to escape.

"There was no tunnel," Whorton said. "He was trying to scrape his way under a fence. If he'd gotten under that fence, he'd have had four or five more fences to get across. It was really a futile, unprepared and unsophisticated misconduct."

Other misconduct, said District Attorney Richard Gammick, has in-

volved refusal to cooperate with jailers at the Washoe County Jail.

"He gets into heavy yelling fits, running around naked, beating on his door, disrupting other prisoners," Gammick said.

Gammick said he has a six-to-eight-inch stack of reports on Vanisi's discipline problems. Prosecutors have previously said the man of Tonganese descent has also chanted and done Tonganese dances in jail and said Tuesday that he continues to chant and dance.

Vanisi appeared in court in a red jail jumpsuit and in leg and arm chains to restrict his movement. He was wearing his hair in a shaggy, Mohawk style, with long hair running from his forehead to his neck and the sides clean shaven. He also had a full beard.

Stanton said Vanisi's "strange behavior" could be an attempt to slow down the justice process.

He said he hopes Steinheimer's ordering an evaluation of Vanisi by two psychiatrists will determine "whether he's truly mentally ill or whether he's malingering, which is a fancy word for faking it."

Vanisi ruled competent for trial, again

RENO (AP) — Two psychiatric evaluations of a man accused in the hatchet killing of a University of Nevada Reno police officer have determined that he is competent to be re-tried for murder.

Washoe District Judge Connie Steinhauser ordered the evaluation for Sione Vanisi earlier this month after Vanisi's lawyer raised questions about his ability to assist in his defense.

A psychiatrist and a psychologist found him competent to be re-tried in September.

Vanisi, 28, is charged with first-degree murder for the January 1998 killing of UNR Police Sgt. George Sullivan, a 19-year department veteran.

A jury trial in January ended in a mistrial when a single-word error was found in a transcribed report of a witness statement.

6-24-99

8/31/99

Judge delays trial of

By Mike Henderson
RENO GAZETTE-JOURNAL

A judge's ruling Monday could put in jeopardy the state's prosecution of the accused hatchet murderer of a University of Nevada, Reno police sergeant, District Attorney Richard Gammick said.

Washoe District Judge Connie Steinheimer refused Monday to let the Washoe County public defender's office withdraw as counsel for Siasosi Vanisi, 29. She also postponed



Vanisi

moves here this morning that puts the state in real jeopardy," Gammick told the judge, complaining she had set a new trial date without con-

his scheduled Sept. 6 trial until Sept. 20 to give his lawyers time to appeal her ruling to the Nevada Supreme Court.

"You have made some moves here this morning that puts the state in real jeopardy," Gammick told the judge, complaining she had set a new trial date without con-

sulting lawyers about it.

"We have witnesses who are not only from out of state and out of this country, we have witnesses who have already scheduled school to start out of state. I do not know at this time if they are even going to be available to be here."

Also uncertain is whether the defense can be ready for trial, now scheduled 21 months after the death of Sgt. George Sullivan, 43. Vanisi allegedly approached Sullivan as he sat in his squad car near the information kiosk at the

accused UNR ax-murderer

south end of University of Nevada, Reno's Quad, then repeatedly struck him with a hatchet.

Jeremy Bosler, a deputy public defender working on the Vanisi case, said it is "very unlikely that we could even be prepared" on that date.

Vanisi's lawyers have filed a motion that they be allowed to withdraw because they have one theory of how his defense should be conducted and Vanisi has another defense in mind, putting them in an ethical quandary, Gammick said.

"We were urged to file the motion to withdraw by the counsel for the State Bar of Nevada," Chief Deputy Public Defender Steve Gregory said. The state bar counsel prosecutes lawyers for unethical misconduct. Gregory, citing attorney-client confidentiality, would not say what the disagreement with Vanisi is about.

The public defender's office will appeal Steinheimer's ruling, probably before the end of the week, said John Petty, chief appellate deputy for the

office.

After that, the Nevada Supreme Court would decide whether to take the case. If it takes the case, that could result in further delay of the trial.

But Steinheimer made it clear Monday that delay is exactly what she is trying to avoid.

"I can tell you I'm not going to have any more continuances in this case," Steinheimer told lawyers. "We can't go out further (on the calendar). We will only end up with more motions, more

WHAT'S NEXT

By the end of this week, the Washoe County public defender's office plans to ask the Nevada Supreme Court to review Washoe District Judge Connie Steinheimer's ruling that it must continue to represent Siasosi Vanisi. It is up to the Supreme Court to decide whether it will review the decision, which could mean more delay, or let it stand.

problems, more considerations."

Suspect wants to represent himself

By Mike Macdonald
8-7-99
RENO GAZETTE-JOURNAL

The accused hatchet killer of a University of Nevada police officer wants to act as his own lawyer at his Sept. 7 trial, and a judge has scheduled a hearing on the matter Tuesday.

In a handwritten letter to Washoe District Judge Connie Steinheimer, Siaso Vanisi, 28, gives no reason for wanting to represent himself in his first-degree murder trial in which prosecutors are seeking the death penalty.

Prosecution and defense lawyers have portrayed Vanisi,

accused of killing Sgt. George Sullivan, 43, in January 1998, as a wild man, given to chanting and dancing and bathing in his own body fluids. He was transferred to the Nevada State Prison after he became a behavior problem at the Washoe County Jail, but is back at the jail now. At the state prison, he attempted to escape and was shot with rubber bullets.

Vanisi went on trial in January, but Steinheimer declared a mistrial after an error was found in a police transcript. The defense plan hinged on that single incorrectly transcribed word.

8-11-99

Judge to decide if accused killer can defend self

By Mike Henderson
RENO GAZETTE-JOURNAL

Washoe District Judge Connie Steinheimer is expected to rule today whether the accused killer of a University of Nevada, Reno police sergeant can defend himself at his Sept. 7 trial.

Both prosecutors and defense lawyers for Sinaasi Vanisi, 29, said he has an "unequivocal and fundamental constitutional right" to defend himself in the hatchet slaying

of Sgt. George Sullivan in January 1998.

"He's not required to have any legal skills whatsoever," Deputy Public Defender Steve Gregory told Steinheimer.

Vanisi told Steinheimer he understands it is often unwise for a defendant to conduct his own defense and that he may be at a disadvantage because he lacks the legal skills of his prosecutors, District Attorney Richard Gammick and Chief Deputy Dave Stanton.

"The ultimate penalty for my case, for my situation, would be the death penalty," he told Steinheimer. Vanisi said he understands that if he makes a tactical error in his trial, it could mean the jury would be more inclined to sentence him to death.

Gammick said he is unaware of another Washoe County person who has represented himself in a death-penalty case, although several Las Vegas men have done so. Some of them are now on death row.

Steinheimer, in all likelihood,

would appoint one of Vanisi's current lawyers to be available to him for consultations during the trial. He previously has tried to discharge his counsel.

Vanisi said he has a high school education, is otherwise self-taught and reads extensively, primarily about science and the law.

An earlier trial this year resulted in a mistrial after an error, critical to the defense, was found in a police transcript of an interview with a witness in the case.

8-12-99

Judge won't let Vanisi be his own lawyer

By Mike Henderson
RENO GAZETTE-JOURNAL

The accused hatchet murderer of a University of Nevada, Reno police sergeant cannot act as his own lawyer at his Sept. 7 trial, a Washoe District Court judge ruled Wednesday.

Siasoi Vanisi, 29, will not appeal Judge Connie Steinheimer's ruling, said John Petty, chief appellate deputy for the public defender's office.

Vanisi gave no reason for wanting to represent himself.

He is accused of killing Sgt. George Sullivan on the UNR campus in January 1998.

Although prosecution and defense lawyers contended at a hearing Tuesday that Vanisi has an "unequivocal and fundamental constitutional right" to represent himself,



Vanisi
Won't appeal
Judge Stein-
heimer's decision.

Steinheimer cited factors appeals courts have said can result in denial of that right, including if the request is made to delay the trial.

She ruled that to be the case with Vanisi, who said he decided the same month Sullivan was killed that he wanted to represent himself. Vanisi did not ask to represent himself until last week.

Steinheimer also said Vanisi "has a history of aggressive and disruptive behavior while at the Nevada

State Prison which required aggressive action on the part of the prison guards, as well as several incidents at the Washoe County Jail."

She also cited the complexity of the case, noting Vanisi also is charged with robbing two convenience stores and auto theft. He is also under medication for a manic-depressive condition.

Steinheimer said the case "is not one where it would be fundamentally fair or result in a fair trial to allow a defendant with a high school education, Mr. Vanisi's mental health issues and current drug medications to represent himself while facing the potential of the death penalty."

Petty said the judge's ruling cannot be appealed now but could be used in an appeal if Vanisi is found guilty.

"She came up with things we had-

n't even thought of, which is fine," District Attorney Richard Gammick said of Steinheimer's decision.

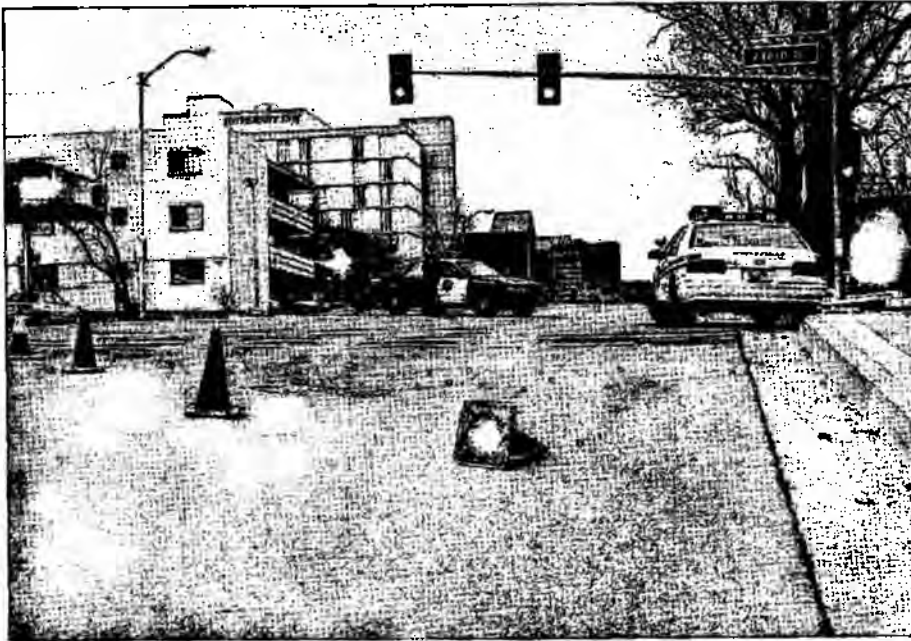
He said prosecutors usually don't like to go to trial against someone representing himself because it's more difficult to try a case.

The prosecution has to take extra care to ensure the defendant's rights are observed during trial so prosecutors and the public won't have to endure the extra time and expense of a new trial if a conviction is overturned on appeal.

"Our experience has been that every time we have a (self-representing) defendant, the trial basically turns into a circus," he said. "I've never seen a case where they knew what they were doing, meaning the defendant."

"Whoever coined the phrase 'Whoever represents himself has a fool for a client' was dead on."

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The UNR campus was shut down for a full day as officials combed the area for evidence following Sgt. George Sullivan's murder.

Murder At UNR

A SECOND TRIAL FOR THE MAN
ACCUSED OF KILLING A UNR COP IS
SET TO START NEXT MONTH

If it hadn't been for one mistyped word, the trial of accused hatchet-murderer Siasai Vanisi would be over by now, except for the appeals process if he had been found guilty.

But because of that error—found during his first trial in January—the process is starting all over, with jury selection set to begin Aug. 30. His trial is scheduled to start one week later, on Sept. 6. He faces the death penalty if convicted.

Vanisi, 29, is accused of one of the most notorious murders in Northern Nevada history. Just before 1 a.m. on Jan. 13, 1998, UNR student Andrew Ciocca came across the body of UNR police Sgt. George Sullivan near the information kiosk of the UNR entrance at Ninth and Center streets. Investigators said Sullivan died as the result of numerous blows to the head with a hatchet. A cellular phone, along with Sullivan's .45-caliber service gun and numerous other items, were stolen from Sullivan and his patrol car.

Some of those items, including the gun, were later found with Vanisi when he was captured a few days later in Salt Lake City, according to police reports. Officials claim Vanisi also robbed two area convenience stores shortly after Sullivan's death.

Washoe County District Attor-

ney Richard Gammick—who has taken the rare step of personally prosecuting the Vanisi case—said he expects the trial to last about three weeks. He estimated 100-150 potential jurors will be weeded down to 16 men and women—12 jurors and four alternates, who will

Prosecutors say Sullivan, a 19-year police veteran, was the victim of a man who bought a hatchet from Wal-Mart for \$7 and then started looking for a cop to kill.

not be sequestered during the trial.

Gammick said he feels confident about the case against Vanisi, which includes the murder-weapon hatchet, Sullivan's gun and witnesses including people Vanisi reportedly told about the murder—many of whom testified in the original trial before it ended prematurely.

"We have a strong case," he said,

adding 60 witnesses have been subpoenaed. "But I've been doing this too long to speculate the outcome of a jury trial."

Gammick said he was relieved that Washoe District Court Judge Connie Steinheimer denied a recent motion by Vanisi for him to represent himself. In her decision, she cited a lack of legal knowledge on Vanisi's behalf and his poor behavior while in jail, which led to his transfer to the Nevada State Prison for security reasons. Jail officials say Vanisi has acted uncooperative at times, with reports of him engaging in strange behavior such as wearing his underwear on his head.

"If he had represented himself, we would have had to be careful and watch to make sure what he did stayed legal," Gammick said.

Steinheimer's denial of Vanisi's motion also gives Vanisi possible grounds for an appeal, should he be convicted. All death penalty cases are automatically appealed to the Nevada Supreme Court.

Vanisi's defense lawyers are keeping mum on what their defense will be. Deputy Public Defender Steve Gregory did not return repeated phone calls from the RN&R.

However, in the first trial, the defense crafted by Public Defender Michael Specchio tried to show that

Defenders ask state high court to take them off UNR killing trial

By Mike Henderson
RENO GAZETTE-JOURNAL

Defense lawyers who want off the case of the man accused of slaying a University of Nevada, Reno police officer took their plea Friday to the Nevada Supreme Court.

Washoe District Judge Connie Steinheimer ruled earlier this week that the Washoe County Public Defender's Office must represent Siasoi Vanisi, 29, even though they are at odds with Vanisi on defense strategy.

Also, they contend following Vanisi's wishes for a defense against a charge he murdered Sgt. George Sullivan, 43, with a hatchet in January 1998 would be a breach of legal ethics.

In an affidavit, Chief Deputy Public Defender Steven Gregory said Vanisi "insists on a defense that is not supported by the evidence." Also, he said, counsel for the State Bar of Nevada has advised him and co-counsel Jeremy Bosler, a deputy public defender, that using the defense Vanisi wants would violate a Supreme Court rule. The bar counsel is an arbiter of ethics. The rule cited deals with lawyer obligations concerning use of a lawyer by a defendant "to perpetrate a crime or fraud" and a client's insistence on "pursuing an objective that the lawyer considers repugnant or imprudent." The defense lawyers, citing their inability to disclose lawyer-client commu-

WHAT'S NEXT

The Nevada Supreme Court must decide whether Judge Connie Steinheimer was correct in ruling that the Washoe County Public Defender's Office must represent Vanisi despite a conflict between Vanisi and his lawyers. The court can uphold the trial judge or reverse her. If it reverses her, the trial probably would be delayed again.

nications, would not comment on why they want to withdraw from the case.

Washoe District Judge Connie Steinheimer has had at least one closed hearing on the issue of whether Bosler and Gregory can withdraw, sealing the transcripts and some related orders.

The prosecution is seeking the death penalty for Vanisi in the case. A trial on the murder charge began in the spring but was declared a mistrial before it ended.

A new trial was scheduled to begin next week but Steinheimer postponed it to give the defense an opportunity to take their appeal to the Nevada Supreme Court. The high court does not have to have a hearing on the issue. It can simply affirm Steinheimer's decision without comment or it can have hearings, then rule that her ruling was correct or incorrect. If it holds that she erred, the judge would then have to appoint new lawyers to represent Vanisi.

9/7/99

Cop-killing case faces

UNR officer slain: Suspect creates two legal hurdles for prosecutors, defense lawyers and Washoe judge.

By Mike Henderson
RENO GAZETTE-JOURNAL

The accused killer of a University of Nevada, Reno police officer has thrown two legal obstacles into the path of prosecutors, defense lawyers and the judge before his trial scheduled later this month.

A request from the Washoe County public defender's office that it be allowed to withdraw as counsel to Siasoi Vanisi, 29, could delay the trial. The judge's denial of a request that he be allowed to represent himself, could result in a reversal by federal courts if he is convicted of first-degree

murder in the January 1998 hatchet slaying of Sgt. George Sullivan.



If a conviction is reversed, that would likely mean a third trial for Vanisi, whose first trial in January was declared a mistrial before it ended. Trials, by one estimate, cost taxpayers more than \$2,300 a day. The Vanisi trial is expected to

ces uncertain future

last about three weeks.

It all amounts to "a bunch of convoluted hogwash" in the view of Chief Deputy District Attorney David Stanton, who is seeking the death penalty for Vanisi.

"To me, what is dismaying about this whole process is there has to be a right answer for the judge about making a decision in this case," Stanton said. "There are thousands of published decisions. We should learn from them."

"There should be an easy answer. Yet there isn't, and that's

not the way the system should work."

In her ruling last week, Washoe District Judge Connie Steinheimer followed two main cases, one federal and one state, requiring a trial judge to honor a self-representation request except in certain circumstances, such as attempt to delay trial or disrupt the process.

Vanisi's request came just weeks before trial, originally scheduled this week. The

See VANISI on 4A

WHAT'S NEXT

The Nevada Supreme Court must decide whether Washoe County Judge Connie Steinheimer was correct in ruling the county public defender's office must represent Siasoi Vanisi despite a conflict between the defendant and his lawyers. The court can uphold the trial judge or reverse her. If it reverses her, the trial probably will be delayed again.

Vanisi

From page 1A

eleventh-hour request came despite Vanisi's decision, just after Sullivan's death, that he wanted to represent himself, Steinheimer found.

In a lengthy decision, she also wrote that Vanisi likely would be disruptive in court and that his last-minute request seemed designed to delay justice.

She found that although Vanisi has a high school diploma and seems intelligent, the murder case is too complex for him to represent himself and get a fair trial.

Chief Deputy Public Defender John Petty, who works on appeals, said the correctness of Steinheimer's ruling on the self-representation issue cannot be decided now. The case must be tried, and if Vanisi is convicted, only then can the judge's ruling on that issue be appealed. But he said he believes her decision is clearly reversible error.

"If you are wrong either way, it's essentially an automatic reversal," said Assistant Federal Public Defender Michael Pescetta, who specializes in death penalty appeals. "So if she grants him self-representation and she shouldn't have, that's virtually an automatic reversal. And if she doesn't grant him self-representation and she should have, that's a reversal. It's not an easy situation to be in."

John Ohlson, a Reno defense lawyer who has handled numerous death-penalty cases, agrees.

He said if Vanisi represented himself and were convicted, "The first thing this guy would do is say that his lawyer was no good."

Vanisi has told Steinheimer he would not claim on appeal that as his own lawyer, he had incompetent legal counsel, but Ohlson is uncertain whether Vanisi can waive that

right.

John Arrascada, a former deputy public defender now in private practice, was a clerk for the Ninth U.S. Circuit Court of Appeals, considered the most liberal of the federal appeals courts and thought to be the most likely to uphold an absolute right to self-representation. Arrascada acknowledges the conflict in cases Steinheimer's trying to apply to the Vanisi situation.

"It appears to have put this into a gray area," he said. "Vanisi's absolutely competent and understands the perils of self-representation. There are a lot of judges who hold it's the role of the trial judge to rule swiftly and definitely and let the appellate court fix it if there's a problem."

On Friday, the public defender's office asked the Nevada Supreme Court to decide whether Steinheimer correctly refused to let that office withdraw as legal counsel to Vanisi.

Had she granted the motion, the judge would have had to either rescind her order allowing Vanisi to represent himself or appoint new lawyers for him.

Reasons for the withdrawal request are unclear because they involve lawyer-client communications. The judge held at least one closed hearing on the matter and has filed orders under seal, meaning they're not open to public inspection. Even prosecutors don't have access to some of the material.

But in papers filed with the Nevada Supreme Court, the defense lawyers claim they can't represent Vanisi without violating rules of ethics governing lawyers, and there's a hint Vanisi wants to present a false or fraudulent defense.

Chief Deputy Public Defender Steven Gregory said in an affidavit that Vanisi "insists on a defense that is not supported by the evidence."

District Attorney Richard Gammick has said he believes Vanisi's recent motions are designed to delay the case, and Stanton has said he has evidence Vanisi wants to postpone his trial until next year.

Steinheimer has said she doesn't want the trial delayed further, but she postponed the trial for a couple of weeks to give Nevada's highest court a chance to review the public defender's motion to withdraw as legal counsel.

Gregory and his co-counsel, Deputy Public Defender Jeremy Bosler, have declined to comment.

But Arrascada, who has worked with both men, said they don't want to delay the trial and really don't want to be removed from the case.

"Knowing the lawyers that are representing Vanisi, these guys don't want to be removed from the case because of the untold hours they've spent in preparation," Arrascada said, "but we're all bound by our ethical duties."

"The law in death penalty cases is really in its infancy. . . . It's evolving slowly because we're looking at the ultimate penalty."

The Nevada Supreme Court can uphold Steinheimer's decision in an order or by doing nothing, so the trial can proceed as scheduled this month. Or the high court can reverse her decision, saying she must appoint new lawyers for Vanisi. If she does, she will probably have to postpone the trial for a few months while a new defense team becomes familiar with the case.

Brake Sp

*Man Wanted in the Hatchet Killing Of Officer Arrested After Standoff Standoff: Police Arrest
Wanted Man Salt Lake Tribune (Utah) January 15, 1998, Thursday*

Copyright 1998 The Salt Lake Tribune
Salt Lake Tribune (Utah)

January 15, 1998, Thursday

SECTION: Utah; Pg. B1

LENGTH: 542 words

HEADLINE: Man Wanted in the Hatchet Killing Of Officer Arrested After Standoff Standoff:
Police Arrest Wanted Man

BYLINE: GREG BURTON THE SALT LAKE TRIBUNE

BODY:

A man wanted in connection with the hatchet slaying of a University of Nevada police officer was taken into custody after a standoff with Salt Lake County sheriff's deputies late Wednesday.

Three hours after the 6 p.m. standoff began, sheriff's deputies fired tear gas into the home and took cover as the suspect fired four or five rounds from a handgun.

Officers returned fire and struck the suspect once in the arm.

At about 9:30 p.m. the man made his way from a townhouse at Riverview Apartments (1665 S. 1140 West) in Salt Lake City and set fire to a connected garage. The suspect returned to the home and walked into a back-door threshold and thrust his hands in and out of his pants pockets as though he were drawing a weapon.

SWAT members fired a bean-bag gun at the man, knocking him down and rendering him unconscious.

"It wasn't like he was crazy. It was more like he was despondent," Salt Lake County sheriff's Sgt. Jim Potter said. "And when we decided to shoot the bean bag, we came to the conclusion that he was trying to bait our officers out of cover."

Deputies went to the residence on a tip from Nevada authorities that their suspect had prior arrests in the Salt Lake area.

When deputies arrived, the man displayed a gun and barricaded himself in the residence, said Salt Lake County Sheriff's Lt. Jay Southam. Deputies said the weapon the man displayed matched the description of one taken from the slain officer -- a .45 caliber Glock handgun.

During the standoff, detectives phoned the man several times, but he refused to talk without an interpreter, Southam said.

A Samoan interpreter called, but the suspect also refused to talk to him and instead insisted on speaking with somebody in a Tongan dialect. Eventually, one of the suspect's relatives helped detectives relay messages.

Potter said it had not been confirmed that the man was **Siaosi Vanisi**, sought in the hacking death of George Sullivan, 43, of Sparks, Nev.

Reno Police Lt. Phil Galeoto said, "It is our opinion right now that it is our suspect. We're very happy that at least we've located him." He said two Reno police detectives were en route.

Witnesses and people who knew **Vanisi** said he was suspicious of police and told one of them that he killed Sullivan.

"From all indications, this man is a menace," said Southam. "The information we have is, he told a friend he was going to search for an officer he was going to kill and then he found this man and murdered him with an ax."

Late Wednesday in Salt Lake City, a man claiming to be **Vanisi's** cousin said he hadn't seen the suspect in seven years before he showed up at his aunt's home.

"He didn't tell me nothing about the murder," the cousin said. "It was like really weird. I don't know what he was thinking coming here."

An affidavit said that **Vanisi** recently moved to Sparks from Los Angeles and shared a house with Metuidela Tauveli, who said **Vanisi** had a hatchet.

"Mr. Tauveli, and several other persons, also reported that in the days preceding the murder of Sgt. Daniel Sullivan they had heard **Siaosi Vanisi** repeatedly state, 'I want to kill a cop,' " the affidavit said.

Tribune reporter Judy Fahys and The Associated Press contributed to this story

LOAD-DATE: January 15, 1998

SWAT team nabs murder suspect Deseret News (Salt Lake City) January 15, 1998, Thursday

Copyright 1998 The Deseret News Publishing Co.
Deseret News (Salt Lake City)

January 15, 1998, Thursday

SECTION: LOCAL; Pg. B01

LENGTH: 589 words

HEADLINE: SWAT team nabs murder suspect

BYLINE: By Don Rosebrock and Amy Donaldson Deseret News staff writers

BODY:

When the name **Siaosi Vanisi** came across the teletype machine, Salt Lake County sheriff's homicide detective Bob Bobrowski thought it sounded familiar.

The notice said Reno police were trying to locate **Vanisi** in connection with the Tuesday ax murder of University of Nevada Police Sgt. George Daniel Sullivan, 43.

Bobrowski and Sgt. Jerry Townsend did some checking and found that **Vanisi** had spent time in the Salt Lake County Jail. Those records led them to friends and relatives of the 27-year-old man.

"Everybody said, 'Yeah, we know him but we haven't seen him for a couple of years,' " said Salt Lake County Sheriff's Sgt. Jim Potter.

Police left their business cards and went back to the office.

"It wasn't more than an hour later they were calling saying, 'He's here,' " Potter said.

Bobrowski and Townsend went to the Salt Lake fourplex at 1665 S. Riverside Drive (1140 West) and saw **Vanisi** outside.

They identified themselves as police officers, and **Vanisi** allegedly brandished a handgun and went back inside the apartment. The detectives called in SWAT officers from both Salt Lake City and Salt Lake County.

It was the beginning of a 3 1/2-hour ordeal that included gunfire by an officer and ended with a 3-ounce beanbag bullet.

Vanisi barricaded himself inside the apartment around 6 p.m. SWAT officers surrounded the building and evacuated nearly two dozen people from nearby houses and apartments.

"He was taunting us," Potter said, noting the man repeatedly showed himself briefly and thrust his hands in and out of his pockets.

He refused to speak with a hostage negotiator. About 9:30 he stuck his arm out the front door and appeared to point the gun in the direction of two SWAT officers in the hallway.

"We don't have any evidence yet that he actually fired the gun," Potter said, noting police are still gathering physical evidence and information from SWAT team members.

One of the officers in the hall, deputy Craig Meyers, fired one shot, hitting the gunman in the

AA00941 84

arm.

"That gave (the officers) a little time to retreat," Potter said.

During the standoff, **Vanisi** told police there were three children in the apartment, which Potter said was soon determined not to be true.

Vanisi also asked for a Tongan-speaking deputy, but Potter said most of the negotiations were done in English, through one of **Vanisi's** cousins.

SWAT team members made their move around 9:40 p.m. after discovering the apartment's garage had been set on fire. **Vanisi** was driven to the rear of the apartment by tear gas.

During one of **Vanisi's** appearances, a SWAT team member shot the beanbag gun through the back door, hitting the 270-pound **Vanisi** in lower stomach area.

"He kind of stood there for a second and then said, 'What did you shoot me with?' " Potter said. **Vanisi** then collapsed and police arrested him.

According to Reno authorities, **Vanisi** and a cousin he was staying with told a friend they were going to kill a police officer. **Vanisi** recently moved to Sparks, Nev., from Los Angeles, according to police.

A search of the apartment **Vanisi** had been staying in turned up bloody clothing and gloves, along with a bloody hatchet, according to police.

Two Reno detectives were reported enroute to Salt Lake Thursday morning.

Potter said **Vanisi** was treated for the gunshot wound and then taken to the Salt Lake County Jail Wednesday night.

Meyers was placed on paid administrative leave while sheriff's officials investigate the incident, which is standard procedure when an officer fires his weapon.

LOAD-DATE: April 6, 1998

*Suspect in Nevada police slaying taken into custody The Associated Press January 15, 1998,
Thursday, PM cycle*

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The Associated Press

January 15, 1998, Thursday, PM cycle

SECTION: Domestic News

LENGTH: 224 words

HEADLINE: Suspect in Nevada police slaying taken into custody

DATELINE: SALT LAKE CITY

BODY:

A man sought in the hatchet slaying of a University of Nevada policeman was arrested following a standoff that ended when police fired at him with a beanbag gun.

Siaosi Vanisi, 27, was treated for a minor gunshot wound to the arm, then booked into the Salt Lake County Jail.

After getting a tip, officers went to a townhouse apartment and confronted the suspect as he came out. He brandished a gun and went back inside. Negotiations went on for almost three hours until officers shot tear gas upstairs, forcing **Vanisi** downstairs.

After **Vanisi** went into the garage and started a fire, SWAT officers encountered him in a hallway. He fired three or four shots and one officer fired back with a 9 mm handgun, striking **Vanisi** in the arm.

Then they fired a 3-ounce beanbag that struck **Vanisi** in the chest and knocked him down. Officers handcuffed him and took him to a hospital.

Authorities had been seeking **Vanisi** in the hacking death of 43-year-old George Sullivan, whose body was found early Tuesday.

A passer-by discovered Sullivan's battered body lying next to his patrol car by a University of Nevada information kiosk.

More than 100 officers searched the campus, which was shut down for the investigation. It reopened on Wednesday for faculty and staff members. Classes for the university's 11,600 students resume next Tuesday.

LOAD-DATE: January 15, 1998

Traffic Record Led To Standoff, Arrest Salt Lake Tribune (Utah) January 16, 1998, Friday

Copyright 1998 The Salt Lake Tribune
Salt Lake Tribune (Utah)

January 16, 1998, Friday

SECTION: Utah; Pg. C2

LENGTH: 557 words

HEADLINE: Traffic Record Led To Standoff, Arrest

BYLINE: GREG BURTON THE SALT LAKE TRIBUNE

BODY:

Accused police-killer **Siaosi** Rocky **Vanisi** mostly violated traffic laws in Utah before heading to California several years ago, leaving behind a largely innocent record including tussles over his failure to appear for court hearings.

"It really isn't much," said Salt Lake County sheriff's Sgt. Jim Potter.

But the Utah police record was enough to encourage Nevada detectives to send a facsimile of **Vanisi**, 27, to Salt Lake County in their search for the suspect in the hatchet homicide early Tuesday of University of Nevada, Reno, police Sgt. George Sullivan.

Alerted to the manhunt, detectives in Salt Lake County swiftly found **Vanisi** in the company of Salt Lake City relatives and finally arrested him after a 3 1/2-hour standoff at the Riverside Apartments, 1665 S. 1140 West.

Vanisi was charged on Thursday in Salt Lake City with being a fugitive from Nevada. Extradition proceedings that would bring him back to Washoe County to face homicide charges are expected to take place today in 3rd District Court.

"We are extremely excited that he has been taken into custody, and wish to express our gratitude to all the officers and agencies that made this arrest possible," UNR police spokesman Sgt. Mark Covington told a Nevada newspaper late Wednesday. "We express our deepest sympathy to the Sullivan family, and know that this arrest doesn't take that pain away."

Hours before the standoff, **Vanisi** seemed "pretty casual," despite the Sparks resident's sudden and unannounced return to Utah, said a cousin who requested he not be identified.

"He said he was hungry, so we went to Arby's," the cousin said. "Then he said he wanted to play pool."

The group then headed to a Salt Lake City pool hall, where **Vanisi** became "spooked," the cousin said, setting off a series of near-misses between detectives and **Vanisi** that led to the late-night standoff.

The manhunt ended with just one injury despite volleys of tear gas, a flurry of gunshots and a bizarre garage fire set by **Vanisi**, who remained in the house while flames bubbled paint on adjoining walls.

Vanisi was shot once in the arm and later subdued by SWAT officers who knocked him down with a high-powered beanbag gun. After the arrest, detectives recovered what is believed to

AA00944 87

be Sgt. Sullivan's .45 caliber sidearm.

The fire in the garage was extinguished quickly.

An affidavit said that **Vanisi** recently moved to Sparks from Los Angeles and shared a house with Metuidela Tauveli, who said **Vanisi** had a hatchet.

"Mr. Tauveli, and several other persons, also reported that in the days preceding the murder of Sgt. Daniel Sullivan, they had heard **Siaosi Vanisi** repeatedly state, 'I want to kill a cop,' " the affidavit said.

Another resident of the Sparks apartment, Corina Louis, said she was watching television accounts of the killing with **Vanisi** later Tuesday and "he admitted that he had killed Sgt. George Daniel Sullivan."

On Tuesday, Sullivan's body was found next to his patrol car, just inside the south end of the campus next to an information booth. He had been killed by repeated blows to the head with an object that an autopsy report said could have been a hatchet.

A rubber-handled and apparently blood-stained hatchet reportedly was recovered from **Vanisi's** Sparks apartment.

The Associated Press contributed to this story.

GRAPHIC: Siaosi Vanisi

LOAD-DATE: January 16, 1998

Slain UNR officer laid to rest Las Vegas Review-Journal (Nevada) January 17, 1998 Saturday,

Copyright 1998 DR Partners d/b/a Las Vegas Review-Journal
Las Vegas Review-Journal (Nevada)

January 17, 1998 Saturday, FINAL EDITION

SECTION: B; Pg. 1B

LENGTH: 537 words

HEADLINE: Slain UNR officer laid to rest

BYLINE: Sean Whaley

BODY:

By Sean Whaley
Donrey Capital Bureau

RENO _ More than 2,000 police officers, friends and co-workers turned out Friday to honor and remember slain University of Nevada, Reno police Sgt. George Sullivan at his funeral. As the suspect in his slaying remained jailed in Salt Lake City, Sullivan, 43, was remembered as a caring officer, father and husband during a service at the Lawlor Events Center on the university campus.

Two pipers playing 'Amazing Grace' escorted Sullivan's flag-draped casket into the arena past an honor guard of 100 representing law enforcement agencies in Northern Nevada. Two of his sons, Brian and Matthew, served as casket bearers along with other family members and friends.

Close friend Jim Haggarty, senior chaplain with the Sparks Police Department, spoke for Sullivan when asking family and friends to carry on and help each other through their loss.

'Be sure to thank the guys in Salt Lake City for me, they did a great job,' Haggarty said, reading a letter as if it was written by Sullivan. 'Continue to be my friends. I need you now more than ever.'

University police Chief Kenneth Sjoen praised Sullivan's efforts in his 19 years on the job.

'He was the kind of sergeant who cared for his troops and who led by example,' he said. 'He will be forever in our hearts.'

Campus officer Steve Sauters remembered Sullivan as a man who doted on his family, and who loved his wood-working hobby.

Sauters also read a letter from Gov. Bob Miller, who expressed his sympathy to Sullivan's wife, Carolyn, and his five children.

'Again, we in Nevada are faced with the tragic loss of a police officer,' Miller said in the letter. 'Again, we are forced to ask why.'

While much of the service focused on Sullivan's personal qualities, a few comments were directed at the suspect in his slaying.

Washoe County Sheriff Dick Kirkland said Sullivan 'had his life stolen from him by a petty, mindless criminal.'

'When his life was stolen from him, it was stolen from us,' he said.

Sullivan is believed to have been attacked without provocation and repeatedly struck on the head with a hatchet early Tuesday. The suspect in the case, **Siaosi Vanisi**, 27, was arrested in Salt Lake City Wednesday after a four-hour standoff with police.

Vanisi had told acquaintances that he wanted to 'kill a cop,' authorities said.

Kirkland also addressed a few anonymous critics who questioned whether police made an extra effort in the case because the victim was a fellow officer.

A criminal bold enough to stalk and kill an armed police officer would have no difficulty committing a similar act on an unarmed citizen, he said.

'I suspect that if those very few radio talk show whiners ... were about to be victims of a homicide, they would be the first to scream for George Sullivan to come to their aid,' Kirkland said.

A Reno native, Sullivan is also survived by his sons, Kyle and Matthew; daughter, Meghan; father, George B. Sullivan, of Sparks; a brother, Len Codega of Prescott Valley, Ariz.; and sister, Susan Millard of northern California.

He was a member and secretary treasurer of the State of Nevada's Police Officer's Association and a member of St. John's Presbyterian Church.

LOAD-DATE: January 19, 1998

Nevada murder suspect arraigned in S.L. Deseret News (Salt Lake City) January 18, 1998, Sunday

Copyright 1998 The Deseret News Publishing Co.
Deseret News (Salt Lake City)

January 18, 1998, Sunday

SECTION: LOCAL; Pg. B05

LENGTH: 307 words

HEADLINE: Nevada murder suspect arraigned in S.L.

BYLINE: By Jennifer Dobner Deseret News staff writer

BODY:

Siaosi Rocky **Vanisi**, a Nevada man arrested in Salt Lake City Wednesday after a three-hour standoff with police, was arraigned Friday in 3rd District Court on charges of being a fugitive from justice.

He will appear in court again Jan. 27 for an extradition hearing.

Police in Reno, Nev., believe **Vanisi**, 27, is responsible for the Tuesday morning ax murder of University of Nevada police Sgt. George D. Sullivan, 43.

Vanisi was arrested just before 10 p.m. Wednesday after a family member contacted the Salt Lake County Sheriff's Office to say **Vanisi** had showed up at his condominium, 1665 S. Riverside Drive (1140 West) near Rose Park.

Salt Lake County sheriff's detectives had contacted **Vanisi's** friends and relatives earlier that day after **Vanisi's** name appeared on a teletype message that said he was being sought by Reno police.

According to a story in the Reno Gazette-Journal, police believe **Vanisi** attacked Sullivan without provocation, striking him on the head repeatedly with a hatchet.

Police later found a bloodied hatchet along with bloody gloves and clothing in a Reno apartment where **Vanisi** was known to be staying with friends.

On Thursday, Washoe County District Attorney Dick Gammick in Reno formally charged **Vanisi** with homicide. Gammick said he will consider seeking the death penalty for **Vanisi**.

Vanisi remains in the Salt Lake County Jail pending his extradition. He is being held in the mental health unit of the jail on 24-hour suicide watch.

The Salt Lake County Sheriff's Office said **Vanisi** has a criminal history in Utah that is primarily for traffic violations.

Vanisi was shot in the arm before being arrested by sheriff's deputies but suffered only minor injuries. Police also subdued **Vanisi** by shooting him in the lower abdomen with a stun gun that fires a small beanbag-like projectile.

LOAD-DATE: April 6, 1998

AA00948 91

Accused cop killer's trial begins Monday The Associated Press State & Local Wire January 8, 1999, Friday, BC cycle

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The Associated Press State & Local Wire

January 8, 1999, Friday, BC cycle

SECTION: State and Regional

LENGTH: 156 words

HEADLINE: Accused cop killer's trial begins Monday

DATELINE: RENO, Nev.

BODY:

Trial is scheduled to open on Monday for the man accused of hacking a University of Nevada, Reno police officer to death.

Siaosi Vanisi is charged with first-degree murder for January's hatchet killing of police Sgt. George Sullivan.

Sullivan's body was found near his patrol car alongside an information kiosk on the campus.

Vanisi also is charged with robbery and grand theft.

Prosecutors have said they will seek the death penalty if **Vanisi** is convicted.

District Attorney Richard Gammick said he hopes to have a jury seated by the end of the day Monday. He has summoned 135 potential jurors for questioning.

Sullivan, a 19-year department veteran, was a father of five.

Witnesses have told authorities that **Vanisi** wanted to kill a police officer because of what he perceived as racial injustice against his fellow Tongans, according to court documents and testimony during **Vanisi's** preliminary hearing last month.

LOAD-DATE: January 8, 1999

*Suspect in Nevada police slaying jailed in Utah The Associated Press January 15, 1998,
Thursday, AM cycle*

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The Associated Press

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January 15, 1998, Thursday, AM cycle

SECTION: Domestic News

LENGTH: 205 words

HEADLINE: Suspect in Nevada police slaying jailed in Utah

DATELINE: SALT LAKE CITY

BODY:

A man sought in the hatchet slaying of a University of Nevada police officer was arrested late Wednesday after he was shot with a beanbag gun following a standoff with authorities.

Siaosi Vanisi, 27, barricaded himself inside a home and was waving a gun, authorities said. After he set fire to a garage, witnesses said, deputies fired tear gas into the home and then stunned **Vanisi** with the special gun.

Vanisi is a suspect in the slaying of George Sullivan, 43, whose battered body found on the Reno campus early Tuesday. Reno Police Lt. Phil Galeoto said two detectives were on their way to Salt Lake City.

In a Nevada police affidavit, witnesses said **Vanisi** had repeatedly said "I want to kill a cop" in the days before Sullivan was killed.

Corina Louis, who shared a home in Sparks, Nev., with **Vanisi** and others, told police that **Vanisi** confessed to the crime as they watched TV accounts of the murder.

A search of the home turned up a pair of gloves, a jacket and a hatchet that all appeared to have been stained by blood, the affidavit said.

Vanisi also is a suspect in two convenience store robberies late Tuesday. Witnesses said he used a .45-caliber Glock handgun similar to the one taken from Sullivan.

LOAD-DATE: January 15, 1998

Exhibit 27

Exhibit 27

Report on Murder and Voluntary Manslaughter

Calendar Years 2005 and 2006

**A report to the Nevada Legislature,
In compliance with Nevada Revised Statutes 2.193 and 178.750**

ORIGINAL EXHIBIT ON FILE AT THE
LEGISLATIVE COUNSEL BUREAU LIBRARY

Assembly committee: Judiciary
Exhibit C P. 1 of 6 Date 3/14/07
Submitted by: Rebecca A. Moore 53

Report on Murder and Voluntary Manslaughter

Calendar Years 2005 and 2006

**A report to the Nevada Legislature,
Pursuant to Nevada Revised Statutes 2.193 and 178.750**

**Prepared by the
Supreme Court of Nevada
Administrative Office of the Courts
Planning & Analysis Division
201 South Carson Street, Suite 250
Carson City, Nevada 89701**



March 2007

Supreme Court of Nevada

A. William Maupin, Chief Justice
Mark Gibbons, Vice-Chief Justice
Michael L. Douglas, Associate Justice
James W. Hardesty, Associate Justice
Ronald D. Parraguirre, Associate Justice
Michael A. Cherry, Associate Justice
Nancy M. Saitta, Associate Justice

Supreme Court of Nevada
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March 2007

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Report on Murder and Voluntary Manslaughter

Introduction

As required by Nevada Revised Statute (NRS) 178.750, District Attorneys (DAs) report to the Supreme Court regarding murder and voluntary manslaughter cases, excluding any charges of “manslaughter that resulted from a death in an accident or collision involving a motor vehicle.” The following is a summary of the data submitted by the DAs’ offices of their respective counties. Only cases submitted with a filing date for the information or indictment during calendar years 2005 and 2006 were used in the main report.

Appendix A contains an updated report of the 2003 and 2004 data previously submitted to the Legislature to meet the requirements of subsection 3 of NRS 178.750 for reporting on presently unresolved cases filed in previous years.

The Supreme Court transmits this report to the Director of the Legislative Counsel Bureau in accordance with NRS 2.193. Because the information provided to the Supreme Court is from District Attorneys (an Executive Branch agency), no interpretation of the data is presented, as the court must remain a neutral party.

Certain elements of the reported data require due care in their interpretation. The term ‘codefendant’ should be understood as another party being tried for involvement in “any related offense” and not necessarily for the crime of murder or voluntary manslaughter. Victims include those who were victims of “any related offense,” in addition to victims of homicide or voluntary manslaughter. Therefore, the total number of codefendants and victims should not be extrapolated to mean that codefendants were either involved in the murder or voluntary manslaughter or that the victims are all victims of homicide or voluntary manslaughter.

The DAs were asked to provide the ethnicity of the defendants, codefendants, and victims, when possible, in addition to the race of each. The categories for race and ethnicity have been patterned after the federal guidelines on collection of racial and ethnic data. These categories are explained in further detail in Appendix C.

Murder and voluntary manslaughter cases can be lengthy and extend beyond a single reporting period. The data presented are a snapshot of the lengthy process involved in such cases.

Counties Reporting

For calendar year 2005 (CY05), the number of counties reporting was 16 out of 17 (Table 1). Of those 16 counties, 10 reported not having any murder or voluntary manslaughter cases. The remaining 6 counties reported a total of 98 cases filed.

For calendar year 2006 (CY06), the number of counties reporting was 16 out of 17 (Table 1). Of those 16 counties, 8 reported not having any murder or voluntary manslaughter cases. The remaining 8 counties reported a total of 122 cases filed.

Table 1 - Count and Percentage of Cases Filed

Judicial District	County	District Attorney	CY05		CY06	
			Count	Percent	Count	Percent
First	Carson City	Noel Waters	0	0%	2	1%
	Storey	Harold Swafford	0	0%	0	0%
Second	Washoe	Richard Gammick	6	5%	12	8%
Third	Churchill	Art Mallory	2	2%	2	1%
	Lyon	Leon Aberasturi	1	1%	1	1%
Fourth	Elko	Gary Woodbury	4	4%	2	1%
Fifth	Esmeralda	William Schaeffer	0	0%	0	0%
	Mineral	Cheri Emm-Smith	NR		0	0%
	Nye	Bob Beckett	2	2%	0	0%
Sixth	Humboldt	Dave Allison	0	0%	0	0%
	Lander	Hy Forgeron	0	0%	0	0%
	Pershing	Jim Shirley	0	0%	2	1%
Seventh	Eureka	Ted Beutel	0	0%	0	0%
	Lincoln	Phillip Dunleavy	0	0%	0	0%
	White Pine	Richard Sears	0	0%	1	1%
Eighth	Clark	David Roger	98	87%	122	85%
Ninth	Douglas	Scott Doyle	0	0%	1	1%
Total			113	100%	145	100%

NR - Not Reported

Defendants & Codefendants – Age, Gender, and Race

During CY05, the average age of defendants was 28 years, with a median age of 24 years. Of the 113 defendants, 96 (85%) were males and 17 (15%) were females. For the same time period, the codefendants were an average age of 25 with a median age of 23. Of the 115 codefendants, 79 (69%) were males and 36 (31%) were females.

During CY06, the average age of defendants was 30 years, with a median age of 27 years. Of the 144 defendants, 123 (85%) were males, 18 (13%) were females, and 3 (2%) had no gender specified. For the same time period, the codefendants were an average age of 23 with a median age of 21. Of the 82 codefendants, 71 (86%) were males, 8 (10%) were females, and 3 (4%) had no gender specified.

The average and median ages of defendants in 2005 and 2006, compared with those of the updated 2003 and 2004 data, are nearly identical numbers with the exception of 2005. That year saw a decrease of 2 and 3 years from the average and median ages, respectively. Average and median ages for codefendants fluctuated. Both measures increased between 2003 and 2004 but decreased in both 2005 and 2006.

The races of the defendants and codefendants as reported for CY05 and CY06 are noted in Table 2.

Table 2 – Race of Defendants and Codefendants

Race	CY05				CY06			
	Defendants		Codefendants		Defendants		Codefendants	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
American Indian or Alaskan Native	1	1%	0	0%	2	1%	0	0%
Asian or Pacific Islander	4	4%	7	6%	2	1%	0	0%
Black	33	29%	16	14%	48	33%	36	44%
White	36	32%	40	35%	50	34%	22	27%
Unknown	6	5%	4	3%	14	10%	3	4%
Not Provided	33	29%	48	42%	29	20%	21	26%
Total	113	100%	115	100%	145	100%	82	100%

Data reported for the ethnicities of the defendants and codefendants are noted in Table 3.

Table 3 – Ethnicity of Defendants and Codefendants

Ethnicity	CY05				CY06			
	Defendants		Codefendants		Defendants		Codefendants	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Hispanic or Latino	34	30%	46	40%	30	21%	17	21%
Not Hispanic or Latino	2	2%	0	0%	7	5%	2	2%
Unknown	0	0%	0	0%	0	0%	0	0%
Not Provided	77	68%	69	60%	108	74%	63	77%
Total	113	100%	115	100%	145	100%	82	100%

Victims – Age, Gender, and Race

Of 125 victims in CY05, 97 (70%) were males, 27 (29%) were females, and the gender of 1 victim was not specified. The average age of the victims was 30 years and the median age was 27 years.

Of 200 victims in CY06, 139 (70%) were males, 54 (27%) were females, and the genders of 6 (3%) victims were not specified. The average age of the victims was 32 years and the median age was 30 years. Table 3 provides the count and percentage of the races of the victims involved as reported for CY05 and CY06.

Table 4 – Race of Victims

Race	CY05		CY06	
	Victims		Victims	
	Count	Percent	Count	Percent
American Indian or Alaskan Native	0	0%	0	0%
Asian or Pacific Islander	0	0%	0	0%
Black	29	24%	35	18%
White	43	36%	61	31%
Unknown	6	5%	28	14%
Not Provided	42	35%	76	38%
Total	120	100%	200	100%

Data reported for the ethnicities of the victims are noted in Table 5.

Exhibit 28

Exhibit 28

Report on Murder and Voluntary Manslaughter

Calendar Years 2003 and 2004

(Revised 3/21/05)

**A report to the Nevada Legislature,
In compliance with Nevada Revised Statutes 2.193 and 178.750**

**Prepared by the
Supreme Court of Nevada
Administrative Office of the Courts
Planning & Analysis Division
201 South Carson Street, Suite 250
Carson City, Nevada 89701**



March 2005

Supreme Court of Nevada

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Robert E. Rose, Vice-Chief Justice
A. William Maupin, Associate Justice
Mark Gibbons, Associate Justice
Michael L. Douglas, Associate Justice
James W. Hardesty, Associate Justice
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March 2005

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Report on Murder and Voluntary Manslaughter

Introduction

As required by Nevada Revised Statute (NRS) 178.750, District Attorneys (DAs) have begun reporting to the Supreme Court regarding murder and involuntary manslaughter cases, excluding any charges of "manslaughter that resulted from a death in an accident or collision involving a motor vehicle." This report summarizes data submitted by the DAs and is transmitted by the Supreme Court to the Director of the Legislative Counsel Bureau in accordance with NRS 2.193. The following statements and figures summarize the data for calendar years (CY) 2003 and 2004. As the information required by NRS 178.750 is from District Attorneys (Executive Branch agencies), no interpretation of the data is presented, as the court must remain a neutral party.

Murder and voluntary manslaughter cases can be lengthy and extend beyond a single reporting period. The lengthy process and the newness of the reporting of this data make it difficult to currently provide an in-depth analysis of the information. For example, trends in the data will only become apparent as additional data is submitted.

Counties Reporting

For CY03, the number of counties reporting was 16 out of 17 (Table 1). Of those 16 counties, 11 reported not having any murder or voluntary manslaughter cases. The remaining five counties reported a total of 97 cases filed.

For CY04, the number of counties reporting was 14 out of 17 (Table 1). Of these 14 counties, 7 reported not having any murder or voluntary manslaughter cases. The remaining seven counties reported a total of 102 cases filed.

All data in this report have been compiled from the reports submitted by the District Attorneys' Offices of their respective counties. Only cases submitted with a filing date for the information or indictment during calendar years 2003 and 2004 were used in this report.

Table 1 - Count and Percentage of Cases Filed

Judicial District	County	District Attorney	CY03		CY04	
			Count	Percent	Count	Percent
First	Carson City	Noel Waters	0	0%	0	0%
	Storey	Harold Swafford	0	0%	1	1%
Second	Washoe	Richard Gammick	13	13%	4	4%
Third	Churchill	Art Mallory	0	0%	NR	
	Lyon	Leon Aberasturi	0	0%	1	1%
Fourth	Elko	Gary Woodbury	3	3%	1	1%
Fifth	Esmeralda	William Schaeffer	NR		0	0%
	Mineral	Cheri Emm-Smith	0	0%	0	0%
	Nye	Bob Beckett	3	3%	1	1%
Sixth	Humboldt	Dave Allison	0	0%	1	1%

Table 1 - Count and Percentage of Cases Filed

Judicial District	County	District Attorney	CY03		CY04	
			Count	Percent	Count	Percent
Seventh	Lander	Hy Forgeron	0	0%	0	0%
	Pershing	Jim Shirley	0	0%	NR	
	Eureka	Ted Beutel	0	0%	0	0%
	Lincoln	Phillip Dunleavy	0	0%	0	0%
	White Pine	Richard Sears	0	0%	NR	
Eighth	Clark	David Roger	76	78%	93	91%
Ninth	Douglas	Scott Doyle	2	2%	0	0%
Total			97	100%	102	100%

NR - Not Reported

Defendants & Codefendants – Age, Gender, and Race

During CY03, the average age of defendants was 30 years, with a median age of 27 years. Of the 97 defendants, 86 (89%) were males and 11 (11%) were females. For the same time period, the codefendants were an average age of 27 with a median age of 25. Of the 39 codefendants, 33 (85%) were males and 6 (15%) were females.

During CY04, the average age of defendants was 31 years, with a median age of 28 years. Of the 102 defendants, 87 (85%) were males and 15 (15%) were females. For the same time period, the codefendants were an average age of 33 with a median age of 34. Of the 241 codefendants, 235 (98%) were males and 6 (3%) were females. Between CY03 and CY04, the average and median ages of defendants increased marginally while that of codefendants increased by 6 years and 9 years, respectively. The reasons for these increases are not known.

The races of the defendants and codefendants as reported for CY03 and CY04 are noted in Table 2.

Table 2 – Race of Defendants and Codefendants

Race	CY03				CY04			
	Defendants		Codefendants		Defendants		Codefendants	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Asian or Pacific Islander	4	4%	0	0%	0	0%	0	0%
Black	33	34%	17	44%	25	25%	14	6%
American Indian or Alaskan Native	2	2%	6	15%	0	0%	0	0%
White	30	31%	4	10%	48	47%	168	70%
Unknown	28	29%	12	31%	29	29%	59	25%
Not Provided	0	0%	0	0%	0	0%	0	0%
Total	97	100%	39	100%	102	100%	241	100%

Victims – Age, Gender, and Race

The number of victims reported for CY03 was 111. The average age of the victims was 32 years and the median age was 31 years. Of 110 victims, 78 (70%) were males and 32 (29%) were females. The gender of one victim was not provided.

The number of victims reported for CY04 was 136. The average age of the victims was 34 years and the median age was 32 years. Of the 136 victims, 115 (85%) were males and 21 (15%) were females. Table 3 provides the count and percentage of the races of the victims involved as reported for CY03 and CY04.

Table 3 – Race of Victims

Race	CY03		CY04	
	Victims		Victims	
	Count	Percent	Count	Percent
Asian or Pacific Islander	6	5%	0	0%
Black	21	19%	17	13%
American Indian or Alaskan Native	2	2%	1	1%
White	43	39%	72	53%
Unknown	38	34%	45	33%
Not Provided	1	1%	1	1%
Total	111	100%	136	100%

Time Between Dates of Homicide and Filing of Information or Indictment

For the 96 cases reported in CY03 that provided both a date of the homicide and a date of filing of the information or indictment, the average time lapsed between the date of homicide and the date of filing the indictment was 123 days. The minimum time was 2 days and the maximum time was 1,139 days (more than 3 years).

Calculating for the 101 cases reported in CY04 that provided both a date of the homicide and a date of filing of the information or indictment, the average time lapsed between the date of homicide and the date of filing the indictment was 222 days. The minimum time was 1 day and the maximum time was 2,284 days (more than 6 years).

Filing of Notice of Intent to Seek Death Penalty

For CY03, in answer to whether the prosecutor filed a notice of intent to seek the death penalty, 84 out of 97 reported cases included a response. Of these 84 cases, 9 indicated that the prosecutor filed the notice of intent. The 13 cases without a specific response may be due to the lack of tracking effort early on, but may also be due to the varying stages at which the cases are reported to the Supreme Court.

The average time elapsed between date of filing of indictment and the filing of notice of intent to seek the death penalty was 14 days with a median of 13. For this same set of dates and cases, the minimum was 4 days and the maximum 32 days.

For CY04, in answer to whether the prosecutor filed a notice of intent to seek the death penalty, 98 out of 102 reported cases included a response. Of these 98 cases, 14 indicated that the prosecutor filed the notice of intent.

The average time elapsed between date of filing of indictment and the filing of notice of intent to seek the death penalty was 20 days with a median of 21. For this same set of dates and cases, the minimum was 2 days and the maximum 29 days.

In relation to the previous question of whether and when the DA filed the notice of intent to seek the death penalty, a second question was posed which required that the names of the Prosecuting Attorneys (PAs) involved in seeking the death penalty (Table 7) be provided. The number of cases for which the DAs indicated the notice of intent was filed were less than those for which the PAs names were provided in the second question. One probable reason is that names of prosecuting attorneys involved in considering the option to seek the death penalty may have been provided even though the notice of intent to seek that penalty was not filed. Data entry errors may also be a factor due to some DAs' use of forms with a pre-filled answer for questions that were likely to always be answered the same. In these instances, it is difficult to discern whether the case is at a stage when the response is valid and intended for use.

Names of Courts Where Prosecuted

The courts in which cases were prosecuted are indicated in Table 4. The total of the courts where a case was heard is larger than the total number of cases because some cases were heard more than once; preliminary hearings in Justice Court before bound over to District Court, or transferred to another court.

Table 4 – Name of Courts in Which Case Was Prosecuted

County	Court	CY03	CY04
		Count	Count
Washoe	Second Judicial District Court	12	3
	Reno Justice Court	11	2
	Sparks Justice Court	1	1
Lyon	Third Judicial District Court	0	1
	Mason Valley Justice Court	0	1
Elko	Fourth Judicial District Court	3	0
	Elko Justice Court	3	1
Nye	Fifth Judicial District Court	3	1
	Pahrump Justice Court	3	1
Humboldt	Sixth Judicial District Court	0	1
Clark	Eighth Judicial District Court	76	92
Douglas	Ninth Judicial District Court	2	0
	East Fork Justice Court	2	0

Final Disposition and Jury Trial Information

In CY03, 53 defendants/codefendants were reported to have had a final disposition. Twelve of those 53 defendants/codefendants were tried before a jury. In CY04, 17 had a final disposition. Three of those 17 defendants/codefendants were tried before a jury.

Few DAs reported the requested information about jury members. Much of this data may not have been gathered prior to the statute's implementation in mid-2003. The Supreme Court does not currently know how, or if, District Attorneys record jury members' gender and race/ethnicity.

District Attorneys were required to submit information on gender and race/ethnicity of jury members. In CY03, the gender of jurors (including alternates) was as follows: 40 (26%) were male, 39 (26%) were female, and 74 (48%) gender not provided. In CY04, the gender of jurors (including alternates) was as

follows: 7 (25%) were male, 15 (54%) were female, and 6 (21%) gender not provided. A disparity appears between the reported number of jurors by race (Table 5) and gender due to incomplete data provided.

Table 5 – Race of Jury Members

Race	CY03		CY04	
	Jurors/Alternates		Jurors/Alternates	
	Count	Percent	Count	Percent
Asian or Pacific Islander	1	1%	0	0%
Black	5	3%	2	7%
American Indian or Alaskan Native	0	0%	0	0%
White	51	31%	10	36%
Unknown	46	28%	14	50%
Not Provided	60	37%	2	7%
Total	163	100%	28	100%

Involvement of Prosecuting Attorneys and Others Outside of the DA's Office

Under the present statute, District Attorneys are required to list the identity of each prosecuting attorney and others who participated in specific aspects of the cases. Tables 6 through 9 present the first names of the participants listed in the DA reports submitted to the Supreme Court for cases in which a PA was reported to be involved. The full name of the DA is provided in bold. As with other sections, not every case listed participants. This can be due to the stage of the case in process, the DA not exercising the option specified, or not having the names available.

The following questions are the four specific aspects of the cases for which the statute asks the names of the participants involved.

- The prosecuting attorneys involved in the decision to file the initial charges against the defendant(s). (Table 6)
- The prosecuting attorneys participating in the decision to offer or accept a plea. (Table 7)
- The names of prosecuting attorneys who participated in the decision to seek the death penalty. (Table 8)
- The identity of those persons outside the DA's Office who were consulted in the decision to seek the death penalty or accept a plea. (Table 9)

Table 6 – Prosecuting Attorneys Involved in Decision of Initial Charges

County	District/Prosecuting Attorneys	CY2003			CY 2004		
		Cases individual was involved	% of cases involved	Total Cases in District	Cases individual was involved	% of cases involved	Total Cases in District
Storey	Harold Swafford			0	1	100%	1
	Avg. number of PAs involved/case						1
Washoe	Daniel	3	38%	8	2	50%	4
	David	2	25%				
	Elliott	1	13%		1	25%	
	Gianna	1	13%				
	Karl	2	25%				
	Linda	1	13%				
	Luke	1	13%				
	Richard Gammick	1	13%				
	Roger	1	13%				
	Roy	2	25%				
	Scott	1	13%				
	Thomas	3	38%		1	25%	
	Avg. number of PAs involved/case			2.4			1
Lyon	Leon Aberasturi			0	1	100%	1
	Stephen				1	100%	
	Avg. number of PAs involved/case						
Elko	Alvin	1	50%	2			0
	Gary Woodbury	2	100%				
	Avg. number of PAs involved/case			1.5			
Nye	Kirk	3	100%	3	1	100%	1
	Pete	2	67%				
	Robert Beckett	3	100%		1	100%	
	Ron	2	67%				
	Avg. number of PAs involved/case			3.3			2
Humboldt	Conrad			0	1	100%	1
	David Allison				1	100%	
	Avg. number of PAs involved/case				2		2
Clark	Bill B.	21	28%	75			92
	Bill H.	13	17%		13	14%	
	Bill K.				14	15%	
	Brian K.				15	16%	
	Brian R.	8	11%				
	Chris	3	4%		15	16%	
	Clark				1	1%	
	Dan	14	19%		23	25%	
	David Roger	3	4%		15	16%	
	David Sc				1	1%	
	David St				1	1%	
	Edward	1	1%		1	1%	
	L.J.	2	3%				

Table 6 – Prosecuting Attorneys Involved in Decision of Initial Charges

County	District/ Prosecuting Attorneys	CY2003			CY 2004		
		Cases individual was involved	% of cases involved	Total Cases in District	Cases individual was involved	% of cases involved	Total Cases in District
	L.J.	2	3%				
	Lynn	1	1%				
	Marc	1	1%				
	Randall	18	24%		7	8%	
	Ronald	25	33%		21	23%	
	Avg. number of PAs involved/case			1.5			1.4
Douglas	Kristine	2	100%	2			0
	Thomas	2	100%				
	Scott Doyle	2	100%				
	Avg. number of PAs involved/case			3			

Table 7 - Prosecuting Attorneys Participating in Decision to Offer or Accept Plea

County	District/Prosecuting Attorneys	CY 2003			CY 2004		
		Cases individual was involved	% of cases involved	Total Cases in District	Cases individual was involved	% of cases involved	Total Cases in District
Storey				0			0
	Avg. number of PAs involved/case						
Washoe	Richard Gammick	13	100%	13	2	50%	4
	Avg. number of PAs involved/case			1			0.5
Lyon				0			0
	Avg. number of PAs involved/case						
Elko	Gary Woodbury	1	100%	1			0
	Avg. number of PAs involved/case			1			
Nye	Kirk	2	100%	2	1	100%	1
	Pete	1	50%				
	Robert Beckett	2	100%		1	100%	
	Ron	1	50%				
	Avg. number of PAs involved/case			3			1
Humboldt	David Allison			0	1	100%	1
	Avg. number of PAs involved/case						1
Clark	Bernard			31	1	7%	15
	Brad	1	3%				
	Brandon				1	7%	
	Brian	2	6%				
	Chris	5	16%		4	27%	
	Christopher	4	13%				
	Clark				1	7%	
	Danae	2	6%				
	Dave	1	3%				
	David Roger	1	3%		1	7%	
	David Schubert	1	3%				
	David Schwartz	2	6%				
	David St	1	3%		1	7%	
	Doug	2	6%				
	Edward	2	6%		2	13%	
	Elizabeth				1	7%	
	Frank C	3	10%				
	Frank P	1	3%		1	7%	
	Giancarlo	2	6%				
	Lisa	2	6%				
	Marc	3	10%		1	7%	
	Martin				1	7%	
	Pamela	3	10%				
	Randall	1	3%				
	Robert	2	6%				
	Roger	1	3%				
	Ross	1	3%		3	20%	

Table 7 - Prosecuting Attorneys Participating in Decision to Offer or Accept Plea

		CY 2003			CY 2004		
County	District/ Prosecuting Attorneys	Cases individual was involved	% of cases involved	Total Cases in District	Cases individual was involved	% of cases involved	Total Cases in District
	Ross	1	3%		3	20%	
	Roy	1	3%				
	Stacy				3	20%	
	Susan	1	3%				
	Thomas	1	3%				
	Tim	1	3%				
	Vicki	2	6%				
	Victoria	1	3%				
Avg. number of PAs involved/case				1.6			1.4
Douglas	Kristine	2	100%	2			0
	Scott Doyle	2	100%				
	Thomas	2	100%				
Avg. number of PAs involved/case				2			

Table 8 - Prosecuting Attorneys Participating in Decision to Seek Death Penalty

County	District/Prosecuting Attorneys	CY 2003			CY 2004		
		Cases individual was involved	% of cases involved	Total Cases in District	Cases individual was involved	% of cases involved	Total Cases in District
Storey	Harold Swafford			0	1	100%	1
	Avg. number of PAs involved/case						1
Washoe	Richard Gammick	13	100%	13	2	100%	2
	Avg. number of PAs involved/case			1			1
Lyon				0			0
	Avg. number of PAs involved/case						
Elko				0			0
	Avg. number of PAs involved/case						
Nye	Kirk	2	100%	2	1	100%	1
	Pete	2	100%				
	Robert Beckett	2	100%		1	100%	
	Ron	2	100%				
	Avg. number of PAs involved/case			4			2
Humboldt	David Allison			0	1	100%	1
	Conrad				1	100%	
	Avg. number of PAs involved/case						2
Clark	Chuck	7	78%	9	12	86%	14
	David Roger	7	78%		12	86%	
	Edward	1	11%		1	7%	
	JJ				1	7%	
	Philip				1	7%	
	Robert	1	11%				
	Chris	7	78%		11	79%	
	Doug	7	78%		13	93%	
	Clark	7	78%		1	7%	
	Jim	7	78%		14	100%	
	Steve				9	64%	
	Gary	5	56%				
	Giancarlo	1	11%				
	Marc	1	11%				
	Pamela				1	7%	
	Avg. number of PAs involved/case			5.7			5.4
Douglas				0			0
	Avg. number of PAs involved/case						

Table 9 - Identity of Persons Outside DA's Office Consulted in Seeking Death Penalty or Accepting Plea
CY 2003 CY 2004

County	District/ Prosecuting Attorneys	CY 2003			CY 2004		
		Cases individual was involved	% of cases involved	Total Cases in District	Cases individual was involved	% of cases involved	Total Cases in District
Storey				0			0
Washoe	The Defense Attorney	13	100%	13	2	50%	2
	Victim's Family	13	100%		2	50%	
	Lead Detective	13	100%		2	50%	
Lyon				0			0
Elko				0			0
Nye				0			0
Humboldt				0			0
Clark	Billy	1	13%	8			9
	Brian	1	13%				
	Christopher L	1	13%				
	Chris O	1	13%				
	Chrysanthis				1	11%	
	Chuck				1	11%	
	David Roger				1	11%	
	Detective H				1	11%	
	Detective R				1	11%	
	Detective T				1	11%	
	Detectives	2	25%		2	22%	
	Doug				1	11%	
	Edward				1	11%	
	Grace	1	13%				
	Jim				1	11%	
	Mark	1	13%				
	Officer C	1	13%				
	Police Officers	2	25%		4	44%	
	Steve				1	11%	
	Victim's Family or Friends	4	50%		7	78%	
Douglas	DA's office Spec. Investigator	1	50%	2			0
	Sheriff	1	50%				
	The division lieutenant	2	100%				
	Victim's family	2	100%				

Appendix A

-Applicable Nevada Revised Statutes

Nevada Revised Statutes Pertaining to Murder and Voluntary Manslaughter Report

NRS 2.193 Duty to submit report to Legislature concerning cases that included charge for murder or voluntary manslaughter. Not later than March 1 of each odd-numbered year, the Supreme Court shall prepare and submit to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature a report of the information submitted to the Supreme Court by the district attorneys during the preceding biennium pursuant to NRS 178.750.

(Added to NRS by 2003, 2085)

NRS 178.750 District attorney to submit annual report to Supreme Court on cases filed that included charge for murder or involuntary manslaughter.

1. The district attorney for each county shall prepare and submit a report to the Supreme Court not later than February 1 of each year concerning each case filed during the previous calendar year that included a charge for murder or voluntary manslaughter. The district attorney shall exclude from the report any charge for manslaughter that resulted from a death in an accident or collision involving a motor vehicle.

2. The report required pursuant to subsection 1 must include, without limitation:

- (a) The age, gender and race of the defendant;
- (b) The age, gender and race of any codefendant or other person charged or suspected of having participated in the homicide and in any alleged related offense;
- (c) The age, gender and race of the victim of the homicide and any alleged related offense;
- (d) The date of the homicide and of any alleged related offense;
- (e) The date of filing of the information or indictment;
- (f) The name of each court in which the case was prosecuted;
- (g) Whether or not the prosecutor filed a notice of intent to seek the death penalty and, if so, when the prosecutor filed the notice;
- (h) The final disposition of the case and whether or not the case was tried before a jury;
- (i) The race, ethnicity and gender of each member of the jury, if the case was tried by a jury; and
- (j) The identity of:
 - (1) Each prosecuting attorney who participated in the decision to file the initial charges against the defendant;
 - (2) Each prosecuting attorney who participated in the decision to offer or accept a plea, if applicable;
 - (3) Each prosecuting attorney who participated in the decision to seek the death penalty, if applicable; and
 - (4) Each person outside the office of the district attorney who was consulted in determining whether to seek the death penalty or to accept or reject a plea, if any.

3. If all the information required pursuant to subsection 1 cannot be provided because the case is still in progress, an additional report must be filed with the Supreme Court each time a subsequent report is filed until all the information, to the extent available, has been provided.

(Added to NRS by 2003, 2084)

Appendix B

Murder and Voluntary Manslaughter Tracking Forms

HOMICIDE & RELATED CASE DATA REQUIRED BY NRS 178.750

A. The Defendant.

	AGE	GENDER	RACE
DEFENDANT		M F	I A B W U

B. Codefendants or other person charged or suspected of having participated in the homicide and in any alleged related offense.

	AGE	GENDER	RACE
CODEFENDANT #1		M F	I A B W U
CODEFENDANT #2		M F	I A B W U
CODEFENDANT #3		M F	I A B W U

C. The date of the homicide and of any alleged related offense.

 MM/DD/YYYY

D. The date of filing of the information or indictment.

 MM/DD/YYYY

E. Victims.

	AGE	GENDER	RACE
VICTIM #1		M F	I A B W U
VICTIM #2		M F	I A B W U
VICTIM #3		M F	I A B W U

F. The name of each court in which the case was prosecuted.

COURT NAME(S)

--

G. Did the prosecutor file a notice of intent to seek the death penalty?

☐ NO

☐ YES, DATE FILED

 MM/DD/YYYY

H. The final disposition of the case and whether or not the case was tried before a jury.

DISPOSITION	Jury Trial?
	Y N
	Y N

I. If the case was tried by a jury, complete the following.

	GENDER	RACE/ETHNICITY
JUROR #1	M F	I A B W U
JUROR #2	M F	I A B W U
JUROR #3	M F	I A B W U
JUROR #4	M F	I A B W U
JUROR #5	M F	I A B W U
JUROR #6	M F	I A B W U
JUROR #7	M F	I A B W U
JUROR #8	M F	I A B W U
JUROR #9	M F	I A B W U
JUROR #10	M F	I A B W U
JUROR #11	M F	I A B W U
JUROR #12	M F	I A B W U
ALT. JUROR #1 (if used)	M F	I A B W U
ALT. JUROR #2 (if used)	M F	I A B W U

J. List the identity of:

- 1. Each prosecuting attorney who participated in the decision to file the initial charges against the defendant (and codefendants).**

#1		#3	
#2		#4	

- 2. Each prosecuting attorney who participated in the decision to offer or accept a plea, if applicable.**

#1		#3	
#2		#4	

- 3. Each prosecuting attorney who participated in the decision to seek the death penalty, if applicable.**

#1		#3	
#2		#4	

- 4. Each person outside the office of District Attorney who was consulted in determining whether to seek the death penalty or to accept or reject a plea, if any.**

#1		#3	
#2		#4	

HOMICIDE & RELATED CASE DATA REQUIRED BY NRS 178.750

Addendum 1

1. **Additional Codefendants** (from Part B of principle form)

	AGE	GENDER	RACE
CODEFENDANT #4		M F	I A B W U
CODEFENDANT #5		M F	I A B W U
CODEFENDANT #6		M F	I A B W U

2. **Additional Victims** (from Part E of principle form)

	AGE	GENDER	RACE
VICTIM #4		M F	I A B W U
VICTIM #5		M F	I A B W U
VICTIM #6		M F	I A B W U

3. **Additional Participants** (from Part J of principle form)

a. List the identity of:

i. Each prosecuting attorney who participated in the decision to file the initial charges against the defendant.

#5		#7	
#6		#8	

ii. Each prosecuting attorney who participated in the decision to offer or accept a plea, if applicable.

#5		#7	
#6		#8	

iii. Each prosecuting attorney who participated in the decision to seek the death penalty, if applicable.

#5		#7	
#6		#8	

iv. Each person outside the office of district attorney who was consulted in determining whether to seek the death penalty or to accept or reject a plea, if any.

#5		#7	
#6		#8	

HOMICIDE & RELATED CASE DATA
REQUIRED BY NRS 178.750

Negative Response Letter

Date

State Court Administrator
Supreme Court of Nevada
201 S. Carson St., Ste. 250
Carson City, Nevada 89701

The County of _____ had no murder or voluntary manslaughter cases to
report, as defined in NRS 178.750, for calendar year _____.

District Attorney
County of _____

HOMICIDE & RELATED CASE DATA

REQUIRED BY NRS 178.750

Instructions

Attachment A – Negative Response Letter. For use by counties with no cases to report.

- May copy and submit to Supreme Court with blanks filled in OR
- May replicate forms on District Attorney's letterhead for submittal

Attachment B – Principle form. For use by counties with cases to report.

- Use one two-page form for each case.
- Case number header is included for your internal use to track which cases have been entered and reported.
- Gender – circle 'M' for male or 'F' for female.
- Race or Race/Ethnicity – circle appropriate race code matching definition below

(Excerpt of NCIC 2000)

Section 4 – RACE AND PROTECTED PERSON RACE (PPR) FIELD CODES

Race

American Indian or Alaskan Native – a person having origins in any of the original peoples of the Americas and maintaining cultural identification through tribal affiliations or community recognition.

Asian or Pacific Islander – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent or the Pacific Islands.

Black – a person having origins in any of the black racial groups of Africa.

White – a person having origins in any of the original peoples of Europe, North Africa, or Middle East.

Unknown

Records for Hispanics should be entered with the race code most closely representing the individual.

Code

I

A

B

W

U

Attachment C – Addendum 1. For use when entries for one or more categories in the principle form are exceeded.

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

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Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Report on Murder and Voluntary Manslaughter

Calendar Years 2005 and 2006

**A report to the Nevada Legislature,
In compliance with Nevada Revised Statutes 2.193 and 178.750**

ORIGINAL EXHIBIT ON FILE AT THE
LEGISLATIVE COUNSEL BUREAU LIBRARY

Assembly committee: Judiciary
Exhibit C P. 1 of 6 Date 3/14/07
Submitted by: Rebecca A. Moore 182

Report on Murder and Voluntary Manslaughter

Calendar Years 2005 and 2006

**A report to the Nevada Legislature,
Pursuant to Nevada Revised Statutes 2.193 and 178.750**

**Prepared by the
Supreme Court of Nevada
Administrative Office of the Courts
Planning & Analysis Division
201 South Carson Street, Suite 250
Carson City, Nevada 89701**



March 2007

Supreme Court of Nevada

A. William Maupin, Chief Justice
Mark Gibbons, Vice-Chief Justice
Michael L. Douglas, Associate Justice
James W. Hardesty, Associate Justice
Ronald D. Parraguirre, Associate Justice
Michael A. Cherry, Associate Justice
Nancy M. Saitta, Associate Justice

Supreme Court of Nevada
Administrative Office of the Courts
Ron Titus, State Court Administrator

Planning and Analysis Division
Robin L. Sweet, Deputy Director
Robert J. Dobbins, Court Research Analyst

March 2007

www.nvsupremecourt.us

Report on Murder and Voluntary Manslaughter

Introduction

As required by Nevada Revised Statute (NRS) 178.750, District Attorneys (DAs) report to the Supreme Court regarding murder and voluntary manslaughter cases, excluding any charges of “manslaughter that resulted from a death in an accident or collision involving a motor vehicle.” The following is a summary of the data submitted by the DAs’ offices of their respective counties. Only cases submitted with a filing date for the information or indictment during calendar years 2005 and 2006 were used in the main report.

Appendix A contains an updated report of the 2003 and 2004 data previously submitted to the Legislature to meet the requirements of subsection 3 of NRS 178.750 for reporting on presently unresolved cases filed in previous years.

The Supreme Court transmits this report to the Director of the Legislative Counsel Bureau in accordance with NRS 2.193. Because the information provided to the Supreme Court is from District Attorneys (an Executive Branch agency), no interpretation of the data is presented, as the court must remain a neutral party.

Certain elements of the reported data require due care in their interpretation. The term ‘codefendant’ should be understood as another party being tried for involvement in “any related offense” and not necessarily for the crime of murder or voluntary manslaughter. Victims include those who were victims of “any related offense,” in addition to victims of homicide or voluntary manslaughter. Therefore, the total number of codefendants and victims should not be extrapolated to mean that codefendants were either involved in the murder or voluntary manslaughter or that the victims are all victims of homicide or voluntary manslaughter.

The DAs were asked to provide the ethnicity of the defendants, codefendants, and victims, when possible, in addition to the race of each. The categories for race and ethnicity have been patterned after the federal guidelines on collection of racial and ethnic data. These categories are explained in further detail in Appendix C.

Murder and voluntary manslaughter cases can be lengthy and extend beyond a single reporting period. The data presented are a snapshot of the lengthy process involved in such cases.

Counties Reporting

For calendar year 2005 (CY05), the number of counties reporting was 16 out of 17 (Table 1). Of those 16 counties, 10 reported not having any murder or voluntary manslaughter cases. The remaining 6 counties reported a total of 98 cases filed.

For calendar year 2006 (CY06), the number of counties reporting was 16 out of 17 (Table 1). Of those 16 counties, 8 reported not having any murder or voluntary manslaughter cases. The remaining 8 counties reported a total of 122 cases filed.

Table 1 - Count and Percentage of Cases Filed

Judicial District	County	District Attorney	CY05		CY06	
			Count	Percent	Count	Percent
First	Carson City	Noel Waters	0	0%	2	1%
	Storey	Harold Swafford	0	0%	0	0%
Second	Washoe	Richard Gammick	6	5%	12	8%
Third	Churchill	Art Mallory	2	2%	2	1%
	Lyon	Leon Aberasturi	1	1%	1	1%
Fourth	Elko	Gary Woodbury	4	4%	2	1%
Fifth	Esmeralda	William Schaeffer	0	0%	0	0%
	Mineral	Cheri Emm-Smith	NR		0	0%
	Nye	Bob Beckett	2	2%	0	0%
Sixth	Humboldt	Dave Allison	0	0%	0	0%
	Lander	Hy Forgeron	0	0%	0	0%
	Pershing	Jim Shirley	0	0%	2	1%
Seventh	Eureka	Ted Beutel	0	0%	0	0%
	Lincoln	Phillip Dunleavy	0	0%	0	0%
	White Pine	Richard Sears	0	0%	1	1%
Eighth	Clark	David Roger	98	87%	122	85%
Ninth	Douglas	Scott Doyle	0	0%	1	1%
Total			113	100%	145	100%

NR - Not Reported

Defendants & Codefendants – Age, Gender, and Race

During CY05, the average age of defendants was 28 years, with a median age of 24 years. Of the 113 defendants, 96 (85%) were males and 17 (15%) were females. For the same time period, the codefendants were an average age of 25 with a median age of 23. Of the 115 codefendants, 79 (69%) were males and 36 (31%) were females.

During CY06, the average age of defendants was 30 years, with a median age of 27 years. Of the 144 defendants, 123 (85%) were males, 18 (13%) were females, and 3 (2%) had no gender specified. For the same time period, the codefendants were an average age of 23 with a median age of 21. Of the 82 codefendants, 71 (86%) were males, 8 (10%) were females, and 3 (4%) had no gender specified.

The average and median ages of defendants in 2005 and 2006, compared with those of the updated 2003 and 2004 data, are nearly identical numbers with the exception of 2005. That year saw a decrease of 2 and 3 years from the average and median ages, respectively. Average and median ages for codefendants fluctuated. Both measures increased between 2003 and 2004 but decreased in both 2005 and 2006.

The races of the defendants and codefendants as reported for CY05 and CY06 are noted in Table 2.

Table 2 – Race of Defendants and Codefendants

Race	CY05				CY06			
	Defendants		Codefendants		Defendants		Codefendants	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
American Indian or Alaskan Native	1	1%	0	0%	2	1%	0	0%
Asian or Pacific Islander	4	4%	7	6%	2	1%	0	0%
Black	33	29%	16	14%	48	33%	36	44%
White	36	32%	40	35%	50	34%	22	27%
Unknown	6	5%	4	3%	14	10%	3	4%
Not Provided	33	29%	48	42%	29	20%	21	26%
Total	113	100%	115	100%	145	100%	82	100%

Data reported for the ethnicities of the defendants and codefendants are noted in Table 3.

Table 3 – Ethnicity of Defendants and Codefendants

Ethnicity	CY05				CY06			
	Defendants		Codefendants		Defendants		Codefendants	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Hispanic or Latino	34	30%	46	40%	30	21%	17	21%
Not Hispanic or Latino	2	2%	0	0%	7	5%	2	2%
Unknown	0	0%	0	0%	0	0%	0	0%
Not Provided	77	68%	69	60%	108	74%	63	77%
Total	113	100%	115	100%	145	100%	82	100%

Victims – Age, Gender, and Race

Of 125 victims in CY05, 97 (70%) were males, 27 (29%) were females, and the gender of 1 victim was not specified. The average age of the victims was 30 years and the median age was 27 years.

Of 200 victims in CY06, 139 (70%) were males, 54 (27%) were females, and the genders of 6 (3%) victims were not specified. The average age of the victims was 32 years and the median age was 30 years. Table 3 provides the count and percentage of the races of the victims involved as reported for CY05 and CY06.

Table 4 – Race of Victims

Race	CY05		CY06	
	Victims		Victims	
	Count	Percent	Count	Percent
American Indian or Alaskan Native	0	0%	0	0%
Asian or Pacific Islander	0	0%	0	0%
Black	29	24%	35	18%
White	43	36%	61	31%
Unknown	6	5%	28	14%
Not Provided	42	35%	76	38%
Total	120	100%	200	100%

Data reported for the ethnicities of the victims are noted in Table 5.

Exhibit 29

Exhibit 29

ORIGINAL

FILED

Case No. CR98-0516

SEP 27 1999

Dept. No. 4

AMY HARVEY
By: *MStone*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

THE STATE OF NEVADA,

Plaintiff,

v.

VERDICT

SIAOSI VANISI,
also known as
"PE",
also known as
"GEORGE",

Defendant.

We, the jury in the above-entitled matter, find the
defendant, SIAOSI VANISI, also known as "PE", also known as
"GEORGE", GUILTY of MURDER.

DATED this 27th day of September, 1999.

James L. Green
FOREPERSON

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Having found the defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or Murder of the Second Degree?

- ☒ Murder of the First Degree
- ☐ Murder of the Second Degree

James L. Geyer
FOREPERSON

If you have found the defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the commission of this Murder as defined in these instructions?

Yes ☒ No ☐

James L. Geyer
FOREPERSON

ORIGINAL

FILED

Case No. CR98-0516

Dept. No. 4

SEP 27 1999

By *M. Stone*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

VERDICT

SIAOSI VANISI,
also known as
"PE",
also known as
"GEORGE",

Defendant.

We, the jury in the above-entitled matter, find the
defendant, SIAOSI VANISI, also known as "PE", also known as
"GEORGE", GUILTY of COUNT II. ROBBERY.

DATED this 27th day of September, 1999.

James L. Guss
FOREPERSON

If you have found the defendant guilty of Robbery, you
must answer the following question: Was a deadly weapon used in
the commission of this Robbery as defined in these instructions?

Yes ☒ No ☐

James L. Guss
FOREPERSON

AA00991

1724

2JDC06325

ORIGINAL
FILED

Case No. CR98-0516

SEP 27 1999

Dept. No. 4

LARRY HARVEY
By: *M. Stone*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

VERDICT

SIAOSI VANISI,
also known as
"PE",
also known as
"GEORGE",

Defendant.

We, the jury in the above-entitled matter, find the
defendant, SIAOSI VANISI, also known as "PE", also known as
"GEORGE", GUILTY of COUNT III. ROBBERY.

DATED this 27th day of September, 1999.

James L. Givens
FOREPERSON

If you have found the defendant guilty of Robbery, you
must answer the following question: Was a deadly weapon used in
the commission of this Robbery as defined in these instructions?

Yes ✓

No _____

James L. Givens
FOREPERSON

AA00992

2JDC06374

ORIGINAL
FILED

Case No. CR98-0516

SEP 27 1999

Dept. No. 4

AMY HARVEY
By: *M. Stone*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

VERDICT

SIAOSI VANISI,
also known as
"PE",
also known as
"GEORGE",

Defendant.

We, the jury in the above-entitled matter, find the
defendant, SIAOSI VANISI, also known as "PE", also known as
"GEORGE", GUILTY of COUNT IV. ROBBERY.

DATED this 27th day of September, 1999.

James D. Ayers
FOREPERSON

If you have found the defendant guilty of Robbery, you
must answer the following question: Was a deadly weapon used in
the commission of this Robbery as defined in these instructions?

Yes ✓

No

James D. Ayers
FOREPERSON

AA00993 1726

2JDC06375

Exhibit 30

Exhibit 30

ORIGINAL

FILED

CODE 4245

OCT 06 1999

AMY HARVEY, CLERK
By: *M. S. [Signature]*
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. CR98-0516

SIAOSI VANISI,
also known as
"PE,"
also known as
"GEORGE,"

Dept. No. 4

Defendant.

VERDICT

We, the jury in the above-entitled matter, having
previously found the defendant, SIAOSI VANISI, also known as
"PE," also known as "GEORGE", guilty of murder in the first
degree, find that the following aggravating circumstance exists,
to wit:

1. The murder of SGT. GEORGE SULLIVAN was committed by
defendant SIAOSI VANISI, also known as "PE," also known as

///

///

AA00995

1 "GEORGE", in the commission of or attempt to commit the crime of
2 Robbery With the Use of a Deadly Weapon.

3 Yes ☒ No ☐

4 2. The murder of SGT. GEORGE SULLIVAN was committed by
5 defendant SIAOSI VANISI, also known as "PE," also known as
6 "GEORGE", upon a peace officer who was engaged in the performance
7 of his official duty and the defendant knew or reasonably should
8 have known that the victim was a peace officer.

9 Yes ☒ No ☐

10 3. The murder involved mutilation of SGT. GEORGE
11 SULLIVAN.

12 Yes ☒ No ☐

13 4. The murder of SGT. GEORGE SULLIVAN was committed by
14 SIAOSI VANISI, also known as "PE," also known as "GEORGE",
15 because of the actual or perceived race, color, religion or
16 national origin of SGT. GEORGE SULLIVAN.

17 Yes ☐ No ☒

18 The jury further finds that there are no mitigating
19 circumstances sufficient to outweigh the aggravating circumstance
20 or circumstances found, and, therefore, set the penalty to be
21 imposed upon the defendant at DEATH.

22 DATED this 6 day of October, 1999.

23
24 
25 FOREPERSON
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ORIGINAL

FILED

OCT 06 1999

AMY HARVEY, CLERK

By: M. Stone
DEPUTY

Do we have to be UNANIMOUS.
ON ~~the~~ the AGGRAVATING FACTORS
ON EITHER
the "YES" OR "NO"

Question #3

ORIGINAL

1 QUESTION NO. 3:

2 Do we have to be unanimous on the aggravating factors on either the "yes" or "no"

4 ANSWER:

5 You must decide on each alleged aggravating factor separate from the others. You must be
6 unanimous as to any aggravating factor you respond "Yes" to on the verdict form.

7
8 Connie J. Steinheimer
9 DISTRICT JUDGE

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12 FILED

13
14 OCT 06 1999

15 AMY HARVEY, CLERK
16 By: M. Stow
17 DEPUTY
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AA00998

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ORIGINAL

FILED

CODE 4245

OCT 06 1999

HARVEY, CLEHK
M. Stone
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. CR98-0516

SIAOSI VANISI,
also known as
"PE,"
also known as
"GEORGE,"

Dept. No. 4

Defendant.

unused
VERDICT

We, the jury in the above-entitled matter, having
previously found the defendant, SIAOSI VANISI, also known as
"PE," also known as "GEORGE", guilty of murder in the first
degree, set the penalty to be imposed at LIFE IN PRISON WITHOUT
THE POSSIBILITY OF PAROLE.

DATED this ____ day of _____, 19____.

FOREPERSON

AA00999

1 CODE 4245

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

Case No. CR98-0516

12 SIAOSI VANISI,
13 also known as
14 "PE,"
also known as
"GEORGE,"

Dept. No. 4

15 Defendant.

16 _____ / *unused*
17 VERDICT

18 We, the jury in the above-entitled matter, having
19 previously found the defendant, SIAOSI VANISI, also known as
20 "PE," also known as "GEORGE", guilty of murder in the first
21 degree, set the penalty to be imposed at LIFE IN PRISON WITH THE
22 POSSIBILITY OF PAROLE.

23 DATED this ____ day of _____, 19____.

24
25 _____
26 FOREPERSON

AA01000

1 after you have looked at the evidence in the case, that
2 there's only one defense that you can think of that would be
3 appropriate. Have you discussed the limits and the
4 imperfection of the defense that Mr. Vanisi is requesting
5 that you put on?

6 MR. GREGORY: Ad nauseam, since March.

7 THE COURT: And you have indicated the specific
8 problems with that defense and why that defense, based on
9 evidence, nothing to do with his particular testimony, but
10 just based on the evidence, would be an imperfect defense,
11 in fact, would not result in the result that he wishes?

12 MR. GREGORY: That's correct. And we have
13 consistently told him that we refuse to participate in a
14 potential fraud upon the Court and jury.

15 THE COURT: Is there anything else?

16 MR. GREGORY: No, Your Honor.

17 THE COURT: Mr. Bosler.

18 MR. BOSLER: Just briefly. I think Mr. Gregory
19 has stated the basis for our problem. And it's something
20 unique to defense counsel, and maybe a lot of people don't
21 appreciate it, but the reason you don't ask your client
22 whether he did it is because you don't want to know what
23 that information is because that will prejudice your ability
24 to represent that person, and unfortunately, prejudice their
25 right to have a fair trial and have a vigorous defense.

89890151URAS
SVANISI
89890151URAS

1 It's kind of unique to defense counsel that if
2 we know that our client has said something to us that would
3 be a lie, if you present it to the Court or allowed to bow
4 out and the next defense attorney, as if nothing happened,
5 and the next defense counsel may present something we know
6 is improper but we don't know is improper, and that is the
7 artificial relationship that is required and the ethical
8 obligations. That is our official relationship that is
9 required by the constitution and the defendant's right to
10 aid vigorous defense in a fair trial.

11 It may seem a little bit disingenuous to the
12 regular observer, but that's the way the system has to be
13 set up so that Mr. Vanisi isn't left with counsel that are
14 going to sit on their hands, say I can't question this
15 person, cross-examine because I'm implying that I'm
16 supporting perjured testimony. I can't call these people as
17 my witnesses because the theme is going to be, believe this
18 incorrect defense, this evidence I know to be untrue, and so
19 I'm handicapped, and he's not presented with a fair defense.

20 It's artificial, it's disingenuous, but it is
21 what the rules of professional conduct require, and
22 especially what Mr. Vanisi is really in need of, which is a
23 fair vigorous defense on some very difficult circumstances.
24 We can't present those anymore. And that's the reason we
25 have asked to withdraw. Thank you.

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THE COURT: Anything further, counsel?

MR. GREGORY: Thank you.

THE COURT: All right. The Court will issue a written order. I'm going to take this under advisement at this time. Court is in recess.

(Hearing concluded at 7:58 a.m.)

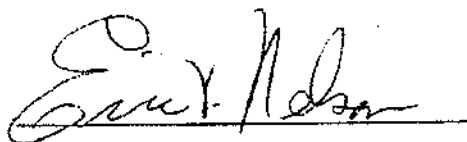
STATE OF NEVADA,)
)
COUNTY OF WASHOE.)

I, ERIC V. NELSON, Certified Shorthand Reporter of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify:

That I was present in Department No. 4 of the above-entitled Court and took stenotype notes of the proceedings entitled herein, and thereafter transcribed the same into typewriting as herein appears;

That the foregoing transcript is a full, true and correct transcription of my stenotype notes of said proceedings.

DATED: At Reno, Nevada, this 27th day of August, 1999.



ERIC V. NELSON, CCR No. 57

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the law offices of Thomas L. Qualls, Esq., and that on this date, I served the foregoing Supplemental Appendix on the party(ies) set forth below by:

 X Placing an original or true copy thereof in a sealed envelope placed for collecting and mailing in the United States mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

 X Personal delivery.

 Facsimile (FAX).


 Federal Express or other overnight delivery.

 Reno/Carson Messenger service.

addressed as follows:

TERRENCE McCARTHY
Washoe County District Attorneys Office
P.O. Box 30083
Reno, Nevada 89520
(Via Personal Delivery)

DATED this 9 day of August, 2008.



Kristy Schaaf

Exhibit 24

Exhibit 24

FILED

99 FEB 18 AM 11:45

AMY HARVEY SLEP

BY

1 Case No. CR98-0516

2 Dept. No. 4

3

4

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

AMENDED NOTICE OF
INTENT TO SEEK
DEATH PENALTY

12 SIAOSI VANISI,
13 also known as
14 "PE",
15 also known as
16 "GEORGE",

17 Defendant.

18 _____/

19 Pursuant to Supreme Court Rule 250 filed with the court on
20 December 30, 1998,

21 COMES NOW, the State of Nevada, by and through RICHARD
22 A. GAMMICK, District Attorney of Washoe County, and DAVID L.
23 STANTON, Chief Deputy District Attorney, and hereby gives Notice
24 to the Court, counsel, and the defendant, SIAOSI VANISI, also
25 known as "PE", also known as "GEORGE", of the following:

26 YOU ARE HEREBY NOTIFIED that the State of Nevada by and
through the Office of the Washoe County District Attorney intends
to seek the death penalty as punishment against SIAOSI VANISI,

1 also known as "PE", also known as "GEORGE", upon his conviction
2 for Murder of the First Degree as set forth in Count I.

3 YOU ARE HEREBY FURTHER NOTIFIED that the State intends
4 to produce and present evidence concerning aggravating
5 circumstances relevant to the offense, defendant, victim and/or
6 other matters relevant to conviction and sentence to allow a jury
7 or panel of three judges to set the penalty for the conviction of
8 Murder of the First Degree at death. NRS 200.030, NRS 200.033,
9 NRS 175.552; NRS 175.556, Payne v. Tennessee, 501 U.S. 808, 111
10 S.Ct. 2597 (1991). Rippo v. State, 113 Nev. 1239, 946 P2d 1017
11 (1997); Greene v. State, 113 Nev. 157, 931 P2d 54 (1997).

12 In addition to seeking the death penalty against
13 defendant SIAOSI VANISI, also known as "PE", also known as
14 "GEORGE", based upon the aggravating nature of the offense
15 itself, the State intends to present the following aggravating
16 circumstances as it relates to Count I, NRS 200.033(4a)(7)
17 (8)(11).

18 The evidence which the State intends to present in
19 support of one or more of the following statutory aggravating
20 circumstances pursuant to NRS 200.033 as allowed by NRS 175.552
21 as it relates to Count I, Murder of the First Degree of Sergeant
22 GEORGE SULLIVAN includes:

23 1. Evidence that the murder of Sergeant GEORGE
24 SULLIVAN was committed by the defendant, SIAOSI VANISI, also
25 known as "PE", also known as "GEORGE", in the commission of or
26 attempting to commit the crime of Robbery With the Use of a

1 Deadly Weapon. NRS 200.033(4)(a). Evidence will show that prior
2 to January 13, 1998, defendant VANISI expressed the intent to
3 "kill a cop" and steal the officer's gun and radio; that on
4 January 13, 1998, defendant VANISI did "kill a cop," Sergeant
5 GEORGE SULLIVAN of University Nevada Reno Police Department, and
6 did steal his gun and radio.

7 2. Evidence that the murder of Sergeant GEORGE
8 SULLIVAN was committed by the defendant, SIAOSI VANISI, also
9 known as "PE", also known as "GEORGE", upon a peace officer or
10 who was killed while engaged in the performance of his official
11 duty or because of an act performed in his official capacity, and
12 the defendant knew or reasonably should have known that the
13 victim was a peace officer. NRS 200.033(7); NRS 289.350.
14 Evidence will show that defendant VANISI did murder Sergeant
15 GEORGE SULLIVAN, who was in his University Nevada Reno Police
16 Department uniform and initially in his University Nevada Reno
17 Police Department marked police vehicle on January 13, 1998.

18 3. Evidence that the murder of Sergeant GEORGE
19 SULLIVAN was committed by the defendant, SIAOSI VANISI, also
20 known as "PE", also known as "GEORGE", involved torture or the
21 mutilation of the victim. NRS 200.033(8); Jones v. State, 113
22 Nev., Advance Opinion 48 (1997). Evidence will show that
23 defendant VANISI did murder Sergeant GEORGE SULLIVAN by striking
24 him in the head and left hand a minimum of twenty times with a
25 hatchet or other heavy sharp implement and then stomped on
26 ///

1 Sergeant SULLIVAN's head which grossly altered Sergeant
2 SULLIVAN's facial features.

3 4. Evidence that the murder of Sergeant GEORGE
4 SULLIVAN was committed by the defendant, SIAOSI VANISI, also
5 known as "PE", also known as "GEORGE", upon a person because of
6 the actual or perceived race, color or national origin of that
7 person. NRS 200.030(11). Evidence will show that defendant
8 VANISI, a Tongan, made comments about hating white people and
9 wanting to kill a white cop prior to murdering Sergeant GEORGE
10 SULLIVAN, a white police officer.

11 The State also intends to present evidence against the
12 defendant at the penalty hearing pursuant to NRS 175.552, in
13 addition to the aggravating circumstances outlined above, to
14 include all relevant character evidence as well as the
15 circumstances of the particular offenses. NRS 175.552; Flanagan
16 v. State, 107 Nev. 243, 810 P.2d 759 (1991); Robins v. State, 106
17 Nev. 611, 798 P.2d 558 (1990); Biondi v. State, 101 Nev. 252, 699
18 P.2d 1062 (1985); and Allen v. State, 99 Nev. 485, 665 P.2d 238
19 (1983).

20 The State also intends to present specific evidence of
21 Sergeant GEORGE SULLIVAN's good character as well as evidence of
22 the emotional impact on Sergeant SULLIVAN's family. Payne,
23 supra; Rippo, supra, and Greene, supra.

24 The State will rebut any defense allegations claiming
25 mitigating circumstance(s) as listed in NRS 200.035.

26 ///

1 If the defendant intends to present any evidence in
2 support of mitigating circumstances, as allowed by NRS 200.035,
3 the State should have prior notice pursuant to the Discovery
4 Order in this case. In any case, the State will address and
5 rebut any alleged mitigating circumstance(s), the nature of which
6 may not be known until the presentation of those mitigating
7 circumstance(s) by the defense. At that time, the State will be
8 prepared to and will disclose to the defendant and his counsel in
9 a timely fashion any additional evidence to contradict any claim
10 of mitigating circumstance(s).

11 The State asserts that the documented aggravating
12 circumstances are not outweighed by any mitigating
13 circumstance(s) and, thus, the death penalty is just and
14 appropriate.

15 Moreover, if additional evidence of aggravating
16 circumstances as set forth in NRS 200.033 becomes apparent prior
17 to the commencement of the penalty hearing, notice will be
18 provided to counsel and the defendant as required by NRS 200.033
19 and NRS 175.552.

20 Thus, based on the foregoing and upon the conviction of
21 the defendant, SIAOSI VANISI, also known as "PE", also known as
22 "GEORGE", for the charge of Murder in the First Degree as set
23 forth in Count I, it is submitted that all relevant evidence
24 concerning this Notice is to be presented to the jury or the

25 ///

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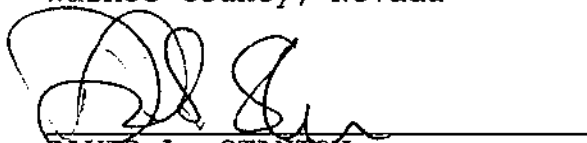
SVan1s12JDC03793

1 three judge panel to allow death verdicts to be returned against
2 the defendant, SIAOSI VANISI, also known as "PE", also known as
3 "GEORGE", in compliance with the law.

4 Dated this 17 day of February, 1999.

5 

6 RICHARD A. GAMMICK
7 District Attorney
8 Washoe County, Nevada

9 

10 DAVID L. STANTON
11 Chief Deputy District Attorney

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CERTIFICATE OF FORWARDING

I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I forwarded a true copy of the foregoing document, through the Washoe County interagency mail, addressed to:

Mike Specchio
Washoe County Public Defender
One South Sierra
Reno, Nevada

Steve Gregory
Deputy Public Defender
One South Sierra
Reno, Nevada

DATED this 18th day of February, 1999.

Nellie A. Lawer

SVan1s12JDC03795

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I personally served a true copy of the foregoing document, by delivering said document to:

Mike Specchio
Washoe County Public Defender
One South Sierra
Reno, Nevada

Steve Gregory
Deputy Public Defender
One South Sierra
Reno, Nevada

DATED this 18th day of February, 1999.

Nelli A. Lauer

Exhibit 25

Exhibit 25

Philip A. Rink, M.D.
Kim A. Rink, M.F.T.

Sierra Mountain Health
628 Lake Street
Reno, NV, 89501
Phone: 782-329-1717 Fax: 782-329-3867

Rec'd 11/2/98
11:00am
Dr. L.M. Tamm, M.D.
Cindy M. Raymond, M.F.T.
Randy B. Smith, Ph.D.

October 27, 1998

The Honorable Connie J. Steinheimer, District Judge
Department 4
Washoe County Courthouse
P.O. Box 11130
Reno, NV 89521

RE: Siasoi Vanisi, a.k.a. "PE," a.k.a. "George"
Case No. CR98-0516

Dear Judge Steinheimer:

Mr. Vanisi received a thorough psychiatric evaluation at the Washoe County jail on October 25, 1998. It is my professional opinion that Mr. Vanisi is of sufficient mentality to be able to understand the nature of the criminal charge against him; and is of sufficient mentality to be able to aid and assist counsel in his defense. When Mr. Vanisi was asked what he was charged with, he stated he was charged with "First Degree Murder." He states that he was arrested in Utah on January 14, 1998. He states that he was alleged to have committed murder against Sergeant Sullivan on January 13, 1998. He states he was extradited back to Nevada around January 26th, and he was taken to the Parr Boulevard jail. He states in July he was taken to Nevada State Prison until September. He states that he believes he went to Nevada State Prison due to security problems. He states that he does not want to go into any detail regarding the charges against him, because he is afraid that it may effect his trial. When asked how he was sleeping, he stated he sleeps approximately six hours per night, and that his sleep patterns are not consistent. He states his appetite is good, but he has lost 60 lbs.

Family and Environmental History: His mother is alive and he describes her as outgoing but reserved at times. His father is alive, and he states he was not around much and he divorced his mother. He states he only met his father once. Siblings: He states he has two sisters and four brothers.

Family History of Psychiatric Illness in the Family: He states that he is not aware of any history of psychiatric illness in his family.

Past Psychiatric Treatment: He states he has received no previous treatment.

Siaosi Vanisi, a.k.a. "PE," a.k.a. "George"
Case No. CR98-0516
Page Two

Childhood History: He states that he feels like he had a fairly normal childhood. He went to school, went to church, and his family was fairly strict. He states he grew up in San Bruno, California. He states he was not abused mentally, physically, or sexually.

Educational History: He has a high school education.

Work History: He states he has worked as an actor in a commercial, he has done electrical work, and also did grip work on a film.

Marital History: He was married in 1994, and he feels he is relating to his wife fairly well. He has two sons, ages 4 years old and 2 years old.

Medical History: He states he has had plastic surgery on his elbow, and also he has a history of non-insulin dependent diabetes.

Medications: He states he has been taking Depakote and it has helped him considerably in controlling his mood swings.

Alcohol History: He states that every month or so he will drink beer, and he will drink approximately 3-8 beers per day. He states that alcohol depresses him, but he still has episodic periods when he drinks.

Drug History: He states he has abused marijuana on a daily basis since 1997. He states marijuana is his drug of choice. He has tried speed five times.

Arrest History: He states he has never been arrested, except for minor traffic violations.

Mental Status Examination: This is a 28-year-old white male who seems somewhat anxious. His thought content and thought processes are relatively intact. His affect has been volatile, and he states he has been manic at times and depressed at times. His affect is within normal limits at this time. Hallucinations and delusions: He states he has never heard voices or seen things that are not there. He states that he has had grandiose delusions when he was manic, and felt like he was invincible. He states at times he feels like he is Peter Pan, and that he is magical. Paranoid thoughts: He denies any paranoid thoughts. Memory evaluation: His long-term memory is fair. His short-term memory is good, in that he could remember three out of three objects after five minutes. Immediate memory: His immediate memory is fair, in that he could remember a seven-digit forward number. Intellectual functioning is evaluated as good. When asked the distance from San Francisco to New York City, he said 3,000 miles. Abstract thinking: When asked what the phrase, "The early bird gets the

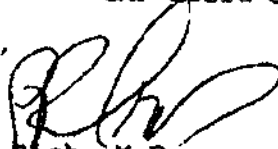
Siaosi Vanisi, a.k.a. "PS," a.k.a. "George"
Case No. CR98-0516
Page Three

worm means," he stated, "You can reap what you sow by getting up early." Judgment is evaluated as fair. When asked what he would do if he found an addressed, sealed, stamped envelope lying on the sidewalk, he stated, "I would put it in the mailbox." Assets: He likes to talk in conversation and also likes ping pong.

Diagnostic Impression:

Axis I: Bipolar affective disorder
Polysubstance abuse
Axis II: Mixed personality traits
Axis III: Diabetes
Axis IV: Number 4
Axis V: GAF score of 32; GAF score over the past year of 47

Sincerely,

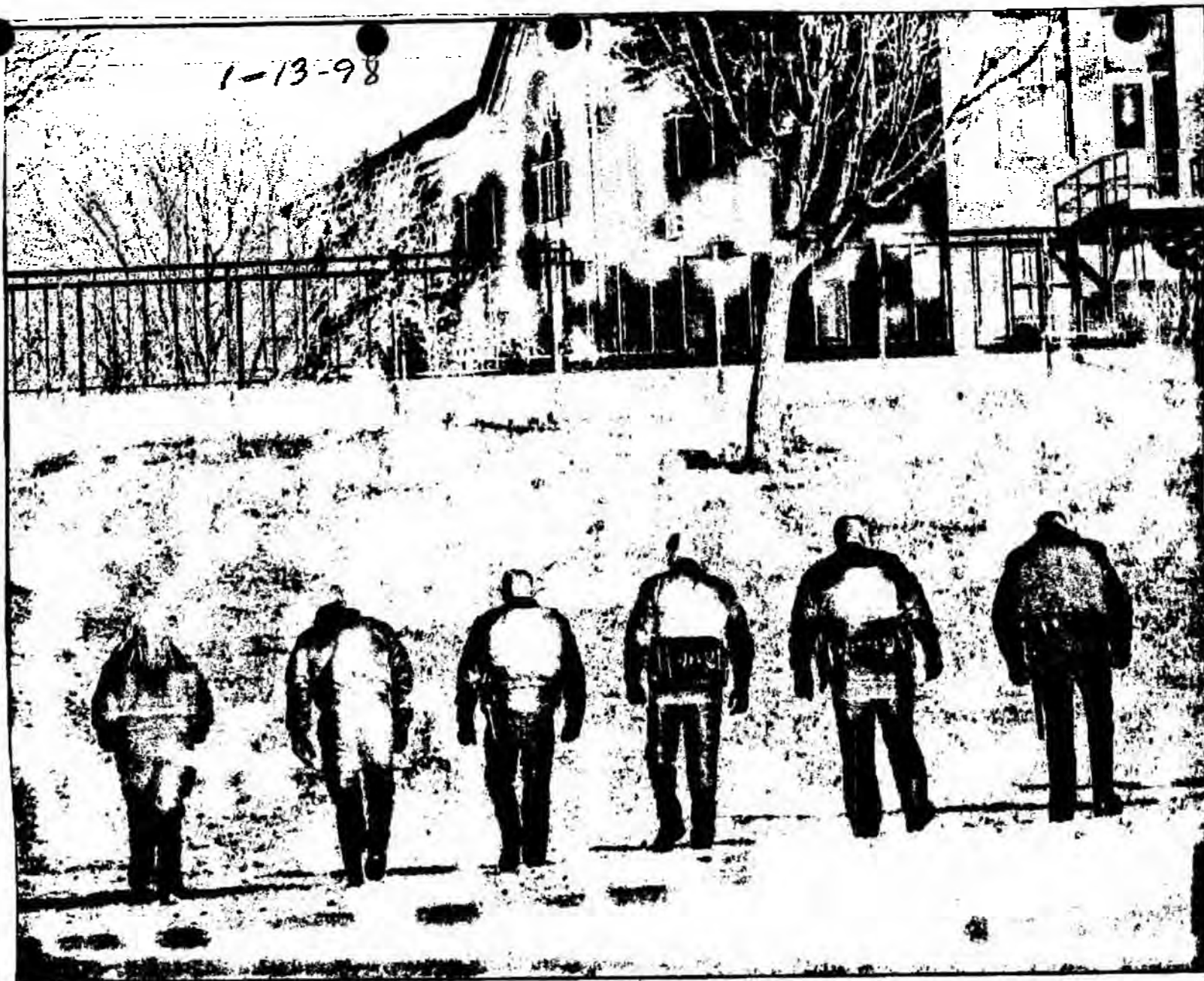


Philip A. Rich, M.D.

PAR:dh

Exhibit 26

Exhibit 26



1

Tribune/Debra Reid
Local law enforcement officers worked together to comb the University of Nevada Reno campus for clues after UNR police officer Sgt. George Sullivan was found dead next to his patrol car early this morning. Below, a blood hound hunts for the murderer's scent in an alley near the UNR campus.

AA00858



Area Police investigate murder of UNR officer

BY MARCIA ROHRER

Tribune Staff

Investigators are searching the entire University of Nevada, Reno campus today looking for clues in the early morning murder of a university police sergeant.

A man walking through the campus found Sgt. George Sullivan's body next to his patrol car near the information booth on Center Street around 12:57 a.m., Reno Police Lt. Phil Galeoto said.

There were no other people in the area when police arrived. Galeoto said the cause of death will not be known until the autopsy results have been released from the Washoe County Coroner's Office. He said, however, that it appears Sullivan was involved in a

struggle.

Galeoto would not say if Sullivan was in a pool of blood or how his body appeared. He did confirm that Sullivan was murdered. Early reports from police said he may have been shot.

Police have no suspects. However, they do have composites of two men who were seen in the area at the time. Galeoto said they are just wanted for questioning because they might know helpful information.

Galeoto said the police have no reason to believe Sullivan was responding to a call when he was murdered.

Police have been questioning nearby resi-

See Officer down page 8A

Officer Down

from Page 1A

dents since 1 a.m. A helicopter also searched the area with a spotlight.

One resident said she heard a car speeding through the alley behind her apartment on Virginia Street around 12:30 a.m. She said she also heard some trash cans being hit by something.

The investigation is being led by the Reno Police Department with help from the Washoe County Sheriff's Department, Sparks Police Department and the university police department.

Galeoto said the university police do not have a large enough staff to investigate deaths on campus.

Over 100 people are searching every room of every building on campus and all of the grounds. Mounted officers and search dogs are also being used.

The campus will be closed all day. Employees are not to report

to work until otherwise advised. Traffic around the campus is also being regulated.

"Since this is such an open area we will be searching for evidence for a long time," Galeoto said.

Sullivan was in his 40s. He is survived by a wife and four children.

He started working at the university Jan. 3, 1979. He was promoted to sergeant in 1984 and was the graveyard shift supervisor.

Sullivan was the first University of Nevada Police officer to be killed in the line of duty.

University Police Officer Mark Covington described Sullivan as a congenial man.

"He was very well liked," Covington said. "He always looked for the good in everyone."

Funeral arrangements for Sullivan have not yet been made.

1-13-99

1-14-98



■ 'I can tell you he was a good policeman. I know they say that about officers who are killed, but he truly was a good man.'

—Steve Sauter, UNR police officer

Lawmen hunt slayer of UNR police officer

MORE STORIES ON PAGE 3A

MAN SOUGHT FOR QUESTIONING

Police are circulating a composite drawing of an unidentified man seen in the area where UNR Sgt. George Sullivan was killed Monday night. Police said he is not a suspect, but might help find a suspect. They described him as



white, 34 to 38, 5 feet 11 to 6 feet 1, 220 pounds with brown shoulder-length hair. He was wearing a black knit cap, long dark-colored jacket and light pants tucked into dark boots. Call police at 334-2116 or Secret Witness at 322-4900.

REWARD

■ Secret Witness is offering a \$2,500 reward for key information related to the Sullivan case. Call 329-4000.

Student perception

■ 'I feel really bad for the family. The last place you expect something like that is on a college campus.'

—Derrick Shultz, UNR student

Tense neighborhood

■ 'We knew the policeman who was killed. Since we're next to the university, we have kind of a relationship.'

—Roger Cole, MacKenzie Insurance VP

Security bolstered

■ 'All the officers we've hired have at least four years experience with law-enforcement agencies.'

—Alan Mastur, ass't. chief, IMCC campus police

Found in morning: Officer was beaten to death, police say.

By Frank Mullin Jr.
and Phil Galeoto
RENO GAZETTE-JOURNAL

Officers from all Truckee Meadows law-enforcement agencies are continuing a manhunt today for the killer or killers who beat to death a 43-year-old University of Nevada, Reno police officer early Tuesday.

Citizens walking near the campus main entrance about 12:50 a.m. found the body of Sgt. George D. Sullivan next to his patrol car, said Reno police Lt. Phil Galeoto. Investigators said Sullivan, who began his shift at 11 p.m. Monday, apparently struggled with an attacker. He had been working that shift about three weeks.

An autopsy revealed he was bludgeoned to death.

"We don't know if he stopped to talk to somebody or what happened," Galeoto said, adding the Reno department, which handles dispatching for UNR police, didn't send Sullivan to the area.

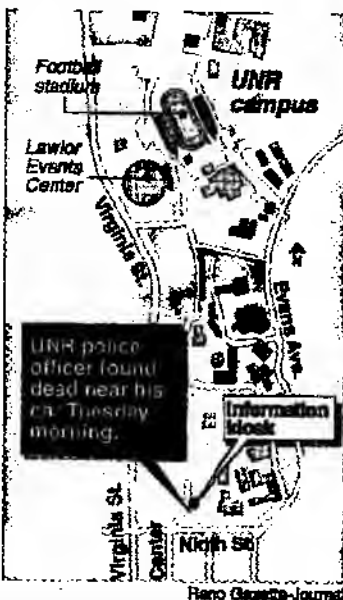
Sullivan's handgun is missing and authorities are searching for the weapon, Galeoto said late Tuesday night.

Police divers also searched

See **SLAIN** on page 4A



CLOSE INSPECTION: Members of local law enforcement agencies, above, join together in a grid search Tuesday morning on the southwest corner of University of Nevada, Reno campus looking for clues in the murder of police Sgt. George Sullivan. The search included the UNR sign, top photo.



Colleagues react with shock, sadness; officer leaves behind wife, 5 children

By Frank Mullin Jr.
RENO GAZETTE-JOURNAL

Flags flown at state facilities are at half-staff today in honor of Sgt. George Sullivan, killed in the line of duty at the University of Nevada, Reno.

Sullivan's home in Sparks was crowded with family and friends Tuesday.

"They have two young children (ages 7 and 3) who are too young to comprehend what happened," said University of Nevada, Reno Police Officer Steve Sauter, who has known Sullivan for 18 years.

Sullivan and his wife, Carolyn, a nurse, met while they were both students at UNR.

SGT. SULLIVAN

Sgt. George D. Sullivan, 43

■ Joined the University of Nevada, Reno police force on Oct. 3, 1978.

■ Survived by his wife, Carolyn, and four sons and a daughter.

■ A public memorial service is scheduled at Lawlor Events Center at 2 p.m. Friday.



They married in Reno and lived

See **SHOCK** on page 3A

1-1498

Shock

From page 1A
in the area ever since.

"I can tell you he was a good policeman," Sauter said. "I know they say that about officers who are killed, but he truly was a good man."

"He always dealt with people in a fair manner."

UNR Police Chief Kenneth Sjoen said Sullivan "was one of our well-respected, likable officers. We're still going through shock and pain."

Sauter described Sullivan as an outstanding family man.

"He had a deep compassion for people," he said. "The thing that strikes me the most about George is his family. George took an interest in his children, which I thought was more than usual for a man."

Sally Morgan, director of student discipline at UNR, said her husband, Jim Filkins, also is a UNR cop and worked with Sullivan for 1 1/2 years. She said Sullivan was known for being involved with his kids and their activities.

"It sounds trite, but he was definitely the family man," Morgan said. "He was very committed to his family and very involved with his kids."

He drove his children to every sports practice and game, Sauter said.

"He was there for them," he said. "Whenever his children stayed, he

TIME LINE: THE SULLIVAN SLAYING

■ 11 p.m. Monday: Sgt. George D. Sullivan, 43, begins duty on the night shift, a shift he had been working for the last three weeks.

■ 12:50 a.m.: Passerby discovers Sullivan lying next to his police cruiser near the information kiosk at the south gate of the University of Nevada, Reno campus.

■ 12:58 a.m.: Officers from Reno Police Department and UNR arrive and call for backup.

■ 1 a.m.: Washoe County sheriff's helicopter searches campus from air while other officers continue ground search.

■ 9 a.m.: Police from combined agencies begin a grid-search of the UNR campus while other officers conduct a room-by-room search of every UNR building. Search continues throughout the day as officers visit door-to-door in the surrounding neighborhood looking for clues and witnesses.

Murder suspect appreh¹⁻¹⁵⁻⁷⁸

BY MARCIA ROHRER

Tribune Staff

Salt Lake City police arrested the man accused of killing a University of Nevada police officer after a two-hour standoff Wednesday night.

Sinasi Vanisi, charged with the murder of Sgt. George Sullivan and three counts of armed robbery, fled to Utah late Tuesday night or Wednesday morning.

Reno police Lt. Phil Galeoto said they asked police in Salt Lake to watch for Vanisi, 27, after they learned he has relatives living there.

Galeoto said Reno police first learned Vanisi was in Utah after a phone call from Salt Lake County Sheriff's Department officials. They told him they had a man who matched the description given in Vanisi's arrest warrant.

"They did some darn good police work," Galeoto said. "Fortunately for all of us they found him and caught him."

Galeoto said he did not know what exactly happened leading up to Vanisi's arrest other than the standoff at the apartment of one of Vanisi's relatives.

The sheriff's officials eventually had to use tear gas to get Vanisi out of the home. They shot

ended in Salt Lake City

him down with a bean-bag gun.

Vanisi also apparently fired shots at police officers with a pistol that may have belonged to Sullivan. Vanisi was treated at a Salt Lake Hospital for a gun wound to the arm.

Vanisi is being held at the Salt Lake County Jail, Galeoto said.

Galeoto said two Reno detectives flew to Salt Lake City this

morning to begin the extradition process.

He said after they have positively identified Vanisi and compared evidence, they will ask Vanisi if he wants to return to Reno to face the charges against him.

If Vanisi agrees to face the charges, he could be back in Reno in a short time, Galeoto said. If Vanisi fights extradition,

the Washoe County District Attorney's office will have to make arrangements to bring him back. This could take up to three months, Galeoto said.

Police linked Vanisi to Sullivan's murder and two armed convenience store robberies with information provided by witnesses.

According to the warrant for

See Vanisi page 8A



Reno police searched homes and staked out a Mormon Church near the university campus during Wednesday's intensive manhunt for homicide suspect Siaso Vanisi. Vanisi was caught Wednesday night by police in Salt Lake City and will be extradited back to Reno.

Tribune/Debra Reid

Vanisi: Memorial services planned for fallen officer

from Page 1A

Vanisi's arrest, three Sparks residents told police Vanisi had been living with them in their Rock Boulevard apartment since he arrived in Reno recently from Los Angeles. They knew Vanisi as "Pe."

One of them told police he saw Vanisi with a rubber-handled, silver-metal hatchet a few days before Sullivan was murdered Tuesday.

The man described Vanisi as being a Tongan male in his mid-20s, 5'9" to 5'10", 220 pounds with black short hair and a beard.

He said he had seen Vanisi at the apartment late Monday night wearing a dark-colored wig, a black bandanna as a headband, a red or wine-colored leather jacket and baggy black denim pants.

The Sparks resident and his two roommates told police Vanisi repeatedly said, "I want to kill a cop," in the days before the murder.

The two women who also live at the Rock Boulevard apartment told police about Vanisi's stay with them.

They gave the same description of Vanisi and said they also saw him wearing a pair of cream-colored gloves Monday night.

They told police Vanisi returned to the apartment around 1:15 a.m. Tuesday, carrying a hatchet. They said he was short of breath, nervous and agitated. He was no longer wearing

the wig and had a plastic bag containing some unknown items.

Sullivan's body was found next to his patrol car near an information kiosk at the Center Street entrance to the university at 12:50 a.m. Tuesday.

His police belt containing a loaded .45 caliber Glock semi-automatic pistol, two loaded .45 caliber Glock pistol magazines and some other items was missing and appeared to have been forced off Sullivan.

The women said Vanisi asked for car keys and left the apartment with the plastic bag. He returned a few minutes later without the bag.

One woman said she and Vanisi were watching the television news accounts of Sullivan's death during the day Tuesday. She asked him if he was involved in the crime. She told police he admitted he killed Sullivan.

The woman heard Vanisi and another Tongan man known as "Taki" talking about wanting to kill a cop before they left the apartment Sunday night.

Police later searched the apartment and found the gloves and jacket Vanisi had been wearing and the hatchet Vanisi was seen with. All three items were stained with blood, police said.

Dr. Ellen Clark, the woman who performed Sullivan's autopsy, said the wounds to Sullivan's head were consistent to the shape of a hatchet or similar type of weapon.

A man later identified as

Vanisi was seen at about 10:20 p.m. Tuesday robbing a 7-Eleven store, 710 Baring Blvd.

The store clerk said Vanisi pointed a pistol at her and demanded the money from the cash register. She gave him about \$90 and he left the store.

A man fitting Vanisi's description again was seen robbing the Jackson Food Mart, 2596 Clear Acre Lane, about 10 minutes later. This man also pointed a pistol and demanded the money. The clerk, who later identified Vanisi's picture, gave the man about \$67.

Police received several reports of possible sightings of Vanisi Wednesday afternoon after his arrest warrant was issued. They unsuccessfully followed up on the leads, including a sighting at a Mormon church near the university.

Visitations for Sullivan are today from 3 p.m. to 8 p.m. at Ross, Burke and Knebel Mortuary, 2155 Kietzke Lane, and Friday from 8 a.m. to 11 a.m. The memorial service will be at Lawlor Events Center Friday at 2 p.m.

There will be no gravesite service but there will be a reception at the Silver Legacy after the memorial service.

1-15-98

Reno police comb neighborhood



David B. Parker/Reno Gazette-Journal

GRIM SEARCH: A SWAT team member, above, checks out some vehicles parked in front of the Mormon Church on Buena Vista Avenue on Wednesday. Police believed for a time that the sus-

pect was in the church. Nothing was found. Washoe County D.A. Dick Gammick, below, shows an equipped gun belt similar to what was taken from slain UNR officer George Sullivan.

**By Phil Barber
and Jennifer Crowe**
RENO GAZETTE-JOURNAL

A man Reno police say told neighbors he wanted to kill a cop and then killed a University of Nevada, Reno police sergeant with a hatchet was arrested Wednesday night in Salt Lake City after a two-hour standoff with police.

Shortly before 9 p.m., Salt Lake City law officers arrested Siasoi



Sullivan

■ To report any information about Siasoi Vanisi, call Reno police at 334-2115 or Secret Witness at 322-4900.

INSIDE

■ Obituary of Sgt. George Sullivan.

Page 7D

■ Scholarship fund created in memory of Sullivan.

Page 3A

Vanisi, 27. Witnesses said deputies fired tear gas into the home and then knocked out Vanisi with a beanbag gun. There was also an exchange of gunfire with Salt Lake County sheriff's deputies, authorities said.

Siasoi Vanisi, 27, was treated for a minor gunshot wound to the arm and was expected to be booked into the Salt Lake County Jail, sheriff's Sgt. Jim Potter said. He will face extradition by Reno authorities.

Vanisi is the main suspect in the murder of UNR police Sgt. George Sullivan,

43, who was found beside his patrol car at 12:24 a.m. Tuesday near an information kiosk north of Ninth Street on the UNR campus.

Police said he had been bludgeoned to death with a rubber-handled hatchet, later found in Vanisi's apartment on Rock Boulevard in Sparks.

"We are relieved he was caught," said Officer Lane Grow, who worked with Sullivan for four years. Sullivan was Grow's supervisor on the late shift. Grow was off the night of the killing.

"We feel all the police agencies did everything they could. We just hope justice prevails," Grow said. "Nothing is going to bring Sullivan back, but it will be nice for Sullivan's family to know there is still justice."

Sheriff's officers said Vanisi set fire to a garage. Vanisi, who police said was a Tongan alien, had been the subject of a manhunt in the Reno area.

Police said Vanisi had taken Sullivan's .45 caliber automatic pistol and belt and robbed two convenience stores Tuesday night. Reno police spokesman Lt. Phil Galeoto said Reno Justice Court Judge Ed Dannan signed an arrest warrant Wednesday accusing Vanisi of murdering Sullivan.

Salt Lake City authorities said officers, alerted by police teletype, recognized Vanisi, who had been arrested there before, and went to his last Salt Lake City address. Vanisi spotted officers and ran inside an apartment, officials said.

See **SUSPECT** on page 3A

UNR slaying suspect surrenders in Utah

Salt Lake City police end 2-hour standoff with tear gas

UNR SLAYING SUSPECT SURRENDERS

Suspect

From page 1A

Two Reno detectives were sent Wednesday night to Salt Lake City to talk to Vanisi, described as 6-foot-2 and 250 pounds. Galeoto said Vanisi has a relative in the Salt Lake City area, but apparently has not lived there for some time.

Court documents quote three residents of a Rock Boulevard apartment in Sparks as saying Vanisi had been staying there since recently coming from Los Angeles. One claimed Vanisi repeatedly said, "I want to kill a cop." The others said he later admitted killing Sullivan.

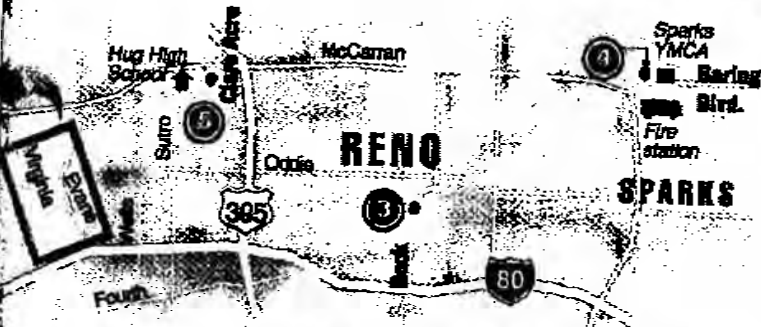
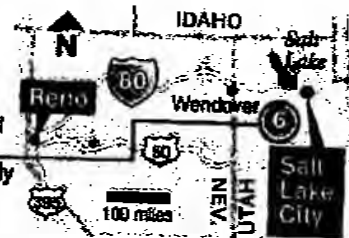
"We have a very dangerous suspect out in the community or trying to leave the community," Reno Police Chief Jerry Hoover said early Wednesday. "We would advise the public not to take any action themselves."

More than 100 officers volunteered to search the UNR campus Tuesday afternoon, walking shoulder-to-shoulder, looking for clues. The massive manhunt continued Wednesday with officers knocking on doors at homes



UNR officer's death unfolds

Salt Lake City police arrest Blacas Vanisi about 9 p.m. Wednesday. Here's what led up to this point since early Tuesday morning when Vanisi allegedly killed UNR police Sgt. George Sullivan.



12:24 a.m.

Police Sgt. George Sullivan makes a traffic stop at Ninth and Center streets; issues warning to a motorist.

12:57 a.m.

Passersby find Sullivan dead on pavement beside his patrol car.

1:15 a.m.

Suspect returns to 1098 N. Rock Blvd. where he is staying with family.

8:22 p.m.

7-Eleven food store at 710 Baring Blvd., Sparks, is robbed by a gunman.

10:35 p.m.

Jacksons Food Store at 2585 Clear Acre Lane is held up by an armed robber.

2 p.m. Wed.

Washoe County DA Dick Gammick obtains a warrant for Vanisi's arrest.

around the university looking for more information and questioning neighbors at Vanisi's apartment.

Officers also staked out several places Vanisi was reportedly seen, including the Mormon Church on Buena Vista Avenue, just a few blocks away from UNR. Someone reported spotting the suspect's vehicle, a white Chevy Blazer, shortly after 1 p.m., but a search of the church turned up nothing. Police then began looking for a burgundy van.

As police searched, they responded to numerous reports of people seeing someone of Vanisi's description. "I have no idea how many," Galeoto said.

In Carson City, sheriff's deputies stopped a man who looked similar to Vanisi but was determined to be a homeless person.

At an afternoon press conference, Washoe County District Attorney Dick Gammick warned residents, "Don't leave your cars outside running. There's evidence

Source: Reno Gazette-Journal research

that he might want to steal a car. Lock your doors."

UNR Police Chief Ken Sjoen said Sullivan was last known to have made a traffic stop at Ninth and Center streets at 12:24 a.m. Tuesday. A backup officer talked to Sullivan briefly, then left, Sjoen said.

Sullivan then apparently issued the motorist a warning and drove his marked patrol car onto university grounds there, Sjoen said.

Sullivan turned around, parked under lights and started doing some paperwork when he was attacked. At 12:57 a.m., passersby found his body on the pavement next to his car.

The affidavit says Sullivan died of massive head injuries consistent with blows from a hatchet or similar weapon.

"We believe a hand ax was purchased a couple days before to kill a cop," Gammick said.

Missing from Sullivan's body were his black leather basket-weave gunbelt, black leather holster, loaded .45-caliber Glock semiautomatic pistol, two loaded .45-caliber Glock pistol magazines, handcuffs, a black metal flashlight, a Motorola handheld police radio and several other accessories.

A Sparks police sergeant recalled seeing Sullivan near the intersection before the attack and also seeing someone of Vanisi's description "lurking in the shadows" behind Sullivan, the affidavit says. Another motopriest reported seeing such a man walking from the campus onto Ninth Street between 12:30 a.m. and 1 a.m. The man carried a black tote



Vanisi



Vanisi

bag, he said.

One of the Rock Boulevard residents told police he suspected Vanisi in the slaying. He said Vanisi, whom he knows also as "Pe," had been carrying a rubber-handled, silver-hatchet in

metal the days before the murder, the affidavit says.

He said that late Monday night, Vanisi was in the apartment wearing a dark wig with a black bandana as a headband, a red-colored leather-looking jacket and baggy, black denim pants. The witness and several other people reported hearing Vanisi repeatedly state, "I want to kill a cop," the affidavit says.

Two of the residents said that when Vanisi arrived at the apart-

Mark Bertling/Reno Gazette-Journal

ment at about 1:15 a.m. Tuesday, he had a silver metal hatchet. She said he also was short of breath, nervous and agitated and did not have his wig.

He was carrying a plastic bag. He asked for keys to a car, then walked out. He returned without the bag, the affidavit says.

Later in the day while watching a television report about the slaying, the residents asked Vanisi whether he was involved. They said he admitted he killed Sullivan.

Another Tongan known to the residents as "Teki" had left the apartment Sunday night with Vanisi, both saying they were going to kill a cop. The other man has not been charged.

In a search of the apartment, police seized a pair of cream-colored gloves, a red-colored jacket and a rubber-handled silver metal hatchet. All the items appeared to be blood-stained, police said.

The affidavit also implicates

Vanisi in armed robberies Tuesday night at a 7-Eleven Food Store, 710 Baring Blvd., Sparks, and about 10 minutes later at Jacksons Food Store, 2595 Clear Acre Lane, Reno.

Police said they identified Vanisi from surveillance video tapes as the gunman who took about \$90 from the 7-Eleven and \$67 from Jacksons. Witnesses at both stores said the gun was a Glock.

Sjoen said his officers are issued 9mm Glock-17 handguns, but may purchase larger calibers on their own.

Immigration and Naturalization Service Agent Rick Eaton said Vanisi entered the United States from Tonga possibly in the 1970s as a resident alien. He moved to the mainland from Hawaii.

Police said they know of no prior criminal record.

Associated Press contributed to this report.

1-17-98
'He was the type of sergeant who cared for his troops and led by example.'

— UNR Police Chief Kenneth Sjoen

Thousands mourn slain UNR officer



Photos by Marilyn Newton/Reno Gazette-Journal

HONORING THE FALLEN: Above, UNR Police Chief Ken Sjoen leans down to kiss Carolyn Sullivan, widow of slain UNR police Sgt.

George Sullivan, during a memorial service Friday at Lawlor Events Center. Below, Sgt. Sullivan's hat sits atop flowers at Friday's service.

Sullivan recalled as a dedicated family man

By Jennifer Crowe
RENO GAZETTE-JOURNAL

Gray skies and blustery winds matched the mood of the thousands who turned out Friday afternoon to say goodbye to slain University of Nevada, Reno police Sgt. George D. Sullivan.

More than 3,000 people, including police officers from across northern Nevada and California, filled Lawlor Events Center for the memorial service. Sullivan, 43, was killed early Tuesday near an information kiosk on the south end of the UNR campus.

In the opening prayer, Pastor

MORE ON PAGE 4A



Sullivan

■ **Suspect waives extradition:** Stacey Vanisi signs papers that will send him back to Nevada to face prosecution.

John Akers of Sparks Christian Fellowship asked for guidance to help Sullivan's widow, Carolyn, and five children, Meghan, Matthew, Brian, Scott and Kyle. Brian and

Matthew were among the casket bearers Friday.

"This is really beyond our ability to endure because it is so hard," he said. "Give us the ability to endure, holding onto you and each other."

Akers was one of eight speakers during the two-hour public service. Those who knew Sullivan remembered him as a loving husband, devoted father and dedicated police officer.

"He was the type of sergeant who cared for his troops and led by example," said UNR Chief Kenneth Sjoen, who had to pause during his

See **MEMORIAL** on page 4A





Every night in my prayers,
I know you'll always be there.
You said to me once
that life wasn't always fair.
I never understood until now,
now that I dare.
It's a feeling of loneliness,
like the loss of my heart.
My Daddy is gone now,
and we must part.

— Excerpts from a poem by Sullivan's children
read at Friday's funeral service



A MOMENT OF REFLECTION: A fellow officer from the University of Nevada, Reno grieves for his slain colleague during Friday's services.

THEIR LONG WALK: The family and friends of Sgt. George Sullivan carry his body from the Lawlor Events Center following services on the university campus.

"George would have been pleased to see the outpouring of love to his family. You could say I was the serious one and Dad was the joker, placing plastic spiders in their beds and playing hide and seek."

"I never worried for his safety because he was so good at what he did. I want to thank the officers who caught George's killer."

— Carolyn Sullivan,
Sgt. George Sullivan's widow,
whose remarks were read by
Pastor John Akers

Memorial

From page 1A
remarks to wipe tears. "He was always ready to protect and to serve."

With 19 years service, Sullivan was the senior officer at UNR. Officer Steve Sauter had worked with Sullivan for 17 years and recalled hours spent eating breakfast together talking about their families.

"George believed if you raised good, decent children they'll be good decent human beings," Sauter said. "And he knew that's what it would take to make this

world a better place.

"That's what he wanted to do, make this world a better place."

Sullivan's dedication to his family was a common theme among the speakers. Washoe County Sheriff Richard Kirkland called Sullivan's marriage to his wife, Carolyn, a true partnership.

He told of when Carolyn would take the kids skiing for the day and Sullivan would stay home and clean the house. When his wife and children would return, Sullivan made sure dinner was waiting for them, Kirkland said.

Kirkland also responded to criticism of the intensive manhunt police mounted for Sullivan's

killer. He called those people "whiners" and said comparing the death of a citizen to that of an officer is like comparing "Manzanita Lake to Lake Tahoe."

If a criminal is bold enough to purposefully stalk a police officer, an armed person, that criminal could be randomly walking the streets killing innocent and unarmed citizens, he said.

Sen. Richard Bryan, D-Nev., also attended the service, praising Sullivan and the work police do to protect the community.

"You are the sentinels on duty each and every evening," he said. "You are too seldom thanked and often criticized."

The service ended with the U.S. flag from the casket being presented to the widow and a 21-gun salute. The crowd gathered outside on the steps of Lawlor Events Center to watch the procession, which included two bagpipers and the casket, surrounded by Sullivan's family and close friends.

Overhead, two Washoe County Sheriff's Office helicopters flew by in honor of Sullivan.

At nearly the same moment the casket was rolled outside, the gray skies parted and a burst of sunshine shone through the clouds.

"Look at that," one woman said, thinking of Sullivan. "It's as if God himself is smiling down on him."

VOICES

"While I was putting together my remarks, I tried to think of what George would say if he was somehow able to speak. To Carolyn and his



children he would say, 'I know you're wondering, why me? During the briefest moments of the attack, I wondered 'why me?' as well. But then God tapped me on the shoulder and said, 'Come with me.' And I didn't feel any pain.'"

— Jim Haggarty, Sullivan family friend



"George was not a vengeful person. Carolyn has told me she is not a vengeful person. They merely want justice, and I know the district attorney, Dick

Gammick, will see justice is done."

— Washoe County Sheriff Richard Kirkland

"All of you who wear the badge are God's gift to me. I benefit from the peace that peace officers bring. Because of the George Sullivans of the world, my family sleeps safely."

— Pastor John Akers, Sparks Christian Fellowship



"Our presence here sends a strong message to our communities: We will at all costs, protect you. Like George Sullivan, we will place

ourselves in harm's way to keep you safe. This also sends a strong message to criminals: You have no safe haven. Be warned, we will not tolerate your violence. We will be forever vigilant and we will pursue you in overwhelming numbers. You will be brought to justice."

— Douglas County Sheriff Ron Piertri

"George was always with his kids. It wasn't unusual to hear the dialtone midway through a conversation because one of the kids dropped a glass of milk or wanted a sandwich. He loved everything he did with his children."



— Officer Steve Sauter of the University of Nevada, Reno

Back to face charges

1-27-98



Tribune/Debra Reid
Escorted by law enforcement officers, murder and robbery suspect Siaso Vanisi was returned to Reno from Salt Lake City Saturday morning. Vanisi is accused of killing University of Nevada police Sgt. George Sullivan. Vanisi was captured in Utah after a stand-off with the Salt Lake City Sheriff's Department. Vanisi seemed calm and chatted briefly with the media before he was booked into the Washoe County Jail. Richard Gammick, Washoe County's district attorney, said he would seek the death penalty against Vanisi for Sullivan's murder.

WCPD09819

■ 'He was teasing the officers,
almost daring them to shoot him.'

—Sgt. Jim Potter, Salt Lake County

■ 'We will now start extradition
proceedings to bring him back.'

—Dick Gammick, Washoe County District Attorney

1-16-98

Next step: Extradition

Gammick considers seeking death penalty for suspect in UNR police officer slaying

By Phil Barber
RENO GAZETTE-JOURNAL

The man accused of killing a University of Nevada, Reno police sergeant is expected to be returned from Salt Lake City in seven days to six weeks.

Siaosi Vanisi, 27, who recently had been living in Sparks, was apprehended Wednesday night in Salt Lake City. Alerted by a Reno police teletype that he might flee there, deputies forced him from an apartment with tear gas and felled him with a gun-fired bean bag.

He's charged with killing Sgt. George Sullivan and robbing two convenience stores early Wednesday.



Vanisi



Associated Press

APARTMENT SEARCH: Investigators will search the townhouse apartment, above, where Siaosi Vanisi, a suspect in the hatchet slaying of a University of Nevada, Reno police officer, was apprehended Wednesday in Salt Lake City. The spotlight from an officer's flashlight, photo below, shines at the windows of the apartment where Vanisi was arrested after a two-hour standoff.

Sullivan is believed to have been attacked without provocation and repeatedly struck on the head with a hatchet police later found in a Rock Boulevard apartment where Vanisi had been staying with friends.

Vanisi's friends heard him say in the days before the slaying, "I want to kill a cop."

So overcome with emotion that he could hardly talk Thursday, Washoe County District Attorney Dick Gammick, a former Reno police officer, said he will consider seeking the death penalty for Vanisi.

To do that in Nevada, murder must be first-degree (premeditated and deliberated) and must include what Gammick called certain "aggravators." He said one is the victim was a police officer.

Since his arrest, Vanisi has refused to talk to police, Gammick said.

"We will now start extradition proceedings to bring him back," he said. Gammick must ask Gov. Bob Miller to ask the governor of Utah to return Vanisi to Nevada.

If Vanisi waives extradition proceedings, he could be returned to Reno in a week. If he fights extradition, he must request a hearing in which a judge determines whether there is a criminal charge and whether he is the person charged.

That could take four to six weeks, Gammick said.

He added Vanisi will receive no credit for jail time spent waiting for extradition.

Uncooperative Vanisi jailed under suicide watch

By Jennifer Crowe
RENO GAZETTE-JOURNAL

SALT LAKE CITY — The man Reno police say killed a university police sergeant will have his first court appearance this morning in Salt Lake City.

Siaosi Vanisi, 27, will be arraigned today by video conferencing before Judge Dennis Fuchs. Salt Lake County jail officials said the public defender will represent Vanisi. He remains in the mental health unit of the jail under a suicide watch.

Vanisi is not eligible for bail because of a probable cause warrant signed Wednesday by Reno Judge Edward Danner accusing him of bludgeoning to death Sgt. George



D. Sullivan, a 19-year University of Nevada, Reno police officer, with a rubber-handled hatchet early Tuesday morning on the UNR campus.

Salt Lake County sheriff's Sgt. Jim Potter said Vanisi had been uncooperative since his arrest at 9:45 p.m. Wednesday.

"As far as I know, he hasn't said anything about the murder," Potter said. "The only thing I've heard is his statement to TV denying that he killed anyone."

Vanisi was arrested after a 3½-hour standoff with Salt Lake City police and sheriff's deputies. Potter said Vanisi's cousin, whom he did not identify, called police when the fugitive showed up at his condominium Wednesday afternoon.

"Two of our homicide people had gone out when they saw the teletype warrant and left their cards with family members and

friends we knew he had here," Potter said. "We knew he had a lot of Islander friends here and we made contact with them."

The cousin, who identified himself only as Lino, said it was hard for him to turn Vanisi in, but he "had to do the right thing."

"I want to see justice served," he said Thursday.

Potter said Vanisi's name rang a bell with Sgt. Jerry Townsend and Det. Bob Bobrowski in Salt Lake. A background check revealed multiple ties to the Salt Lake area, and a 1988 arrest for a speeding ticket and failure to have a valid California driver's license.

"Nothing in his record shows

See **VANISI** on page 10A

Vanisi

From page 1A

violent crime, but we haven't been able to access his juvenile records yet, to see if there is anything there," Potter said.

Less than an hour after the two officers visited the Rose Park neighborhood, Lino called to say Vanisi was at a recreation center about two blocks from his home. When officers arrived, he was gone, but he answered the door when police went to unit 116 of the Riverview Apartments.

"When he saw the officers, he fled back inside brandishing a gun," Potter said. "The officers retreated and waited for backup."

Two Special Weapons and Tactics teams, extra officers and fire and medical personnel descended on the neighborhood, which Potter said is known to have problems with gang-related violence. He said when Vanisi lived in Salt Lake City in the late 1980s he was affiliated with a Tongan-Crip gang.

"It looked like something out of a movie," said Riverview resident Anita Jackson. "It's not uncommon to hear gunshots and stuff here at night, but I've never seen that many cops here at one time. They had all of the streets closed off."

Officers evacuated about 40 people from Riverview and blocked traffic on surrounding streets for about four hours. Potter said officers tried to negotiate with Vanisi for about two hours before they decided to raid the house.

"He was not going to resolve it peacefully. We got his cousin on the phone with him, but he kept hanging up on us," Potter said. "He tried to tell us that he had three children hostage, but we had already confirmed that he was in there alone."

At one point, Vanisi went into the adjacent garage and started a fire, prompting police to throw tear gas canisters in the upstairs windows to keep him from possibly burning down the unit, Potter said. Vanisi barricaded himself in a laundry room and stuck his arm out in the entrance hallway, pointing a .45 caliber Glock pistol at SWAT officers.

One SWAT officer shot him twice in the arm. After that, Vanisi would show himself, but never the gun, Potter said.

"He was teasing the officers, almost daring them to shoot him," Potter said. "He knew as long as he didn't show a gun, they wouldn't shoot at him."

Instead police shot him in the groin with a .37 mm beanbag projectile gun. He was taken into custody and treated at an area hospital for the superficial gunshot wounds, Potter said.

Potter said it's unlikely Vanisi will face charges in Salt Lake City for the incident, because the severity of the Reno case takes precedence. Sgt. Craig Meyers, the man who shot Vanisi, is on paid administrative leave pending an investigation.

Potter said the Utah part of the case is closed.

"We did our job," he said. "We got the suspect."

Vanisi had left his Rock Boulevard residence in Sparks at 8 p.m. Tuesday. Reno police say he robbed two convenience stores later Tuesday night. It's nearly 600 miles from Reno to Salt Lake City, a 10-hour drive.

Riverview resident Jennifer Hardy said she'd never seen a raid in the neighborhood before. Police evacuated her and her children through their back door, because the front door faced the unit Vanisi was in.

"The problem was you can't lock that door from the outside," she said. "Someone broke in and stole the Playstation (video game) my kids got for Christmas and my VCR is damaged."

Estacio Garcia, another Riverview resident, said he didn't know the people in unit 116 very well but they seemed like nice, quiet people.

"When I heard what was going on, I couldn't believe it," he said.

1-25-90

'I didn't kill a cop,' suspect proclaims



■ Vanisi returns to Reno: He'll be arraigned Monday.

By Jennifer Crowe
RENO GAZETTE-JOURNAL

Proclaiming his innocence, the man accused of the brutal slaying of a University of Nevada, Reno police officer returned to Reno Saturday morning.

Slaosi Vanisi, 27, was flown by private plane from Salt Lake City and booked into the Washoe County Jail shortly before 11 a.m. on a charge of murder and three counts of robbery with a deadly weapon. He earlier waived extradition.

"No, I didn't do it," he said to reporters outside the jail. "No, I didn't kill a cop."

Incarcerated without bail in a special watch cell for security reasons, Vanisi will be arraigned by video camera from the jail at 9:30 a.m. Monday. District Attorney Dick Gammick has not said if he will seek the death penalty.

Police charge Vanisi is responsible for the Jan. 13 murder of Sgt. George D. Sullivan, 43, found bludgeoned to death near the information kiosk at the south end of the campus. He was arrested the next day in Salt Lake City after a 3½-hour standoff with Utah police.

Vanisi arrived at the Reno jail shackled and dressed in prison garb. Before he was escorted inside, Vanisi briefly answered reporters' questions while sitting in the back seat of the transport vehicle.

Why do so many people think you killed him?

"Well, do you think I killed him?" Vanisi asked.



Photos by Jean Dixon/Reno Gazette-Journal

DENIES KILLING: Above, Slaosi Vanisi, suspect in the Jan. 13 hatchet slaying of UNR Sgt. George Sullivan, briefly talks to reporters from the back of a police vehicle before being shuttled into Washoe County Jail, top.

Why are you in custody?
"Probable cause. I've been charged, so this is what people do when they're charged. They're in

custody."
What do you say to the family of

See **VANISI** on page 5C

1-25-98

Vanisi

From page 1C
the victim?

"Nothing comes to mind right now."

Subsequent requests for an interview with Vanisi were rejected Saturday afternoon by sheriff's officials. Earlier, he had agreed to talk to a TV station; but as the interview was about to start, he demanded a Coke and a shower first.

"He started playing games, but we don't play those games," Sgt. Bob Towery said. "We basically told him, 'If you want to talk, talk now.' We don't negotiate with prisoners."



Sullivan

Sullivan, a 19-year department veteran, had a wife and five children. His widow, Carolyn, declined comment Saturday afternoon, but a friend who answered the phone said the family just wants

to see justice served.

At her husband's funeral Jan. 16, Carolyn Sullivan issued a statement, thanking northern Nevada and Salt Lake City officers for their efforts that led to Vanisi's capture.

Police had searched his Reno apartment and recovered a pair of gloves, jacket and hatchet that all appeared to have been stained by blood. Several tips to the Secret Witness program led police to him.

Vanisi recently moved to the Reno area from Los Angeles.

"I want to kill a cop," he told several people in the days preceding the murder, court records state.

Police charge that just after 10 p.m. Jan. 13, Vanisi stole a black and gold 1993 Toyota Camry that was left running unattended at the 1900 block of Helena Ave.

Within 20 minutes, a man identified by surveillance cameras as Vanisi held up Jacksons Food Store at Clear Acre Lane and McCarran Boulevard and the 7-Eleven store at 710 Baring Blvd. in Sparks, police charge.

The suspect in the robberies used a Glock pistol, similar to the one taken from Sullivan's body. The firearm recovered when Vanisi was arrested in Salt Lake City matched the description of Sullivan's gun, Reno officers said.

Suspect in death of officer returns, claims innocence

Proclaiming his innocence,



Vanisi

the man accused of the brutal slaying of a University of Nevada, Reno police officer returned from Utah to Reno Saturday. Siasol Vanisi, 27, was incar-

cerated without bail in the Washoe County Jail. 1C

■ SHAME ON THE Reno 1-26-98

Police Department for putting out a press release on the return of Siasol Vanisi to this county and then allowing the press to interview him. The extradition should have been done quietly and without any fanfare. Surely, they have not forgotten the fellow and family already. Sparks

Vanisi to be held without

BY JIMMY BOEGLE

Tribune Staff

The man accused of killing University of Nevada, Reno police Sgt. George Sullivan made his first appearance in court today, just two days after he returned to the area following his arrest in Salt Lake City.

Siaosi Vanisi, 27, was arraigned by video camera from the Washoe County

Jail this morning, appearing to Reno Justice Court Judge Ed Dannan. At the arraignment, Vanisi's preliminary hearing was set for Feb. 20.

Vanisi, accompanied by Washoe County Public Defender Michael Specchio, spoke only once during the hearing. He answered, "that's correct, your honor" when Judge Dannan said his name and asked if the pronuncia-



Tribune/John Byrne
Siaosi Vanisi as he appeared this morning at the Washoe County Jail during his video arraignment. Vanisi is currently assigned to a special watch cell where he is monitored 24 hours a day by video camera.

bail while he awaits preliminary hearing

tion was correct.

Handcuffed and wearing a red jumpsuit, red sneakers and a black shock belt, Vanisi seemed calm and stared ahead at the television almost the entire time, stretching his neck occasionally. At one point, while deputies worked to correct a technical glitch in the video equipment, he turned and stared at the photographers and reporters stationed along one wall.

Throughout the proceeding, Vanisi was surrounded by four sheriff's deputies and one police dog, due to the high security risk.

He was ordered to be held without bail.

Vanisi is also charged with three accounts of robbery with a deadly weapon. At the arraignment, Deputy District Attorney Dave Stanton said Vanisi would additionally be charged with the possession of a stolen motor vehicle.

After waiving extradition, Vanisi returned to Washoe County Saturday morning, when he was flown in from Utah. Outside the jail, Vanisi was rather talkative, declaring that he did not kill Sullivan.

He also agreed to give an interview with a local television station on Saturday, but it was canceled after he demanded a shower and a Coke just before it was about to start. This morning, Specchio turned down several interview requests with Vanisi.

Vanisi was arrested in Salt Lake City on Jan. 14 following a standoff with police there. The nearly four-hour standoff ended after he was shot by a bean-bag gun and was tear gassed.

Authorities allege that Vanisi killed Sullivan with a hatchet late Jan. 12 or early Jan. 13 on the UNR campus near the Center Street entrance. He had reportedly told friends before the killing, "I want to kill a cop."

Vanisi is charged with the murder

and armed robbery of Sullivan. Authorities also charged him with the armed robbery of the 7-Eleven Store on Baring in Sparks and the armed robbery of the Jackson Food Mart on Clearacre Lane in Reno on Jan. 13, after he allegedly stole an unattended car.

Police also found the clothing that Vanisi allegedly wore the night of the attack stained with blood, as well as the hatchet that police claim was used to murder Sullivan.

The pistol used in the two convenience store robberies matched a description of the gun taken from Sullivan, and police say the gun Vanisi was arrested with also matched Sullivan's firearm.

Sullivan, 43, a 19-year veteran of the UNR police force, left a wife and five children.

Washoe County District Attorney Richard Gammick has not yet said whether he will seek the death penalty.

■ Evidence is recovered from a ditch on the UNR campus

■ Suspect arraigned; next court date is scheduled for Feb. 20



HUNT GOES ON: Fernando Moriera, left, of Washoe County Hasty Team and Michael Baun, right of Washoe County Search and Rescue search the canal on the south end of the UNR campus for clues Monday morning into the murder of Sgt. George Sullivan.

Tim Dwyer
Reno Gazette-Journal

Suspect in UNR cop slaying ¹⁻²⁷⁻⁹⁸ makes first court appearance

■ No decision on death penalty: Siasos Vanisi held without bail.

By Phil Barber
RENO GAZETTE-JOURNAL

As a police dog stood vigil, the man accused of killing a university police officer two weeks ago made his first local court appearance.

Siasos Vanisi remained in county jail while facing Reno Justice of the Peace Ed Dannan via television. Dannan ordered the 27-year-old man to appear in court Feb. 20 to hear evidence related to the Jan. 13 hatchet murder of University of Nevada, Reno Police Sgt. George Sullivan.

Authorities said Monday that police had recovered evidence connected to the case from a campus ditch, including a wig. Sketches of a suspect distributed within hours of the killing showed a man with long dark hair and a beard.

Police seized a hatchet, gloves and jacket that appeared to have been stained by blood from Vanisi's apartment in Sparks, court documents said. Police recovered Sullivan's gun at a Salt Lake City apartment when they arrested Vanisi Jan. 14.

Court documents also indicate Vanisi told Reno friends that he wanted to kill a cop and admitted killing Sullivan. But after being flown Saturday from Salt Lake City, Vanisi told reporters did not kill Sullivan.

District Attorney Dick Gammick said a decision on seeking the death penalty would not be made until after the preliminary hearing.

Sullivan, 43, a 19-year veteran of the force, was ambushed as he sat in his patrol car doing paperwork on the UNR campus.

At the arraignment, Chief Deputy DA Dave Stanton said he planned to add a charge of possession of a stolen vehicle, apparently one stolen from Reno and recovered in Salt Lake City. Vanisi is charged with first-degree murder



Martyn Newton/Reno Gazette-Journal

ARRAIGNMENT: Amid tight security that included a police dog, Siasos Vanisi awaits his initial court appearance Monday before Reno Justice of the Peace Ed Dannan. His arraignment was held separately from other inmates.

and two counts of armed robbery of convenience stores the day of the slaying. He is held without bail.

Also at the arraignment was Reno lawyer Cal Dunlap, who said he represents the Sullivan family.

UNR police Officer Steve Sauter,

a family friend, said Sullivan's widow, Carolyn, knew Vanisi would be apprehended.

"She has all the confidence in the world in the police department," Sauter said. "She just wants justice."

From page 1C

certain, that will say. 'No, I have already made up my mind and that's how I feel,' but the majority of the people we will deal with will be able to sincerely set aside any prejudgments and decide this case based on its merits," Gammick said. "The media has covered this case a lot, but we are a lot more open society with respect to media coverage than we were just a few years ago."

If the judge hearing Vanisi's case doesn't think the jury will be fair, the judge can grant a change of venue, meaning the trial can be moved to somewhere else in Nevada.

Reno lawyer Richard Cornell is an expert on appellate issues and is handling the appeal for arial sex-slave killer Gerald Gallego.

Gallego went to trial in Lovelock on double-murder charges after a highly publicized trial in California. Gallego's lawyer couldn't get a change of venue from Lovelock. State and federal appellate courts agreed with that decision.

If Gallego couldn't get a change of venue in Lovelock, Cornell said, it's tough to justify a change of venue in a city the size of Reno.

To get a change of venue in Nevada, Cornell said, the case would need a trial in a small town, a popular local victim and one-sided publicity emphasizing evidence of guilt while ignoring information that supports innocence.

"You have to have all three, and if you don't the (appellate) courts are just not going to overturn it," Cornell said. "It's a pretty rare case where you'd have all three."

Cornell believes Washoe County juries tend to be more even handed.

"I would certainly rather try a death penalty case in Reno than in Vegas," Cornell said. "I think the tenor in Vegas is that they are more inclined to give the death penalty in any given case."

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RENO GAZETTE-JOURNAL

COVERING RENO/SPARKS, CARSON/DOUGLAS AND NORTHERN NEVADA

LOTTERY 2C
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OBITUARIES 11C
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PHONE: 788-6302, FAX: 788-6458

LOCAL/REGION

Defender: Cop killer suspect already hanged

Slaying of UNR sergeant Siasosi Vanisi's attorney isn't sure his client can get a fair trial, but getting change of venue is unlikely.

By Steve Thistle
RENO GAZETTE-JOURNAL

Public Defender Mike Specchio already senses a strong community

reaction against his client, the man accused of the harlot slaying of a University of Nevada, Reno police sergeant. "People who know I am represent-



ing him are talking about lunch time already," Specchio said. "This community is in an outrage." Siasosi Vanisi, 27, has a hearing scheduled Friday in Reno Justice Court to determine if there is enough evidence for the murder case against him to proceed. Vanisi is accused of killing George Sullivan on Jan. 13. Can Vanisi get a fair trial in Reno? Specchio hopes so. District Attorney Richard Gammick is sure of it. However, a defense lawyer who specializes in appealing death penalty cases says it's difficult to get a change of venue in Reno. "It will be hard to get a jury, but we'll try," Specchio said. News media have reported Vanisi made admissions to people he knew were going to kill a cop and about wanting to kill a cop, that he sometimes

carried a handgun and that he was arrested in Utah carrying a handgun similar to the one taken from Sullivan. When Vanisi arrived in Reno after being brought back from Utah, the news media also reported Vanisi's statement he had nothing to do with Sullivan's death. "I don't think it has any effect," Specchio said. "People have made up their mind. They've got him convicted already. You're dealing with a minority defendant in a high-profile case."

"There's a certain segment of the community that is biased against minorities, whether they be Hispanic, or black, or Tongan or Oriental. I'm not saying it's the entire community." Gammick said people can't just clear their minds of what they've learned through the media, but they can still be fair jurors. "We will have some people. I'm

See TRIAL on page 8C

2-15-98 Defender: Cop killer si

■ Slaying of UNR sergeant: Siaosi Vanisi's attorney isn't sure his client can get a fair trial, but getting change of venue is unlikely.

By Steve Timko
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See **TRIAL** on page 5C

Trial

From page 1C

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Cousin recounts mome

BY LORNA MCDANIEL

Tribune Staff

The cousin of accused ar murderer Siasoi Vanisi testified today in Reno Justice Court that Vanisi admitted to the killing of a University of Nevada, Reno police officer and said the killing was part of Vanisi's plan to become a Tongan Robin Hood.

Vainga K., 23, said "He wanted to help out our people (the Tongans) by getting our people together and robbing and giving it back to our people," adding that he wanted to rob white people.

Vanisi, 27, is the suspect of

the Jan. 12 killing of UNR Police Officer George Sullivan. Vanisi was apprehended Jan. 14 at the Salt Lake City residence of Vainga K. and his brother David K. The brothers asked not be identified in court by last name for security reasons.

Testimony was heard today by Judge Edward Darnan in the preliminary trial of the Vanisi case to review the charges set by the state of Nevada.

District Attorney Richard Gammick added grand larceny today to the charges against Vanisi of first-degree murder, two counts of robbery with a

firearm and one count of robbery with the use of a deadly weapon — all felonies.

Vainga said Vanisi disclosed that he felt the Tongan people were oppressed by white people and wanted to get a Tongan gang together to kill people.

Vanisi expressed his displeasure with white people by pointing a gun at pictures of Jesus Christ and the Church of Jesus Christ of Latter-day Saints, elders hanging on the wall of the Ks' apartment saying "f— those white people, kill those white people," Vainga said.

Vainga, with a black ponytail

nts before Vanisi's arrest

and tattoos circling his arm, testified earlier he had several felony charges resulting from Tongan gang activity including attempted murder and assault with a deadly weapon. However, after spending about three years in prison for those convictions, Vainga was sent to live with his brother David to get his life together.

Vainga testified that he told his cousin he was 100 percent insane after Vanisi told him, "One I kill I have to kill some more."

Vanisi told Vainga he killed a police officer in Reno, but Vainga said he did not believe it at first until he saw the hollow-point bullets in a

gun Vanisi carried.

"To my knowledge only police carry hollow-point bullets," Vainga said.

David gave an emotional testimony earlier trying to choke back tears saying that when he came home that day, he was surprised to see his cousin sitting in the living room of his apartment.

He said Vainga told him that their cousin may be in some kind of trouble but did not say for what.

David, wearing a navy sports coat and red tie, recalled how he was contacted later in the day by Salt Lake City Police that his cousin was a murder suspect in Reno.

He said police arranged a

plan to get himself and his son out of the apartment leaving Vanisi alone for the SWAT operation of apprehending the suspect.

David said he sent his 14-year-old foster son out of the house but lingered beyond the time of police plan to spend some time with his cousin who he had spent much time with in the past.

He looked at Vanisi sitting in the front of the courtroom handcuffed and shackled as he recalled the last 50 minutes he spent with his cousin.

Knowing the police were waiting outside, David said he retrieved the family photo

See Testimony page 8A

Testimony

from Page 1A

albums and "went through them picture by picture," at Vanisi's request.

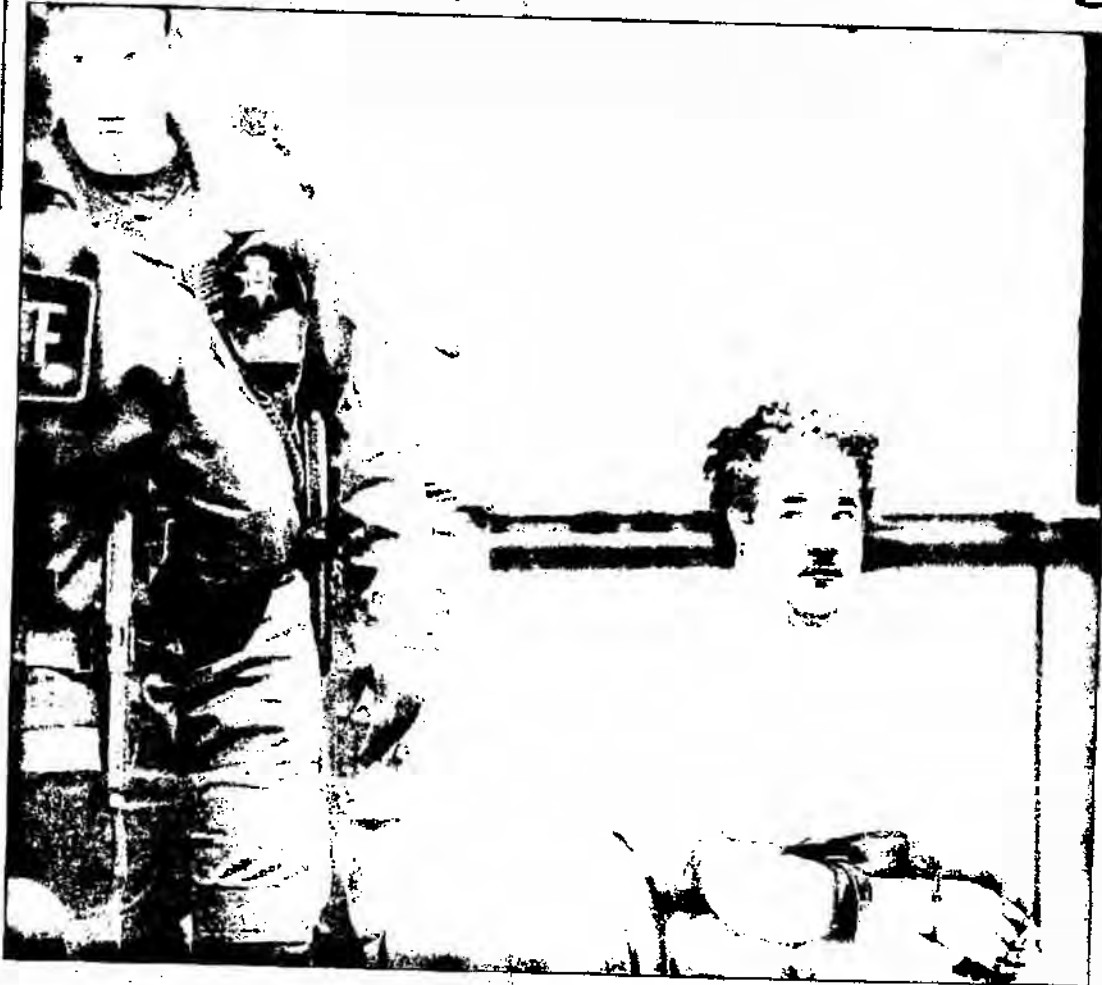
After David finally left the house, the Ks' home and many of their things were destroyed by

the SWAT operation to extract Vanisi, David testified.

Sullivan, 43, a 19-year veteran of the UNR police force, is survived by a wife and five children.

2-21-98
'Once I kill, I've got to kill again to keep my high.'
— *Consis* quoting suspect during testimony in slaying of UNR police Sgt. George Sullivan

Grudge alleged in officer's killing



Marilyn Newton/Reno Gazette-Journal

HEAVY SECURITY: Slaus Vane glances toward officers who brought him to a hearing Friday in the killing Jan. 13 of UNR police Sgt. George Sullivan. **Slain officer's colleagues try to cope, 3A**

2.21.98

Slain officer's colleagues try to cope

By Jennifer Crowe
RENO GAZETTE-JOURNAL

Police on the University of Nevada, Reno force are still trying to cope with last month's death of fellow officer Sgt. George D. Sullivan.

Sgt. Mark Covington says the department is continuing to work as normally as possible after the Jan. 13 slaying of Sullivan, a 19-year police veteran. But many officers are finding it tough to deal with their friend's brutal death.

"A lot of officers still have a great deal of anger over what happened, but when you're on the

job you don't think about it. We behave in the fashion we're trained to," he said. "There's not a day goes by that we don't think about George."

Several UNR officers attended Friday's preliminary hearing for Saioi Vanisi, 27, the man accused of using a hatchet to kill Sullivan.

Covington said the entire police department wanted to attend Friday's criminal proceedings, but was unable to because of a shortage in the staff.

"Not everyone could come that wanted to. I'm sure every officer wanted to be there," he said.

Covington said Reno detec-

tives and the Washoe County district attorney's office have been good about keeping Sullivan's family and UNR officers apprised of developments in the case.

"We're really very grateful to all of the agencies," he said. "There's never been a time when officers have a question about the case and it is not addressed quickly and tactfully."

"All of us in law enforcement know we have to expect that things won't happen as quickly as we'd like. It's important to us to see that justice is served, and it's been my sense that is happening here."

Witnesses: Suspect saw oppression of Tongans

By Steve Timko
RENO GAZETTE-JOURNAL

Siaosi Vanisi fancied himself a Robin Hood who singled out a white police officer for death in retaliation for what he felt was white oppression of Tongans, witnesses testified Friday.

Vanisi, 27, will be arraigned in Washoe District Court later this month or early in March on charges he murdered University of Nevada, Reno police Sgt. George Sullivan on Jan. 13 near the main campus entrance and also committed robbery and grand theft.

"It looks like we've got an uphill fight, but we're not giving up the ship," said Public Defender Mike Specchio, one of two lawyers representing Vanisi.

"They put on a pretty persuasive

group of witnesses today."

Asked if there will be any plea negotiations, Specchio said:

"No, I doubt there will be any kind of offer. I imagine they will be seeking the death penalty, and I can't see that we'll plead to that."

District Attorney Richard Gammick has made no decision on the death penalty, but it appears likely his office will seek it for Vanisi. Gammick said his staff and investigators will meet next week to discuss that.

"I tend to agree with Mr. Specchio's expectations," Gam-

nick said.

Justice of the Peace Ed Dannan heard almost five hours of testimony Friday at Vanisi's preliminary hearing. Witnesses said Vanisi spoke of plans to kill a police officer before Sullivan was bludgeoned to death with a hatchet near an information kiosk at the university entrance, and then gave details of the killing after Sullivan's death.

The first two witnesses were Vanisi's cousins from Salt Lake City. Vanisi showed up unexpectedly at their home the day after the slaying. The cousins are brothers and only gave the first initial of their last name in court.

Vainga K. admitted he was the black sheep of his family and has



Sullivan

See HEARING on page 3A

Hearing

From page 1A
convictions for aggravated assault and attempted murder in Texas. He said he hadn't seen Vanisi in at least a decade.

Vainga said Vanisi told him Sullivan was sitting in his car, doing paperwork and drinking coffee, when Vanisi crept up on the car. Vainga testified Vanisi said he knocked on the patrol car window and said, "What's up?" Sullivan replied: "Can I help you?"

Vanisi then made a motion with his arm for Vainga as if he was swinging the hatchet overhanded.

Vanisi said that "He (Sullivan) got in one," Vainga said. "I guess the police officer got a punch off."

Dr. Ellen Clark, a pathologist, testified Sullivan died from blows to the head, likely from a hatchet. Sullivan had 10 blows to his face, seven to the scalp area, two on the upper part of his body and another to the left hand that nearly severed two fingers, Clark said.

Vainga said Vanisi also stomped on Sullivan after knocking him unconscious. Clark said there was evidence Sullivan's head and face were crushed.

"He felt good. It was like a rush," Vainga said Vanisi told him.

"Did he tell you it was fun?" Chief Deputy District Attorney David Stanton asked.

"Yes," Vainga replied.

"I was straight up 100 percent insane," Vainga recalled Vanisi saying. "Once I kill, I've got to kill again to keep my high."

Vanisi was angry with how white people had treated Tongans, Vainga said. While in the Salt Lake City home, he saw pictures of Jesus and elders in the Church of Jesus Christ of Latter-day Saints on the wall. "F--- that white man. Kill that white man," Vanisi said, according to Vainga.

Vanisi also was reportedly upset about some problems with his wife. Vanisi wanted his family to follow him in a crime spree, Vainga said. He saw himself as a Robin Hood for Tongans, taking from the rich to give to the poor.

Vanisi also saw himself being a Lamanite warrior, a reference from the Book of Mormon.

Dr. Timothy Dyches, a local stake president of the LDS church, said in an interview Lamanites were people who were originally bad. Some of them became good and signed a covenant with God never to fight again. But the bad Lamanites came to attack them and the children of the good Lamanites — who had not taken part in the covenant — fought as Lamanite warriors on behalf of their parents.

"This guy in no way epitomizes Lamanite warriors," Dyches said.

Vainga's older brother, David,

wept when he was called to the stand and asked to identify Vanisi. David saw his cousin in the mid-1980s and later ran into him in the Los Angeles area while he was on mission for the LDS church.

David said he met a Salt Lake City sheriff's detective outside his house on Jan. 14. The detective told him to go inside and send out his son at 6 p.m. and to immediately follow. David sent his son out, but balked at leaving.

As a SWAT team gathered outside the Salt Lake City home, David sat next to Vanisi on a couch and reviewed eight family photograph albums.

With Vanisi still not aware that the police were gathering for his arrest, David decided to leave the home. David said that was the last time he had seen Vanisi before Friday's court hearing.

Officers stormed the Salt Lake City house and arrested him after shooting him with a beanbag gun.

Reno police Detective David Jenkins said his department appreciated the candor and courage of Vanisi's relatives who testified.

"We understand their concern that the Tongan people as a whole have had their reputation sullied and in our view, nothing is further from the truth," Jenkins said. "If David K. is representative of their community, I have nothing but respect and admiration for them."

Sateki Taukieuvea of Reno said he met Vanisi in January. Vanisi

discussed wanting to kill a white police officer after he bought a hatchet from Wal-Mart. Vanisi also had a beanie with long hair attached to it, Taukieuvea said.

On the night of Jan. 11, Taukieuvea and Vanisi were riding in Taukieuvea's car on El Rancho Drive in Sparks when Vanisi saw a white police officer in a patrol car. Vanisi told him to follow the officer but Taukieuvea refused, he testified.

Priscilla Lupe Endemann of Reno was one of several other people who heard Vanisi say he wanted to kill a police officer, but she didn't believe him. After Sullivan's slaying, she saw a bag containing a police belt and accessories in a cupboard at a Sparks home where Vanisi had stayed briefly after arriving from Los Angeles.

UNR police officer Carl H. Smith identified Vanisi as a person he saw walking along Ninth Street shortly before Sullivan was killed. Smith remembered Vanisi had what appeared to be longer hair and gazed at him.

Two other women identified Vanisi as the man who robbed them as they worked in two separate businesses.

Security in the courtroom was heavier than usual. Vanisi wore a wide belt around his chest that had shackles for his wrists during the hearing. Each time he entered and left the courtroom, a sheriff's deputy walked behind him with a Belgian malinois dog on a leash.

Thursday Evening, February 26, 1998

D.A. will seek death penalty for alleged cop killer

BY LORNA MCDANIEL

Tribune Staff

District Attorney Richard Gammick didn't waste any time in seeking the death penalty against a man who allegedly killed a University of Nevada, Reno police officer, announcing his intention to seek that punishment today — the same day formal charges for the killing were filed in Washoe District Court.

Gammick said staff felt they knew enough about the Siasosi Vanisi case for the alleged Jan. 13 murder of Sgt. George Sullivan to move forward with the death penalty motion.

A preliminary trial for Vanisi was heard in Reno Justice Court last week.

"There has been a lot of evidence and a lot of investigation," Gammick said, adding that staff is still waiting on some evidence.

He said four mitigating circumstances in this case were found to qualify under Nevada state law for punishment by death, with the killing of a police officer while on duty carrying the most weight in his opinion.

"Who is safe against a person ... who will take on an armed

and trained police officer," said Gammick, a former police officer. "If we don't protect the people who protect us, then we are lost."

The three other aggravating circumstances the district attorney staff found were: murder during a robbery; torture and mutilation; and the killing a person because of race, color or origin.

Vanisi, 27, is alleged to have told acquaintances that he wanted to kill a white police officer.

In addition to first-degree murder, Vanisi is charged with robbery with the use of a deadly weapon.

In separate incidents, Vanisi is charged with robbery with the use of a firearm of a Sparks 7-11, as well as the Jackson Food Mart in Reno.

Vanisi is also charged with grand larceny for the theft of a Toyota Camry.

He will be arraigned at 9 a.m. March 10 in front of Washoe District Judge Connie Steinheimer.

Sullivan, 43, a 19-year veteran of the UNR police force, is survived by a wife and five children.

2/27/98

Death penalty sought in slaying of UNR officer

By Steve Yinks
RENO-GAZETTE-JOURNAL

TODAY'S FOLLOW-UP

PEOPLE AND EVENTS THAT HAVE MADE HEADLINES

As Washoe County District Attorney Richard Gammick announced Thursday his office was seeking the death penalty against the suspect in the killing of a police officer, and dropping the death penalty against a child killer.

Gammick announced his office will seek to have the death penalty imposed on Sibosi Vanisi, 27, suspected in the Jan. 13 hatchet slaying of University of Nevada, Reno police Sgt. George Sullivan. At the same time, the district attorney's office will not seek the death penalty against Alvaro Mejia Ortiz, 30, who pleaded guilty to killing Rene Romero.

Vanisi is scheduled to be arraigned March 10 before Washoe District Court Judge Connie Steinhelmer.

Public Defender Mike Specchio predicted Vanisi would face the death penalty and expects the case will go to trial.

The death penalty cannot be sought in all murder cases but only in cases with special circumstances.

The special circumstances in the Sullivan slaying, Gammick said, are: Vanisi killed an on-duty police officer; Vanisi mutilated Sullivan; Vanisi killed him to rob him of his police equipment, including a gun; and Sullivan's murder was racially motivated.

A witness said Vanisi, a Tongan, believed whites have oppressed Tongans so Vanisi said he went looking for a white police officer to kill. Prosecutors also allege Vanisi took Sullivan's gun belt and used Sullivan's Glock pistol in two robberies. Vanisi had it with him when he was arrested in Salt Lake City on Jan. 14.

"To me, the one that sticks out the most is that an on-duty police officer was murdered," said Gammick, a former Reno police officer. "I know that some people

have criticized me for that. So be it."

"If we kill an armed and trained police officer, then who is safe?" Even taking out the factor that Sullivan is a police officer, Gammick feels the case justifies the death penalty.

But while Gammick was holding a news conference announcing the death penalty in the Sullivan case, one floor up a prosecutor was dropping the death penalty against Ortiz.

Ortiz pleaded guilty to first degree murder, the most serious type in the November 1994 death of the son of his longtime girlfriend.

Ortiz admitted he killed the child and hid the body in eastern Nevada or Utah. Ortiz's girlfriend and their family quickly moved from Reno to Southern California after Rene's death.

Ortiz faces life in prison with or without a chance for parole on the murder charge. He also pleaded guilty to charges of felony child abuse. Judge Steven Elliott is scheduled to sentence him on May 7.

As part of the plea, Ortiz has

agreed to help Reno police look for Rene's body.

Also, Ortiz has agreed to testify truthfully at the April 6 trial of his girlfriend, Ana Isabel Romero, who also faces a murder charge.

Gammick has said his office would not use the death penalty as a tool to force defendants to plead to more serious charges. That did not happen in the Ortiz case, Gammick said.

Chief Deputy District Attorney David Stanton said that Ortiz's lawyers have come forward with information that they had not previously divulged that tends to help Ortiz and incriminate Romero. Stanton said he could not yet discuss the information. The Reno Police Department also supports dropping the death penalty in exchange for the guilty plea, Stanton said.

Because of these new facts and twists in the case, Gammick said, the decision to drop the death penalty against Ortiz does not violate his policy.

"We stand by our policy that we do not use the death penalty as a negotiating tool," Gammick said.

Trial of accused cop killer may be delayed until 1999

BY LORNA McDANIEL

Tribune Staff

The arraignment of a man accused of killing a University of Nevada, Reno police officer was extended to a later date today.

Siaosi Vanisi pleaded not guilty to first-degree murder today, but the arraignment was extended so a trial date could be found that was acceptable to both the prosecution and the defense.

Siaosi Vanisi will appear again before Washoe District Court Judge Connie Steinheimer on March 19 at 9 a.m. to set a trial date.

Deputy Public Defender Walter Fey chose a November trial date, the latest possible date offered by Steinheimer, because he said he would need the time to complete the defense's investigation and prepare motions for pretrial hearings.

But District Attorney Richard Gammick objected to the November date saying he wanted to find a firm trial date, adding that it would be difficult to seat a jury for a trial he expected to run longer than a week during the holidays.

In addition, Gammick said

he wanted to make a firm trial date because of the complications that go with death penalty cases.

Gammick, with Fey agreeing, said he preferred the trial be heard after the holidays in January 1999.

Steinheimer, making sure Vanisi understood he was waiv-

ing his rights to a speedy trial, told the attorneys that the court calendar would have to be reworked for the trial she expected to last 11 days.

Fey said he expects to be ready to begin pretrial hearings by late summer.

In addition to the alleged killing of UNR police officer George Sullivan, Vanisi is

charged with robbery with the use of a deadly weapon for the handgun, ammunition, flashlight and handcuffs he allegedly took from the slain officer.

Sullivan, 43, was killed Jan. 13 with an ax. He was a 19-year veteran of the police force.

In separate incidents, Vanisi is charged with two robberies with the use of a firearm of a Sparks 7-11 and the Jackson Food Mart in Reno.

He is also charged with grand larceny for auto theft.



Vanisi

NEVADA DIGEST

320-98

**Trial set next year
in killing of officer**

A man facing the death penalty for his alleged killing of a university police sergeant is set for trial on Jan. 11.

Siaosi Vanisi, 27, has pleaded innocent to charges of murder and robbery in the Jan. 13 hatchet slaying of University of Nevada, Reno police Sgt. George Sullivan.

Public Defender Mike Specchio reiterated his plans to file about 50 motions in Vanisi's defense — perhaps three or four times the number in a normal murder trial.

Washoe District Court Judge Connie Steinheimer said she has set aside three days in November for the prosecution and defense to hash out motions in advance of January's trial.

Vanisi trial date set 3-20-78

RENO — Siasai Vanisi, the man accused of hacking a University of Nevada, Reno police officer to death, faces a Jan. 11 trial date.

Washoe District Judge Connie Steinheimer set the date during a brief hearing on Thursday.

Vanisi, 27, is charged with first-degree murder for January's hatchet killing of police Sgt. George Sullivan.

Sullivan's body was found near his patrol car on the campus where he worked.

Vanisi also is charged with robbery and grand theft.

Prosecutors say they will seek the death penalty if Vanisi is convicted.

Lawyer question clouds trial in UNR cop killing

By Mike Henderson
RENO GAZETTE-JOURNAL

Washoe District Judge Connie Steinheimer made a difficult legal decision last week when she ruled the accused hatchet murderer of a University of Nevada, Reno police officer cannot represent himself at trial, lawyers close to the case say.

While he's entitled to defend himself if he wants to, Siaosi Vanial's behavior and other factors gave her the right to overrule his request, she

found.

Her decision possibly shortened the trial scheduled Sept. 7 and reduced the potential of a circus atmosphere at the trial.

But the decision contains "significant, reversible constitutional error," said John Petty, chief appellate deputy for the Washoe County public defender's office.

Both the public defender's office and the Washoe County district attorney's office

See TRIAL on 2B



Reno Gazette-Journal file

JANUARY 1999: Murder defendant Siaosi Vanial is consulted by his attorneys Steve Gregory, left, and Michael Specchio in Reno.

back house middle
own housewired from clearing the area behind their home. However, a few have ignored the restriction, killing the

"There's no question it will be an issue on appeal, assuming he's convicted."

Richard Gammick
Washoe County District Attorney

Trial

From page 1B

contended during a hearing on Vanisi's request last week that he has an "unequivocal and fundamental constitutional right" to defend himself.

Charged in the hatchet slaying of Sgt. George Sullivan, Vanisi, 29, said he's wanted to represent himself since January 1998, when the slaying occurred on the UNR campus.

But his request to the court to represent himself did not come until two weeks ago, a relatively short time before the trial. Delay of proceedings is one of the factors Steinheimer considered in refusing his request.

Washoe County District Attorney Richard Gammick said appeals courts have made it clear self-representation is an absolute right with exceptions such as those Steinheimer addressed.

If Vanisi is sentenced to death, his case automatically goes to the Nevada Supreme Court for review on appeal.

"There's no question it will be an issue on appeal, assuming he's convicted," Gammick said. "I think there's an issue here. The judge was very thorough in addressing her concerns. I wouldn't begin to guess what an appellate court would do with this. This one could have gone either way."

Steinheimer also found potential for disruption of the judicial process, another permissible reason for declining to let him represent himself, and cited his disruptive behavior at the county jail and Nevada State Prison, where he was taken because of his behavior at the jail.

"The court has diligently safeguarded the defendant's ability to function and not be presented in a compromising position to the jury, while also safeguarding the safety of all participants in the courtroom," Steinheimer said.

"In response to the court's inquiry if the defendant thought self representation would allow him full movement in the courtroom, the defendant's answer and demeanor was interpreted by the court as yes, and if the court did not grant him that accommodation, the defendant would be able

before the jury earlier this year when his case ended in mistrial, he wore none of those, but under his suit coat was a shocking device capable of laying him prone with a 50,000-volt charge if he became violent.

At one point during last week's hearing Vanisi said:

"I think we should all be silly and just handcuff and belly-chain these two guys," he said, indicating District Attorney Dick Gammick and Chief Deputy David Stanton.

He often asked the judge to repeat her questions and at one point became argumentative, saying "I think you're a little off there, judge."

At another point he seemed to be chiding her for what he said was her use of an incomplete sentence, which Steinheimer also mentioned in her decision.

When asked about dates and technical legal questions, Vanisi seemed to be acting as if his mind were a computer, saying "It'll take me a minute to pull that up," then muttering under his breath as he tried to retrieve an answer.

Steinheimer also addressed the case's complexity, another permissible reason for denying him self-representation.

"Mr. Vanisi could not name the elements of all the crimes against him, nor the penalties attached to those crimes, nor the lesser included offenses, nor the elements of the death penalty requirements, nor the maximum punishment possible for all of these crimes," the judge wrote. "He focused only upon the potential penalty of death without being aware of all the other charges."

"It is evident to the court that the defendant's inability to relate to his entire case and subtle nuances of evidentiary issues presented by the case's complexity would result in a denial of a fair trial, if the court were to allow him to represent himself."

An attempt to try Vanisi earlier this year ended in mistrial after discovery that a single word in a police transcript of an interview with a witness was in error. The word had been crucial to the defense that someone other than Vanisi might have killed Sullivan.

In his remarks to Steinheimer at a hearing last week, Vanisi made it clear that he wanted the same freedom of movement in the courtroom the prosecution has. He has appeared in court under heavy guard and in handcuffs, belly chains and leg shackles to restrict his movement when not in front of a jury.

49ers fall to Falcons

1B

Tahoe vs. Mammoth Mt.

2A

Pope to honor Mexico's Lady

3A

Daily Sparks Tribune

Sunday Morning, January 10, 1999

The Truth Has Been Our Only Friend Since 1910

Volume 90, No. 7 75 Cents

Vanisi trial begins Monday; trial expected to last two weeks

BY JIMMY BOEGLE

Tribune Staff

The trial of the man accused of killing University of Nevada, Reno police Sgt. George Sullivan is scheduled to begin on Monday — just two days shy of the anniversary of Sullivan's murder.

Siaosi Vanisi, 28, faces the death penalty if he is found guilty of killing Sullivan, a married father of five who was a 19-year veteran of the UNR police department. Vanisi is also charged with robbing

two area convenience stores later on Jan. 13, 1998, the day of Sullivan's death.

The trial will occur in Washoe County District Court Department 4, in front of veteran Judge Connie Steinhilber. Attorneys for both the defense and the prosecution say the trial should last about two weeks, which

is about twice as long as a normal murder trial; about 35 people are listed as witnesses.

This last week, the court took the unusual step of having prospective jurors fill out a questionnaire. The completed questionnaires have been provided to both the state and the defense, and will help attorneys choose the 12 jurors and four alternates who will have to decide Vanisi's fate. Jury selection is expected to last most of the day on Monday.

Washoe County District Attorney Richard Gammick will lead the state's case, along with his chief deputy, David Stanton. Public Defender Michael Specchio will defend Vanisi, who has pleaded innocent to the crimes.

When asked what the state's strategy will be, Gammick had a simple, brief answer.

"To convict him," he said.

Specchio declined to say what his defense strategy will be. However, he said he has about a dozen prospective witnesses, half the amount of the prosecution.

Specchio's task will not be easy, as it is his assignment to defend the man accused of one of the most notorious murders in Northern Nevada's history.

Just before 1 a.m. on Jan. 13, 1998, passersby came across the body of Sullivan near the information kiosk of the UNR entrances at Ninth and Center streets. Investigators said Sullivan died as the result of numerous blows to the head with a hatchet. A cellular phone, along with Sullivan's .45 caliber service gun and numerous other items, were stolen from Sullivan and his patrol car.

As a result, area law enforcement teamed up to launch a massive search for evidence. Officials took the unprecedented step of closing down the entire UNR campus on Jan. 13 (school was not in session). The gargantuan effort even drew some criticism by people claiming the police were going overboard.

As authorities were investigating Sullivan's death, prosecutors allege, Vanisi robbed two convenience stores — the 7-11 at 710 Baring Blvd. in Sparks, and the Jackson's Food Mart at 2596 Clearacre Lane in Reno — the night of Jan. 13.

Detectives began to put pieces of the puzzle together after talking to an off-duty UNR police sergeant who claimed to have seen someone lurking near Sullivan just shortly before his murder, and another witness who claimed to see a man walking off the campus shortly after the attack.

One of the big breaks in leading authorities to Vanisi as a suspect came when Metisela Tarvel, a cousin who was letting Vanisi stay at his Sparks apartment, went to police and said he felt Vanisi was responsible for Sullivan's death. He and several others who lived in the residence said they heard Vanisi, before Sullivan's death, say he wanted to kill a cop.

Officers performed a search of the apartment at 1096 N. Rock Blvd., and reportedly found blood-stained clothing which Vanisi was reportedly wearing on Jan. 13 — as well as a bloody hatchet roommates said Vanisi had that night.

See Trial page 2A



Sgt. George Sullivan



Tribune/Debra Reid
Accused murderer Siaosi Vanisi grins from his cell at the Washoe County jail.

Airport program may p

BY RICK CHANDLER

Tahoe Daily Tribune

SOUTH LAKE TAHOE, Calif. — Can Lake Tahoe become the West Coast's premier resort destination as city fathers envision? A lot depends on getting commercial air service back into South Lake Tahoe airport.

And by the way, Tahoe should hurry.

Mammoth Mountain may not be a big competitor right now, but Tahoe's Sierra neighbor to the south has brought in a hired gun to devise a commercial air

plan for that community.

When Intrawest Corp. increased its ownership of Mammoth Mountain Ski Resort from 33 to 58 percent last year, the resort's marketing department was revamped.

Rob Perlman was brought on as senior director of marketing and his first directive was to get an air program off the ground.

Perlman had done just that in a four-year stint with Vail-Beaver Creek Resorts in Colorado. Perlman spent the first 2 1/2 years at Vail as the

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Trial: from Page 1A

On Jan. 14, a warrant for Vanias's arrest for the murder was issued. Later that night, Vanias was captured at the apartment of a relative in Salt Lake City. He was caught after being tear-gassed, shot in the arm and hit in the groin with a bean bag from a bean bag gun.

He waived his extradition rights, and was returned to Washoe County on Jan. 24. He has lived in a maximum security wing of the Washoe County Jail for most of the time since then, being held without bail.

Security for the trial will be tight on the fourth floor of the

county courthouse because of the high security risk. No media interviews will be allowed on that floor of the courthouse. However, pool photographers will be allowed in the courtroom, despite a motion by Specchio to keep them out.

Prosecution seeking death penalty

Siaosi Vanisi:
Accused in UNR
Sgt. George
Sullivan's brutal
stabbing death.

By Mike Henderson
RENO GAZETTE-JOURNAL

A simple granite bench stands sentinel over Manzanita Lake, within sight of the spot in a University of Nevada, Reno parking lot where a police officer's life ebbed from his body a year ago.

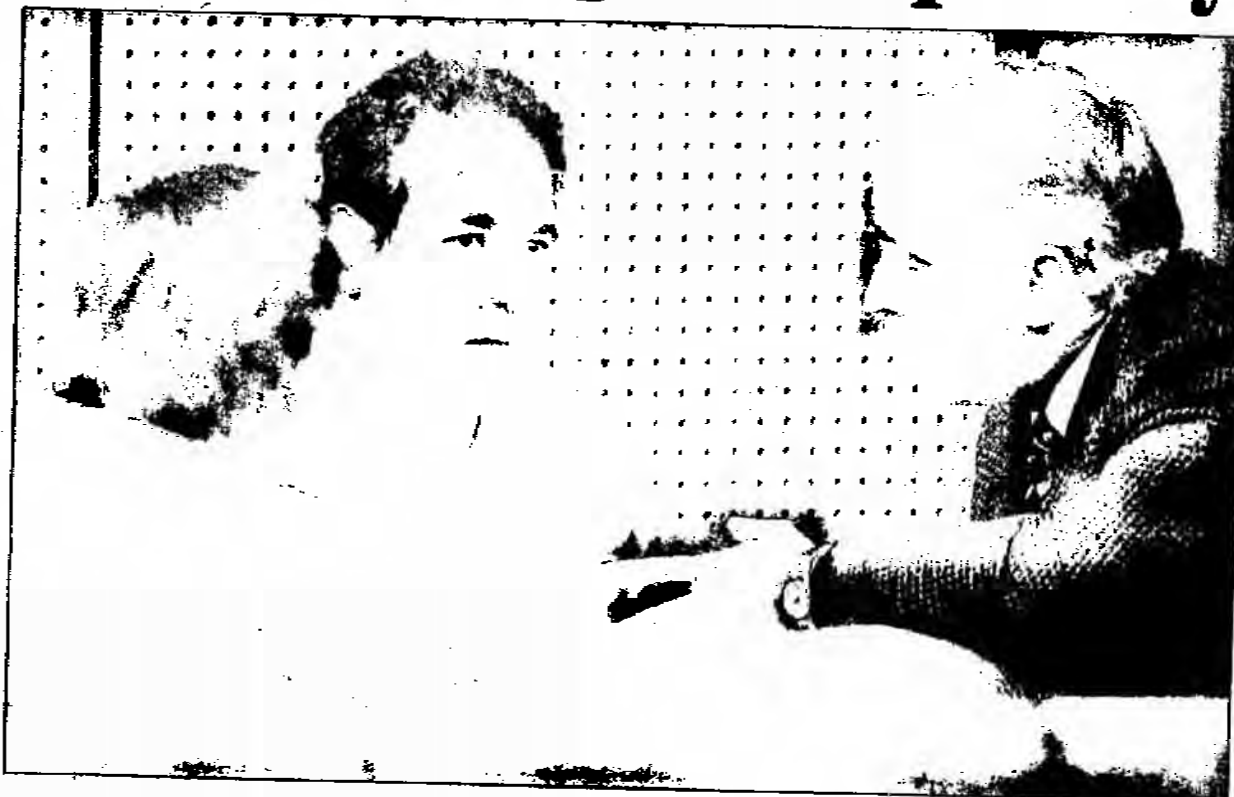
The bench, badges carved into its sides, is a memorial to UNR Sgt. George Sullivan, 43, killed by a hatchet-wielding assassin.

Accused killer Siaosi Vanisi, 28, goes on trial Monday for his own life.

"We are seeking the death penalty," Washoe District Attorney Richard Gammick said. "A lot of people say, 'Well, it's just a police officer who was killed and that's why you're doing this.'"

But Gammick contends Vanisi set out that night to kill a police officer and bragged about it afterward.

"This was a very brutal murder and what people need to understand is that if a person will take on a trained, armed police officer, particularly under the facts of this



Marlyn Newton/Reno Gazette-Journal

DISCUSSION: Siaosi Vanisi, accused of murdering UNR policeman George Sullivan, talks with his attorneys, Michael

Specchio, left, and Steve Gregory Thursday prior to a pre-trial hearing before Judge Connie Steinheimer.

case, what protection do any of us have?" Gammick said.

He said Dr. Ellen Clark, a forensic pathologist, found more than 20 injuries to Sullivan's head and left hand.

But Washoe Public Defender Mike Specchio,

who heads the defense team trying the case in District Judge Connie Steinheimer's courtroom, said his client "didn't do it." He said guilt is an issue, despite a mountain of evidence prosecutors have.

Most of the 42 defense

requests motions have been decided. Among those remaining is a request for a change of venue. Steinheimer, who has pre-qualified about 135 jurors, will see whether an impartial 12-person jury and four alter-

nates can be seated before ruling on that motion.

Jury selection begins Monday and testimony could begin Tuesday or Wednesday, the anniversary of the slaying.

See VANISI on page 3C



Sullivan
A 19-year veteran of the UNR police force, he was stabbed more than 20 times before dying.



Vanisi
Arrested in Salt Lake City for Sullivan's murder a few days after the incident. His trial starts Monday.



PREPARATION: Washoe County District Attorney Richard Gammick, facing, makes a point Thursday to Judge Connie Steinheimer, left, about the location of the court reporter for Siasel Vanisi's trial for the murder of UNR Police Sgt. George Sullivan, beginning Monday.



OUR CONFERENCE: Siasel Vanisi, on trial for murder and facing the death penalty, listens to the advice of his attorney, Steve Gregory, during a pre-trial hearing Thursday.



EVIDENCE: Chief Deputy District Attorney Dave Stanton, right, holds a pistol Friday that will be used as evidence in Slaosi Vanisi's murder trial.



MURDER WEAPON: Reno Police detective Jim Duncan, right, holds the hatchet that Washoe County District Attorney Richard Gammick contends was used to slay UNR Police Sgt. George Sullivan last January. It was taken from Slaosi Vanisi's Reno apartment.



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Vanisi

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"The memory of George Sullivan's death is still very strong here, as are many memories of his life, because he was such a well-known and well-liked person on this campus," said UNR President Joe Crowley. "There certainly is a need for closure and I would hope this trial will move us in that direction."

Sullivan was on the UNR force 19 years.

Seated in the gallery at the trial will be his widow, registered nurse Carolyn Sullivan.

"She's happy it's coming to a head or it's going to trial because they would like to see some closure," said lawyer Cal Dunlap, who has assisted the widow and four children ranging from age 4 to 16; another child by the officer's earlier marriage is an adult.

Sullivan is declining pre-trial interviews out of concern her statements might affect the trial or its outcome, Dunlap said. With her in court will be UNR Officer Steve Sauter, for 14 years a friend to the family.

"We don't want to say much until after the trial," Sauter said. "Nobody in the department would want to be responsible for a mistrial

and all of us have been instructed not to comment on that."

"We have all been happy with the way the agencies that investigated this rallied together and brought it to a head so quickly. Mrs. Sullivan along with myself and everybody in our department definitely wants justice to take place."

He said Sullivan and the department are grateful for the outpouring of community support through letters, fund-raisers and attending memorial services. More than 3,000 people attended a service at the Lawlor Events Center.

"She's a good woman," Sauter said. "She's a great mom. It's taken every ounce of strength and energy she has to go almost a year, now."

Unlike many law enforcement families, the Sullivans knew little about what the officer did, Sauter said.

"George would come home and share funny stories, not violent stories or tragedies," he said. "The first tragedy that's been known to them about law enforcement is their father."

The campus is quiet now, as it was when Sullivan was killed. Students then, as now, were on hiatus between the holidays and the start of the spring term.

It was on the nearly deserted campus, just before 1 a.m. Jan. 13, 1998,

that Sullivan, sitting in his cruiser near the information kiosk at the Center Street entrance, was approached by Vanisi, Gammick contends.

"He put the sneak on him, coming up behind Sgt. Sullivan, and he tapped on the window," Gammick said. "Sgt. Sullivan got out of the car. Vanisi said something like, 'What's up?' Sullivan said something like, 'Can I help you?' At that time, Vanisi swung the hatchet, striking Sgt. Sullivan many times. Vanisi says that Sullivan got in one swing."

Gammick's account is based on preliminary-hearing statements of people Vanisi spoke to before his arrest.

Police said the night after the slaying, Vanisi went to a church near the campus and played basketball. Later, police said, he is believed to have stolen a car and robbed two convenience stores. In each instance, police charge he used a Glock .43-caliber pistol of the type taken from Sullivan's body.

Sullivan's gun, belt and other items were missing from his body, police said.

The next day in Salt Lake City, a cousin informed police Vanisi was at his apartment. A 3 1/2-hour stand-off ended with tear gas and gunfire. Salt Lake City officers arrested Vanisi after shooting him with a

beanbag gun.

A search of an apartment Vanisi occupied in Reno produced a blood-stained jacket, gloves and hatchet, Gammick said. Laboratory DNA analysis indicates a strong likelihood the blood on them is Sullivan's, Gammick said.

Minutes after the attack, UNR student Andrew Ciocca of Tiburon, Calif., came upon the patrol car with an open door. Ciocca said in an interview he thought Sullivan might have been looking under the car, but on closer inspection he saw Sullivan was face down.

Ciocca, who said he tried to resuscitate Sullivan, was honored with a UNR plaque for his effort to save the officer's life.

Gammick said Ciocca reported the incident to police on a nearby pay telephone and later used Sullivan's car radio to talk to police.

Within hours, more than 100 police officers were conducting a building-by-building, room-by-room search for the assailant on the dark and deserted campus. Police also went door to door in some adjacent residential areas.

Divers searched the lake and irrigation ditches and shut off water to the lake so its level would recede, making the search easier. Eventually, evidence was recovered from one of the ditches.



SILENT REMINDER: The bench erected in remembrance of UNR Police Sgt. George Sullivan overlooking Marzanita Lake. Sullivan, a 19-year veteran of the force, was killed last Jan. 13 near the information kiosk seen in the distance while on his regular patrol.

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Jury selection bogs down Vanisi murder trial

17 prospective jurors excused:
Opening statements could begin on anniversary of UNR cop's slaying.

By Mike Henderson
RENO GAZETTE-JOURNAL

The tedious process of selecting a jury to try Siasosi Vanisi, accused of killing a UNR policeman, continues today in Washoe District Court after 17 prospective jurors were excused

from service Monday.

Washoe District Attorney Richard Gammick said selection of 12 jurors and four alternates will go much faster today. Lawyers said opening statements could begin today or Wednesday, the anniversary of the hatchet slaying of

Sgt. George Sullivan, 43, a 19-year veteran of the University of Nevada, Reno police force.

About 120 people remain in the pool of jurors Judge Connie Steinheimer called for the first-degree murder trial of Vanisi, 28. Gammick is seeking the death penalty in the case for which security is exceptionally tight.

A dozen uniformed and sheriff's deputies in plain clothes were on hand inside and outside Steinheimer's

courtroom and a metal detector was set up at its entrance in addition to the one at the courthouse entrance.

Eight prospective jurors were excused after they said they had strong feelings about the case because of their trust in the testimony of police or prejudices against Vanisi they developed through news media accounts of the slaying and Vanisi's arrest in Salt Lake City the next day.

"My grandfather was a cap-



Siasosi Vanisi
Charged in hatchet death of UNR police Sgt. George Sullivan.

tain on the Reno Police Department in the 1940s," one prospective juror said. "He was murdered by a couple

of kids who came down from Seattle, Washington." The man was excused.

Excuses were also granted in these situations:

■ "I think the gentleman is guilty," said one woman. She said she could not give Vanisi a presumption of innocence that, contrary to the law, she believes the burden of proof is on the defense, not on the prosecution.

■ "If I was him, I wouldn't want me on the jury," said

another woman, who said she could not put aside her strong feeling that Vanisi is guilty.

■ "I remember the defendant allegedly going to a store and getting a hatchet and striking officer Sullivan and basically beating him until he was dead," a man said. "I just have this feeling in my heart that he did it. ... I think my mind's made up. It's kind of like the

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Jury

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O.J. (Simpson) case. You bring in the other killer and then I'll listen to the evidence."

■ "One of the things I've heard is that the defendant, after having allegedly done the crime, told friends of his yes, he had done it and was proud of it," a woman said. She said her opinion is that "he is guilty."

Vanisi's defense team, headed by Public Defender Mike Specchio, has filed a motion for change of venue. Steinheimer has withheld a ruling until after she determines whether an impartial jury can be selected in Reno.

Nine of 13 jurors were excused due to hardships they said they would encounter if they sat in the trial, which Steinheimer has estimated will take two to three weeks.

Those asking to be excused included a mother who is nursing her infant, people with child-care problems and people who had planned out-of-town business trips.

If Vanisi is found guilty, the trial enters a phase in which the jury decides whether he should spend his life in prison or die by lethal injection.

If the trial enters that phase, Gammick said, he may seek testimony from Sullivan's widow Carolyn and UNR police officer Steve Sauter.

Specchio said he may put some of Vanisi's relatives on the witness stand.

Defense plans protest of jury in Vanisi trial

By Mike Henderson
RENO GAZETTE-JOURNAL

Defense lawyers plan today to protest the makeup of a jury empaneled to try Siasai Vanisi in the murder of a policeman.

They contend some of the jurors are prejudiced against Vanisi.

Washoe District Judge Connie Steinheimer is to consider the matter before the start of trial today, the first anniversary of the hatchet killing of University of Nevada, Reno Police Sgt. George Sullivan, 43.

"There are still people out there who think he's guilty," Washoe Public Defender Mike Specchio said Tuesday night of the 9 men and 7 women chosen to try 28-year-old Vanisi. At the close of trial, 12 of the 16 will be selected as jurors and the remaining 4 will be alternates.

Washoe District Attorney Richard Gammick, who is



Vanisi

Lawyers contend some jurors are prejudiced against him.

seeking the death penalty for Vanisi, disagreed with the defense contention.

"We just did two days of very thorough questioning of prospective jurors," Gammick said. "The question is whether or not they can set a prejudiced opinion aside and listen to the evidence from the trial and base their opinion on that."

Those selected for the panel said they could do that, Gammick said.

"I imagine the decision will finally be decided 30 miles south of here," Gammick said, indicating he expects an

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Vanisi

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appeal to the Nevada Supreme Court in Carson City.

Specchio said he and other defense lawyers would have removed the ostensibly biased jurors from the panel if Steinheimer had granted them more challenges to jurors, but the judge refused.

Opening statements are to begin today in what Steinheimer has said will be a two- to three-week trial.

She cautioned members of Vanisi's and Sullivan's family present in court Tuesday afternoon against emotional outbursts or displays during the trial.

Gammick contends that Vanisi, while visiting relatives in Reno from his Los Angeles-area home, told people he was going to kill a policeman, went to a local department store and sneaked up on Sullivan as he sat in his squad car about 1 a.m. Jan. 13 of last year.

Vanisi set upon the officer with the hatchet in the parking lot near

the information kiosk at the Center Street entrance to the UNR campus, Gammick contends.

A passerby, apparently just minutes later, found the officer face-down on the tarmac beside his patrol car, Gammick contends.

Vanisi allegedly fled to Salt Lake City, where he was captured by police after a 3 1/2-hour standoff. Gammick contends Vanisi, after the incident, boasted that he had killed a policeman.

Steinheimer on Monday and Tuesday excused about 20 prospective jurors, some of whom said they had already made up their mind that Vanisi is guilty based on media accounts of Sullivan's death and Vanisi's arrest.

Others excused said they had received information about the slaying from other sources.

Excuses were also granted to a woman who said she could not stand to live with the memory of explicit photos of the crime scene expected to be introduced during the trial and to people who would suffer business hardships while on jury duty.

1-13-99

Vanisi trial under way

BY JIMMY BOEGLE

Tribune Staff

On the anniversary of the death of Sgt. George Sullivan, the trial of the man accused of killing him finally got under way.

Attorneys gave their opening statements this morning in the trial of Shaun Vanisi, 26. He is accused of murdering Sullivan, 43, a married father of five who was a 19-year veteran of the University of Nevada, Reno police department on Jan. 13, 1998.

Washoe County District Attorney Richard Gammick told the jury pool of 10 men and six women the state's version of what happened the night of Jan. 12 and the morning of Jan. 13. He said several people — just shortly before the murder — saw Vanisi near or heading toward the area where Sullivan's body was ultimately found. Gammick also alleged Vanisi bought the murder weapon, a hatchet, from Wal-mart for \$7, and told numerous people before the murder he wanted to kill a cop.

Public Defender Jeremy Bosler countered by telling jurors they would hear from a witness who also claimed he wanted to kill a cop. He said the person — whom he did not name — was untruthful with the police, and hinted the witness may have been involved in Sullivan's death. He also implied the witness may have also been involved in robbing two convenience stores on Jan. 13 — crimes the state alleges Vanisi committed.

The opening statements came after Washoe District Court Judge Connie Steinheimer denied two defense motions — one to change the trial venue, and another to declare a mistrial. Bosler argued that some jurors who will hear the trial have expressed opinions against Vanisi.

The state was scheduled to begin its case at 1:30 p.m.

Full coverage of the opening statements and today's testimony will appear in the Thursday edition of the Tribune.

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

SIAOSI VANISI,

Appellant,

vs.

RENEE BAKER, WARDEN, and
CATHERINE CORTEZ MASTO,
ATTORNEY GENERAL FOR
THE STATE OF NEVADA,

Respondents.

No. 65774

Volume 4 of 26

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APPELLANT'S APPENDIX

Appeal from Order Denying Petition
for Writ of Habeas Corpus (Post-Conviction)

Second Judicial District Court, Washoe County

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 7th day of January, 2015. Electronic Service of the foregoing Appellant's Appendix shall be made in accordance with the Master Service List as follows:

Terrence P. McCarthy
Washoe County District Attorney
tmccarth@da.washoecounty.us

Felicia Darensbourg
An employee of the Federal Public Defender's Office

SVan1s12JDC04670

1 Yes, I think on June 23, you know, June 23 of this
2 year I stood here and made an argument to dismiss my counsel
3 and you denied my motion. I think I argued here in front of
4 you for 19 minutes.

5 THE COURT: How did you figure 19 minutes?

6 THE DEFENDANT: I knew it wasn't four minutes. I
7 made deductions. I know it wasn't ten minutes. I know it
8 wasn't 30, 40 minutes. I rounded off. I say 19 minutes.

9 THE COURT: Is your request to represent yourself
10 because I wouldn't replace your counsel?

11 THE DEFENDANT: No, no. The request to represent
12 myself is strictly and solely my decision. No one coerced
13 me. No one forced me. No one persuaded me. No one induced
14 me, none.

15 THE COURT: That wasn't my question, Mr. Vanisi.
16 You have to answer my questions directly.

17 THE DEFENDANT: Okay.

18 THE COURT: Is the reason for your request to
19 represent yourself because I refused your request to
20 discharge counsel?

21 THE DEFENDANT: No.

22 THE COURT: Any other familiarity with legal
23 proceedings?

24 THE DEFENDANT: Let me check my childhood. Maybe
25 there was one time that I might have probably ended up in

1 court and I didn't realize it and I can't remember. Let me
2 check my childhood.

3 Let me check my adolescent age. Maybe I stumbled
4 in a courtroom and presented myself and I didn't know it.
5 I'll just check my memory.

6 No to childhood, no to adolescent. As an adult,
7 just the ones that I've enumerated to you. That's it.

8 THE COURT: Can you tell me about your health
9 right now? How are you feeling?

10 THE DEFENDANT: I feel great. I feel fine. Thank
11 you for asking. I feel good.

12 THE COURT: Are you taking any medications?

13 THE DEFENDANT: Yes, I'm taking lithium.

14 THE COURT: What is the dosage of the lithium?

15 THE DEFENDANT: The dosage of the lithium, I'm not
16 sure. I'm not quite sure, but I think it was in the motion.
17 I think somewhere, 100 milligram.

18 THE COURT: In what motion?

19 THE DEFENDANT: What's that?

20 THE COURT: It was in what motion?

21 THE DEFENDANT: It was in the motion. It was in
22 the motion I think signed by Judge McGee that I had, that I
23 stood here and read that it was 100 milligram. I saw 100
24 milligram.

25 THE COURT: Do you think you're taking medication

1 now because of a motion signed by Judge McGee?

2 THE DEFENDANT: No, I don't think that.

3 THE COURT: Why are you taking it then?

4 THE DEFENDANT: Why am I taking it? I'm taking it
5 because it's the proper medication for me.

6 THE COURT: Why are you taking it, though, other
7 than that? Who is giving it to you?

8 THE DEFENDANT: Oh, who is giving it to me?

9 THE DEFENDANT: Yes.

10 THE COURT: Different people give it to me. A
11 lady this afternoon, this morning, she had blond hair. She
12 gave it to me. A lady with brunette hair last night gave it
13 to me. Different people give it to me.

14 But I think it would be safe to say that Washoe
15 County gives it to me.

16 THE COURT: Have you had any discussions with a
17 physician with regard to your medication since the last time
18 you were here before me?

19 THE DEFENDANT: Yes, I had a discussion with a
20 physician and he said that he was going to prescribe me
21 lithium.

22 THE COURT: Which physician is that?

23 THE DEFENDANT: I think he goes by the name
24 Dr. Lynn.

25 THE COURT: You've seen Dr. Lynn since the last

1 time you were before me?

2 THE DEFENDANT: No, last time I've seen Dr. Lynn
3 was on the 15th. No, I can't remember exactly the date, but
4 it will take me a little while for me to pull up the right
5 date.

6 THE COURT: My question was, have you spoken to a
7 physician since the last time you appeared before me?

8 THE DEFENDANT: No.

9 THE COURT: Have you spoken to any medical staff
10 other than the person who hands you a pill at the sheriff's
11 office since the last time you appeared before me?

12 THE DEFENDANT: No.

13 THE COURT: So, someone hands you a pill and you
14 take it, but you're not sure what it is? You think it's
15 lithium?

16 THE DEFENDANT: Well, I asked them. I say, I look
17 at it because sometimes people make mistakes. And so I look
18 at my lithium to know that it -- the first time they handed
19 it to me I looked at it and I asked her, "Is this lithium?"

20 She said yes. Then I know that lithium has a
21 pinkish color. Every time she hands it to me, I look at the
22 color and look to see if it's the right one. And if the
23 lithium comes in a beige or a white color or a dark color, I
24 know that it's not lithium and I will give it back to her.

25 THE COURT: Has that happened?

1 THE DEFENDANT: No, that hasn't happened yet.

2 THE COURT: Other than the little pink pill that
3 you're taking, are you taking any other medication.

4 THE DEFENDANT: Yes.

5 THE COURT: What else are you taking?

6 THE DEFENDANT: Elavil comes in a very dark
7 reddish, almost a burgundy, almost a burgundy color. It's a
8 tiny little pellet. And also Risperdal. That's a white
9 pill like aspirin, but it's long instead of round. The
10 shape of it is a cylindrical shape.

11 THE COURT: How often do you take the dark reddish
12 pill?

13 THE DEFENDANT: I take it together with the
14 lithium.

15 THE COURT: You get them all at the same time?

16 THE DEFENDANT: Yes.

17 THE COURT: How many pills of each?

18 THE DEFENDANT: I take two lithium in the evening
19 time. I take one Elavil. And I take one-half milligram of
20 Risperdal.

21 THE COURT: All in the evening?

22 THE DEFENDANT: Yes, all in the evening. One, all
23 in one time.

24 THE COURT: And when was the last time you took
25 these pills?

1 THE DEFENDANT: Last night. I take them in the
2 morning. I only take, I take lithium in the morning. I
3 should mention that. I take lithium in the morning. So I
4 had lithium and Risperdal at 9:00 this morning.

5 THE COURT: How many did you take in the morning?

6 THE DEFENDANT: I take one lithium, one capsule.
7 Lithium is in a capsule. That's the proper terminology for
8 that. It's one capsule lithium and half a milligram of
9 Risperdal.

10 THE COURT: You took that this morning, and last
11 night you took two lithium and half a milligram of
12 Risperdal?

13 THE DEFENDANT: In the evening time I take two
14 lithium, you're correct, and half a milligram of Risperdal
15 and one Elavil.

16 THE COURT: How long has this been going on?

17 THE DEFENDANT: Lithium hasn't been a week yet.
18 What is today, Tuesday? I think the lithium, it will be one
19 week tomorrow, one week tomorrow will be for my lithium.

20 And then for Elavil, all of July. No, take that
21 back. I didn't take, I didn't take any medication on July.
22 July I didn't take any medication. I took them on July 16,
23 is when I began. July 16 is when I began taking Elavil and
24 Risperdal.

25 I didn't have any in the month of, for the first

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1 half of the month July. I didn't have any, I didn't take
2 any medication in June. And on May, I didn't take any
3 medication in May. Beginning on May -- May 9 was the last
4 time I had it.

5 But do you want me to tell you when the beginning
6 of my -- you want me to tell you the beginning of when I
7 took Elavil? That's going to take me some time. That will
8 take me a little while to pull up the exact date. Or can we
9 just stop there? Or do you need to know more?

10 THE COURT: You started taking it July 16 this
11 last time?

12 THE DEFENDANT: Yes, I started it July 16. I
13 didn't take any from July 1 to July 15. I didn't take any
14 medication. And all of June I didn't take any medication.

15 THE COURT: I've got some information with regard
16 to your mental health found in motions and discussions that
17 I've received from your counsel or from your psychiatric
18 reports. But can you tell me about any mental health issues
19 that you suffered from in the past?

20 THE DEFENDANT: Yes. I have, I am
21 manic-depressive. I am manic-depressive.

22 THE COURT: What does that mean to you?

23 THE DEFENDANT: Manic is when you're at your
24 extreme highest and you feel really happy. And depressive
25 is when you're really sad, and you're really, really sad.

1 THE COURT: How does that affect you? You say
2 you're manic-depressive?

3 THE DEFENDANT: Yes.

4 THE COURT: How does that affect you?

5 THE DEFENDANT: I don't want to be manic. I don't
6 want to be happy because when I'm manic I'm the only one
7 happy. It's no fun just being happy by yourself. Plus it
8 just probably irritates other people. You become obnoxious
9 that you're the only one having fun and enjoying life. I
10 don't want to be like that.

11 And I don't want, depressed is you just feel
12 really sad for no reason. You're just totally bummed out,
13 depressed. I don't want to feel that. I just want to feel
14 normal. There is a normal.

15 THE COURT: When did you first discover you were
16 manic-depressive?

17 THE DEFENDANT: I first discovered it when I was
18 incarcerated. I first, I first started paying attention to
19 my psyche when I was incarcerated. But all throughout my
20 life I've always been manic-depressive and I didn't know it.
21 When I look back into my childhood, adolescence, I can see
22 moments where I have been really manic and moments where I
23 have been really depressed.

24 THE COURT: Have you ever been treated for it?

25 THE DEFENDANT: No, I never have been treated

1 before. This is the first time getting treatment.

2 THE COURT: Have you ever been institutionalized?

3 THE DEFENDANT: For manic depressive, no.

4 THE COURT: For any mental health issue?

5 THE DEFENDANT: For any mental issues? No.

6 THE COURT: Have you been institutionalized for
7 some other reason?

8 THE DEFENDANT: No.

9 THE COURT: You indicated to me that no one has
10 coerced you to waive your right to be represented by an
11 attorney. Did you tell me that earlier today?

12 THE DEFENDANT: Yeah. I'll tell you again: No
13 one coerced me.

14 THE COURT: What does coerce you mean, to you?

15 THE DEFENDANT: Coerce would be to force or to
16 compel.

17 THE COURT: Has anyone suggested that it would be
18 a good idea that you represent yourself?

19 THE DEFENDANT: No.

20 THE COURT: Why did you decide that this would be
21 a good idea?

22 THE DEFENDANT: When did I decide it was a good
23 idea?

24 THE COURT: When is a good question, yes.

25 THE DEFENDANT: January, January 16, 1998.

1 THE COURT: Why did you wait until now to ask me
2 permission to represent yourself?

3 THE DEFENDANT: Because I'm finally taking a stand
4 and telling my standby counsel that I don't want you to
5 represent me. I'm going to represent myself. And this just
6 wasn't, this just wasn't thought of yesterday. This always
7 has been something that I've always -- it's the best thing
8 for me to do is to represent myself.

9 THE COURT: Why did you wait until a month before
10 your trial to bring it up to me?

11 THE DEFENDANT: Why did I wait to bring it up to
12 you? I figured it would be better than telling you that I
13 want to represent myself on the day of the trial, that I
14 wanted to represent myself. So I thought maybe giving you
15 one month time would be ample time to give you notice, to
16 give the prosecution notice instead of waiting for the day
17 of trial.

18 THE COURT: But you've known since last January
19 that you wanted to do this?

20 THE DEFENDANT: Yeah, yeah. There's -- yeah.

21 THE COURT: Do you understand that I would
22 continue to have counsel provided for you at no cost to
23 yourself? Your attorneys are being paid for by the county.
24 You don't have to pay for their representation of you.

25 THE DEFENDANT: Yes, I understand that I don't

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1 have to pay for their counseling, that you'll provide for
2 me.

3 THE COURT: And you understand that's not going to
4 stop. That you'll continue to have their -- they're
5 appointed to represent you, and they would continue to
6 represent you throughout the trial at no expense to you?

7 THE DEFENDANT: If you were to do that.

8 THE COURT: Well, they are now currently appointed
9 to represent you. You understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: You understand that that's at no
12 expense to yourself?

13 THE DEFENDANT: Yes.

14 THE COURT: Would you tell me what the elements
15 are of the offense you are charged with?

16 THE DEFENDANT: Murder in the first degree,
17 robbery, robbery, robbery, grand larceny.

18 THE COURT: You think those are the elements?

19 THE DEFENDANT: Those are the elements.

20 THE COURT: They are not, Mr. Vanisi. Do you know
21 what the lesser or related offenses might be to those
22 offenses?

23 THE DEFENDANT: Let me find out what the elements
24 are because I would like to know what the elements are.

25 What are the elements, Jeremy?

1 THE COURT: Today is the time for me to find out
2 if you know these things. Then I have to make a decision if
3 I think you can represent yourself.

4 THE DEFENDANT: Yeah, maybe you can tell me the
5 elements. I think what I said were the charges.

6 THE COURT: So you don't know what the elements
7 are?

8 THE DEFENDANT: Let me think. Elements. Elements
9 and charges, elements and charges. Statutory, aggravated is
10 different ...

11 Yeah, the elements is what the prosecution has to
12 prove beyond a reasonable doubt.

13 THE COURT: What are those?

14 THE DEFENDANT: The elements are that, that the
15 murder was willful, deliberate, intentional and -- willful,
16 deliberate -- willful, deliberate, intentional -- willful,
17 premeditated, yeah, that's the fourth. Those are the
18 elements that are against me.

19 THE COURT: That's it?

20 THE DEFENDANT: Yeah, willful, premeditated,
21 intentional -- willful, premeditated, intentional. Yeah,
22 those are the four.

23 THE COURT: I asked you earlier what the lesser
24 included or related offenses are to what you're charged
25 with. Do you know what that means?

1 THE DEFENDANT: The lesser penalty?

2 THE COURT: No, the lesser included offenses.

3 THE DEFENDANT: The lesser included offenses would
4 be grand larceny. That's one of the offenses. That would
5 be the lesser offenses.

6 THE COURT: You told me you were charged with
7 grand larceny.

8 THE DEFENDANT: Yes, that's an offense.

9 THE COURT: What is the lesser included offense?
10 Do you understand that term?

11 THE DEFENDANT: Say it one more time. My mind is
12 in disorder. Say it one more time.

13 THE COURT: Do you know what the lesser included
14 or related offenses are to what you are charged with?

15 THE DEFENDANT: Lesser included offenses are,
16 lesser included offenses, charges ...

17 No, but I can find out for you. I don't know, but
18 I can find out for you. I'm not quite sure. So I'm not
19 going to say something I don't, I'm not sure of knowing.
20 But I will find out for you what are the lesser included
21 offenses.

22 THE COURT: You told me that you understand that
23 the State is requesting the death penalty. What are the
24 elements of that request?

25 THE DEFENDANT: The elements are that -- well,

1 that the State are saying that -- see, I think it would be
2 better if I speak for another person. If another person
3 instead of me, if a person --

4 THE COURT: I think it would be much better for
5 you to represent another person if you were an attorney.
6 You're asking to represent yourself. You're going to have
7 to speak in terms of your case. My questions are directed
8 only toward your case.

9 THE DEFENDANT: To my case, yeah. Well, yeah,
10 those -- yeah, ask your question one more time because I
11 have the answer. Ask the question one more time to make
12 sure we're on the right track.

13 THE COURT: Well, go ahead and answer it.

14 THE DEFENDANT: I would like to hear it --

15 THE COURT: I can't repeat my questions numerous
16 times every time you want to delay. You have to answer my
17 questions if you're going to represent yourself. You have
18 to answer them as I ask them.

19 THE DEFENDANT: I want to be sure that I heard
20 your question properly.

21 THE COURT: You heard it. You repeated it to
22 yourself.

23 THE DEFENDANT: I'll put on the record I think I
24 heard it properly. I'm not quite sure.

25 THE COURT: Why don't you repeat what you think

1 you heard.

2 THE DEFENDANT: Let me see. If I do it verbatim,
3 I'll fail.

4 THE COURT: Just tell me what you think the
5 question was.

6 THE DEFENDANT: What are the elements for a death
7 penalty?

8 THE COURT: Okay. So what do you think that
9 means?

10 THE DEFENDANT: Yeah, one element for the death
11 penalty was an officer was killed because of his race or his
12 origin or his nationality. That would constitute death
13 penalty; that would be one.

14 What constitutes a death penalty is if an officer
15 was engaged in his official capacity, if he was working.
16 That would constitute as one.

17 Mutilation is one and -- yeah, mutilation would be
18 another element. I think those are plain enough for one to
19 face the death penalty.

20 THE COURT: Are those the only ones that are
21 alleged in this case by the State?

22 THE DEFENDANT: I'm sure there are more or maybe
23 one more or -- but that's what I can come off my head at
24 this point.

25 THE COURT: What other possible punishments are

1 there to the offenses you're charged with?

2 THE DEFENDANT: Punishment would be first degree,
3 for first degree murder punishment would be life without or
4 life with. Then there are second degree. And then for the
5 other penalty for the element of my offense would be
6 robbery. That's a penalty for robbery is one to 15 years.
7 And if there's a weapon, that's doubled. It would be two to
8 30 for robbery. And grand larceny penalty would be one to
9 ten years.

10 THE COURT: So if you happened to be convicted of
11 all of the offenses you're charged with, what is the
12 possible maximum penalty you're facing?

13 THE DEFENDANT: It would be the death penalty
14 would be the maximum.

15 THE COURT: I agree in reality. But what else
16 would be the potential penalties?

17 THE DEFENDANT: It could be life without.

18 THE COURT: No, I understand that's what might
19 happen with regard to the first degree murder case. But
20 what is the maximum that could be imposed by the jury and
21 the Court combined?

22 THE DEFENDANT: What is the maximum penalty?

23 THE COURT: For all the offenses.

24 THE DEFENDANT: And you understand when I say
25 death penalty is the maximum.

1 THE COURT: I understand that. But, you know, for
2 instance the death penalty, you might get the death penalty,
3 but it might go away somehow.

4 THE DEFENDANT: That wouldn't be the maximum. You
5 would have to change your question to what would be the
6 minimum, because the maximum would be the death penalty.

7 THE COURT: You think you would get the death
8 penalty for robbery?

9 THE DEFENDANT: No, for that, for the robbery you
10 get one to 15 years. I think I just said, I'll say it
11 again. For robbery, one to 15 years. If it's with a
12 weapon, that doubles it, enhances it from two to 30 years.
13 Grand larceny, I also said earlier, grand larceny is one to
14 ten years.

15 THE COURT: And is that your total possible
16 sentence?

17 THE DEFENDANT: Total possible sentence for
18 robbery, yes.

19 THE COURT: For all the charges that you're
20 charged with.

21 THE DEFENDANT: Or they can run consecutively.
22 The robberies can run consecutively. For three robbery
23 charges, or offenses, they could run consecutively or
24 concurrently. And so that's up to the jury or up to the
25 judge for sentencing on the jury for the robbery.

1 THE COURT: What are the potential pleas available
2 to you on these charges?

3 THE DEFENDANT: Potential pleas is guilty, not
4 guilty, guilty but insane, or the Alford plea. I think
5 there's five pleas. And no contest would make the fifth
6 one.

7 THE COURT: And what are the possible defenses
8 that are available to you?

9 THE DEFENDANT: Possible defenses for what crime?

10 THE COURT: The crimes you're charged with.

11 THE DEFENDANT: For what offenses? What's that?
12 Possible defense for which crime?

13 THE COURT: For the crimes you're charged with.

14 THE DEFENDANT: Possible defense for someone --
15 let me, let me find out if I should direct it to me because,
16 or should I direct it to somebody else.

17 THE COURT: You can do it in the abstract.

18 THE DEFENDANT: Yeah, I'll do it in the abstract.
19 It's better. For defending, can have the defense as that
20 he's not the perpetrator, somebody else is. Or depending
21 what the nature of his case is, he can have that defense or
22 an alibi defense. If he has an alibi defense, he can go
23 with that.

24 He can go with the insanity defense. Those are
25 some.

1 THE COURT: Do you think that, do you think the
2 alibi defense is available to you in this instance?

3 THE DEFENDANT: If it's eligible to me?

4 THE COURT: Do you understand -- what are the
5 rules with regard to alibi defense?

6 THE DEFENDANT: An alibi rule? That would be the
7 174 dot 087. That is you have to give a written notice
8 within ten days before the trial if you are going to have an
9 alibi. Ten days, what the rule requires. And that --

10 THE COURT: Were you finished?

11 THE DEFENDANT: Yes. I'll say it again, if you
12 want me to.

13 THE COURT: No, I only need you to say whatever
14 you want to say once. Just tell me when you're through.

15 Any other defenses you want to tell me about that
16 might be available to someone charged with these offenses?

17 THE DEFENDANT: No, those are, I'm comfortable
18 with telling you those defenses, those available defenses.

19 THE COURT: Do you understand that if I were to
20 grant your motion to represent yourself that I, it's
21 discretionary whether I appoint standby counsel? Do you
22 understand that?

23 THE DEFENDANT: Yes. Were you finished?

24 THE COURT: Yes.

25 THE DEFENDANT: I thought you were stopping in an

1 incomplete sentence. I heard you stop at standby counsel.
2 Discretion of standby counsel. I was waiting if you were
3 done.

4 THE COURT: Do you understand that by speaking in
5 incomplete sentences or colloquialisms, that the average
6 person would understand and must respond immediately. In
7 the courtroom you can't question me in front of the jury.

8 THE DEFENDANT: Yes, colloquially I can pick it
9 up. But I picked you up as not finishing your sentence. So
10 that's why I was waiting.

11 But run that sentence by me one more time about
12 standby counsel.

13 THE COURT: The question as the court reporter has
14 written it is: "Do you understand that if I were to grant
15 your motion to represent yourself that I, it's discretionary
16 whether I appoint standby counsel? Do you understand that?"

17 In other words, do you understand that it's
18 discretionary with me whether I appoint standby counsel for
19 you?

20 THE DEFENDANT: Yes, by all means I understand
21 that you have the discretion.

22 THE COURT: Do you understand that if I were to
23 appoint standby counsel, they would not be required to
24 advise you with regard to the law?

25 THE DEFENDANT: Yes, I understand.

1 THE COURT: And that they are not required to
2 provide you with legal advice?

3 THE DEFENDANT: Yes, I understand.

4 THE COURT: By understanding that, do you
5 understand you can't later say that because they didn't tell
6 you what you should do or because they didn't give you the
7 right advice on how to represent yourself, you can't
8 complain to the Supreme Court?

9 THE DEFENDANT: Yes, I understand.

10 THE COURT: What is the time frame within which to
11 file an appeal of your conviction?

12 THE DEFENDANT: For --

13 THE COURT: If you were to be convicted.

14 THE DEFENDANT: Me, the person me?

15 THE COURT: Anyone. Why don't you just do it --

16 THE DEFENDANT: Let's do the abstract.

17 THE COURT: That's fine.

18 THE DEFENDANT: If a person is facing a death
19 penalty, that person, it's an automatic appeal for that
20 person. But any other, if it wasn't that person, that
21 person was not facing the death penalty, it would be within
22 30 days from the judgment.

23 THE COURT: Mr. Vanisi, why do you think you are
24 better suited to represent yourself than your counsel?

25 THE DEFENDANT: That's an abstract question. Give

1 me some time.

2 (There was a pause in the defendant's response.)

3 THE DEFENDANT: Yeah, I came up with a lot of
4 reasons, but I'll just give you one. Yeah, it's in my best
5 interests to represent myself.

6 THE COURT: Why?

7 THE DEFENDANT: Because for tactical reasons. For
8 tactical reasons.

9 THE COURT: You understand that one of the
10 tactical reasons that you're going to lose is the right to
11 raise certain issues on appeal?

12 THE DEFENDANT: Yes, I understand, but I'll waive
13 those.

14 THE COURT: I can't think of a tactical reason why
15 it's in your best interests.

16 THE DEFENDANT: You can't?

17 THE COURT: No.

18 THE DEFENDANT: Hmmm. Let me see if I can make
19 you understand why you can.

20 MR. GREGORY: Your Honor, I object. It's his
21 defense if he represents himself. If he has tactical
22 reasons, I don't think we should be sharing that with the
23 prosecutor and this packed courtroom. I think the Court has
24 gone way beyond what is required under Supreme Court Rule
25 153 and Faretta. 253, sorry.

1 THE COURT: I can't think of a tactical reason
2 that it would be to your benefit to do this except that it
3 may create a disruption of the court, which is a basis to
4 deny his request. Except that it may cause a delay in the
5 proceedings, which is a basis for denying his request.
6 Except that it could cause security problems, because of
7 your prior disruptive behavior. All those reasons are
8 reasons why I can deny your request to represent yourself.

9 I want to allow you the opportunity to represent
10 yourself as the constitution guarantees, absent a legitimate
11 reason to deny you that request. But if you are telling me
12 that the tactical decision on your part to represent
13 yourself is that you think you can delay the proceedings as
14 you have today, and on prior occasions; if you think that
15 you don't have to respond to the questions directly or you
16 think it will give you an opportunity to argue with the
17 Court or belittle the court system, all of those reasons are
18 reasons to deny your request.

19 I do not want to get into the tactical decision of
20 a witness being, a particular witness's cross-examination
21 except to say that if your tactical reason is that you want
22 to violate a rule of law or an ethical consideration -- in
23 other words, you want to put up perjured testimony that your
24 attorneys can't and won't do, that tactical reason would be
25 inappropriate and improper for me to grant your request.

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1 When I say I can't think of a tactical reason, I
2 can't. Now, if you can tell me in the abstract some
3 circumstance, even if it doesn't relate necessarily to your
4 defense, some tactical reason that would be of benefit to
5 you that is not disruptive to the court, I would be more
6 than glad to hear it.

7 THE DEFENDANT: Let me tell you that what you are
8 saying is incorrect. With all due respect, Your Honor, I am
9 not going to do those things which you had enumerated, such
10 as putting up a perjured witness up there or delaying court
11 time. Those are not, you're coming -- I will have to say on
12 the record you're a little off there, Judge.

13 But my intention when I say tactical reasons
14 always has been for the pure interest for upholding the law
15 and complying with the Court; never to create an arena for
16 disorderly conduct.

17 So yeah, if you're not so, you are incorrect when
18 you say I'm doing this to delay. I'll be ready on September
19 7. I will be ready September 7.

20 Now you were speaking in the abstract. I didn't
21 know you were hinting, I guess, covertly that you are
22 denying? You are denying my motion? Because that is the,
23 through your abstract speech I kind of got it that you
24 insinuated denying, but I just wanted to put on the record
25 that I am not, I'm not -- I'm not delaying time. I will be

1 ready on September 7.

2 I don't intend to do anything that would violate
3 the constitutional or the court law or any law. My pure
4 intention of a tactical decision, it's just as I said first
5 was, it was in my best interest. And that's why I want to
6 represent myself, because it's in my best interest to pose
7 as myself as a person who litigates for himself.

8 So, now, you have to make me understand, Judge,
9 because I disagree with you. So we have to straighten out
10 this discrepancy. Are you denying my motion?

11 THE COURT: I haven't ruled on your motion.

12 THE DEFENDANT: Is there a further question --
13 what is that?

14 THE COURT: I have not ruled on your motion.

15 THE DEFENDANT: Oh, okay.

16 THE COURT: Do you think that one of the things
17 you can do is raise motions that have already been raised
18 and ruled upon by the Court?

19 THE DEFENDANT: Are you trying to see if I play
20 games in any -- no, I don't.

21 THE COURT: No, I want to know if you understand
22 that one of the issues that you would like raised was a
23 legal argument that double jeopardy attached in this case.
24 We have had some discussions about that and your counsel and
25 you have had discussions with me with regard to that.

1 Do you think if you were representing yourself
2 that you're going to be able to make motions that your
3 counsel has told you -- not just that one. I'm not talking
4 about that one specifically, but other motions that your
5 counsel told you would be inappropriate and they won't file?
6 Is that the point of representing yourself?

7 THE DEFENDANT: No. The point of representing
8 myself is to behave and to comport with the justice system
9 and to comport with your, with the court rules and comport
10 with this rule, and just to obey the commandments that are
11 expected of me and to represent myself along those
12 guidelines; not to meander off course or to wander aimlessly
13 in a muddle. I don't, I don't plan on raising any of those
14 arguments that I have already argued in this court. I am
15 moving on.

16 THE COURT: Do you understand if I do allow you to
17 represent yourself I will not allow you any more movement in
18 the courtroom than you were allowed previously?

19 THE DEFENDANT: Yes, just put it on the record to
20 where I can stand and not stand. As long as you put it on
21 the record that I, that you, that the Court wants me to
22 conduct a fair trial standing as I am as a statute. That's
23 fine, if that's how you want to do it. Just put it on the
24 record.

25 THE COURT: Is that your issue, that you want to

1 have more freedom of movement around the courtroom and you
2 want not to be held to any kind of restraint on movement?

3 THE DEFENDANT: I think we should all just be
4 silly and handcuff and belly chain those two guys and we all
5 stand together, and have a trial like that. That's what I
6 would think.

7 But I don't think that way, and I think the
8 constitution allows me the law, or the standard of justice
9 would allow me to behave just as the prosecution would
10 behave. If they are allowed to walk in the center, I would
11 like to stand in the center and give an argument from that
12 point.

13 THE COURT: So is that the reason you want to
14 represent yourself is because you want to be released from
15 the restraints that you were placed in?

16 THE DEFENDANT: No, that's frivolous. That's a
17 frivolous, that's a frivolous -- no. That's not my
18 intention.

19 THE COURT: Well, you understand that even if I
20 grant your request I will not change any of the security
21 rules regarding your continued restraint?

22 THE DEFENDANT: Yeah. I understand if you are
23 going to, you are going to do what you're going to do and
24 I'm going to behave civil and polite, and just behave as the
25 prosecution behaves.

1 THE COURT: Okay. Mr. Stanton, do you have any
2 questions that you would suggest that the Court inquire?

3 MR. STANTON: Yes, briefly, Your Honor. In
4 Subsection 1 of Rule 253 there is an indication about
5 whether or not the inquiry by the District Court reveals
6 whether the defendant has consulted with his appointed
7 counsel to discuss the consequences of self representation.

8 One thing I've noticed about Mr. Vanisi, not only
9 in this hearing but in my review of the facts and the
10 interview by police with Mr. Vanisi, is he takes everything
11 very literally. And your initial question to him was: Did
12 he discuss with his counsel the procedure of today's motion.

13 I would ask maybe if, since Mr. Vanisi's
14 interpretation of that might be so literal as to just the
15 narrow parameters of the question, whether or not he has
16 discussed fairly or completely with his current counsel the
17 ramifications, all the ramifications that 253 outlines.

18 THE COURT: That observation of Mr. Stanton is one
19 that, of course, the Court has also observed both today and
20 in prior hearings. And I am concerned that, although I
21 thought I was inquiring as to Rule 253, Sub 1's content,
22 that perhaps Mr. Vanisi did not understand my question. I'm
23 going to take the suggestion from Mr. Stanton as well taken.

24 Mr. Vanisi, I have another question for you. Have
25 you discussed Rule 253 with your current appointed counsel?

1 THE DEFENDANT: Yes, I have discussed 253.

2 THE COURT: Have they talked to you and explained
3 to you what all the possible consequences are in their mind
4 as to yourself representation under Rule 253?

5 THE DEFENDANT: Yes, they've given me some
6 feedback.

7 THE COURT: Do you feel like you have had ample
8 opportunity to talk to them about that?

9 THE DEFENDANT: Yes.

10 THE COURT: And have they told you some of the
11 things that might happen to you if you proceeded with self
12 representation?

13 THE DEFENDANT: Yes.

14 THE COURT: Have they told you some negative
15 things as well as positive?

16 THE DEFENDANT: They have told me --

17 THE COURT: Don't tell me the specific advice that
18 they've given you. But have they told you negative as well
19 as positive?

20 THE DEFENDANT: Yeah, they've told me what the
21 negative side would be.

22 THE COURT: And you told me before that you think
23 the most egregious negative side would be, in fact, you
24 would be convicted of first degree murder and sentenced to
25 the penalty of death?

1 THE DEFENDANT: Yeah, that's the, the penalty
2 would be death.

3 THE COURT: You understand that's the ultimate end
4 if the worst had happened, and it could happen because you
5 made a tactical decision that an attorney would not have
6 made?

7 THE DEFENDANT: Yeah. I think I answered this
8 question.

9 THE COURT: I think you did, too, but I want to
10 make sure.

11 THE DEFENDANT: It's the same question. It would
12 be the same answer. I am aware.

13 THE COURT: All right. Anything further,
14 Mr. Stanton?

15 MR. STANTON: No, not from the basis of the
16 guidelines set forth in 253, other than the findings of fact
17 that the Court, I believe, needs to make relative to
18 Subsection 1 and Subsection 4.

19 I do have a couple of bits of evidence that I
20 would like to offer to the Court in its consideration
21 whenever you would deem that appropriate.

22 THE COURT: All right, thank you. Mr. Bosler and
23 Mr. Gregory, do either of you have any suggested questions
24 that you think the Court should inquire of your client that
25 I have not?

1 MR. GREGORY: None by the defense, Your Honor.

2 MR. BOSLER: No, Your Honor. Thank you.

3 THE COURT: Then with regard to your request to
4 put on evidence, Mr. Stanton?

5 MR. STANTON: Your Honor, there's a couple things
6 I would like to --

7 MR. GREGORY: Your Honor, I'm going to need to
8 request a five-minute recess, if I might have it.

9 THE COURT: Well, it is close to noon.

10 MR. GREGORY: I'm an old man, I sorry, but I need
11 that five minutes.

12 THE COURT: I wasn't going to tell you I wasn't
13 going to give you a recess. I was going to maybe recess the
14 case so everyone could have their lunch hour.

15 How long do you think you will be, Mr. Stanton,
16 with your evidence?

17 MR. STANTON: Just a couple minutes, Your Honor.
18 One of the things I would like to advise the Court is the
19 videotape that we have.

20 THE COURT: All right. Then we will take a short
21 recess for Mr. Gregory. Court is in recess.

22 (A recess was taken.)

23 THE COURT: Thank you. Please be seated.

24 Okay, Mr. Stanton.

25 MR. STANTON: Your Honor, I have a couple things

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1 for the Court as far as I believe possibly evidence. One is
2 the defendant's motion. I'm operating not from his
3 handwritten motion, but what was the typed version mirroring
4 his handwritten motion for self representation.

5 On page two, line 15 through 16, there is an
6 indication by Mr. Vanisi where he states the following:
7 "The law is not my forte. The realm of science is my
8 strength."

9 I would just as an officer of the court like to
10 represent to the Court that during the course of the
11 investigation of this case, there is some independent
12 evidence that indeed would corroborate that statement. In
13 Mr. Vanisi's possession was a backpack that was taken into
14 evidence, still is in evidence. And the sole textbook or
15 book that was in that backpack was a collegiate or
16 post-graduate level book on electrical engineering.

17 In addition, a vast majority of the witnesses that
18 were friends and associates of Mr. Vanisi prior to the
19 murder of Sergeant Sullivan confirmed that indeed Mr. Vanisi
20 spoke frequently of scientific issues, scientific theories;
21 and would corroborate that indeed that book that I mentioned
22 was not a prop or had some other purpose, but indeed was in
23 fact one resource that Mr. Vanisi read on a frequent basis.

24 As I stated previously, it is certainly a
25 collegiate level book and possibly even post-graduate book

1 on electrical engineering.

2 The other piece of evidence is a videotape, Your
3 Honor, a videotape that has been provided to defense
4 counsel, along with numerous other videotapes that have been
5 produced by the Washoe County Sheriff's Office at various
6 different times regarding Mr. Vanisi's behavior in the
7 Washoe County jail.

8 Specifically the videotape that I have in my hands
9 is a videotape that was taken of Mr. Vanisi on May 8, 1999,
10 while he was being transported from the Washoe County jail
11 to the Nevada State Prison. This is as a result of an
12 incident that the sheriff's office ultimately was called out
13 on, based upon the allegation that Mr. Vanisi failed to
14 comply with various different orders and was disruptive on
15 his tier.

16 In this videotape, and this tape is cued to a
17 particular section of Mr. Vanisi. What you see in this
18 videotape is the operator is having a hand-held camera in
19 the front right passenger seat of the transport vehicle.
20 Mr. Vanisi is in the back and the camera is being shot
21 through the cage.

22 The audio is on. And Mr. Vanisi is speaking
23 non-stop, constantly during this transport.

24 Of note in this tape is some comments made by
25 Mr. Vanisi relative to his --

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1 MR. GREGORY: I'm going to object to the
2 specificity. I don't mind him laying a foundation, but I'm
3 going to object to the introduction of this tape in general
4 and I don't want the Court affected by his argument.

5 MR. STANTON: I'm not sure how to respond to
6 counsel's objection. If the objection is the foundation, I
7 certainly can lay a foundation. We are at a position now
8 where the defendant has made a motion to represent himself
9 in a capital case.

10 Of interest, or the guidelines of Rule 253
11 indicate several things for this Court to consider, as does
12 the Tanksley case. And as the State has outlined in its
13 response, that the proper denial according to Tanksley for a
14 motion for self representation is one that's made for
15 purposes of delay or for disrupting the judicial process.

16 I think Mr. Vanisi's comments on May 8, 1999,
17 during his transport speak directly potentially to those
18 issues. I think that all would be concerned about whether
19 or not this motion is granted or not, and that all the
20 issues that the Nevada Supreme Court has set forth be
21 satisfied as best we can.

22 MR. GREGORY: If I might?

23 THE COURT: When Mr. Stanton is through.

24 MR. STANTON: I'm done, Your Honor. I don't know
25 what the objection is. If it's foundational, I can

1 certainly address that by calling the author of the
2 videotape to say it's a true and accurate copy. Frankly, I
3 don't see how that can be a legitimate objection at this
4 juncture under these circumstances.

5 THE COURT: Mr. Gregory?

6 MR. GREGORY: Yes, Your Honor. The Tanksley case
7 makes it clear that pretrial activity in the courtroom is
8 relevant to this decision. Not while he's being transported
9 or while he's being held 23/1 up at the jail.

10 This man's behavior has been impeccable over a
11 year in this courtroom. And I believe Mr. Stanton has
12 misread the case. They were talking about status hearings,
13 pretrial hearings that occurred under the Tanksley
14 situation. Over and above that, Mr. Tanksley had a
15 competency issue. I don't believe we have that in this
16 case.

17 But as far as whether it's relevant, his mumblings
18 in the back of a vehicle as he's being transported to the
19 Nevada State Prison, I would object to that under Tanksley.

20 THE COURT: Are you objecting to the foundation?

21 MR. GREGORY: I do not object to the foundation.
22 I'm objecting to the relevancy for these proceedings.

23 THE COURT: The exhibit will be marked by the
24 clerk, A.

25 MR. STANTON: Your Honor, would the Court want me

1 to respond to Mr. Gregory's arguments relative to relevancy?

2 THE COURT: Yes.

3 MR. STANTON: Your Honor, I don't read Tanksley,
4 and specifically Rule 253, Subsection 1 -- reading from 253,
5 Sub 1, it says, "The District Court's observation of the
6 defendant should reveal that the defendant appears to
7 understand the nature of the proceedings."

8 I don't read the intent of Rule 253 taken in its
9 entirety to say that this Court only evaluates and makes
10 findings of fact based upon the defendant's appearance in
11 court alone. To borrow Mr. Gregory's logic, the following
12 would result: If the State had evidence that the defendant
13 was attempting to delay the proceedings or to disrupt the
14 proceedings by self representation and that evidence was
15 derived outside of the courtroom setting, then following
16 that logic, that would never be admissible.

17 MR. GREGORY: No, that's not the point I was
18 making.

19 THE COURT: Mr. Gregory, please don't interrupt.

20 MR. GREGORY: Thank you, Your Honor.

21 MR. STANTON: I don't believe the intent of 253 or
22 what Tanksley says is for this Court to evaluate the
23 demeanor and the intent of the defendant being restricted to
24 in-court proceedings. I believe the videotape, and it is a
25 rambling dissertation on a number of different topics, but

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1 there is one precise -- actually, several precise areas in
2 there where Mr. Vanisi makes comments about delaying the
3 trial, causing multiple mistrials, that he wants to have a
4 mistrial of this case going into the year 2000. All those
5 things, I think, are precisely what Tanksley says, that if a
6 denial of self representation is made, it can properly be
7 made if the Court makes a determination that this request is
8 for the purpose of delay or disrupting the judicial process.
9 I think that's what it speaks to.

10 THE COURT: Mr. Gregory?

11 MR. GREGORY: Well, the Court has already admitted
12 that videotape.

13 THE COURT: No, I didn't.

14 MR. GREGORY: Oh, you haven't? I'm sorry, I
15 misunderstood.

16 THE COURT: I said it would be marked.

17 MR. GREGORY: Fine. We've made our objections.
18 It's not relevant. This man's behavior, I reiterate, has
19 been impeccable since this case first came into this
20 courtroom. He had five days when he was in trial. He
21 minded his manners. He's observed decorum. He's paid
22 respect and courtesy to this Court.

23 There is nothing that is relevant about how he
24 acts in a jail situation or while he's being transported to
25 the Nevada State Prison which can predict -- that's what

1 they want you to do, predict some future conduct on his
2 part. He's answered all your questions. He's indicated
3 he's going to follow the rules. He's going to behave
4 himself. He's not going to delay anything. He wants to go
5 to trial September 7.

6 I don't understand why they're trying to infect
7 this Court with this display in this van other than to
8 prejudice this Court against Mr. Vanisi.

9 THE COURT: Mr. Gregory, obviously you are at an
10 advantage. You have seen this videotape. For some reason
11 you think I'll be prejudiced if I hear what he says. I
12 don't know, I haven't seen it. I don't know anything about
13 it. However --

14 MR. GREGORY: There's another --

15 THE COURT: However, if Mr. Vanisi has made
16 statements as to his intent in self representation, that
17 would become relevant to the Court's determination. It is
18 not solely his behavior within the courtroom but his mind
19 set. If he's made statements that show me what his intent
20 is, his statements are relevant.

21 MR. GREGORY: This has nothing to do with his
22 intention to represent himself, Your Honor. This happened
23 when the Court ordered him transported on a Saturday. That
24 wasn't even an issue at the time. Not only that, this is
25 prior to this man being on medication.

1 THE COURT: Wait a minute, Mr. Gregory. You told
2 me that was before that was an issue. Mr. Vanisi already
3 told me he decided January 16, 1998 that he wanted to
4 represent himself. So it was an issue on May 8, 1998. It
5 was in his mind at least.

6 MR. GREGORY: Well, the issue at the time --

7 THE COURT: Are you arguing the motion or is this
8 all with regard to Exhibit A?

9 MR. GREGORY: Excuse me?

10 THE COURT: Is this all about the admissibility of
11 Exhibit A on relevance?

12 MR. GREGORY: Yes, and I want the Court to
13 understand what the status is. At the time he was seeking
14 to have us removed from the case, I believe. He was not on
15 medication, which he is now. I think the Court to take into
16 consideration some activities that occurred outside the
17 courtroom is highly prejudicial to this Court's ultimate
18 decision whether or not Mr. Vanisi will conduct himself in a
19 proper manner if he represents himself.

20 The State is in effect asking this Court to
21 predict future conduct on the part of Mr. Vanisi. And
22 there's nothing, there is absolutely nothing he has done in
23 this courtroom over the past year-and-a-half which reflects
24 that he's going to delay or obstruct or in any way make
25 himself a nuisance.

1 With that, Your Honor, we would object to the
2 Court viewing the videotape.

3 THE COURT: The right to represent one's self is a
4 fundamental right guaranteed by the constitution. The Court
5 is required to make inquiry, and I do not believe that
6 inquiry is limited to observation within the courtroom. If
7 there is some other evidence relevant, that is relevant to
8 the defendant's intent and motive for the request, it's
9 incumbent upon me to investigate that thoroughly. If I were
10 to fail to investigate that evidence thoroughly, I believe
11 that I would be in derogation of my duty.

12 Therefore, for all those reasons and the fact I
13 think his statements are relevant, Exhibit A is admitted for
14 purposes of today's hearing.

15 With regard to the medication, Mr. Gregory, your
16 client told me that he was on medication on May 16, up
17 through May 16. He didn't get any medication after that,
18 and didn't get any medication in June until July 16. Now
19 you're telling me he was not on any medication?

20 Do you have a record of his medication?

21 MR. GREGORY: I do not, Your Honor. He started
22 his lithium last Wednesday or Thursday, I believe, at the
23 direction of Dr. Thienhaus. Is that the way it's
24 pronounced? I approached him at this Court's direction and
25 asked him again if the doctor would voluntarily provide that

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1 medication, whether he had any problems with it. The doctor
2 indicated that he had had conversations with Dr. Lynn and
3 would provide lithium. These other medications I am not
4 aware of.

5 THE COURT: Well, before I can rule on the
6 defendant's motion, I have to understand what Elavil and
7 Risperdal and the combination of that with lithium does with
8 regard to his competency. That's been of concern to me. I
9 understand that it mellows out his mood and would allow him
10 to talk to counsel better, but I don't know if it mellows
11 him out to the point that he won't object or he won't
12 understand what's happening or he will make inappropriate
13 tactical decisions. I have to have some more information on
14 these drugs.

15 Although I have a lay person's understanding and I
16 hear about drugs all the time, I do not have an expertise to
17 understand what these drugs that he's getting and the levels
18 he's getting, if this is the level, how that affects him.
19 So, now that he's on the drugs, I think it's important for
20 me to do a couple of thing. One, to figure out how those
21 drugs affect him, and if they are affecting him at all with
22 regard to competency and demeanor. That's incumbent upon me
23 before we go forward with the trial anyway.

24 Second, I can also utilize that in making the
25 determination whether or not it affects his ability to

1 represent himself. Again that's an area the Supreme Court
2 has ordered that I inquire into.

3 I don't know if you want me to get -- if counsel
4 for the defense would prefer that I utilize the expert of
5 the jail physician by way of an open hearing, the expert of
6 Mr. Lynn by way of an open hearing; or, which may or may not
7 be appropriate, and I certainly will allow counsel an
8 opportunity to address it, an independent individual who
9 gives the Court advice as to what these drugs do in the
10 abstract.

11 MR. GREGORY: Well, I have no objections to
12 Dr. Lynn or Dr. Thienhaus. You know, some other doctor that
13 I'm not aware of, I'm not going to pass judgment on. But if
14 the Court wants to have a hearing with Dr. Lynn or
15 Dr. Thienhaus -- Thienhaus, is that the way it's pronounced?

16 THE COURT: We are talking about the in-house
17 physician at the jail?

18 MR. GREGORY: Yes, ma'am, Your Honor, it certainly
19 is. I want the record to reflect that Mr. Vanisi's decision
20 to represent himself came a week or better before he was
21 first given lithium.

22 THE COURT: His statement to me is it came nine
23 months before.

24 MR. GREGORY: No. No, I think he was talking
25 about the other medications. He wasn't talking about

1 lithium.

2 THE COURT: He decided, he told me, in January
3 that he wanted to represent himself.

4 MR. GREGORY: Well, Your Honor --

5 THE COURT: Clearly it was before he started
6 getting the lithium.

7 MR. GREGORY: Yes, that was the point I was
8 making.

9 THE COURT: That's all right.

10 MR. GREGORY: When are we going to have this
11 hearing and how much time are we going to utilize?

12 THE COURT: I guess we'll utilize the amount of
13 time it takes for the physician to explain to me the
14 ramifications of these drugs. And when we're going to have
15 that hearing, I don't know.

16 Until your client just told me, nobody told me
17 after the last hearing -- I didn't receive any information
18 that he was even on drugs. I didn't know he was on any
19 drugs. I never knew that he was on other drugs other than
20 the lithium. I didn't realize that previously. I didn't
21 know he was getting drugs other than the lithium last
22 spring.

23 So in terms of when you can have the hearing, I
24 guess we have to find out. If you have no preference,
25 probably the physician who is actually giving him the drugs

1 right now would be the appropriate physician.

2 Does the State have a position on that?

3 MR. GREGORY: Could we try to have him here this
4 afternoon, Your Honor?

5 THE COURT: Well, I would be more than glad to try
6 and get him here as soon as I can. But we will move forward
7 as quickly and expeditiously as we can. We have another
8 hearing for Mr. Vanisi already scheduled tomorrow morning at
9 ten a.m. If we have to use that time, we can do it. We've
10 got lots of time set aside for Mr. Vanisi and we can make
11 more.

12 So I don't know how long the hearing will take.

13 MR. GREGORY: Your Honor, if I might just for the
14 Court's edification, Illinois versus Allen, which is a 1970
15 United States Supreme Court case --

16 THE COURT: Do you have a cite?

17 MR. GREGORY: Yes, Your Honor. 397 U.S. 337, 90
18 Supreme Court 1057 at 1062; and 25 Lawyers Edition 2d 353,
19 1970.

20 But it's cited in the Tanksley case. The language
21 is as follows. That the Illinois versus Allen case clearly
22 explains the behavior will be considered disruptive, quote
23 unquote, only if it is of an extreme and aggravated nature.
24 Close quote.

25 I just wanted that on the record. And I thank the

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1 Court.

2 THE COURT: What does that relate to?

3 MR. GREGORY: It relates to the videotape and the
4 suggestion by the State that there might be some future
5 disruption. And that might be a basis, according to them,
6 for this Court to deny this man his categorical
7 constitutional right to represent himself.

8 THE COURT: And the record will be clear that the
9 admission of Exhibit A was not to observe the defendant's
10 demeanor or his disruptive behavior, if in fact there is
11 disruptive behavior on that video. The purpose of admitting
12 Exhibit A is for the Court to glean Mr. Vanisi's statements
13 with regard to his interest and intent. And those
14 statements that he made on May 8 may well be relevant to his
15 current intent, considering his statements to me today about
16 the timing of his determination of wanting to self represent
17 and bringing the issue before me one month before trial.

18 Anything --

19 MR. GREGORY: I'm sorry. Your Honor, I was going
20 to ask if you have time this afternoon so that we could try
21 to get the doctor in here and expedite --

22 THE COURT: Are you going to take the lead in
23 finding the doctor? I was going to have my staff take the
24 lead in finding the doctor.

25 MR. GREGORY: That's fine. They are going to pay

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1 attention to your staff more than me, that's for sure.

2 THE COURT: Currently we are in the middle of a
3 trial. We have a criminal justice committee which we are
4 all missing right now. We have the trial closing arguments
5 at 1:30. And I prefer to have those closing arguments
6 completed before I take up Mr. Vanisi's, the continuation of
7 Mr. Vanisi's hearing.

8 So what I'm intending to do is ask the staff to
9 locate the physician. I don't know if he works swing or
10 days. I'm not exactly sure how long it will take us to find
11 him, get him on the line and determine when he will be
12 available. Certainly we understand the expeditious nature
13 of this hearing and we want to get it resolved.

14 Counsel, I assume you will be available to us
15 whenever.

16 MR. GREGORY: Absolutely. He doesn't have any set
17 times, is my understanding at the jail. He also teaches at
18 the university. That's where I was able to contact him.

19 THE COURT: We will make every effort and get back
20 to you as soon as we have him.

21 MR. GREGORY: Thank you, Your Honor.

22 THE COURT: Mr. Vanisi, that concludes the hearing
23 for today. We will continue it until I have the additional
24 information. Court is in recess.

25 (The hearing recessed from 12:25 to 3:15 p.m.)

1 THE COURT: Thank you. Please be seated.
2 Counsel, the court clerk has been in contact with the jail
3 personnel and has a physician present ready to testify
4 today. Right? Dr. Thienhaus. If we can have Dr. Thienhaus
5 come in, please?

6 Doctor, we are going to have an inquiry, but you
7 are going to be under oath. I'll ask that the clerk swear
8 you at this time.

9 THE CLERK: Please raise your right hand.

10 (Ole Thienhaus was duly sworn.)

11 THE CLERK: Thank you. Please be seated at the
12 witness stand.

13 THE COURT: Okay. Counsel, the Court requested
14 this additional information to determine the drugs and the
15 effect of the drugs that Mr. Vanisi is under. Do you wish
16 to inquire? Mr. Gregory?

17 MR. GREGORY: Absolutely not, Your Honor.

18 THE COURT: Mr. Stanton?

19 MR. STANTON: Yes, I do, Your Honor.

20 THE COURT: You may proceed.

21 EXAMINATION

22 BY MR. STANTON:

23 Q Doctor, could you please state your complete name,
24 spelling your first and last name for the court reporter?

25 A My name is Ole Thienhaus, spelled O-l-e and

1 T-h-i-e-n-h-a-u-s.

2 Q How are you currently employed?

3 A I am a psychiatrist. I'm employed by the
4 University of Nevada School of Medicine as a professor of
5 psychiatry. I consult at the Washoe County detention
6 facility as their consulting psychiatrist.

7 Q How long have you been in the consulting capacity
8 with the Washoe County jail?

9 A Almost exactly one year now.

10 Q How long have you been in the field of psychiatry?

11 A Since 1980. So that's 19 years.

12 Q Are you Board certified?

13 A Yes.

14 Q And when were you certified?

15 A 1985.

16 Q In the State of Nevada?

17 A No, that's a national certification as a
18 psychiatrist, in a specialty of psychiatry. I'm licensed to
19 practice medicine in Nevada.

20 Q Okay. Do you have any special licenses through
21 the State of Nevada?

22 MR. GREGORY: Your Honor, I'll stipulate to the
23 doctor's expertise, if that will help.

24 THE COURT: Okay.

25 MR. STANTON: I just want the record to reflect

1 his educational background.

2 BY MR. STANTON:

3 Q Are you licensed by any entity in the State of
4 Nevada?

5 A By the State Medical Board. I'm licensed to
6 practice medicine and surgery in Nevada.

7 Q And when did that occur, Doctor?

8 A When I moved here, 1995.

9 Q Prior to that time I'm assuming you practiced in
10 another state?

11 A That is correct.

12 Q What state was that?

13 A It was in Ohio.

14 Q Doctor, are you aware or familiar with the
15 defendant, Siaosi Vanisi?

16 A Yes, I am.

17 Q And on what occasions have you had a professional
18 occurrence to come into contact with Mr. Vanisi?

19 A I was asked to evaluate him at the county jail.
20 The first time, I checked my records, was in September of
21 1998. The 30th of September to be correct, precise. Then I
22 saw him several more times. I didn't count exactly, but I
23 would imagine it's about four or five times between
24 September '98 and May of 1999. I haven't seen him since
25 then.

1 Q Are you aware, Doctor, of the medication
2 Mr. Vanisi is currently taking?

3 A Yes, I am aware of those.

4 Q What is that?

5 A There are three psychotropic medications. The
6 first one would be Risperdal, R-i-s-p-e-r-d-a-l, an
7 anti-psychotic, at a dose of half a milligram twice a day.

8 The second is Elavil, a somewhat sedating
9 anti-depressant at a dose of 50 milligrams at bedtime.

10 And the third one is lithium, a mood stabilizing
11 medication, at a dose of 300 milligrams in the morning and
12 600 milligrams at bedtime.

13 Q And are you the prescribing doctor for those
14 medications?

15 A I prescribed the last one, the lithium. The other
16 two had been prescribed by Dr. Schiff, another psychiatrist
17 attending at the jail.

18 Q Doctor, are you aware of the effect generally of
19 those medications on individuals?

20 A Oh, yes, I am.

21 Q And could you describe each one of those and the
22 dosages that Mr. Vanisi is taking?

23 A Yes. To start with, the Risperdal. As I said,
24 it's an anti-psychotic. The purpose for which it is
25 prescribed is usually impairment of reality testing. By

1 that I mean delusional ideation; false, fixed ideas, in
2 other words; and/or hallucinations of any kind.

3 In a patient who has such symptoms, the Risperdal
4 very reliably in 70 to 80 percent of cases suppresses those
5 symptoms. And in Mr. Vanisi's case I was the one to
6 originally prescribe the Risperdal, and with very good
7 effect. At the time he was psychotic.

8 Risperdal also has side effects, most notably a
9 degree of sedation that usually only occurs with higher
10 dosages. Mr. Vanisi is currently on the lowest possible
11 dose. You have to actually break in half the smallest pill
12 in order to come to half milligram size.

13 The second medication that I mentioned was
14 lithium? Was it Elavil? Let's do Elavil next. It's an
15 anti-depressant, very old drug; meaning it's been around
16 about 40 years now. And it's used very rarely these days as
17 an anti-depressant because we have newer drugs like Prozac
18 that work with fewer side effects.

19 What Elavil now is used for now is a sleeping
20 medication. We use a low dose. Fifty milligrams is a low
21 dose, and I understand Mr. Vanisi is getting that largely to
22 help him sleep through the night.

23 The side effects of that are usually related to
24 delayed bladder emptying, constipation, sometimes blurred
25 vision, some degree of sedation. Again at the low dose it's

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1 prescribed for, which is much below the level that would be
2 necessary for anti-depressant medication, those side effects
3 are very rare.

4 The third medication I mentioned was lithium.
5 Lithium is a mood stabilizer. It's a salt. It's a
6 naturally occurring substance. It's the most difficult of
7 these medications to use because it has a very narrow blood
8 level in which it is therapeutic. I had a chance to review
9 his record. We got a blood level on Mr. Vanisi returned
10 yesterday. It's .6 milliequivalents per liter, which is
11 within the therapeutic range at the low end. Therapeutic is
12 .5 to 1.5. With .6 he's in the proper range, albeit at the
13 low end.

14 Lithium's purpose is to stabilize mood in patients
15 with a tendency to go into mood swings, typically called
16 manic-depressive illness. People who go into depressive
17 funks, if you will. And on the other hand, at other times
18 have periods where they get extremely activated. Hyper is a
19 common term used by the individual so affected. Lithium is
20 a medication that has been around for 25 years plus and has
21 been shown to be very effective in reducing the extent of
22 those mood swings.

23 Lithium's side effects are primarily
24 gastrointestinal problems. It irritates the colon; can
25 cause diarrhea. That occurs with therapeutic dosages. With

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1 lithium toxicity, which is with the blood level I have not
2 present in Mr. Vanisi's case, but with toxic levels you can
3 have alterations in the state of consciousness, lethargy,
4 even coma at extreme cases. Again that would be with levels
5 that go way above the therapeutic range that I mentioned
6 before.

7 Q Doctor, you indicated on the first two
8 medications, Risperdal being the lowest possible dose and
9 then another low dose. The lithium dosages of 300
10 milligrams and 600 milligrams, how would you characterize
11 those?

12 A That is a fairly standard dose. The lithium is
13 really dosed according to the blood level achieved. And
14 with his blood level of .6 it's probably just right where it
15 should be.

16 Q Doctor, do you have an opinion relative to the
17 experience of Mr. Vanisi being the recipient of these
18 medications as to how he has reacted to those medications?

19 A My direct observation of Mr. Vanisi dates back to,
20 the last ones to May of this year. So this is a little
21 dated by now. But at that time he reacted very positively
22 to the medication.

23 In other words, when I saw him on one of these
24 occasions he was very agitated and had some strange
25 ideation. He described seeing strange shapes in his cell at

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1 the time that caused him to behave in a particular way. I
2 remember him alluding to certain geometric figures that were
3 forming out of orange peel on his cell floor. You know,
4 there was neither orange peel nor any geometric figures
5 visible to anybody else in the area.

6 And within days, if I remember correctly, these
7 symptoms were gone and he was a much quieter, calmer
8 individual, and could then return out of the infirmary back
9 to the cell where he had been before.

10 Q And I gather from your testimony, your last review
11 personally of Mr. Vanisi involved only the prescription of
12 the first two medications you've described.

13 A Correct, that's correct.

14 Q You have not personally observed Mr. Vanisi after
15 the recent prescription and administration of lithium; is
16 that correct?

17 A That's correct.

18 Q Is there anything in your review of the chart of
19 Mr. Vanisi that would indicate a negative reaction or some
20 concern to you regarding his response to the lithium
21 treatment?

22 A There is nothing in my, to my knowledge.

23 Q And Doctor, relative to Mr. Vanisi and these
24 medications, is there a symbiotic relationship between any
25 of these medications once they are taken in concert with one

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1 another?

2 A The only synergistic effect that I'm aware of
3 would be the sedating effect of both the Elavil and the
4 Risperdal. They both have a certain sedating side effect.
5 Presumably he would sleep quite well taking those two at
6 bedtime. That's my only comment regarding synergism.

7 Q Doctor, this motion, this proceeding we are taking
8 your testimony in is relative to Mr. Vanisi's specific
9 request to represent himself in a criminal case,
10 specifically a case where he's charged with first degree
11 murder, several counts of robbery and grand larceny.
12 Indeed, the death penalty is a potential punishment in this
13 case.

14 In that context, Doctor, from your medical
15 training and experience, is there anything about the
16 medication and the dosage equivalents or the dosage amounts
17 that he's taking that would give you concern about
18 Mr. Vanisi's mental abilities to address those issues as his
19 own lawyer in this case?

20 A No, there is not really, with the caveat that I
21 have not examined Mr. Vanisi personally for the past three
22 months.

23 Q And the examination that you would require as far
24 as to determine his latest state of mind, how long would
25 that take and what would that involve?

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1 A Well, usually I would request an hour to spend
2 with the individual, though I might do it in a lot less than
3 that. It entails entirely an interview that I perform with
4 the individual.

5 Q So there's nothing about -- you use the term
6 psychotropic medication. There's nothing about either one
7 of these, either the dosage amounts or combination with one
8 another, that would cause Mr. Vanisi to be mentally
9 incapable of handling the issues that are confronting him in
10 this context; is that correct?

11 A That is correct. If you again permit me to say,
12 thinking of Mr. Vanisi as an average adult male of sound
13 body frame and so forth, there is nothing, that's correct.

14 Q And you, through your examination of Mr. Vanisi,
15 have you found anything that indicated that he's anything
16 but a normal healthy adult male?

17 A No, I have not.

18 MR. STANTON: I have no further questions at this
19 time of the witness.

20 THE COURT: Did the inquiry elicit any questions
21 from counsel?

22 MR. GREGORY: No, Your Honor.

23 THE COURT: Mr. Vanisi, do you have any questions
24 for the doctor?

25 THE DEFENDANT: No questions.

1 THE COURT: Thank you. You may step down.

2 (The witness was excused and left the courtroom.)

3 THE COURT: With our delay, does anyone have any
4 witnesses to call? Any other witnesses?

5 MR. GREGORY: None by the defense.

6 MR. STANTON: None by the State, Your Honor.

7 THE COURT: Mr. Vanisi, do you have any further
8 argument that you would like to present in support of your
9 motion?

10 THE DEFENDANT: No, I don't have any further
11 arguments, Your Honor.

12 MR. GREGORY: Your Honor, I do have one thing. Is
13 the Court going to admit this tape and review this tape?
14 Has the Court reviewed the tape.

15 THE COURT: I haven't reviewed it yet, no.

16 MR. GREGORY: Based on the Court's ruling, we may
17 have --

18 THE COURT: I think we've admitted it. Been a
19 little busy, Mr. Gregory. I haven't watched it.

20 MR. GREGORY: The Court intends to review the
21 tape; is that correct?

22 THE COURT: It's admitted for purposes of the
23 motion, yes.

24 MR. GREGORY: Having seen the tape, Mr. Vanisi
25 obviously was the subject of the tape. He -- well, why

1 don't you indicate to the Court. There is a reference to
2 mistrial in the tape. Why don't you indicate to the Court
3 what you meant by that.

4 THE DEFENDANT: My meaning of what I said about
5 mistrial is specifically about my case, my case possibly,
6 seeing how the prosecution handled the last hearing. I was
7 just being rash. One can say I was just being bold and
8 saying that my case would result, just because of my case,
9 it would result in another mistrial. But that's, and that,
10 in that context that's what I was saying. I'm done.

11 MR. GREGORY: Did you intend to cause a mistrial?

12 THE COURT: Wait, wait. You're not calling him as
13 a witness, Mr. Gregory. Mr. Vanisi has an opportunity to
14 tell me what he wants. If you want to argue, if you think
15 you have a position to argue, you may argue it. If you want
16 to call him as a witness, I think that would be highly
17 irregular in this instance.

18 MR. GREGORY: I don't intend to call him. I'll
19 take advantage of Mr. Stanton's procedure. I will ask the
20 Court to inquire of Mr. Vanisi whether he intended or
21 intends to cause any mistrial in the proceedings beginning
22 September 7.

23 THE COURT: You mean by way of Exhibit A?

24 MR. GREGORY: Pardon me?

25 THE COURT: By way of Exhibit A? Is that what

1 your -- you're pointing to a tape on the table.

2 MR. GREGORY: Mr. Stanton wants the Court to see
3 this to suggest to the Court that sometime in the future
4 he's going to be disruptive.

5 THE COURT: Not Mr. Stanton. Mr. Vanisi.

6 MR. GREGORY: No, Mr. Stanton wants the Court to
7 see the videotape.

8 THE COURT: But not that Mr. Stanton is going to
9 be disruptive. Mr. Vanisi is going to be disruptive,
10 correct?

11 MR. GREGORY: That's correct.

12 THE COURT: We're talking about Exhibit A,
13 correct?

14 MR. GREGORY: Exhibit A. I'm asking you to
15 inquire of Mr. Vanisi whether or not he intends, if he
16 represents himself or even if we represent him beginning
17 September 7, whether he intends to cause a mistrial.

18 THE COURT: Mr. Vanisi, your attorney wants me to
19 ask you that question. Obviously, you are not under oath
20 and this is your motion. I want to be sure that you
21 understand the question.

22 Do you understand what the causing of a mistrial
23 would be?

24 THE DEFENDANT: Yeah, I understand and I just want
25 to say that I'm not, I'm not intending, I'm not going out of

1 my way to be disruptive and uncontrollable.

2 THE COURT: Would that be how someone could cause
3 a mistrial, in your mind?

4 THE DEFENDANT: I think it would, for anyone's
5 mind, yes.

6 THE COURT: Is there any way that you think -- is
7 there any indication in your mind that you want to have this
8 opportunity to represent yourself in order that you can have
9 a mistrial declared?

10 THE DEFENDANT: I am not representing myself so I
11 can produce a mistrial. That is not my intention in
12 representing myself.

13 THE COURT: Okay. Any further inquiry anyone has?

14 MR. GREGORY: Thank you, Your Honor, no.

15 THE COURT: Mr. Vanisi, I've offered him an
16 opportunity to make any further argument. Throughout this
17 hearing counsel has represented Mr. Vanisi in his request to
18 represent himself. Does counsel for Mr. Vanisi have any
19 further argument?

20 MR. GREGORY: No, Your Honor.

21 THE COURT: Do you have a position that you take
22 with the Court?

23 MR. GREGORY: Well, if the Court wishes, I will
24 take --

25 THE COURT: No, I'm asking if you want to. I'm

1 giving you the opportunity. I am not ordering you to do
2 anything.

3 MR. GREGORY: Yes, Your Honor, I will take a
4 position. As counsel for Mr. Vanisi, this was his motion
5 and his desire. He had certain matters to address through
6 the Court's canvass. I believe the Court exceeded the
7 requirements of Rule 253.

8 That aside, I think he passed that canvass with
9 flying colors. I think this Court has no alternative but to
10 grant this man his penultimate constitutional right to
11 represent himself, and any other decision by this Court
12 creates reversible error.

13 I made my record. Thank you, Your Honor.

14 THE COURT: You're welcome, Mr. Gregory.
15 Mr. Stanton, Mr. Gammick, do either of you have a position
16 to take?

17 MR. STANTON: The State's position is as follows,
18 Your Honor: Obviously, when we filed our response to the
19 defendant's motion, we attempted to outline what the State
20 perceives to be the requirements of both the Nevada Supreme
21 Court and the United States Supreme Court in a factual
22 hearing for this Court to determine those issues.

23 The Rule 253 canvass by the Court this morning is,
24 I think, the gravamen of the evidence to answer the question
25 that is before the Court now. I would agree with

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1 Mr. Gregory that Mr. Vanisi passed most, if not all of the
2 Court's inquiry this morning.

3 There is a significant concern of the State in two
4 regards. One I think has been addressed by Mr. Vanisi. It
5 was confirmed by Mr. Gregory this morning. That was the
6 timeliness of the request and whether or not that request
7 would necessitate a delay in the trial. Mr. Vanisi in his
8 written motion at page three, line eight through nine,
9 states as follows: "I conclude my motion with the goal to
10 be prepared for trial on the 7th of September, 1999."

11 At the time the State reviewed that motion, the
12 term "goal" was of significant concern because it wasn't
13 unequivocal about his ability to be prepared to defend
14 himself on September 7 of this year. Mr. Vanisi, I think,
15 two times this morning, and confirmed by Mr. Gregory,
16 indicated that indeed he would be prepared to go to trial as
17 his own counsel on September 7 this year. So to the extent
18 now the State has what appears to be confirmation of its
19 concerns or lack of concerns that the timeliness of the
20 motion and the delay is not an issue, that we are looking at
21 a September 7 trial date with no delay.

22 The State is concerned with item number four out
23 of the Tanksley decision of when a motion for self
24 representation may properly be denied. That is when a
25 defendant uses that as a tool to disrupt the judicial

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1 process. I would indicate to the Court that at least the
2 times in court that the State has been present -- we
3 obviously were not present during another motion hearing.
4 But certainly this morning Mr. Vanisi has been anything but
5 disruptive. I think he responded very literally to the
6 Court's inquiry, was cognizant of the questions and the
7 proceedings surrounding them, oriented to time and place,
8 and satisfies that criteria across the board.

9 The Court has indicated this morning that the
10 Court cannot perceive of a tactical reason at this juncture,
11 or any reason in a case such as this for Mr. Vanisi to
12 represent himself. And that concern is joined by the State,
13 because the State can't perceive any tactical reason for the
14 defendant to represent himself, save and except for what
15 appears to be the obvious one, and that is at least it's an
16 issue on appeal and makes the waters a little more muddy
17 when someone represents themselves in a capital murder
18 trial. That is what the State perceives as far as the
19 Tanksley opinion of the basis to deny the motion for self
20 representation.

21 The guidelines and the canvass of the Court, I
22 know the Court is at a juncture as soon as it accepts all
23 the facts in evidence to make the specific findings of fact
24 that's directed in Subsection 1 of Rule 253 and Subsection
25 4. This would be my fourth pro per felony matter and

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1 Mr. Vanisi's distinctly and cognitively more adept at
2 defending himself than any defendant I have ever been
3 involved with. The State's understanding of his knowledge
4 certainly in the scientific realm, but his ability to read
5 and process information is significant. He has no defect in
6 his ability to read, to write, or to otherwise communicate,
7 or to understand subject matter that he may be, that may be
8 foreign to him, specifically here the law.

9 The State is also cognizant that the law does not
10 recognize as a significant consideration the extent of
11 someone's legal knowledge. I think the Faretta decision, to
12 give credit to Mr. Vanisi, his initial motion points out
13 what I think Faretta says among other things and that is the
14 knowledge of, one's knowledge of law is not in and of itself
15 a basis to deny the motion.

16 I think that the State's perspective is that it's
17 a lot more difficult to prosecute a case when a defendant is
18 his own lawyer. Certainly it is for prosecutors. It's much
19 more difficult, I believe, for the Court, for all the
20 reasons that I think are self-evident to the lawyers in this
21 room.

22 But the State is certainly aware of the
23 unequivocal and fundamental constitutional right that has
24 been endorsed time and again by the United States Supreme
25 Court and the Nevada Supreme Court. That is the powerful

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1 right of one to represent themselves. The State has seen
2 nothing in the canvass this morning that would render
3 Mr. Vanisi incapable pursuant to our guidelines of
4 representing himself, although we collectively do it, make
5 that assessment with a severe degree of caution.

6 Frankly speaking, Your Honor, some day this
7 transcript and this proceeding is going to be reviewed by
8 the Ninth Circuit Court of Appeals. And the decision that
9 this Court has from the State's perspective is one it can't
10 make correctly. That is, if you deny it based on what I
11 think the record is, there is an argument that it may be
12 reversed. I think that he's satisfied all the requirements.

13 By the same token, my opinion of the Ninth Circuit
14 Court of Appeals is that this case isn't going to taste very
15 good to them. It's not going to sound very good if he's
16 convicted of first degree murder and sentenced to death.
17 You have a man who represents himself with a high school
18 education, taking psychotropic medication, and is sitting on
19 death row. My experience has been that the Ninth Circuit on
20 cases like that or similar to it is very result-oriented and
21 that they are not going to like that.

22 But if the record is looked at closely and the
23 rule of law is followed, I believe that Mr. Vanisi's right
24 prevails. And that's the State's position on this motion.

25 THE COURT: Okay. Thank you. Mr. Vanisi,

1 anything further to add?

2 THE DEFENDANT: Nothing further, Your Honor.

3 THE COURT: Mr. Gregory, Mr. Bosler?

4 MR. GREGORY: Your Honor, if I might, it's
5 incumbent upon me to lay a little more foundation for the
6 exhibit, the videotape. I'm sorry, was it Exhibit A?

7 THE COURT: Yes.

8 MR. GREGORY: This particular videotape was shot
9 after Mr. Vanisi was extricated from the Washoe County jail
10 forcibly and taken to the Nevada State Prison in chains and
11 in his underwear, and he was in what he described to me in a
12 very manic state. I want the record to reflect the
13 condition of Mr. Vanisi at that time.

14 With that, Your Honor, I'll submit it.

15 THE COURT: Counsel, we have a ten a.m. hearing
16 tomorrow morning. I am going to issue my decision right
17 before that hearing. However, I encourage Mr. Vanisi to be
18 prepared for that hearing tomorrow morning.

19 Court is in recess.

20 (The hearing concluded at 3:45 p.m.)
21
22
23
24
25

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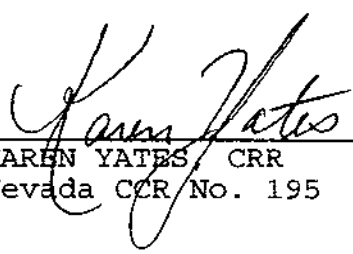
STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, KAREN YATES, a Certified Court Reporter of the Second Judicial District Court, in and for the State of Nevada, do hereby certify:

That I was present in the above-entitled court on August 10, 1999, and took verbatim stenotype notes of the proceedings entitled THE STATE OF NEVADA, Plaintiff, versus Siao Si Vanisi, Defendant, Case No. CR98-0516, and thereafter transcribed them into typewriting as herein appears,

That the foregoing partial transcript is a full, true and correct transcription of my stenotype notes of said hearing.

DATED at Reno, Nevada, this 11th day of August, 1999.



KAREN YATES, CRR
Nevada CCR No. 195

Exhibit 23

Exhibit 23

SEALED FILED

Code No. 4185

AUG 30 1999

AMY HARVEY
By: *[Signature]*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

SIAOSI VANISI,

Defendant.

Case No. CR98-0516

Dept. No. 4

REQUEST FOR HEARING ON EX PARTE MOTION TO WITHDRAW
IN CAMERA HEARING
AUGUST 26, 1999
RENO, NEVADA

APPEARANCES:

For the Plaintiff:

RICHARD GAMMICK
District Attorney
DAVID STANTON
Deputy District Attorney
Washoe County Courthouse
Reno, Nevada

For the Defendant:

MICHAEL R. SPECCHIO
Public Defender
STEVE GREGORY
JEREMY BOSLER
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The Defendant:

Reported by:

SIAOSI VANISI
ERIC V. NELSON, CCR No. 57

SIERRA NEVADA REPORTERS (775) 329-6560

ORIGINAL#

AA00819 TQUALLS06537

RENO, NEVADA, THURSDAY, AUGUST 26, 1999, 7:24 A.M.

-oOo-

(Whereupon, the following proceedings were held in court and are sealed.)

THE COURT: Security detail is notified that you are here for purposes only of providing security. As has been the case in other circumstances, your presence is governed by the rules that govern all bailiffs in the courthouse.

This proceeding is now sealed. That means you may not discuss what goes on in these proceedings with anyone, not even your supervisors, even if the content of these proceedings would reflect on security issues, without a court order. If you are concerned about the content of the information that is disclosed and you wish to have a court order, you must do so through counsel, and that would be the only person you could disclose your concerns to. This includes your supervisors. So this is an important aspect of the sealing of the proceedings.

Please stand and put your names on the record.

MR. IVESON: Josh Iveson.

MR. LARIVIERE: Sergeant Ty La Riviere.

MR. ANDERSON: Dane Anderson.

MS. VOGT: Lisa Vogt.

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1 an opportunity to address those concerns. They can be done
2 later. But we are on a time frame here. So please just get
3 to what the issue is and the problems that brought this to
4 the head and what's going on that I need to know.

5 MR. GREGORY: Your Honor, in March -- I'm
6 sorry -- in February of this year, I had a conversation with
7 Mr. Vanisi wherein he admitted that he had in fact killed
8 Officer Sullivan. As a result of that conversation, we
9 fashioned a defense for Mr. Vanisi, which is obviously not a
10 complete defense, but a defense, and offered that for his
11 consideration within weeks of that conversation.

12 From February to the present he has refused to
13 even communicate about that particular defense. Now when he
14 returned, and I'm going to try to be brief, when he returned
15 from Nevada State Prison, the middle of July, I believe it
16 was -- let me back up a little bit.

17 We continued to ask Mr. Vanisi to assist us in
18 the defense that we thought was appropriate. Mr. Vanisi
19 indicated that he was more interested in presenting a
20 defense much like the one that was being offered prior to
21 the mistrial that someone else was involved in the
22 circumstances of the killing slash conspiracy of certain
23 witnesses to convict Mr. Vanisi.

24 We adamantly refused to embrace that defense
25 and told Mr. Vanisi that we would not present that defense

1 under any circumstances for ethical reasons and because we
2 didn't believe that the evidence supported that defense.

3 That brought about his refusal to communicate
4 with us at all starting in February. When he returned
5 from -- and quite frankly, I thought that he was having
6 emotional problems. So we went down that road.

7 When he returned from Nevada State Prison in
8 the middle of July, he again asked us to fashion a defense
9 based on his theory, and we refused. We had several
10 conversations with him with our summary refusal to help him
11 with that defense. And we explained to him that we had
12 ethical responsibilities.

13 At that point Mr. Vanisi asked for the first
14 time, and I want the record to be clear, whether he had the
15 right to represent himself. He may have been thinking about
16 it, as he indicated in an earlier proceeding, since January
17 of 1998, but it is the first time that it had come to our
18 attention.

19 THE COURT: When did you say that was?

20 MR. GREGORY: That would have been in July,
21 Your Honor, July 1999, after he returned from Nevada State
22 Prison.

23 And as a side, as the Court will note that he
24 also had done his motion to dismiss counsel, and although he
25 wasn't able to articulate that, part of the basis was he

1 didn't feel like we were properly representing him because
2 we would not embrace his theory of the case.

3 At that point we offered him, as is our
4 obligation under Feretta and Rule 252, I believe it is, for
5 his consideration in a hearing on the 26th of July -- I'm
6 not sure of the date we asked, because we needed to speak to
7 the Court about privileged communications. We asked the
8 Court to hold an in camera proceeding, which the Court
9 granted.

10 However, before we got to the issues I'm now
11 addressing, the Court found out that Mr. Vanisi wanted to
12 represent himself, and ordered Mr. Vanisi to fashion a
13 Feretta motion, thinking that once that was done, that we'd
14 come back in camera, be able to proceed to inform the Court
15 of our dilemma. We proceeded in that fashion.

16 However -- and the Court had ordered it sealed,
17 ordered it ex parte. The Court subsequently, after
18 receiving a Feretta motion, indicated that those proceedings
19 should not have been closed, and served, ordered us -- I
20 can't remember. Maybe the Court did the service with the
21 prosecutor.

22 We go into a Feretta hearing in public. Again,
23 we're thinking that we're going to have an in camera
24 proceeding, a continuation of the in camera proceeding
25 someplace down the road. We do a motion to reconsider,

1 again ex parte. Again, the Court orders it served on the
2 prosecutor.

3 The Court summarily denies that motion.

4 On the 16th of August, prior to the Court's
5 denial, I had a conversation with the chief appellate
6 deputy, Mr. Petty, regarding how we should proceed to
7 represent Mr. Vanisi if the Court denied the motion to
8 reconsider his self-representation. And at that point we
9 were instructed -- I was instructed by Mr. Petty, whom I
10 respect, that I should get in touch with bar counsel, which
11 we did. I posed a hypothetical to him, factually identical
12 to the one that I'm presenting to the Court and the one that
13 I have in my affidavit.

14 Without hesitation, bar counsel indicated that
15 we should immediately offer a motion to withdraw, which we
16 did on August 18th, pursuant to Supreme Court Rule 166 and
17 Supreme Court Rule 172.

18 Now we're in a situation, Your Honor, where
19 although there's permissive language under 166 for this
20 Court to order us to stay on, where we're going to have to
21 certify ineffective assistance of counsel if the Court
22 insists on doing that because we cannot violate our ethics,
23 nor can we intentionally commit criminal acts. And we don't
24 intend to do so.

25 THE COURT: What ethical violation would

1 continued representation be?

2 MR. GREGORY: Well, to effectively represent
3 Mr. Vanisi under those circumstances, Your Honor, we'd have
4 to lay a foundation, if you will, starting with the
5 selection of the jury, to support his theory of the case.

6 THE COURT: Why do you say that?

7 MR. GREGORY: I don't know how else we can
8 effectively represent him if we are not allowed to present
9 his defense because of its falsity, if you will, because we
10 will not condone subordination of perjury, will not be
11 involved in obstruction of justice, or conspiracy to commit
12 those crimes.

13 THE COURT: Wait a minute. I want to be very
14 specific here. Is it your position that legal counsel for a
15 criminal defendant must present the defense the criminal
16 defendant requests?

17 MR. GREGORY: Well, under these circumstances
18 we have no alternative. He refuses to embrace our defense.

19 THE COURT: What does he have to do to embrace
20 your defense?

21 MR. GREGORY: He has to agree to take the
22 stand, Your Honor. I mean that is the key to it.

23 THE COURT: That is the only way you can defend
24 him?

25 MR. GREGORY: That is the key to it, yes,

1 ma'am. There is no other way.

2 THE COURT: What perjury do you have to
3 subordinate to put his defense on?

4 MR. GREGORY: Well, again, his defense is
5 triggered by his testimony, Your Honor.

6 THE COURT: Well, we're going to have this
7 problem no matter who represents him.

8 MR. GREGORY: Well --

9 THE COURT: Including himself.

10 MR. GREGORY: No.

11 THE COURT: Yes. Give me one case anywhere in
12 this country that allows a criminal defendant to lie on the
13 stand.

14 MR. GREGORY: Well, that's up to the prosecutor
15 if he wants to file perjury charges. But I don't think this
16 Court can dictate to a defendant the defense that he wants
17 to embrace.

18 THE COURT: Do you have any case law that says
19 that?

20 MR. GREGORY: Your Honor, I think it's just --
21 no, I don't. I don't have any with me.

22 But let me finish, if I might. The prosecutor,
23 and I assume the Court, is concerned with the language in
24 Rule 172, the discretionary language, subsection 3, that a
25 lawyer may refuse to offer evidence that the lawyer

1 reasonably believes is false. Well, I think that
2 discretionary language is more for civil cases. It
3 certainly doesn't apply to a criminal case.

4 For us to refuse to present evidence is a
5 certification under Strickland that we're ineffective.

6 THE COURT: What part of Strickland says that
7 you have -- you are ineffective unless you put on specific
8 evidence?

9 MR. GREGORY: Well, Your Honor, if we are in a
10 circumstance where we're supposed to offer a defense for a
11 defendant, and because we refuse to offer evidence that
12 supports that defense, by definition that's ineffective
13 assistance of counsel. He has a right to effective
14 assistance.

15 THE COURT: You think that Strickland says
16 that?

17 MR. GREGORY: Yes. That is the standard of
18 Strickland.

19 THE COURT: That you must put on the defense
20 the defendant requests even if you know that that's --

21 MR. GREGORY: No, no. That's not what I said,
22 Your Honor. If a defendant embraces a defense and insists
23 that his counsel put on that defense, and his counsel,
24 because of ethical problems and certain revelations that
25 have occurred, is unable to put on that defense, he is per

1 se ineffective.

2 THE COURT: Well, what about all the cases,
3 both in Nevada, the Ninth Circuit and other places that say
4 a defense attorney determines the defense that is
5 appropriate in a case?

6 MR. GREGORY: Well, that's correct. And we
7 have insisted that to Mr. Vanisi that the only defense we'll
8 put on is the provocation defense. However, Mr. Vanisi will
9 not cooperate with that defense. So he winds up not having
10 a defense. We're just sitting here like bumps on a log
11 doing nothing.

12 THE COURT: What about why can't you put on the
13 defense that you started to put on before without his
14 testimony?

15 MR. GREGORY: That defense is not -- without
16 laying the foundation through Mr. Vanisi, that defense is
17 not viable.

18 THE COURT: Well, I thought it was going pretty
19 well for you last time.

20 MR. GREGORY: When the Court said -- the Court
21 is suggesting that we proffer the defense -- I
22 misunderstood -- that we presented during the first trial?

23 THE COURT: Yes.

24 MR. GREGORY: Well, Your Honor, if I might, the
25 reason we had a mistrial is because we found out that that

1 information was incorrect.

2 THE COURT: What he said.

3 MR. GREGORY: For this Court to suggest with
4 our now knowing that was a mistake that we intentionally try
5 to mislead the jury, well, the Court can order whatever it
6 wants, but we will not participate in that. That's an
7 ethical violation, and maybe a criminal violation.

8 THE COURT: Mr. Gregory, it's very difficult
9 for me at this stage in the proceedings to believe that
10 every case requires that the defense attorney have ironclad
11 evidence that any theory he puts on is absolutely the truth
12 and the complete theory of the case.

13 Now, you cannot put on perjured testimony. You
14 cannot lie to the tribunal. You cannot suborn perjury. But
15 you can inquire and argue on behalf of your client the
16 particular pieces of evidence mean something, even if in
17 your heart you do not believe that that is in fact what they
18 mean. That is what goes on frequently.

19 Now, it makes it very difficult for you, I
20 understand, if your client has confessed. I understand that
21 maybe everything you would normally do you can't do. But
22 any defense attorney is going to be -- if your argument is
23 correct that you because he confessed to you cannot put on a
24 defense, who could represent Mr. Vanisi?

25 MR. GREGORY: Well, the Court misunderstood.

1 The defendant has not confessed to anything, Your Honor.
2 He's made certain admissions to his counsel. He hasn't
3 confessed to anything.

4 THE COURT: Who could represent Mr. Vanisi? If
5 your position is correct, who could represent him?

6 MR. GREGORY: All right, if I might back up.
7 Your Honor, under normal circumstances we have a don't ask,
8 don't tell. We don't want to know whether you're guilty or
9 innocent. Because we don't want to get into this
10 circumstance. That's how we normally approach these cases.

11 Unfortunately, because of the mistrial that
12 occurred, we were fashioning another defense, and at that
13 point Mr. Vanisi made certain admissions which commits us
14 ethically, once those admissions are made.

15 Subsequent to that, and I'm not going to go
16 through the history again, he decided that he wanted to
17 represent himself so he could put his theory on, his
18 defense, which is totally incompatible with our defense, and
19 a defense that we absolutely refuse to proffer to the Court
20 or jury.

21 So under normal circumstances that's why the
22 Court was earlier incorrect when the Court indicated that no
23 defense attorney could represent Mr. Vanisi. Had we not had
24 the circumstance of the admission and then subsequent to
25 that his desire to put on a defense that we couldn't

1 ethically put on, then we wouldn't have had a problem. Had
2 we started off with his theory, we wouldn't have had a
3 problem.

4 But now we know, we know the circumstances.
5 And for us to offer evidence or cross-examine vigorously or
6 select a jury under those circumstances is, in my opinion,
7 an ethical violation prohibited, and also of the opinion of
8 the State Bar counsel.

9 THE COURT: Well, I don't think you should
10 bring state Bar counsel in. Number one, I don't even know
11 who you talked to.

12 Did you talk to Rob Bare or did you talk to his
13 young assistant?

14 MR. GREGORY: I don't know what the Court means
15 by young assistant.

16 THE COURT: I don't know the man's name who is
17 the assistant to Rob Bare. Are you talking about Rob Bare
18 or are you talking about --

19 MR. GREGORY: I talked to assistant bar counsel
20 in Las Vegas, Michael Warhola, W-a-r-h-o-l-a.

21 THE COURT: Now, furthermore, if there is an
22 advisory opinion by Bar counsel, it should be in writing.
23 And I'm not sure that Bar counsel understood all the
24 ramifications of the discussion that you had with them.
25 Because the discussions with regard to counsel's ethical

1 obligations are somewhat different depending on the
2 circumstances.

3 So I don't really think we should -- if we want
4 to know his opinion, we should have him here if that for
5 some reason would affect the Court's decision. But I don't
6 think we should rely on any statements he made in a
7 hypothetical.

8 MR. GREGORY: I'm relying on Supreme Court Rule
9 166 and Supreme Court Rule 172, Your Honor.

10 THE COURT: That's good.

11 MR. GREGORY: The only reason I mentioned Bar
12 counsel is because they directed me to it.

13 Now as far as the timing is concerned, as I
14 indicated, when I set forth the historical nature of this,
15 we had hoped to get into these issues the day on the 26th of
16 July or whenever it was when the Court ordered that
17 Mr. Vanisi file a Feretta motion. We never came back in
18 camera to deal with this. But that aside, Your Honor, that
19 was within a month, month and-a-half of trial. We informed
20 the Court as quickly as possible of the circumstances that
21 we were facing.

22 I still believed, incorrectly, it turns out,
23 and but for Mr. Petty's aid, I would continue to believe,
24 but I still believed that if the Court granted our motion to
25 reconsider self-representation and he was allowed to

1 represent himself, that we could act as legal adviser and
2 standby counsel. But it wasn't until, as I indicated,
3 August 16th when Mr. Petty insisted that I make the phone
4 call to Bar counsel, that I discovered we would not be able
5 to act in those capacities either.

6 Your Honor, we're in a circumstance -- and I'm
7 not asking -- I'm not acting as an adversary. I'm not
8 advocating. My responsibilities, Mr. Bosler's
9 responsibilities, Mr. Petty, if you will, because he's been
10 part of this, and Mr. Specchio, is to come here to report to
11 the Court as officers of the Court our concern, and the
12 fact, Your Honor, if I might, that we have concluded that we
13 cannot properly defend this man.

14 Now if that results in a continuance, so be it.
15 He's not going anywhere. The important thing is that this
16 man enjoy due process of law. He's not going to get it
17 under these circumstances.

18 Now I know everybody wants to get on down the
19 road here.

20 THE COURT: That's not the issue, Mr. Gregory,
21 for the Court. The issue for the Court at this stage in the
22 proceedings is I have a defendant who is malingering and a
23 defendant who does not want to go to trial. I have a
24 defendant who can not represent himself. I have already
25 ruled on that. I have a defendant that will continue to

1 manipulate counsel.

2 And if I rule at this stage in the proceedings
3 that your representations are in fact correct, that you
4 cannot represent Mr. Vanisi, and that you cannot fashion any
5 defense in this case that is ethical, then I have set up to
6 never have this case go to trial; and you may not believe
7 that, but I know that to be the case.

8 MR. GREGORY: I'm sorry, I misunderstood the
9 last part. You set up what? I'm sorry, Judge.

10 THE COURT: I set up a situation where this
11 case will never go to trial. Now I'm not saying these
12 things so you can argue with me, Mr. Gregory. I'm just
13 telling you the Court's position.

14 MR. GREGORY: I'm not trying to argue. I'm
15 just trying to hear you. I didn't hear you.

16 THE COURT: Then don't interrupt me. I need to
17 know specifically what your defense will be if you were to
18 proceed with it, that you and Mr. Bosler and Mr. Specchio
19 have discussed that you think is a viable defense the
20 defendant will not cooperate with you on. You started out
21 saying you have what you think is a viable defense, and
22 Mr. Vanisi will not cooperate.

23 MR. GREGORY: It has to do with provocation by
24 Officer Sullivan, a slight provocation to be sure, and an
25 overreaction by Mr. Vanisi resulting in the death of Officer

1 Sullivan. Obviously, he admits being there, he admits doing
2 it.

3 However --

4 THE COURT: That would be part of the defense
5 that he admitted being there and doing it?

6 MR. GREGORY: That is the defense, and
7 that's -- I would submit to the Court that's one of the
8 reasons Mr. Vanisi doesn't want to embrace it, because at
9 best, we might eliminate premeditation and keep him from
10 being put to death. It certainly doesn't address the other
11 charges.

12 It is about as incomplete a defense as you can
13 get. But faced with the evidence that we're looking at,
14 that's all we got. And in our opinion, that is the only
15 viable defense.

16 However, Mr. Vanisi has concluded that if he's
17 able to convince the jury of his defense --

18 THE COURT: Which is?

19 MR. GREGORY: That he wasn't there, that
20 certain other individuals were involved in it, his friends,
21 that he's the odd man out, up from Los Angeles, being used
22 as a scapegoat for this particular crime. Well, if the jury
23 embraces that defense, Mr. Vanisi is acquitted completely on
24 the murder charge.

25 THE COURT: And how does he want you to put

1 that defense on?

2 MR. GREGORY: First of all, as I indicated, the
3 precursor is Mr. Vanisi taking the stand and testifying to
4 those matters. I mean, that triggers the defense. Anything
5 else is just pure gibberish.

6 THE COURT: And what is the evidence that you
7 have that will not allow you to allow Mr. Vanisi testifying
8 in that manner?

9 MR. GREGORY: Your Honor, as I have indicated
10 to the Court, he's already made admissions. For
11 Mr. Vanisi -- for us to present that, starting as a theme at
12 jury selection, following through to conclusion, makes us a
13 party to at least two crimes I can think of, obstruction of
14 justice and subordination of perjury, and we will not
15 participate in that.

16 THE COURT: In anyone's testimony other than
17 Mr. Vanisi's?

18 MR. GREGORY: Court's indulgence. Well, I
19 think -- Your Honor, I think I made it clear to the Court
20 earlier that all of our cross-examination would involve this
21 same theme, and we know better. But as officers of the
22 Court in front of the jury, tendering vigorous
23 cross-examination, we're embracing a theme that we know is a
24 lie and offering our good offices as some sort of
25 credibility for the jury to embrace. So it goes across the

1 board from beginning to end.

2 As I indicated, Your Honor, under normal
3 circumstances we don't care if they did it or not. We don't
4 want to know because we don't want to get into the
5 circumstance. But this was a unique unusual situation, I
6 submit, not to be followed by subsequent counsel, because I
7 think Mr. Vanisi is not going to let the cat out of the bag,
8 if you will. He's going to embrace the defense that he
9 wants to put on, period.

10 But again, Your Honor, we're not here to
11 antagonize the Court, and I know the Court gets irritated
12 with me. I'm not acting as adversaries.

13 THE COURT: I don't get irritated with you
14 except when you interrupt me. The question I had, though,
15 was whether or not there was any other witnesses other than
16 Mr. Vanisi and the cross-examination.

17 MR. GREGORY: Other witnesses that would
18 support his theory?

19 THE COURT: No, you said that would be
20 subordination of perjury would occur if you embraced his
21 defense. You have indicated that you believe if you put
22 your defendant on the stand to say what he wants to say, you
23 would be doing that.

24 You have indicated in response to my question
25 about that as to any other witnesses that you might be in

1 that position with other than the defendant, that you might
2 feel uncomfortable -- you would feel uncomfortable embracing
3 the defense in your cross-examination of witnesses.

4 MR. GREGORY: Yes, ma'am.

5 THE COURT: Was there anyone that you need to
6 put on the stand to support Mr. Vanisi's theory that would
7 result in subordination of perjury?

8 MR. GREGORY: There may well be, Your Honor,
9 although I can't indicate with any specificity. Mr. Vanisi
10 has indicated there are other witnesses.

11 THE COURT: But you have no information that
12 they in fact would suborn perjury?

13 MR. GREGORY: Your Honor, I have refused to
14 even discuss it with him. As I have indicated many times
15 since February, I have been unable to have a substantive
16 conversation with Mr. Vanisi, until the point where he
17 decided he wanted to represent himself.

18 I haven't been able -- Your Honor, how do I
19 prepare this man for trial knowing that I'm committing,
20 potentially committing a criminal offense? I can't even
21 prepare this man to take the stand.

22 THE COURT: Have you discussed with him the
23 viabilities of his proffered defense based upon the
24 evidence?

25 You indicated that after you saw discovery and